

6-PELRB-2024

STATE OF NEW MEXICO
PUBLIC EMPLOYEES LABOR RELATIONS BOARD

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

ORDER

THIS MATTER comes before the Public Employee Labor Relations Board at its regularly scheduled meeting on January 9, 2024 for review of the parties' Consent Election Agreement Pursuant to 11.21.2.17 NMAC which calls for an election to take place remotely by electronic balloting on January 11, 2023. By a vote of 3-0, the Board hereby affirms and ratifies the Consent Election Agreement entered into by the Parties and the Executive Director on December 15, 2023. Staff are directed to proceed with the election as called for in the CEA by electronic balloting on January 11, 2024.

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DocuSigned by:

Peggy Nelson

9E707CC2FDCE437...

PEGGY J. NELSON, BOARD CHAIR

DATE: 1/20/2024

**IN THE MATTER BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

CONSENT AGREEMENT FOR DECERTIFICATION ELECTION

PETITIONER: JOSEPH URBANIAK

LABOR ORGANIZATION: AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 18

PUBLIC EMPLOYER: GRANT COUNTY

1. **DECERTIFICATION ELECTION.** A secret ballot election will be held under the supervision of the Public Employee Labor Relations Board, with Thomas J. Griego designated as the Election Supervisor.

2. **ELECTION DATES, TIMES, AND PLACE.**

LOCATION: Via Electronic or mail-in ballot

DATES AND TIMES: All ballots must be received by PELRB Staff by 5:00 p.m. Thursday, January 11, 2024

3. **THE BARGAINING UNIT:**

INCLUDES: Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver.

EXCLUDES: Supervisors, confidential employees, at-will employees, probationary employees, part-time employees, term employees, grant funded employees, contract employees, seasonal employees, and temporary employees.

4. ELIGIBLE VOTERS.

A. The employees in the classifications identified above who are employed on the date of the election.

B. Bargaining unit employees wishing to participate in the election must request either an electronic ballot by providing an email address to which a link to the electronic ballot may be sent or a mailing address where a mail-in ballot can be sent via US Mail. Instructions on how to request each type of ballot shall be provided in the Notice described in Section 5, infra. Employees must request a mail-in ballot no later than the close of business on December 27, 2023 or provide an email address for an electronic ballot by the close of business on January 9, 2024. Mail-in ballots will be sent out on December 28, 2023. The PELRB will email a link to an electronic poll to employees who requested an electronic ballot on January 10, 2023 to the email address provided by the employee. In order to be counted, electronic ballots must be cast by 5:00 p.m. on January 11, 2024; mail-in ballots must be received by the Election Supervisor no later than 5:00 p.m. on January 11, 2024.

5. NOTICE OF ELECTION. The Notice of Election attached as Appendix A to this agreement shall be posted in all common area(s) where regular notices are posted and will remain posted until the closing of the polls at 5:00 p.m. on January 11, 2024. Parties shall be free to further disseminate the Notice as they see fit.

6. DUTIES OF THE ELECTION SUPERVISOR.

A. After the closing of the polls, the Election Supervisor will count the number of ballots submitted and determine whether forty percent (40%) of the employees in the unit voted. If the agent determines that less than forty percent (40%) of the employees in the unit voted, then the ballots will not be counted.

B. If (40%) or more of the employees in the unit voted, then the ballots will be counted. If the result indicates a majority of bargaining unit employees support decertification, a Certificate of Decertification will issue and be reviewed by the Board at its next regular meeting.

8. THE BALLOT.

A. The secret ballot shall include the choice of "YES" for decertification, or "NO" to continue with AFSCME representation. THERE SHALL BE NO NAMES SIGNED ON THE BALLOT AND ANY OTHER MARKINGS ON THE BALLOT WILL INVALIDATE THE BALLOT.

B. SECRET BALLOT. The election will be by secret ballot as set forth herein and the parties mutually agree that the voters will be allowed to vote without interference, restraint, or

coercion. No electioneering shall be permitted within 50 feet of any room in which balloting is taking place.

C. CHALLENGED BALLOTS.

(1) The Election Supervisor, may challenge the eligibility to vote of any person who submits a ballot and shall state the reason for the challenge. The Election Supervisor shall challenge any voter whose name does not appear on the list of voter eligibility.

(2) Following voting and before the votes are counted, the Election Supervisor shall attempt to resolve the eligibility of the challenged voters by agreement of the parties. The ballots of challenged voters who are agreed eligible shall counted.

(3) Challenged ballots shall not be counted and the challenges shall not be investigated unless, after the other ballots are counted, the challenged ballots could be determinative of the outcome of the election.

(4) If the challenged ballots could be determinative of the outcome of the election, the Election Supervisor shall declare the vote inconclusive, shall, as soon as possible, investigate the challenged ballots to determine voter eligibility, and shall issue a report thereon or a notice of hearing within fifteen (15) days of the election. Any party may request PELRB review of the Election Supervisor's report.

(5) Following resolution of determinative challenged ballots, the Election Supervisor shall count the ballot of voters found to be eligible, adding the results of the earlier count and issuing a revised tally of ballots.

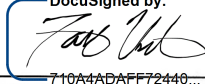
D. TALLY OF BALLOTS. The Election Supervisor shall count the ballots during a videoconference beginning at 10:30 a.m. on January 12, 2024. A link to the videoconference shall be made available on the PELRB website so that the parties may observe the counting of the ballots. Immediately following the counting of ballots as described in Section 6, supra, the Election Supervisor shall provide a tally of ballots upon to both parties. The tally shall show the number of votes cast for decertification of the labor organization, the number of votes cast against decertification of the labor organization, the number of challenged ballots, and the percentage of employees in the unit who cast ballots. The tally shall also state whether the results are conclusive and, if so, what the conclusive vote is.

9. ACCOMMODATIONS. Petitioner and/or the Public Employer should notify the Election Supervisor as soon as possible of any voters, potential voters, or other participants in the election with disabilities -- as defined by the appropriate sections of the Rehabilitation Act and American with Disabilities Act and implementing regulations -- who, in order to participate in the election, need appropriate auxiliary aids and request necessary assistance.

10. OBJECTIONS. Within five (5) workdays following the written tally of ballots, a party may file objections to the conduct of the election. A violation of this Consent Agreement is a basis for an objection and such a violation may cause the election to be rescheduled and/or the results to be invalidated.

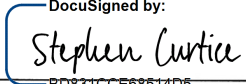
11. The undersigned are designated by his or her respective party to act as principal and authorized to sign this Consent Agreement thereby binding each party to the contents herein.

The undersigned acknowledge that they have (1) read each paragraph of this Consent Agreement; (2) have discussed it with the other party; and (3) voluntarily and in good faith accepted the terms and conditions specified in the Consent Agreement.

DocuSigned by:

710A4ADAFF72440...

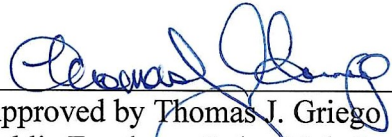
Joseph Urbaniak
12/15/2023

Date

DocuSigned by:

BD831CCE68514D5...

For AFSCME
12/19/2023

Date



Approved by Thomas J. Griego
Public Employee Labor Relations Board

NOTICE OF ELECTION

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PURPOSE OF ELECTION

An election by secret ballot will be conducted under the supervision of the Public Employee Labor Relations Board among the eligible voters described herein to determine whether the employees in the bargaining unit wish to decertify the exclusive representative (American Federation of State, County and Municipal Employees) as the exclusive representative for the purpose of collective bargaining with Grant County under the Public Employee Bargaining Act.

SECRET BALLOT

The election will be by SECRET ballot. Voters will be allowed to vote without interference, restraint, or coercion.

The election will be conducted via electronic and/or mail-in ballots. Employees wishing to participate in the election must request either an electronic ballot or a mail-in ballot. Employees who wish to cast a mail-in ballot must provide the PELRB with a mailing address (by email to matt.huchmala@pelrb.nm.gov or by calling 505-831-5422 during business hours) no later than 5:00 p.m. on December 27, 2023. Employees who wish to cast an electronic ballot must provide the PELRB with an email address (by email to matt.huchmala@pelrb.nm.gov) no later than 5:00 p.m. on January 9, 2024. Mail-in ballots will be sent via US Mail on December 28, 2023. The PELRB will email a link to an electronic poll to each eligible voter on January 10, 2023. Electronic ballots must be cast and mail-in ballots received by 5:00 p.m. on January 11, 2024 in order to be counted.

THIS IS THE ONLY OFFICIAL NOTICE OF THIS SECRET BALLOT ELECTION

LABOR ORGANIZATION: AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 18

PUBLIC EMPLOYER: GRANT COUNTY

VOTING UNIT: Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver.

EXCLUDES: Supervisors, confidential employees, at-will employees, probationary employees, part-time employees, term employees, grant funded employees, contract employees, seasonal employees, and temporary employees.

DATES AND TIMES: All ballots must be received by the PELRB no later than 5:00 p.m. on January 11, 2023

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SAMPLE BALLOT

For The Incumbent Bargaining Unit consisting of Accounting Specialist, Airport Technician, Appraiser-Associate, Carpenter, Civil Process Server, County Service Specialist, Court Security Officer, Custodian, Deputy Sheriff, Detention Officer, Detention Officer Corporal, Detention Sergeant, Equipment Operator, Fleet Maintenance Mechanic, Fleet Service Worker, Laborer, Maintenance Tech-Licensed, Maintenance Technician, Office Assistant, Senior County Service Specialist, Sheriff Corporal, Sheriff Sergeant, Title Examiner, and Truck Driver of Grant County.

Do you wish to stop being represented for purposes of collective bargaining by American Federation of State, County and Municipal Employees, Council 18 (AFSCME)?

Indicate your choice below

YES **I want AFSCME decertified as the exclusive representative for collective bargaining**

NO **I want to continue representation by AFSCME**

Do not sign this ballot. Fold and drop it in the Ballot Box. If you spoil this ballot return it to the Election Agent for a new ballot.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED

**IN THE MATTER BEFORE THE STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

JOSEPH URBANIAK,

Petitioner,

and

PELRB No. 335-23

AFSCME, COUNCIL 18,

Respondent.

RESULTS OF SECRET BALLOT ELECTION

LABOR ORGANIZATION: American Federation of State, County and Municipal Employees, Council 18 (AFSCME)

EMPLOYER: Grant County

END DATE OF ELECTION: January 11, 2024

LOCATION OF ELECTION: Electronic and mail-in ballots

- 1. Total Number of Eligible Voters _____
- 2. 40% of the Eligible Voters Equals _____
- 3. Total Number of Ballots Cast _____
- 4. Was 40% Requirement Met _____
- 5. Total Number of **“YES” (Decertification)**
Votes _____
- 6. Total Number of **“NO” (Continue Representation)** Votes _____
- 7. Number of Challenged Ballots _____
 - Challenged Ballots Rejected by Parties _____
 - Challenged Ballots Agreed to by Parties _____
- 8. Number of Invalid Votes _____

The above is a true statement of the election returns.

Election Supervisor _____ Date _____

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulation were fairly and accurately done, that

the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

Observer: _____

Observer: _____

For: _____ Date _____

For: _____ Date _____

Observer: _____

For: _____ Date _____