

COUNTY MANAGER

Stanton L. Riggs

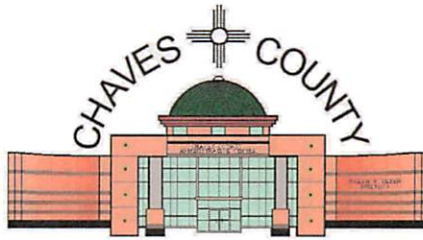
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COMMISSIONERS

James W. Duffey · District 1
T. Calder Ezzell, Jr. · District 2
Jeff Bilberry · District 3
Robert Corn · District 4
William E. Cavin · District 5

For Immediate Release – November 10, 2017

Notice of Special Chaves County Labor Management Relations Board Meeting

The Chaves County Labor Management Relations Board will have a special meeting on Thursday, November 16, 2017 at 1:30 p.m. in the Commission Chambers of the Chaves County Administrative Center, located at #1 St. Mary's Place, Roswell, New Mexico.

Agenda to follow

AGENDA
CHAVES COUNTY LABOR MANAGEMENT RELATIONS BOARD
SPECIAL MEETING

November 16, 2017 – 1:30 p.m.
Chaves County Administrative Center – Joseph R. Skeen Building
Commission Chambers - #1 St. Mary's Place

CALL TO ORDER

DETERMINATION OF QUORUM

APPROVAL OF MINUTES

AGENDA ITEMS

1. Consent Agreement for Election

▪ **ADJOURNMENT**

If you are an individual with a disability who is in need of a reader, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing of a meeting, please contact the County Commissioner's office at 624-6600. This should be done at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the County Commissioner's office if a summary or other type of accessible format is needed.

D R A F T

CONSENT AGREEMENT FOR ELECTION

PETITIONER: INTERNATIONAL UNION OF POLICE ASSOCIATION, AFL-CIO

PUBLIC EMPLOYER: CHAVES COUNTY

1. **CERTIFICATION ELECTION.** A secret ballot election will be held under the supervision of the Chaves County Labor Management Relations Board (Board), with _____ designated as the Election Supervisor.

2. **ELECTION DATE, TIME, AND PLACE.**

DATE: December 6, 2017

TIMES AND LOCATIONS: Sheriff's Office Training Room
6:30 AM – 8:00 AM
4:00 PM – 6:00 PM

3. **THE BARGAINING UNIT:**

INCLUDES: All non-probationary employees in the positions of Deputy and Sergeant.

EXCLUDES: All probationary, confidential, managerial, and supervisory employees.

4. **ELIGIBLE VOTERS.**

A. The employees in the classifications identified above who were employed during the last payroll period preceding the date of the consent agreement and are still employed on the date of the election.

B. The Employer will submit to the Petitioner(s) a list with the names of the eligible voters within ten (10) calendar days of approval of the Consent Election Agreement by the Board.

C. After the parties review and make any necessary changes the parties will sign the voter eligibility list.

D. Employees in the bargaining unit who are eligible to vote but who will be absent on the day of voting because of hospitalization, temporary assignment away from normal post of duty, leave of absence, vacation at a location more than fifty (50) miles distant from the polling place, or other legitimate cause, may request an absentee ballot, in writing, from the Election Supervisor. The Election Supervisor, after preliminarily determining the employee's eligibility to vote, shall provide the employee with a ballot to be mailed back to the Election Supervisor, and must be received by the Election Supervisor no later than December 5, 2017, at 5:00 PM.

5. **INTERVENTION NOTICE.** The Intervention Notice was posted on September 27, 2017, in places where notices to employees are normally posted.

6. **NOTICE OF ELECTION.** The Notice of Election shall be posted on November 17, 2017, in all common area(s) where regular notices are posted and will remain posted until the closing of the polls. The times agreed upon by the parties for the opening and closing of the polls will be enforced by the Election Supervisor.

7. **OBSERVERS.** Each party shall be entitled to one (1) observer to assist and observe in the polling place and to witness the counting of ballots. The observers shall not be supervisory or managerial employees over the eligible employees, union officers, or union employees; however, representatives of the parties in addition to observers may observe the counting of the ballots. Observers shall not wear or display any insignia, emblems, or clothing, which advocates or promotes a party's position.

8. **DUTIES OF THE ELECTION SUPERVISOR.**

A. The Election Supervisor shall hand the ballot to each eligible voter appearing at the polling place after the voter identifies himself or herself and signs the eligibility list. The voter will mark the ballot in secret and fold it. The voter will then personally deposit the ballot in the ballot box under the supervision of the Election Supervisor.

B. After the closing of the polls, the Election Supervisor will count the names from the voter eligibility list to determine whether forty percent (40%) of the employees in the unit voted. If the agent determines from the voter eligibility list that less than forty percent (40%) of the employees in the unit voted, then the ballots will not be counted.

C. If the agent determines from the voter eligibility list that forty percent (40%) or more of the employees in the unit voted, then the ballots will be counted in the presence of observers.

9. **THE BALLOT.**

A. The secret ballot shall include the choice of "yes" and the choice of "no" representation. The eligible voters shall mark the square of his/her choice. **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 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. At the conclusion of the election, a certification of conduct of election signed by authorized representatives for Petitioner and Public Employer and the Election Supervisor will be issued to the parties.

C. CHALLENGED BALLOTS.

(1) Any party to an election through its observer, or the Election Supervisor, may challenge the eligibility to vote of any person who presents himself or herself at the poll 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. The challenge to a voter must occur prior to that person casting a ballot.

(2) The Election Supervisor shall furnish "challenge envelopes". On the outside of each challenge envelope, the Election Supervisor shall write the name and job classification of the challenged voter, the name of the party making the challenge, and the reason for the challenge.

(3) 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 be mixed with the other ballots and counted.

(4) Challenged ballot envelopes containing unresolved challenged ballots shall not be opened 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.

(5) 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 board review of the Election Supervisor's report.

(6) 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. Immediately following the counting of ballots, the Election Supervisor shall serve a tally of ballots upon one representative of each party. The tally shall show the number of votes cast for certification of the labor organization, the number of votes cast against certification 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.

10. 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.

11. OBJECTIONS. Within five (5) workdays following the service of a 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.

12. **TIMELINES.** The parties to this Agreement hereby waive any timelines set forth for elections in the Chaves County Ordinance and the Chaves County Labor Management Relations Board Rules and Regulations. The parties specifically agree to the timelines set forth herein.

13. 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.



Nov. 9, 2017

For the Petitioner

Date

For the Employer

Date

Approved by Chaves County
Labor Management Relations Board

NOTICE OF ELECTION

CHAVES COUNTY LABOR MANAGEMENT RELATIONS BOARD

PURPOSE OF ELECTION

An election by secret ballot will be conducted under the supervision of the Chaves County Labor Management Relations Board among the eligible voters described herein to determine whether the employees in the bargaining unit wish to certify the exclusive representative (International Union of Police Association) as the exclusive representative for the purpose of collective bargaining with Chaves County under the Chaves County Labor Management Relations Resolution.

SECRET BALLOT

The election will be by SECRET ballot. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted within 50 feet of the polling room.

The Election Supervisor will hand a ballot to each eligible voter at the polling place. THE CHALLENGE OF A VOTER MUST BE MADE AT THE TIME THE UNMARKED BALLOT IS GIVEN TO THE VOTER. VOTERS MUST MARK THEIR BALLOTS WITH AN "X" IN SECRET. BALLOTS MUST NOT BE SIGNED. The ballot must be folded and personally deposited in the ballot box under the supervision of the Election Supervisor.

AUTHORIZED OBSERVERS

Each of the interested parties may designate one (1) observer at each polling place. The observers assist in the identification of voters, challenge the eligibility of voters, and otherwise assist the Election Supervisor.

THIS IS THE ONLY OFFICIAL NOTICE OF THIS SECRET BALLOT ELECTION

EMPLOYER: Chaves County

LABOR ORGANIZATION: International Union of Police Association

VOTING UNIT

INCLUDES: All non-probationary employees in the positions of Deputy and Sergeant.

EXCLUDES: All probationary, confidential, managerial, and supervisory employees.

DATE: December 6, 2017

TIMES AND

LOCATIONS:

Sheriff's Office Training Room

6:30 AM – 8:00 AM

4:00 PM – 6:00 PM

CHAVES COUNTY

OFFICIAL SECRET BALLOT

For all non-probationary employees in the positions of Deputy and Sergeant.

**Do you wish to be represented for purposes of
collective bargaining by:**

International Union of Police Association, AFL-CIO

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

NO

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

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED

**CHAVES COUNTY
LABOR MANAGEMENT RELATIONS BOARD**

RESULTS OF SECRET BALLOT ELECTION

EMPLOYER: Chaves County
LABOR ORGANIZATION: International Union of Police Association, AFL-CIO
DATE OF ELECTION: December 6, 2017
LOCATION OF ELECTION: Sheriff's Office Training Room

- | | | |
|----|---|-------|
| 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" Votes | _____ |
| 6. | Total Number of "NO" 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 _____