

**CONSENT ELECTION AGREEMENT
BETWEEN THE UNIVERSITY OF NEW MEXICO
and
UNITED ACADEMICS OF THE UNIVERSITY OF NEW MEXICO, AAUP/AFT, AFL-CIO**

This *Consent Election Agreement*, entered into as of September 10, 2019, sets forth the rules and procedures for a representation election and certification of results of that election. The parties to this Agreement are the Petitioner, *United Academics of the University of New Mexico, AAUP/AFT, AFL-CIO* (the “Union”) and the Employer, *the Regents of the University of New Mexico* (the “University”). The parties enter into this Agreement voluntarily and in good faith with knowledge of its contents and the timetables specified herein.

REPRESENTATION ELECTION

This representation election shall be conducted pursuant to the provisions of the University of New Mexico Labor Management Relations Resolution of May 31, 2006 (the “UNM Resolution”) and the Rules and Regulations adopted by the University of New Mexico Labor Management Relations Board and approved November 2, 2006 (“Board Rules”), except as provided herein.

The Union filed a petition on February 13, 2019. At least thirty percent (30%) of the eligible employees in the petitioned-for bargaining units indicated their interest to be represented for the purposes of collective bargaining by the Union. The petition complied with the UNM Resolution and Board Rules.

The University of New Mexico Labor Management Relations Board (the “Board”) shall conduct the secret ballot elections. The Board has appointed the American Arbitration Association (“AAA”) to act on its behalf to conduct on-site balloting for the proposed bargaining units on Main Campus and each of the four branch campuses (Gallup, Los Alamos, Taos and Valencia County) in accordance with the terms set forth in an agreement between and among the Board, the AAA, the Union and the University.

THE BARGAINING UNITS

The Union and the University have agreed to separate the original petitioned-for bargaining unit into two (2) bargaining units, as follows:

1. Faculty with the following titles: Professor; Associate Professor; Assistant Professor; Professor of Practice; Research Professor; Research Associate Professor; Research Assistant Professor; Research Lecturer; Lecturer I, II and III; Senior Lecturer I, II and III; Principal Lecturer I, II and III; Research Lecturer I, II and III; Senior Instructor; and Instructor employed at the Main Campus in Albuquerque and the branch campuses in Gallup, Taos, Los Alamos and Valencia County, *excluding* Provost, Senior Vice Provost, Associate Provost, Deputy Provost, Dean, Associate Dean, Assistant Dean, Department/Division Chairs, Academic Directors, all Visiting Faculty, Working Retirees and all faculty positions at the Health Sciences Center.

2. Adjunct faculty, including term teaching faculty employed at the Main Campus in Albuquerque and the branch campuses in Gallup, Los Alamos, Taos and Valencia County, excluding Provost, Senior Vice Provost, Associate Provost, Deputy Provost, Dean, Associate Dean, Assistant Dean, Department/Division Chairs, Academic Directors, all Visiting Faculty, Working Retirees and all faculty positions at the Health Sciences Center.

DATE, TIME AND PLACE OF ELECTIONS

Two separate elections, one for each of the above described petitioned-for bargaining units, will be conducted, as follows:

On-Site Voting.

Eligible employees in each bargaining unit who work on Main Campus vote on October 16 and October 17, 2019, from 8:00 am to 10:00 pm at the following location:

Student Union Building

Eligible employees in each bargaining unit who work at the Gallup Campus vote on October 16 and October 17, 2019, from 8:00 am to 10:00 pm at the following location:

UNM-Gallup Library Conference Room

Eligible employees in each bargaining unit who work at the Los Alamos Campus vote on October 16 and October 17, 2019, from 8:00 am to 10:00 pm at the following location:

Building 6, Room 631

Eligible employees in each bargaining unit who work at the Taos Campus vote on October 16 and October 17, 2019, from 8:00 am to 10:00 pm at the following location:

Padre Martinez Student Services Center, Room D

Eligible employees in each bargaining unit who work at the Valencia County Campus vote on October 16 and October 17, 2019, from 8:00 am to 10:00 pm at the following location:

UNM-Valencia Student Center

Absentee Ballot Voting. Employees in each bargaining unit who are eligible to vote but who will be absent on the days of voting because of hospitalization, temporary assignment away from their normal post of duty or leave of absence, may request an absentee ballot from the Board. Requests may be made in writing to the Board's address or via email, *return receipt requested*, to unmlaborboard@comcast.net. Such requests shall include verification of the reason for the request, and must be made by October 1, 2019. Absentee ballots will include voting instructions and a stamped pre-addressed return envelope. To be counted, absentee ballots must be received by the Board's office no later than October 17, 2019.

ELIGIBLE VOTERS

All members in each bargaining unit are eligible to vote if they were employed during the last payroll period ending August 30, 2019 and are still employed the date of the election.

The University shall prepare a list of all eligible voters in each bargaining unit. A copy of the lists shall be given to the Union and the Board by September 13, 2019. The parties shall examine the lists, mark out confidential employees and sign the lists indicating their concurrence and agreement. If the parties are unable to agree on an employee's eligibility to vote, including the designation of confidential employees, they shall bring the matter to the Board. The Board shall hear from both parties and render a prompt decision.

Nothing in this Agreement shall preclude the Union, the University or an employee from filing a challenge to the eligibility lists at any time up to and including October 17, 2019.

On-Site Voter Lists. The University shall prepare a list of eligible voters in each of the two (2) bargaining units regularly employed at Main Campus and separate lists of eligible voters, by bargaining unit, for each branch campus. Copies of the lists shall be given to the Union. The Union will review the lists and sign each page of the list indicating its concurrence and agreement.

NOTICE OF ELECTION

The University shall post a *Notice of Election* on bulletin boards and in common areas frequented by employees of each of the bargaining units. The Notice shall set forth the date, time, and location of the election and employee eligibility requirements. The Notice shall also include a sample ballot. The Notice shall be in the form of Attachment 1 hereto. A list of eligible voters in each bargaining unit on Main Campus and each bargaining unit on each of the branch campuses will be posted with the Notice.

Notices shall be posted on or before October 2, 2019, and remain posted through the dates of the election. The parties shall check to make sure that Notices are not removed, covered, altered or defaced. The Union shall notify Jennifer Love, jenlov22@unm.edu, in writing, if any Notice needs to be replaced.

ELECTION PROCEDURES

The Union and the University mutually agree that voters will be allowed to cast a vote without interference, restraint, or coercion.

The election will be by secret ballot. The ballot shall be in form of Attachment 1 hereto. It shall contain two choices: UA-UNM, AAUP/AFT, AFL-CIO and NO REPRESENTATION.

There shall be no marks on any secret ballot other than a mark in either of the two choice boxes provided. Any other marking on the ballot will invalidate the ballot.

Any eligible voter who arrives inside the polling place before the polls close will be permitted to vote. Each voter shall show picture identification and shall sign his/her name on the list of eligible voters.

The University shall allow eligible voters sufficient time away from their duties to cast their ballots, and shall allow its employees who have been selected as election observers sufficient time away from their duties to serve as observers. This rule does not impose an obligation to change employee work schedules to accommodate voting hours. Employees who vote before or after their normal work hours shall not be compensated for voting time.

Absentee Ballots. The completed secret ballot shall be placed into an envelope marked *Secret Ballot Envelope* which shall then be placed into a stamped, pre-addressed return envelope. The voter shall sign his/her name across the return envelope where indicated and return it to the Board. The ballot shall be invalid if marked in any way other than provided by the instructions or if the returned envelope is not signed by the voter. The Board will verify that only employees eligible to use mail ballots used them to vote.

Electioneering. There shall be no electioneering within fifty (50) feet of any entrance to the polling place.

Challenged Ballots. Any party to the election through its observer or the Board may challenge an individual's eligibility to vote when the individual presents himself/herself at the polls and shall state the reason for the challenge. All challenges to a voter's eligibility must be raised before that person is given a ballot. The challenged voter is then allowed to vote, but his/her ballot is placed by the voter in a separate envelope marked *Challenged Ballot*, and sealed. On the outside of the envelope, the Board's agent will write the name of the challenged voter, the challenger's name and the reason for the challenge. The challenged ballot will be retained by the Board's agent. The challenged ballot will not be counted unless it may affect the outcome of the election. In such a case, the Board will determine the challenged voter's eligibility before certifying the results of the election.

Costs. The parties agree to share equally all costs of the election.

OBSERVERS

At any given time, each party is allowed to have one neutral observer in attendance at the designated polling location for each bargaining unit. The number of neutral observers at each polling location should not exceed one per party, except at shift changes. The neutral observers must be present at all times during their assigned shifts. Each party shall bear the costs of its observers.

Observers shall not be supervisory or managerial employees of employees in either bargaining unit or labor organization officers. Observers shall not wear or display any insignia, emblems, or clothing which advocate or promote a party's position.

VOTE TALLY

Representatives of the parties, in addition to the observers, may observe the counting of ballots. The ballots shall be counted on **October 18, 2019**, the day immediately following the end of the balloting period. The ballots from the polling sites and the absentee ballots will be co-mingled, by separate bargaining unit, prior to counting.

The Board agent shall tally the total number of votes cast, including absentee ballots in each bargaining unit, and shall determine if at least 40% of the eligible employees in that bargaining unit voted. If less than 40% of the eligible employees voted, the Board will declare that election invalid and shall not proceed to count those ballots cast. If at least 40% of the eligible employees in a bargaining unit voted, the ballots shall be counted and tallied.

For each bargaining unit, the tally shall show the total number of votes cast for UA-UNM, AAUP/AFT, AFL-CIO and NO REPRESENTATION, the number of challenged ballots, and the percentage of employees in each unit who cast ballots.

A majority shall be defined as 50% plus one of the votes cast. If the tally shows that the choice of UA-UNM, AAUP/AFT, AFL-CIO received more than 50% of the votes cast, the tally shall reflect that a collective bargaining representation was selected. If the choice of NO REPRESENTATION received more than 50% of the votes cast, then the tally shall reflect that no collective bargaining representative was selected. A tie vote is a vote for NO REPRESENTATION.

OBJECTIONS

Within five (5) days following the final tally, any party may file a written objection to the conduct affecting the results of either or both of the elections with the Board and serve a copy to the parties. The Board shall schedule a hearing on the objection(s) within thirty (30) days of the filing of such objection(s).

ACCOMMODATIONS

The Union or the University shall notify the Board as soon as possible of any voters or other participants in the election with disabilities--as defined by the appropriate sections of the Rehabilitation Act and Americans With Disabilities Act and implementing regulations--who, in order to participate in the election, need appropriate auxiliary aids and request necessary assistance. The Board will forward such accommodation requests to Jennifer Love, jenlov22@unm.edu, to insure the accommodations are available.

BOARD of REGENTS OF THE UNIVERSITY OF NEW MEXICO

By: _____
(Print Name and Title)

(Signature)

UNITED ACADEMICS OF THE UNIVERSITY OF NEW MEXICO, AAUP/AFT, AFL-CIO

By: _____
(Print Name and Title)

(Signature)

UNIVERSITY OF NEW MEXICO LABOR RELATIONS BOARD

By: _____
(Print Name and Title)

(Signature)