

**BEFORE THE LABOR-MANAGEMENT RELATIONS BOARD
OF THE CITY OF ALBUQUERQUE, NEW MEXICO**

**IN THE MATTER OF RECOGNITION OF
THE NMTU AS THE EXCLUSIVE UNION
REPRESENTATIVE FOR THE TRANSIT
DRIVERS' BARGAINING UNIT**

**NOTICE AND SECOND PETITION FOR RECOGNITION
OF NEW MEXICO TRANSPORTATION UNION
AS EXCLUSIVE BARGAINING REPRESENTATIVE**

THE NEW MEXICO TRANSPORTATION UNION (NMTU) presents this Notice of Majority and Petition for Recognition because a majority of the members of the Transit Department drivers' bargaining unit choose to be represented by the NMTU as the exclusive bargaining and grievance representative, stating as grounds.

1. Prior to the present contract, NMTU and its predecessor, UTU, were the sole and exclusive bargaining and grievance representative for the bargaining unit made up of City Transit Department bus and van drivers.
2. In April, 2007, a representation election was held and AFSCME, Local 624, prevailed.
3. The Collective Bargaining Agreement between the City and AFSCME, Local 624 Transit, expires on June 30, 2011.
4. On March 10, 2011, within the "window" period provided in the Labor-Management Relations Ordinance, NMTU submitted signed membership application cards indicating that 126 bargaining unit employees, more than 30%, were NMTU members.

5. Pursuant to the City's Labor-Management Relations Ordinance, Sec. 3-2-6(A), upon a showing of 30% support NMTU was entitled to have notice posted and an election planned.

6. Instead, the City's attorney and chief administrative officer, Rob Perry, refused to accept the NMTU petition, stating that it was "defective" and that NMTU must seek decertification of the incumbent union, rather than a recognition election.

7. NMTU submitted a Prohibited Practice Complaint to the City Labor-Management Relations Board, but the Board has not held met, acted, or heard cases since the end of 2009.

8. The first full meeting of the City's Labor Board since December, 2009, is scheduled for July 12, 2011.

9. Attached is a membership list, signed by NMTU Chairman Ernest Lucero, showing that as of June 15, 2011, NMTU has 165 members.

10. The 165 NMTU members are believed to constitute Fifty percent (50%) plus one or more of the current, non-probationary drivers in the bargaining unit.

11. In addition to the rights of all classified employees to effective union representation and good faith compliance with Labor-Management Relations Ordinance, the City and the NMTU are parties to a contract (Section 13(C) Agreement) under the provisions of the Urban Mass Transit Act that guarantees the maintenance of fair and effective collective bargaining and dispute resolution mechanisms for Transit Department employees and provides for binding interest arbitration when an impasse is reached.

12. Although the current contract expires on June 30, 2011, no collective bargaining negotiations have taken place and no negotiations can take place until the representational issues are resolved.

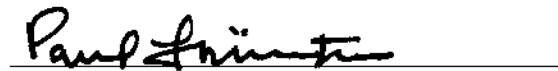
WHEREFORE, the Labor Board is requested to hold an emergency meeting to consider and either affirm the majority status of NMTU or set a representational election to decide the issue, holding negotiations and other union representational issues in abeyance.

Respectfully submitted,



Paul Livingston
Attorney for NMTU
P.O. Box 250
Placitas, NM 87043
(505) 771-4000

I hereby certify that I send a copy of the foregoing by fax and/or email attachment, to the Chairman and members of the Labor Board, the City's Office of Administrative Hearings, and the Mayor, CAO, and Legal Department of the City of Albuquerque on or before June 28, 2011.



Paul Livingston

**BEFORE THE LABOR-MANAGEMENT RELATIONS BOARD
OF THE CITY OF ALBUQUERQUE, NEW MEXICO**

**IN THE MATTER OF RECOGNITION OF
THE NMTU AS THE EXCLUSIVE BARGAINING
AGENT FOR THE TRANSIT DEPARTMENT
BUS AND VAN DRIVERS' BARGAINING UNIT**

AFFIDAVIT

I, ERNEST LUCERO, SWEAR AND AFFIRM, as follows:

1. I am the Chairman of the New Mexico Transportation Union (NMTU).
2. On March 10, 2011, I delivered membership cards of 126 NMTU members to the City Clerk, the Mayor's Office, and the Human Resources Department.
3. The City's attorney and Chief Administrative Officer, Rob Perry, rejected the NMTU petition for recognition.
4. Since then we have updated many of the membership cards and secured more membership cards and now have a total of 165 current members of the bargaining unit who choose to be represented by NMTU.
5. I have removed the names of those I know are no longer members of the bargaining unit, having quit, retired, been promoted, or otherwise stopped working for the Transit Department.
6. A copy of the membership list, signed by me and dated as of June 15, 2011, is attached hereto.

LastName	FirstName	Employee
Abeyta	Steven	
Amador	Paul B.	27038
Ames	Eric	12862
Aragon	Bruno	23583
Aragon	James	23241
Aragon	Gilbert E.	18940
Aragon	Vanessa	22331
Aragon	Max	3987
Baca	Rosie L.	21948
Baca	Angelo	11912
Baca	Ralph V.	16622
Bazan	John R.	3885
Bercian	Gregorio	10171
Bobbin	Donald	3426
Bowers	Harlan	28086
Brannan	Christophe L.	27371
Brito	Brian	25796
Burkholder	Marvin	26655
Candelaria	Adam	27560
Candelaria	Robert	20759
Carbajal	Lawrence	27240
Casaus	Jeanette	27105
Catron	Benjamin	26884
Chavez	Mike	
Chavez	DeAnna	6573
Chavez	Anthony P.	20210
Chavez	Augustine	14622
Chavez	Dennis	15194
Chavez	Curtis	10808
Concini	Frank	3759
Cordova	Keenan	13517
Curtis	Kindon	28164
Dimas	Eddie	25667
Dimas	Raymond	17647
Dodge	William	27368
Dominguez	Reginaldo	25156
Escalante	Peter	27228
Espalin	Ezekiel	24171
Esquibal	Matthew	

LastName	FirstName	Employee
Flores	Antonio	28330
Gallegos	Stephanie	7560
Gallegos	Ray	27558
Gallegos	Ernesto	14942
Garcia	Lawrence	25772
Garcia	Vidal	22187
Garcia	LeRoy P.	17144
Garcia	Anthony	24001
Garcia	Daniel P.	25304
Gassner	Andrew	12828
Gomez	Steven	27559
Gomez	Mike	14629
Gonzales	Johnny	11023
Gonzales	Ronnie L.	27418
Gonzales	Alex R.	11656
Gonzales	Ron L.	27002
Gonzales	Matthew L.	26925
Green	Mike	23655
Greene	Michael	20316
Griego	Anna	23773
Griego	Carlos	16033
Griego	Martin	11156
Guico	Santucio	10619
Gutierrez	Clarence	3683
Gutierrez	Mike R.	21060
Gutierrez	Chris	20812
Gutierrez	Michael L. Sr.	24559
Gutierrez	Joshua	29296
Guzman	Leticia	10373
Hernandez	Robert	17633
Herrera	Tim	19080
Herrera	Manuel	4475
Herrera	David A.	4656
Herrera	Danny	24169
Jaramillo	Anthony D.	15773
Jaramillo	Izaiah R.	4565
Jaramillo	Timothy	27905
Jiwa	Ashly	24071
Kamendt	Anthony	23876
Kingsbury	Susie M.	22356
Lopez	Alexander R.	27225
Lovato	Joe	28150

LastName	FirstName	Employee
Lucero	Anthony	13414
Lucero	Ernest H.	4555
Lujan	Arla	23624
Maestas	Elizabeth R.	26757
Maldonado	Robby	11236
Marquez	Arturo	27229
Marquez	Chris D.	20592
Martinez	Joe E.	26926
Martinez	Julius	24468
Martinez	Vicente	27420
Martinez	James D.	18891
Martinez	Daniel	22329
Mattson	Mary	28504
Mclain	Sheila	28203
Medina	Marlene	4515
Miller	James	20602
Molina	Vanessa	15965
Mondragon	Gabriel G.	27422
Montoya	Greg	15002
Montoya	Claudino	20204
Montoya	Alex S.	15434
Montoya	Stephen	22290
Montoya	Jacob	29283
Mora	Patricia	16483
Morin	Eric	25359
Moya	Lawrence A., Jr.	
Olsen	Steve	27283
Ortega	Delilah	28005
Ortiz	Sam	2516
Ortiz	Martin A.	12371
Otero	David	26813
Otero	George	25716
Padilla	Andy	25669
Parsons	L. Ray	22522
Payton	Brian	25086
Peralta	Steven	28397
Perea	Eugene	14674
Perez	Adam	24167
Perez	Henry J.	26807
Philcox	Nigel	27403
Ponce	Luis	27196
Quintana	Augustine	22277

LastName	FirstName	Employee
Ramirez	Jose	3088
Rodriguez	Miguel	20802
Romero	Cynthia L.	27398
Romero	Louie	2324
Romero	Anthony	28412
Ruiz	Raymond A.	18691
Saavedra	Doris	25157
Salazar	Margie	17789
Salazar	Timothy	20865
Sanchez	Margaret	25799
Sanchez	Roberto	25092
Sanchez	Mike	24299
Sandoval	Albert J.	26812
Santillanes	Leo	20801
Sarmiend	Beverly M.	27995
Schoenfeld	Lee E.	27997
Sierra	Daniel	25718
Silvers	Theodore	28095
Sisneros	Ronald	3262
Smith	Anselmo G.	19130
Sutton	David	28097
Swina	Carll C.	24300
Tapia	Mario	28115
Tapia	Jessica	26424
Taylor	Edward	636
Tenorio	Patrick	19612
Thompson	Robert	26804
Torres	Chris	27385
Torres	Rick	4668
Torres	Manuel	25090
Toya	Michael	17708
Ulibarri	Pamela	1357
Valdez	Alfred	27447
Valerio	Florentino	28243
VanDamian	Robert	27214
Vargas	Guadalupe	19602
Vega	Eugene	10882
Vigil	Dora	23376
Whiteker	Stephen	8819

NMTU MEMBERS LIST, JUNE 15, 2011

