

ENDORSED
FILED IN MY OFFICE THIS

MAY 19 2008

Juanita M. DeLeon
CLERK DISTRICT COURT

JUANITA USSERY

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

**NEW MEXICO TRANSPORTATION UNION,
the Exclusive Bargaining Representative for the
Transit Department Drivers' Bargaining Unit,**

Objectors-Appellants,

CV 2008 0 4 6 9 8

vs.

**AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, COUNCIL 18
AND LOCAL 624,**

Petitioners-Appellees.

NOTICE OF APPEAL

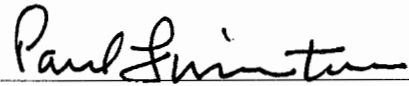
NOTICE IS HEREBY GIVEN that the New Mexico Transportation Union (“NMTU”) appeals from the April 14, 2008, Decision of the City of Albuquerque’s Labor-Management Relations Board granting the Petitioners’ Petition for a representational election and the April 30, 2008, Decision and Order of the Labor Board, both “In the Matter of the Petition of the American Federation of State, County, and Municipal Employees” (AFSCME), Labor Board case No. 08-07.

This appeal is taken pursuant to Rule 1-074 of the New Mexico Rules of Civil Procedure and Section 3-2-10(D) of the City’s Labor-Management Relations Ordinance, which provides that:

An aggrieved party may appeal the decision of the Board within 30 days of the issuance of a written decision by following the Rules of Civil Procedure for the District Courts.

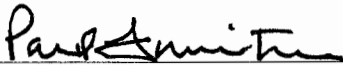
Copies of the Decisions appealed from, dated April 14, 2008, and April 30, 2008, are attached hereto, along with a Certificate of Satisfactory Arrangements for the preparation and production of the record of proceedings in this matter.

Respectfully submitted,



Paul Livingston
Attorney for Appellants
P.O. Box 250
Placitas, NM 87043
(505) 771-4000
(505) 771-2333 (fax)

I HEREBY CERTIFY that I served the foregoing Notice of Appeal by fax and/or e-mail to the City of Albuquerque's Office of Administrative Hearings and Shane Youtz, Esq., attorney for Appellees, on or before May 15, 2008.



Paul Livingston

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

**NEW MEXICO TRANSPORTATION UNION,
the Exclusive Bargaining Representative for the
Transit Department Drivers' Bargaining Unit,**

Objectors-Appellants,

vs.

**AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, COUNCIL 18
AND LOCAL 624,**

Petitioners-Appellees.

CERTIFICATE OF SATISFACTORY ARRANGEMENTS

NOTICE IS HEREBY GIVEN that the New Mexico Transportation Union has made satisfactory arrangements with Jeanette R. Lovato, of the City's Office of Administrative Hearings, for the preparation and production of the record of the administrative proceedings held in this case and for payment for that record.

Respectfully submitted,



Paul Livingston
Attorney for Appellants
P.O. Box 250
Placitas, NM 87043
(505) 771-4000
(505) 771-2333 (fax)

**BEFORE THE CITY OF ALBUQUERQUE'S
LABOR-MANAGEMENT RELATIONS BOARD**

LABOR BOARD 08-07

**IN THE MATTER OF THE PETITION
OF THE AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES ("AFSCME")
COUNCIL 18,**

2008 APR 14 PM 1:30

DECISION

This matter comes before the Board on the Petition of the American Federation of State, County, and Municipal Employees ("AFSCME") Council 18, seeking a representation election for the collective bargaining unit consisting of Motorcoach Operators and Chauffeurs employed by ABQ Ride and Mini Ride employees in City's Transit Department. Hearings were held before the Board on March 18, 2008, March 26, 2008 and April 8, 2008. The Petitioner is represented by Shane Youtz; the New Mexico Transportation Union as the currently recognized exclusive bargaining representative for the bargaining unit is represented by Paul Livingston; and the City of Albuquerque is represented by Paula Forney of the City Attorney's Office. Board members Deborah Lattimore, Ruben Mirabal and E. Justin Pennington have participated in all hearings and the decision in this matter.

I. DISCUSSION:

The New Mexico Transportation Union ("NMTU") is the currently recognized exclusive collective bargaining representative for the Motorcoach Operators and Chauffeurs employed by the ABQ Ride and Mini Ride divisions of City's Transit Department ("bargaining unit"). At the time of filing the petition, NMTU and the Transit Department had in place a Collective Bargaining Agreement scheduled to expire on July 1, 2008. On March 11, 2008, the Petitioners

filed a petition with the Mayor's Office requesting a representation election for the bargaining unit. After determining that the petition raised questions regarding the selection of an exclusive representative for the bargaining unit, the Mayor's Office referred the matter to the Board on March 18, 2008.

On March 26, 2008, the Board determined that the number of cards submitted as part of the petition to demonstrate support for the AFSCME was sufficient to satisfy the 30% requirement of the ordinance (§3-2-6(A)) and that the demonstration of support was not more than fifty percent (50%) of the members of the bargaining unit. It was also determined that the petition was timely filed pursuant to Section 3-2-6(J) of the LMRO. Nonetheless, NMTU opposed the petition for representation election on a number of grounds. After full hearing and argument, the Board finds its prior decision in LB 06-08 disposes of most of NMTU's objections and that NMTU's additional objections are unpersuasive.

In view of the strong public policy articulated by the LMRO and generally recognized at law favoring representation elections, the Board concludes that AFSCME's petition for election should be allowed.

II. FINDINGS AND CONCLUSIONS:

Accordingly, the Board finds and concludes as follows:

1. The Board has jurisdiction over the parties and subject matter hereto.
2. AFSCME filed a timely Petition for a representation election as required by ordinance.
3. The Petition was properly filed with the Board.
4. The Petition was accompanied by an adequate show of support greater

than thirty percent (30%), but less than fifty percent (50%) of the members of the bargaining unit as required by ordinance.

5. A representation election is in the best interests of the members of the bargaining unit.

6. The League of Women Voters would be a proper entity to conduct the election, based on their availability.

7. A representation election should be ordered by the Board.

III. ORDER:

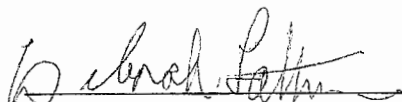
IT IS THEREFORE ORDERED:


1. A representation election to determine the exclusive bargaining representative for the bargaining unit consisting of Motorcoach Operators and Chauffeurs employed in the ABQ Ride and Mini Ride divisions of the Transit Department shall be conducted through the League of Women Voters under the direction of the Board..

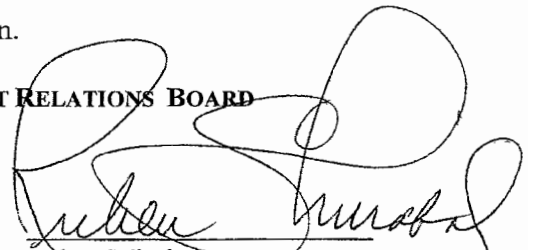
2. This election shall be conducted on or before April 25, 2008, within the time period required by the ordinance.

3. The ballots shall include in first position the New Mexico Transportation Union ("NMTU"); in second position the American Federation of State, County and Municipal Employees ("AFSCME"); and in third position No Representation.

FOR THE CITY OF ALBUQUERQUE LABOR MANAGEMENT RELATIONS BOARD


Deborah Lattimore,
Labor Member


E. Justin Pennington
Chair


Ruben Mirabal
Management Member

BEFORE THE CITY OF ALBUQUERQUE'S
LABOR-MANAGEMENT RELATIONS BOARD

LABOR BOARD -08-07

IN THE MATTER OF THE PETITION
OF THE AFSCME, COUNCIL 18
LOCAL, 624

2008 APR 30 11:5:27

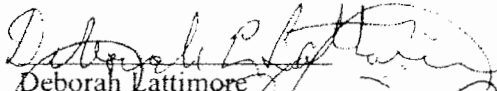
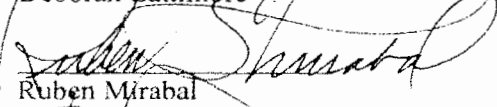
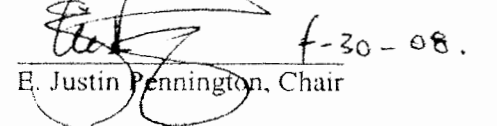
DECISION AND ORDER

This matter came before the Board on April 30, 2008, to consider the results of the election previously ordered herein; Petition AFSCME Council 18, Local 624 (hereinafter Petitioner) appeared through it's counsel Shane Youtz; NMTU appeared though it counsel Paul Livingston; City of Albuquerque appeared though Lawrence Torres. The board being adequately advised finds and concludes as follows:

- 1.) Certified results of election are attached hereto as Exhibit A.
- 2.) The majority of ballots cast were in favor of Petitioner.
- 3.) The foregoing results were not disputed or challenged by any party.
- 4.) The Mayor should certify petitioner as the exclusive bargaining representative for the bargaining unit consisting of Motor Coach Operators and Sun Van Chauffeurs employed by ABQ Ride, City of Albuquerque Transit Department.

ORDER

This is the final order of the Board in this matter. The parties shall act in accordance herewith.


Deborah Lattimore

Ruben Mirabal

E. Justin Pennington, Chair

f-30-08.