

PUBLIC EMPLOYMENT RELATIONS BOARD
State Mediation and Conciliation Service
1031 18th Street
Sacramento, CA 95811
Tel: (916) 322-7638
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REPRESENTATION ELECTION AMENDED ORDER

The State Mediation and Conciliation Service (SMCS) has determined that the unrepresented employees in the group formally known as the Administrative Employees Association (AEA) is an appropriate unit for collective bargaining and will conduct an election to determine representation. The Sacramento Regional Transit District, hereinafter called the "**Employer**" and, Operating Engineers Local 3, hereinafter called the "**Employee Organization**", are noticed as follows:

1. **REPRESENTATION ELECTION:** An election by secret mail ballot shall be conducted among the employees in the unit defined below to determine whether or not the employees desire to be represented by the Employee Organization or No Organization. Such election shall be conducted under the supervision of an impartial **Election Supervisor** from the **California State Mediation and Conciliation Service (Service)**.

2. **MAIL BALLOT ELECTION PROCEDURES:**

- Ballots, instructions and return envelopes will be mailed to eligible employees on **May 6, 2019**.
- Eligible employees **who have not received a ballot kit by May 13, 2019** may request a replacement ballot by email: Loretta.vanderPol@perb.ca.gov, or by telephone at (714) 474-1938. The request must include the employee's name and address, clearly stated and spelled. **The last day to request a replacement ballot is May 15, 2019.**
- **Ballots must be returned, individually, in the envelopes provided, and must not be combined and returned in envelopes with those of other voters, or they will be voided and not counted. Ballots received after 12:00 noon on May 23, 2019 will not be counted.**
- The ballots will be counted at the State Mediation and Conciliation Service office at the Public Employment Relations Board, 1031 18th Street, Sacramento, CA 95811, at 5:00 pm on Thursday, May 23, 2019.

3. **THE UNIT:** Accountant I, Accountant II, Assistant Architect, Assistant Engineer, Assistant Planner, Assistant Resident Engineer, Associate Architect, Associate Civil Engineer, Associate Engineer, Associate Systems Engineer, Engineering Analyst I, Engineering Analyst II, Engineering Technician, Grants Analyst, Human Resources Trainer, Information Technology Business Systems Analyst, Inspector, Junior Engineer, Long Range Planner, Payroll Analyst, Procurement Analyst I, Procurement Analyst II, Programmer Analyst I, Programmer Analyst II, Quality Assurance Specialist I, Quality Assurance Specialist II, Real Estate Analyst I, Real Estate Analyst II, Resident Engineer, Revenue Analyst, Schedule Analyst I, Schedule Analyst II, Senior Accountant, Senior Architect, Senior Civil Engineer, Senior Community and Government Affairs Officer, Senior Engineering Analyst, Senior Engineering Technician, Senior Grants Analyst, Senior Information Technology Business Systems Analyst, Senior Marketing and Communications Specialist, Senior Planner, Senior Procurement Analyst, Senior Programmer Analyst, Senior Quality Assurance Specialist, Senior Real Estate Analyst, Senior Social Media & Website Specialist, Senior Strategic Planner, Senior Systems Engineer, Service Planner, Vehicle Equipment Maintenance Specialist, Video Communications Systems Analyst

EXCLUDED: All others.

4. **ELIGIBLE VOTERS:** All employees in the classifications within the Unit described above who were employed during the payroll period ending **April 30, 2019**, who are named on an **Eligibility List** agreed to by the parties and still employed on the date they cast their ballot. There may be no additions to or deletions from this list without the signed authorization of each of the parties to this agreement or their authorized representatives. The only list of those people voting will be maintained under the direction of the Election Supervisor. The Employer agrees to furnish the Eligibility List to the parties by **May 1, 2019**.

5. **THE BALLOT:** The secret ballot shall include the question: **Do you wish to be represented by Operating Engineers Local 3, or No Organization, in all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours and other terms and conditions of employment?**

The ballot shall contain two squares, one for each of the above choices. The employee voting shall mark the square of his/her choice. There shall be no names signed, or otherwise recorded on the ballot.

6. **NOTICE OF ELECTION:** The Election Supervisor shall prepare a suitable Notice of Election. This Notice of Election shall be posted in a conspicuous place on the premises of the Employer at least ten (10) days prior to the election. An Affidavit of Posting will be required.

7. **OBSERVERS:** Each party hereto may station one authorized observer or representative at the location where the ballot envelopes are being opened and the votes counted. The Election Supervisor will accept challenges on voters prior to the opening of the ballot envelopes and make determinations about the disposition of each challenged ballot according to the process in #8, below. The names of authorized observers shall be provided to the Election Supervisor by the parties. Failure to appoint an authorized observer or failure of that observer to appear shall be deemed a waiver of the right to station such observer and shall not void the conduct or the results of balloting. Observers, if any, will be asked to sign the Vote Tally signifying that they have witnessed the counting of the ballots. Eligible voters and representatives of the employee organization and the employer may also be present.

8. **CHALLENGED VOTES:** Any of the authorized Observers or the Election Supervisor may, for good cause, challenge the eligibility of a voter. It shall be the duty of the Election Supervisor to mark the envelope containing the challenged ballot of the voter and subsequently to determine the eligibility of the voter. Challenged ballots will be impounded. If the number of challenged ballots is sufficient in number to affect the results of the election, the Election Supervisor will investigate and make a determination as provided for by California Code of Regulations, title 8, section 93070.

9. **DUTIES OF ELECTION SUPERVISOR:** The Election Supervisor shall prepare and mail a ballot kit (ballot, secret ballot envelope, return envelope affixed with postage, and instructions) to each eligible voter on a list provided by the employer that includes the classifications and mailing addresses of record for each eligible employee.

10. **SECRET BALLOT:** The election will be by secret mail ballot and it is mutually understood that the voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the voting places, as determined by the Election Supervisor. At the conclusion of the election, a Certification on Conduct of Election signed by the authorized Observers, if any, and by the Election Supervisor will be issued to both parties.

11. **CONFIDENTIALITY:** The Parties understand that the ballots, ballot envelopes and other election materials are confidential and will not be released by the Service after the election.

12. **OBJECTIONS:** The results of the election shall become final and binding on both parties five (5) days after service of the Tally of Ballots unless a timely objection is filed. Within five (5) days following the service of the tally of ballots, any party to the election may file with the Board, at the appropriate regional office, objections to the conduct of the election. If any objections are filed within the five (5) day time period, the procedures specified in California Code of Regulations, title 8, section shall apply.

For the State Mediation and Conciliation Service:



4/24/19

Loretta van der Pol, Chief, SMCS

Date