

PUBLIC EMPLOYMENT RELATIONS BOARD
 State Mediation and Conciliation Service
 1330 Broadway, Suite 1532
 Oakland, CA 94612
 Tel: (510) 873-6465 Fax: (510) 873-6475



**MEMORANDUM OF AGREEMENT FOR REPRESENTATION ELECTION
 TO BE CONDUCTED THROUGH THE UNITED STATES MAIL**

The County of Contra Costa, hereinafter called the "**Employer**", and the Public Employees Union, Local 1 ("PEU 1"), and the Teamsters Local 856 ("Teamsters 856"), jointly hereinafter called the "**Employee Organizations**", hereby agree as follows:

1. REPRESENTATION ELECTION: An election by secret ballot shall be conducted by mail among the employees in the Unit described below to determine whether or not the employees in that unit desire to be represented by one of the Employee Organizations or no organization. The election shall be conducted under the supervision of an impartial **Election Supervisor** from the **California State Mediation and Conciliation Service (Service)**, jointly requested by the Employer and the Employee Organizations to serve as such. The Employer and the Employee Organizations each expressly represent that there is no other labor organization which claims to represent the employees within the unit indicated herein. Participation in this election by the Service is contingent upon the correctness of these representations and is not a determination by the Service that there is no other such claimant.

2. SENDING AND RECEIPT OF MAIL BALLOTS: A voter's packet will be mailed to each eligible employee described below in Paragraph 4. Any person who believes that they are eligible to vote in this election and has not received a voter's packet by January 4, 2016, may contact the State Mediation and Conciliation Service at **1-866-255-9232** or elections.smcs@perb.ca.gov during normal business hours and a packet will be mailed to that person. No requests for a packet will be accepted after 5:00 p.m. on January 18, 2016. Any questions of eligibility or duplication will be determined by the challenged vote procedure set forth below prior to the opening of any of the envelopes containing the returned Secret Ballots. The returned ballots must be received by the State Mediation and Conciliation Service no later than the regular mail delivery on January 29, 2016. Ballots will be counted at:

Thursday, February 4, 2016
 3:30PM – 5:00PM
 Contra Costa County Administration Building, Room 101
 All interested parties may attend.

3. THE UNIT: LVN/Attendant Aide Unit

EXCLUDED: All others.

4. ELIGIBLE VOTERS: All employees in the classification(s) within the Unit described above who were employed on November 1, 2015, and who are named on an Eligibility List agreed to by the parties and still employed on the date the ballots are counted. The Employer shall furnish the Eligibility List per PERB Regulations by December 4, 2015. 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. Employees who are ill, on vacation, on leave of absence or sabbatical, temporarily laid-off, and employees who are on military leave of the United States shall be eligible to vote. The Employer agrees to furnish the Eligibility List to the parties by December 4, 2015.

5. THE BALLOT: The secret ballot shall include the question: **Do you wish to be represented by the Public Employees Union, Local 1, or the Teamsters Local 856, 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 three 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) working days prior to the election. An Affidavit of Posting will be required.

7. OBSERVERS: Each party hereto may appoint three (3) authorized observers and as many tellers as determined appropriate by the Election Supervisor, at the location where ballots are to be counted. Under the direction of the Election Supervisor the authorized Observers may act as checkers and watchers, may challenge ballots and may otherwise assist the Election Supervisor. The names of the authorized observers shall be provided to the Election Supervisor by the parties three (3) days prior to the ballot count. Failure to appoint an observer or failure of an 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.

8. CHALLENGED VOTES: Authorized observers may only challenge the eligibility of a voter for good cause prior to the opening of the envelope containing that voter's ballot. It shall be the duty of the Election Supervisor to determine the eligibility of the voter prior to the opening of the ballot envelopes and either count or reject said ballot based on the eligibility list as provided for herein or any other relevant information as determined by the Election Supervisor. The decision of the Election Supervisor shall not be subject to appeal and shall be final and binding on all parties.

9. DUTIES OF ELECTION SUPERVISOR: The Election Supervisor shall prepare and cause to be mailed, a voter's packet to each eligible voter at their latest known address taken from a list prepared by the employer. On the date designated for the counting of the ballots and after all challenges, if any, have been determined in accordance with Paragraph 8, the Election Supervisor, in the presence of the Observer of the Employer and the Observers of the Employee Organizations, shall count the votes cast. This count shall be reduced to written form and witnessed in writing by both the Observer of the Employer and the Observers of the Employee Organizations, signifying that they have witnessed the counting of ballots.

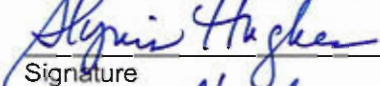
10. SECRET BALLOT: The Election will be by secret ballot. The voter's packet sent to each eligible voter will contain: 1) Mail Ballot Instructions; 2) Official Secret Ballot; 3) A small envelope marked "SECRET BALLOT"; and, 4) A return stamped envelope addressed to the "State Mediation and Conciliation Service."

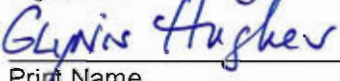
11. RUNOFF ELECTION: In the event none of the choices appearing on the ballot receives majority of valid ballots cast per Contra Costa, a new **Memorandum of Agreement for Representation Election** will be drawn and it shall provide for a runoff election at the earliest possible date between the two choices receiving the higher number of valid ballots cast. The choice receiving the lowest number of valid ballots cast shall be eliminated from the runoff election ballot.

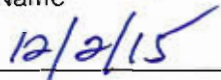
12. CONFIDENTIALITY: The parties agree that the ballots, ballot envelopes and other election materials are confidential and will not be released by the Service after the election.

13. OBJECTIONS: The results of the election shall become final and binding on both parties ten (10) days after service of the Tally of Ballots; unless a timely objection is filed. Within ten (10) 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. Any objections must be filed within the ten (10) day time period whether or not a runoff election is necessary or challenged ballots are sufficient in number to affect the results of the election.


For County of Contra Costa:

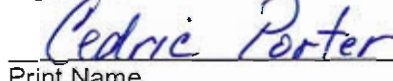


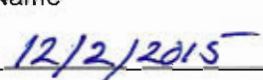
Signature


Print Name
Date:  _____


For Public Employees Union, Local 1:




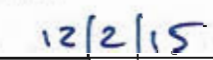
Signature


Print Name
Date:  _____

For Teamsters 856:



Signature


Print Name
Date:  _____