

American Federation of State, County and Municipal Employees, AFL-CIO

www.afscme18.org

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Governor Told Hands Off

State Supreme Court Reinstates Labor Board and Tells Martinez She Violated Law

In a unanimous 5-0 decision secured at the New Mexico Supreme Court on April 13, 2011, AFSCME Council 18, repelled a blatant attack on public bargaining by newly elected Republican Governor Susana Martinez. Through a series of labor board terminations, Governor Martinez had eradicated the enforcement mechanism of New Mexico's Public Employee Bargaining Act (PEBA), effectively hindering public employees' right to organize and bargain. AFSCME led the charge on behalf of New Mexico's public sector unions and filed an extraordinary writ with the New Mexico Supreme Court arguing that Governor Martinez had exceeded her constitutional authority.

It became apparent, as events unfolded this spring, that New Mexico's new Governor wanted to weaken the ability of New Mexico's unions to seek recourse for unfair labor practices. On February 5,



AFSCME Council 18 members and hundreds of AFL-CIO union members march at the State Capitol on March 12th to protest Governor Susana Martinez's decision to terminate the Executive Director of the Public Employee Labor Relations Board. The rally was also in solidarity with workers in Wisconsin.

2011, Governor Martinez terminated the Executive Director of the Public Employee Labor Relations Board (PELRB). New Mexico Administrative Code governing the PELRB requires an executive director for the processing


of ULPs and election petitions. Pending election petitions and unfair labor practice charges came to a sudden halt. The termination effectively shuttered all but the appellate review process of the PELRB.

In response, on February

28, 2011, AFSCME filed an emergency motion with the PELRB, seeking an order that it hire an Executive Director and arguing that the Governor had exceeded the scope of her authority in terminating the Executive Director. The very

next morning, on March 1, 2011, the Governor terminated all three members of the PELRB, effective immediately. The Governor's termination of the Executive Director suspended all pending action before the Board; her termination of

the Board prevented any resumption of the pending actions because it did away with the only governmental entity with statutory authority to hire another Executive Director.

On March 16, 2011 AFSCME filed a petition for writ of mandamus with the New Mexico Supreme Court arguing that the Governor did not have the authority to terminate the Executive Director nor did she have the authority to terminate the labor board. The Governor relied upon her broad constitutional powers of removal, but her claims were rejected on April 13, 2011 by the Supreme Court, which issued the Writ, ordering the Governor to cease interfering in the Board's personnel decisions and also ordering the reinstatement of the labor board members. The New Mexico State Labor Board is once again fully operational and is in the process of hiring a new Executive Director without the interference or involvement of Governor Martinez. 

We Are AFSCME!

A Quarterly Profile of Council 18 member activists

This issue: Chuck and Kathy Ritz

AFSCME member Kathy Ritz knows what it's like to not have a union. Back in 1994 she started as a Recreation Therapist at a high security prison in Georgia. Like everywhere, the prison was facing cuts and reducing staff. Almost everyday, she said, terrible things would happen to her fellow employees because they were understaffed. Workers were violently attacked and often feared for their safety. But because Georgia is a right to work state, she and the others were without representation.

"I saw very nice people who did their job get hurt

and they had no recourse," she said. "Management could do whatever they wanted."

When she and her husband Chuck moved to New Mexico, she finally got the chance to stand up for workers rights.

Since 2001, Kathy has been employed by the state as a Vocational Counselor. She was one of the first members and shop stewards in AFSCME Local 1211. While it's been a learning process for her to be involved in a union, she said she knew it was crucial to organize and have representation.

"I had no idea what I was

doing at the beginning, but it seemed like way to make things better," she said.

For example, in 2009 Chuck and Kathy faced intimidation from their respective supervisors for speaking publicly on how furloughs impacted working families. But AFSCME's quick response forced the state to acknowledge it overstepped its bounds and violated Chuck and Kathy's First Amendment rights.

Ever since this incident both Chuck and Kathy have been even more involved with the union. Both said that now, with the continued economic recession and attacks on public employees, it's more important than ever to continue building strength.

"If you think what happened in Wisconsin can't happen here, wake up," Kathy said.

Remember, however, that Chuck and Kathy are not just talk. They always follow through with action.

Just last week the pair ran a two-day steward

training for 38 members of AFSCME Council 18, empowering a whole new group of members to stand up for themselves and their co-workers.


The story doesn't end there, however. Beyond their involvement with the union, both Chuck and Kathy are active in their community and their neighborhood.

Both volunteer for an organization called Wildlife Rescue Incorporated, an organization that helps rehabilitate animals from all walks of life. Chuck and Kathy specialize in birds and last summer they brought home 10 sparrows. If birds weren't enough, the couple also has three rescue dogs.

This winter the pair, along with their neighborhood association, organized a drive to shovel out the snow-packed driveways of their elderly neighbors.

"We care about our neighborhood community,

we care about our community here in Albuquerque, and we deeply care about our community with the union," Kathy said.

And that is who public employees are...the fabric of the community. 



Kathy Ritz, an AFSCME Council 18 member and Recreational Therapist with the state, "I knew that if I ever had a way to help my fellow employees I would."



Chuck Ritz, an AFSCME Council 18 member and an Advanced Bankruptcy Specialist for the New Mexico Taxation and Revenue Department, co-leads an AFSCME steward training with his wife Kathy Ritz in Albuquerque on May 7th and 8th.

Our New Look

AFSCME Council 18 is growing and so is our newsletter. We all need to stay informed and get active! Please send us your feedback and ideas.

- Do you know someone we should talk to for our quarterly "We Are AFSCME" profile?
- Do you have an idea for an article?
- Have you seen a waste of tax-payer money?
- Did you take photos at a rally?

We want to hear and see it all! Please contact us at editor@afscme18.org



Yvonne Howard, a Disability Adjudicator with NMDDS, and a member of AFSCME Local 1211 participates in an AFSCME steward training in Albuquerque.




Members of AFSCME as well as Firefighters and Police attend a Santa Fe City Council meeting about current budget cuts.

Show Your True Colors!

Want AFSCME gear? For a full assortment of AFSCME items, from hats and shirts to bags and even coffee mugs, please visit www.afscmestore.org.

Local 3999 Fights Back

Members of AFSCME Local 3999, City of Santa Fe, have been fighting City Council proposals against wage cuts, furloughs and attacks on their benefits as they have had to address an \$8 million shortfall in the city budget. The local joined forces with the Firefighters and Police unions and also received support from community organizations like Chainbreaker and Interfaith to fight this as a quality of life issue for the community as well as an attack on workers. They focused on the services they provide, such as meal and transportation assistance for the elderly, afterschool programs for low-income chil-

dren and housing programs for low-income families, and successfully gained support for alternatives to cuts on employees. Through member activism and participation in Finance Committee meetings, they have helped to come up with alternatives to cuts on our workers. What initially started as an \$8 million shortfall in the budget has now been brought down to roughly \$600,000. Local leaders and the City Council, with the support of the Mayor, are currently looking for ways to close that gap that do not involve wage cuts, furloughs or changes in their retirement plans. 

An Invitation from AFSCME leaders from President Gerald W. McEntee and Secretary-Treasurer Lee A. Saunders to Attend the 2011 State Battles Summit

EVENT DETAILS

Date: Monday, June 06, 2011 - Wednesday, June 08, 2011

Location: Hyatt Regency Capitol Hill Washington, District of Columbia

Our union is under unprecedented attack in every state. Extremist politicians want to weaken us as we head into 2012. Their tactics include budget cuts, layoffs, privatization and the denial of our very collective bargaining rights.


But if these are their short-term tactics, make no mistake about their true long-term goal: They want to wipe AFSCME off the map.

Indeed, extreme politicians and their corporate backers want an America without AFSCME. An America where no one stands up for the poor and working middle class. An America where no one fights for Social Security and Medicare so that people can retire with dignity. An America where corporate greed goes unchecked and attempts to deny people their chance at the American Dream goes unchallenged.

Sisters and brothers, we cannot let them win. Thankfully, with so much at stake, our union is pulling together as never before. At this critical moment, we invite you to attend a "State Battles Summit" in Washington, DC, June 6 to 8, 2011. We will start Monday morning and end by noon on Wednesday.

The State Battles Summit will be unlike any AFSCME conference you've attended:

- ★ We will have frank discussions about what has worked in our fights and what could work better. We will also learn about new technologies and tools that will help us fight back.
- ★ We can't win these fights alone. So this summit will focus heavily on building and maintaining partnerships within our communities. We ask you to bring your ideas on how to make it happen.
- ★ New challenges require new energy and new thinking. We encourage union activists to attend this conference and bring their creative ideas on how to overcome the challenges ahead.

Make no mistake: We are experiencing some major setbacks that will have far reaching implications on AFSCME members and their livelihoods. But don't doubt for a second that we will prevail. Let's come together to map out our path together. We look forward to seeing you at the State Battles Summit. For further information go to www.afscme.org. 

Why New Mexico's Central Labor Councils Matter

New Mexico Central Labor Councils play a very important role in representing union members throughout the state by being engaged in local politics to improve the lives of working families, to bring economic justice to the workplace and social justice to New Mexico and our nation.

To accomplish this mission, we work to:

- Build a broad movement of New Mexico workers by helping workers join and form unions.
- Support workers as they bargain with employers to improve their living conditions and workplaces, as well as their communities, state, and nation.
- Strengthen the voice of New Mexico working families at all levels of government by being politically involved at the grassroots level.

New Mexico Central Labor Councils are broken into **four** local councils by geography. Below are the names, locations, and meeting dates for each Labor Council.

• Central NM Central Labor Council – Bernalillo, Sandoval, Torrance, and Valencia counties
6:30pm 1st Monday of each month, 2300 Buena Vista SE, Ste 100. ABQ, NM

• Northern NM Central Labor Council – Northern NM counties
6:30pm, 1st Wednesday of each month, 1420 Cerrillos SF, NM

• Southern NM Central Labor Council – Southern NM counties
6:30pm, 1st Wednesday of each month, 5620 N. Main Las Cruces, NM

• Four Corners Central Labor Council – San Juan county
6:30pm, 2nd Wednesday of each month, 2005 E. 11th St. Farmington, NM

If you have any questions on how you can get more involved, please contact **Council 18 Political Coordinator Josh Anderson** at 505-266-2177 x 12, or by email at joshandersonnm@yahoo.com. For further information go to www.nmfl.org.

2011 AFSCME Legislative Wrap-up

Legislative session:

Pay / pension swaps

We were dealt a very tough hand this year, economically and politically. The year started with a \$452 million (8.7%) deficit and the prospects of layoffs and furloughs for thousands of AFSCME members. We had an incoming governor who had threatened to cut up to 5,000 jobs during the campaign, and losses in the House of Representatives of many of our best allies (replaced by freshmen who had also campaigned against the work performed by our members). Further, the new governor promised to veto any legislation that raised revenue, even going so far as to protect out-of-state corporate lawyers' and accountants' tax-dodging schemes.

With no viable revenue options for the next four years, our members were really at the mercy of the legislature and governor. Fortunately, this year our membership responded as it never has before, and made sure our voices were heard. The four biggest rallies at the Roundhouse this year were all in support of public employees (one by the American Federation of Teachers, one by AFSCME, and two labor-community coalition rallies in support of public workers generally). Legislators often asked AFSCME's lobbyists to call off the phone calls in response to our updates. Members had a consistent presence at the Roundhouse, from our member lobby team to dedicated retirees and members who came up whenever they could.

There was a big push from Governor Martinez and the Republican leaders of the House and Senate to make the pension swap pay cuts permanent. We are very proud that 13 Republicans joined with us and virtually all Democrats to end all of the pay cuts in the next 2 years. Our members have been the ultimate team players in solving our budget deficits, sharing in the sacrifice that all New Mexicans have felt, and working long hours with super-human effort to keep the state and universities running with lower pay, fewer resources, and far fewer co-workers to share the load. The idea that the pay cuts should be made permanent was a slap in the face to everyone who has worked so hard for less pay the last few years, and that message resonated with rank-and-file lawmakers in both parties. Special thanks are in order for Senator Howie Morales (D-Silver City), Senator Carlos Cisneros (D-Questa), House Speaker Ben Lujan (D-Santa Fe), House Majority Leader Ken Martinez (D-Grants), and House Majority Whip Sheryl Williams Stapleton (D-Albuquerque) for leading the charge to limit the damage to our members in a terrible year.

Pension reform

We also faced a legislature that wanted to shore up the pension funds, something we whole-heartedly agree with. Despite our outreach, though, some legislators weren't as well-educated as they should have been on pension issues. Some legislators were willing to work with us to develop smart, tough legislation to ensure the long-term solvency of PERA and ERB, but one prominent legislator in particular was obsessed with not only breaking promises to current members, but adamantly refused to work with us to come to a consensus on helping the funds.

We have already begun reaching out to legislators who are willing to work with us to develop a well-thought out, detailed, consensus pension reform bill for next year. All of our members will lose if we don't improve the solvency of the plans, but it has to be done in a way that doesn't break promises to current retirees and workers and in a way that doesn't deprive future employees of good retirement security. Ending things like double dipping and spiking are common sense ways to shore up the fund, for example.

Collective bargaining attacks

While most of our focus was on limiting the damage from Governor Martinez' pay cuts and fighting off poorly-designed, illegal, and unfair pension assaults (while trying to fashion reasonable pension reform), there were dozens of other attacks on members that we were able to defeat. There were two bills in particular which would have dramatically altered the ability of public employees and child care providers to organize. The right to work for less bill was killed in the House Labor Committee on a party line vote, with all of the Democrats voting for workers' rights and all of the Republicans voting to bust unions. Another Republican bill would have ended the right of child care providers to have any union at all, but that also died.

Other attacks

We also fought off some seemingly innocuous bills


that were badly drafted and would have had ridiculous consequences. For example, there was a bill to require customer satisfaction surveys in areas like MVD and construction inspection. The Republican backers of the bill claimed that the public sector should be more like the private sector and respond to customers. Of course, our members completely agree that state employees should be courteous, professional, helpful, polite, respectful, and keep customer satisfaction in mind. However, public sector work is NOT like the private sector. Many public sector jobs, including those at MVD and CID, are first and foremost law enforcement jobs. When someone comes in with fake IDs to get a driver's license, it is the job of an MVD worker to protect our national security and our highway safety by denying a license. What is that customer satisfaction survey going to say? When an inspector finds that the foundations of a building are not up to code and won't withstand high winds or a tremor, and denies approval of a project or insists on improvements, what is the customer satisfaction survey going to say?

The irony is that many of our MVD and CID workers who are doing the best job and following the law they are paid to enforce (and which they didn't write) would have the worst customer satisfaction reports. Imagine if police officers had to give customer surveys after handing out speeding tickets. State workers aren't paid to make everyone happy; they're paid to professionally carry out the mission of the state as defined by our elected leaders in the legislature and in the Governor's Mansion.

Our union supports de-escalation training, customer interaction training, and close supervision to ensure professionalism, but the idea that enforcing the law should be a popularity contest puts our members in an extremely difficult position of having to choose between making every citizen happy and enforcing the law. AFSCME members are professionals and will choose to enforce the law, but it's a heck of an idea to punish the ones who are best at it.

Saving Springer and Roswell

At one point, when the House was nearly done with its version of the budget, Governor Martinez threatened to shut down the Springer and/or Roswell correctional facilities if the legislature didn't agree to slash the film industry (which provides good jobs for over 10,000 New

Mexicans). We worked with our legislative allies, including Democratic Representative Thomas Garcia and Republican Senator Clint Harden and House Appropriations leaders like Democrats Lucky Varela and Kiki Saavedra, to ensure that there was sufficient funding to keep both vital institutions open. 



A union supporter walks in front of a large rally April 4th in Albuquerque in support of unions across the country and in remembrance of Dr. Martin Luther King, Jr., who died on that day in 1968 while supporting an AFSCME sanitation worker's strike in Memphis.



An AFSCME member joins hundreds of people on April 4th who stood out on the corner of Central and San Mateo in Albuquerque to show solidarity with unions across the country.

2011 AFSCME Council 18's PEOPLE Update


Elections directly affected the pay of our members, health care for all New Mexicans, and almost had a devastating impact on current workers' retirement plans. We're up against a combination of anti-government radicals in the Tea Party, monster insurance companies, huge out-of-state corporations with armies of lawyers and accountants to scam the state out of tens or hundreds of millions of dollars in revenue, and politicians who take our members and the work they do for granted.

We don't have any millionaires to fight back to protect the critical, necessary services AFSCME members provide, but we have each other. All of our federal political work and much of our state and local level work is done through PEOPLE, Public Employees Organized to Promote Legislative Equality. PEOPLE is funded entirely by voluntary contributions from AFSCME members, retirees, and family members. If you're not yet a member, please, please join. For \$2 a week, you can be a PEOPLE MVP and earn cool jackets, shirts, and other good stuff to show you're proud to be a public employee and an active AFSCME member.

Because PEOPLE drives our political program, PEOPLE members also get to choose our **statewide PEOPLE Committee**, which makes endorsements at the state level. Endorsements processes for city and county races are also set at the PEOPLE Convention. The state PEOPLE Committee is elected every two years at our PEOPLE Convention. This year, the PEOPLE Convention will be on Saturday, June 4, at the Uptown Sheraton in Albuquerque. The union will pay for hotel rooms on Saturday night for those PEOPLE MVPs travelling from outside the Albuquerque metro area, and we'll start just after noon on Saturday so everyone in the state can make the trip that morning.

We'll have a discussion about the legislature, local issues, and upcoming elections in 2011 and 2012. We'll also amend the PEOPLE by-laws according to the votes of those who attend, and as noted above, elect the members who make all of AFSCME's statewide endorsements. Finally, we'll have a reception for all of our PEOPLE members and their families, where you can meet with some of our strongest political advocates and friends.

If you're a PEOPLE member and want to register for the PEOPLE Convention, please email both AFSCME Council 18 Political Coordinator Josh Anderson at joshandersonnm@yahoo.com and AFSCME Political Action Representative Carter Bundy at carterbundy@yahoo.com. If you're not a PEOPLE member and want to sign up or just want more information, please call our cell phones any time--Josh is at [505-350-2200](tel:505-350-2200) and Carter's number is [505-463-8499](tel:505-463-8499).

If we want to have the power to fight back against attacks on good, decent public employees, we have to have fire-power, and that means having every member sign up for PEOPLE. If we want to avoid having our basic worker rights taken away, as Republican governors have done in Wisconsin and Ohio, we need members of all political parties to join PEOPLE. We can, do, and will work with good Republicans, including at election time, so don't think you have to be a Democrat to join. We'll also continue to work with our Democratic allies and will oppose Dems who are anti-worker. PEOPLE is YOUR voice in the political process, and we extend a warm invitation to all of our members to join this crucial part of your union. 

AFSCME'S Upcoming Events

June 3rd State Policy Committee meeting at the AFSCME Union Hall in Albuquerque, 12:00 pm — 5pm

June 4th: AFSCME Council 18's 2011 PEOPLE Convention at the Uptown Sheraton in Albuquerque, 11:30 am — 9:00 pm

June 4th-5th: AFSCME Retirees Council Annual Meeting in Washington, DC.

June 6th-8th: AFSCME State Battles Summit in Washington, DC. (Please see article in newsletter for more information)

June 7th: Brief writing training at the AFSCME Union Hall in Albuquerque, 10:00 am — 3:00 pm

June 24th-25th: New Mexico AFL-CIO Convention in Santa Fe

July 7th: Council 18 Public Safety Steering Committee meeting at the AFSCME Union Hall in Albuquerque, 11:00 am — 4 pm

July 23rd: Women's Committee meeting at the AFSCME Union Hall in Albuquerque, 10:00 am — 1 pm

September 9th-11th: Council 18 Biennial Convention in Las Cruces

DATES TO BE ANNOUNCED SOON FOR:

- Child Care Providers Together Founding Convention

For any questions, please contact AFSCME Council 18 at 1-800-423-0770 or (505) 266-2505



AFSCME International Secretary-Treasurer Lee Saunders addressed an overflow crowd including labor, community, faith and students at the University of New Mexico. Secretary-Treasurer Saunders and Rev. Al Sharpton made a historic stop in Albuquerque on February 10, 2011 to speak about the long-standing relationship between the Labor and Civil Rights movements in America.



Rev. Al Sharpton addressed a packed house at the State Legislature in Santa Fe on February 11, 2011. Rev. Sharpton and AFSCME International Secretary-Treasurer Lee Saunders talked to the legislature about the on-going attacks against public employees in New Mexico, Wisconsin, and around the country.

Organize!

Do you have co-workers who aren't part of the union? If so, talk to them today! Only by coming together can we truly exert our full strength as a union. Contact Council 18 if you have suggestions for increasing membership and insuring we stay strong!

**1-800-423-0770 or
(505) 266-2505**

Tell Us!

Have you seen a waste of money at your job site? We need to know! AFSCME Council 18 is finding and calling out wastes of taxpayer money as a way to make sure we hold employers and elected officials accountable.

Please send your ideas and comments to
editor@afscme18.org