

Governor Snubs Supreme Court Decision

Unions File Second Writ Demanding Martinez Respect Labor's Choice For PELRB

In an act of great defiance to the New Mexico Supreme Court, Gov. Susana Martinez violated an order previously issued by the court and again interfered with labor's legal authority to select its labor representative to the New Mexico Public Employee Labor Relations Board (PELRB), as mandated by the Public Employee Bargaining Act (PEBA).

As a result of appointing her selection as a labor representative on July 22, AFSCME Council 18, CWA, Plumbers and Pipefitters, American Federation of Teachers, and several

other unions as well as the New Mexico State Federation of Labor, which encompasses 35 statewide unions and 50,000 members throughout New Mexico, filed a second Writ of Mandamus against Gov. Martinez with the state Supreme Court. The writ was filed on August 4.

Shane Youtz, legal counsel for the unions, said, "Governor Martinez's actions are a clear demonstration that she not only ignores public employees' due process and labor's right to protect its members, but also the New

Mexico State Constitution and the decisions of the New Mexico Supreme Court. This is a dangerous message to send to the citizens of New Mexico."

As reported in our last issue of New Mexico Works—and in the media throughout the state—Gov. Martinez violated the law in March, 2011, by terminating labor's representative (John Boyd) to the state Public Employee Labor Relations Board. When she refused to reinstate Boyd, a coalition of unions submitted a petition for a Verified Writ of

Mandamus/Prohibition with the New Mexico Supreme Court on March 15, 2011, seeking his reinstatement. On April 13, 2011, the court ordered the reinstatement of Boyd to the board.

The court ruled that only labor can recommend its own representative. The court also ruled that the board, not the Governor, has sole authority to hire (and fire) an Executive Director. The Governor's only authority with respect to the PELRB is to appoint

Please see Page Three

"We Care For Those Who Care For Us"



Hundreds of AFSCME members and other community, labor and political allies, attend a vigil and rally on July 24 outside of Our Lady of Guadalupe Church in Santa Fe. At the time, District 1199NM was threatening to go on strike over contract negotiations with Christus St. Vincent Regional Medical Center. For the full story please see Page 2.

Albuquerque City Employees Fight Off Anti-Union Attack

A state district judge ruled on July 29 that the City of Albuquerque must abide by expired union contracts until new ones are negotiated.

The ruling, which is based on an evergreen provision in state law, comes after Mayor Richard Berry's administration tried to prevent union presidents from representing workers during normal business hours—a long-term practice protected in the existing contract.

"This is an important win," said Angelo Metzgar, recording secretary

for AFSCME Local 3022. "This shows the city that they have to follow the rules and that our rights must be respected."

While excited about the win, members expect the city to appeal the decision. The city's attempt to take away union time is just one example of the hostilities that public employees face in Albuquerque and across the state.

"With an anti-public service governor in office and a pro-business mayor here in Albuquerque, the

atmosphere has changed," said Steve Griego, president of AFSCME Local 624. "It's more important than ever that we come together and make sure our rights and contracts are respected."

AFSCME Council 18's four locals and the City of Albuquerque are currently at various stages of negotiations. Members say they are committed to winning good contracts and will continue to contest the city's anti-union, anti-worker policies.

Two City of Las Vegas Workers Killed In Preventable Accident

Tragedy hit the City of Las Vegas when two AFSCME members, Gene Hern and Frank Romero, were killed on May 18, in what has been confirmed by the New Mexico Environment Department as a preventable accident.

Hern and Romero, following the orders of their supervisor, were laying down a waste water line in a trench that was approximately

10 feet deep when the walls of the trench collapsed, burying and killing both men under the pressure of the collapsed earth. Tragically, there were no safety measures put in place to prevent this accident despite the legal requirement to do so.

Since the accident, AFSCME Local 2851 and AFSCME Council 18 have both worked tirelessly to

Please see Page Three

“Where Did All The Money Go?”



District 1199NM Signs Contract With Christus St. Vincent



Nurses and technical staff from Christus St. Vincent Regional Medical Center, along with labor, political, and community allies, gather outside Our Lady of Guadalupe Church in Santa Fe on July 24 during a vigil in support of District 1199 members.

The nurses and technical staff of District 1199NM of the National Union of Hospital & Health Care Employees (NUHCE) recently voted to ratify a three-year contract with executives of Christus St. Vincent Regional Medical Center.

The contract agreement ended months of contentious negotiations over issues such as staffing levels and pay.

While the contract does not meet all of the staff's demands, members of District 1199NM said they have been overwhelmed by the outpouring of community support and will continue to advocate for improved safety and working conditions.

“The community and our elected officials are behind us,” said 1199NM NUHCE President Fonda Osborn. “We know that we have the support to continue fighting for staffing

ratios that protect patient safety and care.”

Throughout the campaign a long list of New Mexico's elected officials, community non-profits and AFL-CIO labor unions showed their support for District 1199NM's negotiating team, that was forced to square off against one of the country's most well-known union-busting law firms.

The elected officials who continually demonstrated their support for District 1199NM included everyone from Santa Fe Mayor David Coss, to New Mexico House Speaker Ben Luján, to U.S. Congressman Martin Heinrich.

Hundreds of supporters turned out to rallies and vigils across Santa Fe demanding the hospital's owner, Texas-based Christus Health, negotiate in good faith and stop trying to eliminate the staff's collective bargaining rights.

“This campaign proved that we have a strong, dynamic and committed labor community here in New Mexico,” said Connie Derr, Executive Director of AFSCME Council 18. “We need to take the momentum and community alliances created here and help them grow throughout the state.”

Osborn said District 1199NM's next step will be to take their concerns about staffing levels to the New Mexico State Legislature. There, District 1199NM will lobby for a minimum nurse-to-patient staffing law. A similar law already in place in California has improved patient care and saved lives, according to multiple studies.

“We want to be able to continue providing compassionate, community-based care,” said Osborn.

WASTE NOT, WANT NOT

A Column Dedicated to Documenting Wastes of Taxpayer Money

Consistent with a national trend, the State of New Mexico and numerous cities across the state continue to try and balance their budgets on the backs of public employees. Meanwhile, taxpayer money is being wasted as a result of poor management. We must fight to insure public employees aren't paying the price for these poor decisions.

Below are some of the recent examples:

- The Department of Corrections addresses its critical understaffing through forced overtime, spending thousands of additional dollars. Not only is this bad management, but understaffing creates serious personal health issues for correctional officers and jeopardizes community safety.
- Instead of filling the staffing vacancies, the Department of Corrections Probation and Parole management recently gave itself

substantial raises, up to 15%.

- State and local governments hire management consultants, a/k/a union-busting consulting firms, to handle their labor-management duties. Management consultants charge \$135 - \$150/hour. Within the last year, the City of Albuquerque, San Miguel County, Western New Mexico University and the State of New Mexico have all thrown money at private consulting firms, while also paying their own managers to handle the same duties.
- By challenging decisions of arbitrators and the courts, the State of New Mexico and the City of Albuquerque wasted hundreds of thousands of taxpayer dollars hoping for a different outcome.
- During the recent contract fight with AFSCME affiliate District 1199NM, Christus St. Vincent Hospital spent roughly \$900,000 to fight staffing levels sought by nurses who were looking out for their patients.

Please contact us with other examples of waste and abuse at the following email: jschiller@afscme18.org

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

Governor Snubs

Continued from Page One

a management representative to the board.

The New Mexico Legislature established the Public Employee Bargaining Act for the following purpose: "To guarantee public employees the right to organize and bargain

collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions." The Legislature also intended the PELRB to be a "balanced and, therefore, neutral body."

Yet, Gov. Martinez refused to reappoint

labor's recommendation as ordered by the highest court in the state. Instead, on July 22, the Governor appointed Roger Bartosiewicz, whom she solicited for the position. The Governor's actions interfere with the statutory enforcement mechanisms of PEBA, exceed the scope of her appointment powers under PEBA, and violates her duty to "take care that the laws be faithfully executed," per the New

Mexico Constitution. The Governor's second attempt to deny Boyd labor's seat on the board evidences a further failure to faithfully execute the law and interrupts and creates immediate due process violations for thousands of public sector workers in New Mexico.

The New Mexico Supreme Court is expected to hear oral arguments within the next 60 days.

Corrections Union President Terminated For Doing His Job

A group of AFSCME members, along with labor and community allies, delivered more than 500 signatures to Gov. Susana Martinez's office on July 19 demanding Penitentiary of New Mexico corrections officer and Local 3422 state president Lee Ortega be reinstated after he was illegally fired for blowing the whistle on the department's plan to hide an alleged serial sexual harasser.

"We have to speak out against this climate of intimidation," said Cayetano Trujillo, one of the petitioners and another corrections officer at PNM. "Lee's case is just

one of many where DOC employees are being targeted for addressing issues relating to safety and the work environment."

Ortega, a 16-year veteran, was terminated by DOC after speaking to Channel 13 about the possible transfer of penitentiary Warden Lawrence Jaramillo, who at the time was under investigation for sexually harassing three female employees at PNM. Jaramillo has since been terminated.

Ortega, who received news about the transfer from a DOC deputy director, said he was fearful Warden Jaramillo might subject more DOC

employees to harassment in his new position. Acting as union president, Lee followed the proper procedures and tried to address the issue by speaking with Corrections Secretary Lupe Martinez. She dismissed his concerns so Ortega made the issue public.

"I had to speak up because the employees I represent were scared," Ortega said. "They worried the harassment would continue and as union president I'm obligated to address their concerns."

AFSCME Retiree's Corner

Is retirement around the corner for you? If yes, don't forget to attend a retirement seminar offered by the Public Employees Retirement Association of New Mexico (PERA). Following is a brief description of what issues are covered at the seminar.

In retirement, your pension does not increase until eligibility for COLA (cost of living adjustment) is met. Depending on a few factors, you must wait 12 or 24 calendar months (January 1 - December 31) before your July check sees an increase. Please refer to PERA's website www.pera.state.nm.us for more details, or call 1-800-342-3422.

Retiree Health Care Authority is your health insurance agency during retirement. Health care coverage includes vision, dental, medicine and life insurance, and is available to retirees and eligible family members. The premiums vary in price. For more information please visit RHCA at www.rhcanm.state.nm.us or call 1-800-233-2576.

During the PERA retirement seminar you will also hear about AFSCME Retirees. For \$15 per year you can help defend your pension and health care benefits and those of future retirees.

To find a schedule of PERA seminars please visit:
<http://www.pera.state.nm.us/trainingschedule.html>



AFSCME members Gene Hern and Frank Romero were killed in Las Vegas, N.M. on May 18 when the walls of the trench they were digging collapsed on top of them.

Two City of Las Vegas Workers Killed In Preventable Accident

Continued from Page One

insure a full and fair investigation. Both reached out to local media organizations to make sure the public was aware of this incident, and memorial accounts have been created in both men's names.

To prevent further accidents, Council 18 held a safety training for members across the state. The training helped workers spot unsafe conditions and also taught them how to approach managers about health

and safety hazards even if they face hostile work environments.

The New Mexico Occupational Health & Safety Bureau, which is responsible for maintaining OSHA compliance in addition to other safety and health regulations, is currently looking into four pending violations against the City of Las Vegas.

The memorial accounts for Gene Hern and Frank Romero were

opened at the State Employees Credit Union (SECU) in Las Vegas, NM. They are named the "Frank Romero Memorial Fund" (account # 3001582710) and the "Gene Hern Memorial Fund" (account# 3001582700). People can donate at SECU in Las Vegas at 1201 Mills Ave, Las Vegas, NM 87701 or at any SECU location.

AFSCME PEOPLE Recommendations and Endorsements

PEOPLE is AFSCME's political process, and has been re-affirmed by the Council 18 Executive Board as the only political endorsement process for all of New Mexico.

FEDERAL RACES

The statewide PEOPLE Committee is responsible for making recommendations in federal races, and unanimously and enthusiastically supports current Congressman and AFSCME champion Martin Heinrich for U.S. Senate, our great ally Congressman Ben Ray Lujan for re-election in Congressional District 3 (Northern New Mexico), and current State Senator and labor advocate Eric Griego for Congressional District 1 (Albuquerque area).

PERA RACES

The PEOPLE Committee has also endorsed three candidates for the PERA board. We are facing attacks on our pensions, so it is more important than ever to have rank-and-file members on the board.

—Loretta Naranjo-Lopez for the retiree position

—Jackie Kohlasch for the state position

—Stewart Logan for the county position

ALBUQUERQUE CITY COUNCIL RACES

On October 4, four of the nine Albuquerque city councilors will be up for election. The AFSCME Albuquerque PEOPLE Committee will make the endorsements in those races, but it is highly likely that we will again stick with our friends, Councilors Debbie O'Malley and Rey Garduño. Whether we take a position in the competitive GOP-leaning races depends on the questionnaires, candidate forums, and votes of the Albuquerque PEOPLE Committee.

2011 AFSCME PEOPLE Convention Update

The 2011 PEOPLE Convention was a huge success. Over 70 members from around the state attended the convention on Saturday, June 4 in Albuquerque. The purpose of the PEOPLE Convention is to bring our members together to discuss the importance of being politically active as public employees. It is also meant to shape our political program for the future.

As public employees, politicians are our bosses at the city, county, state, and federal level. During every election we have the chance to support candidates who respect working families. We must be active so we can elect bosses who value the jobs we do and the services we provide.

Highlights

The PEOPLE by-laws, which govern the official AFSCME process on how and when we endorse candidates, were amended to add two additional seats on the committee. One seat was created for an elected member of the retiree chapter, and one was created for an elected member of the home-based family childcare profession. This means our statewide steering committee is comprised of nine members from around the state.

Elections for the statewide steering committee were conducted and a new board has been put into place until June of 2013.

Special thanks to AFSCME's endorsed candidate for U.S. Senate, Congressman Martin Heinrich, for stopping by to talk with our members about the key issues in Washington D.C. that affect working families. Congressman Heinrich has always been a strong supporter of labor and is a true advocate for working families.

How can you get involved in the future?

There are three ways you can contribute to PEOPLE. You can sign up for a voluntary payroll deduction, you can have a contribution come out of your checking account, or you can pay by credit card. It is extremely easy to sign up and only takes a few minutes.

If you are interested in signing up or have any questions, please do not hesitate to contact Josh Anderson at 505-266-2177 or by email at joshandersonnm@yahoo.com.

AFSCME'S Upcoming Events

September 9-11: Council 18 Biennial Convention in Las Cruces at the Hotel Encanto de Las Cruces.

September 16-18: Public Safety Congress in Houston, TX.

September 24: Secretary-Treasurer training at the AFSCME Union Hall in Albuquerque.

September 30-October 2: The 2011 AFSCME Women's Conference in Milwaukee, WI.

October 8: AFSCME Women in the Union workshops in Santa Fe.

October 15: Executive Board training in Las Cruces.

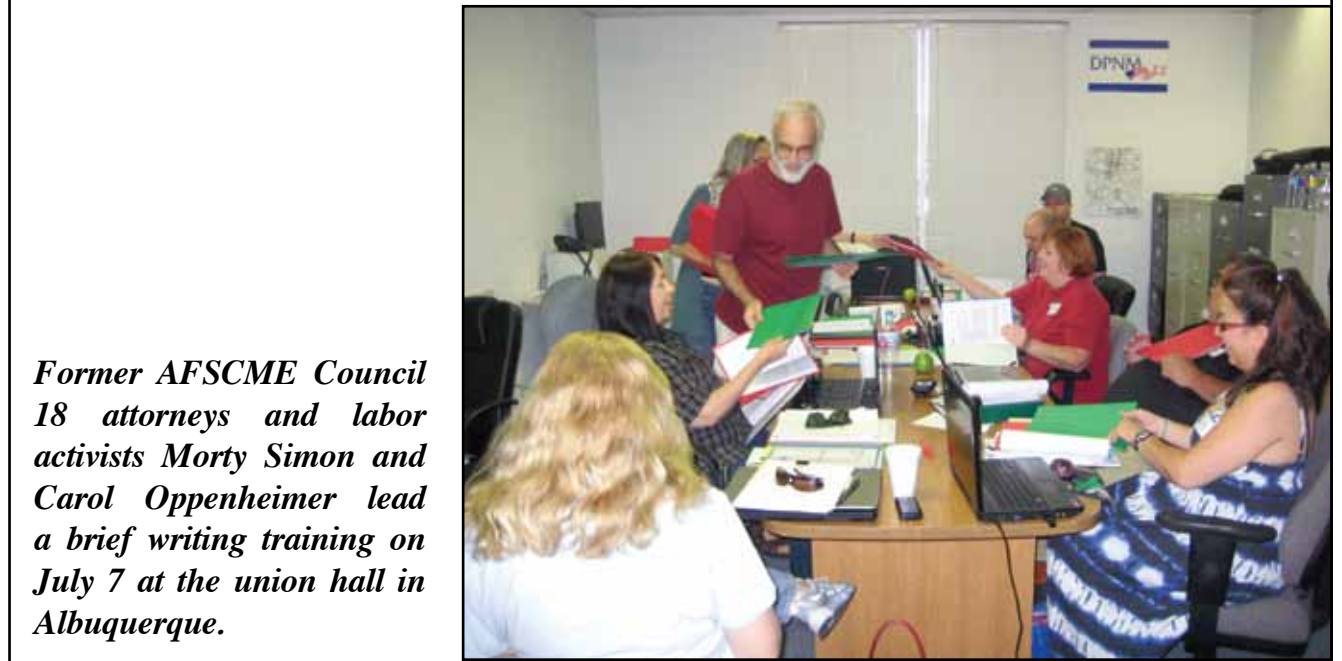
October 22: Effective Communications Training (Newsletter production, media relations, photography) at the AFSCME Union Hall in Albuquerque.

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



The News In Photos

Judy Garcia and Andy Fitzgerald, both transit security officers with Local 1888, participate in one of the hands-on exercises during AFSCME's Excavation and Trenching workshop at the AFSCME Council 18 union hall in Albuquerque on June 21.



Former AFSCME Council 18 attorneys and labor activists Morty Simon and Carol Oppenheimer lead a brief writing training on July 7 at the union hall in Albuquerque.

NEWS IN BRIEF

City of Santa Fe Budget Save

AFSCME Local 3999 was instrumental in a recent deal that helped the City of Santa Fe overcome an \$8 million budget shortfall. In coalition with community allies and Mayor David Coss, AFSCME members were able to avoid layoffs, furloughs, and paycuts. Local 3999 initially advocated for raising property taxes to prevent future shortfalls—a measure supported by Mayor Coss and a handful of councilors. Support for the property tax faded, however, after Local 3999's board helped find more immediate ways to shore up the budget. Nonetheless, it was a huge victory for city workers who were looking at devastating cuts if the \$8 million gap wasn't closed.

Pension Reform Update

AFSCME has worked tirelessly to defeat terrible legislative proposals that would gut PERA. Now the priority is to insure that any reforms of PERA and ERA protect retirees and members and improve the solvency of both funds. AFSCME Council 18's Executive Board unanimously supported a proposal to protest any changes to current benefits. Public employees rely on those benefits and any change to the rules midstream is unfair and most likely illegal.

The board also agreed to support any measures that will ensure we maintain our retirement funds in pensions instead of an unreliable and poorly defined contribution/401k system. So far, there has been good support for both concepts from legislators in both parties and in both houses.

Redistricting Updates

AFSCME is actively involved in redistricting this summer and fall and is working hard to prevent special interests and partisan advocates from skewing our legislative districts so that working people have less of a voice. AFSCME Council 18 is committed to working with people in both parties to ensure a fair set of maps that guarantees the idea of one person, one vote.

The redistricting special session starts September 6. It would normally only last a week, but Gov. Susana Martinez is threatening to put a number of highly partisan and divisive items on the agenda that will likely draw out the session.



AFSCME Council 18's Public Safety steering committee meets at the union hall in Albuquerque on July 7.



The AFSCME Council 18 Women's Committee meets at the Albuquerque union hall on July 23.

We Are AFSCME!

A Profile of Council 18 Member Activists

Sgt. José Santiago was just about to finish his shift at the Penitentiary of New Mexico on June 26 when he got the call. Los Alamos was being evacuated because of the raging Las Conchas fire and his National Guard unit was being activated to help.

Santiago quickly packed his bags and arrived later that evening to a smoke-filled city. Starting at 11p.m. he and his unit, the 115th Transportation Det-3 out of Española, began assisting evacuees and manning roadblocks. The unit worked throughout the night and well into the morning, finally catching some much-needed rest at a nearby gym.

"It gave me a real sense of pride to be here," Santiago said. "I'm proud that I could help the people here who were in real danger."

For the next week Santiago stayed on night shift. He continued to man roadblocks and assisted Los Alamos police with night patrols meant to prevent robberies. Finally, one week later, after firefighters had gained some control over what had become the state's largest wildfire, his unit was sent home.

For Santiago, public service is nothing new. For the past 11 years he has put his life on the line as a corrections officer at PNM in Santa Fe. He is the vice president of AFSCME Local 3422's PNM chapter and is always there to be a voice for his fellow officers.

"It's all about giving back," Santiago said about his role as a soldier, CO and union officer. "You don't get into public service for the money. It's about the satisfaction of helping people."

Santiago, who is also studying Criminal Justice at the University of Phoenix, said he will always choose to work in public service.

"I could have chosen to go into some field like business, but I didn't," Santiago said. "I am proud to work



José Santiago, a sergeant at the Penitentiary of New Mexico and also a member of the National Guard's 115th Transportation Det-3 out of Española, was one of many AFSCME Council 18 members who helped during the Las Conchas wildfire in Los Alamos.

as both a CO and a soldier and know what I'm doing is important."

AFSCME Locals Help With Las Conchas Fire Relief

In a show of true solidarity, AFSCME Locals 3999, 477, 1782

and affiliate District 1199NM donated 135 lbs of assorted food and personal items to The Food Depot during the Las Conchas wildfire. The Food Depot then distributed the contributions to evacuees from Los Alamos, as well as firefighters battling the blaze. In a personal letter to the Locals, The Food Bank

Executive Director Sherry Hooper thanked AFSCME members for what she called a true "act of kindness."

Layout and Design by
First Impression, Inc.

