

Grievant Faced 7 day suspension for throwing water bottle in self-defense of a vehicle assault.

Arbitrator orders Grievant made whole, and all discipline removed from file

Two New Mexico Department of Transportation employees were involved in an altercation that resulted in one employee being terminated for workplace violence and another being given a seven day suspension for defending himself.

The aggressor had a history of antagonizing the grievant. At one point the aggressor pointed a grinder-sharpened trash-picker at the grievant's chest. At the end of the workday, when the grievant was walking to his car, the aggressor drove his car directly toward the Grievant and struck him at least twice. The Grievant threw a water bottle at the aggressor's windshield, shattering it, after having his leg injured severely enough to require transport to a hospital.

The aggressor was fired. Initially, field supervisors recommended firing the grievant. The NMDOT district engineer later reduced that to a seven day suspension for violating state code of conduct, administrative directive 812 (workplace violence mitigation). NMDOT argued progressive discipline, citing an earlier letter of reprimand on the grievant for an entirely different matter that didn't involve workplace violence.

Ken Long, President of Local 1211, dismantled state's argument with straightforward facts.

- The grievant was the victim and only acting in self-defense when throwing a bottle of water at the windshield of a vehicle that had struck him;
- The state cannot discipline a worker for not properly de-escalating workplace violence if they're under attack;
- The grievant and his co-workers have not been trained on how to execute administrative directive 812;

Progressive discipline demands that prior disciplinary actions be weighed by the severity of the incident. Workplace violence is in a class of its own

The aggressor in this incident had crossed the line on numerous occasions, and supervisors had neglected their responsibility to intervene and mediate the workers' conflict prior to the incident.

The arbitrator sided with the union's argument of self defense, and determined that the

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AFSCME Calls on Steward Army to Mobilize on the Issues

AFSCME Stewards are the active and identified leaders of our Locals. Stewards are the ones who move membership into action and towards our goals. Stewards not only lead the representation battles, but must engage members in the political and organizing battles.

AFSCME has placed top priority on giving Stewards the tools and support needed to win our workplace issues through member mobilization. WE MUST MOVE BEYOND GRIEVANCES to confront management and elected leaders on the issues. Visit AFSCME18.org and click on RESOURCES FOR



Corrections Officers of Local 3422C, Central New Mexico Correctional Facility. Photo credit: Sergeant Crystal Beltran, 14 year Officer and Vice President Local 3422C.

Beyond the Grievance:

AFSCME Stewards Lead Member Mobilizations to Defend Workplace Justice

In 2017, highly visible and political member-mobilizations are essential to protect public service careers. Seven years of Governor Martinez and her restrictive state budgets have normalized a 'state of emergency' across state government. Her policies of austerity have impacted County and City budgets as well.

Our co-workers are challenging government bodies that create upper-level management jobs with six figure salaries while money to fill frontline vacancies and pay for essential equipment has evaporated.

Running essential government services on the cheap isn't something we can easily grieve through the contract. Whether we're facing massive vacancies that mandate dangerous levels of overtime, or our employer is cutting corners on equipment and training, member mobilization can be effective and make change. Reaching the media, elected leaders, and the public is an important tactic.

Politicians want to be re-elected, directors enjoy their high level careers and want to stay in power. Running operations below budget can earn top officials praise, but frontline employees bear the brunt of the true costs. By using the power of our numbers and voices, we can expose safety concerns or violations of the public trust to effect change.

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Arbitrator Overturns Suspension of Member who was Assaulted

Grievant's throwing a bottle of water did not constitute misconduct, or rise to the level of workplace violence based on credible evidence. He ordered NMDOT to restore the Grievants lost wages and benefit payments.

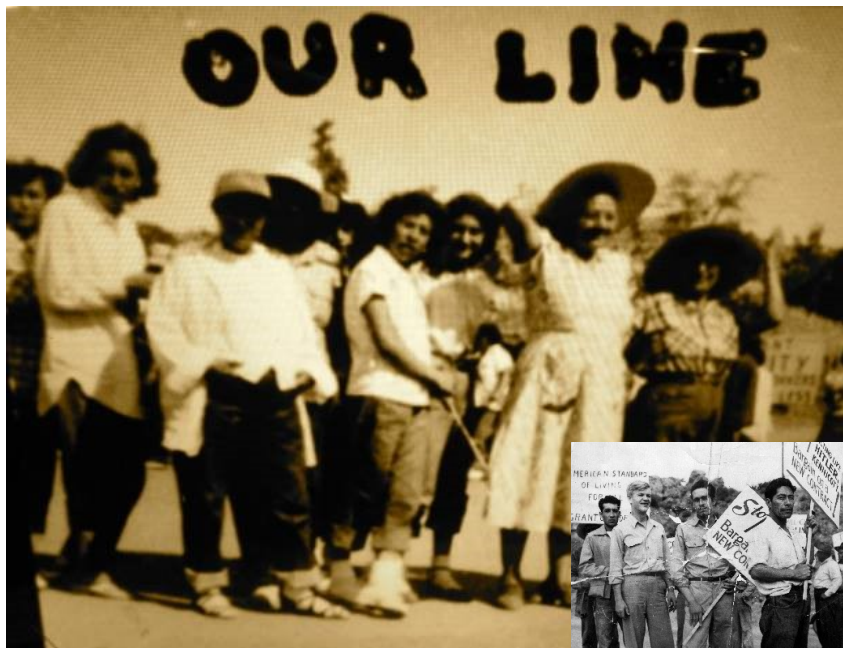
AFSCME Steward Lessons:

Policies on workplace conflict, such as Administrative Directive 812 exist for the benefit of all parties.

Our Union should demand that management schedule trainings that make it possible for members to have skills needed to de-escalating workplace violence.

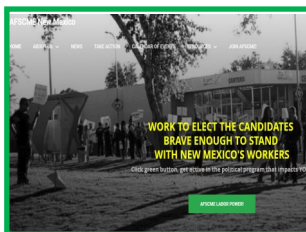
Maintain a timeline on letters of reprimand; we must request in writing they be removed from personnel files after one year, or however long your contract dictates they may be retained.

Remind co-workers to be vigilant, recognize when things are coming to a boil between workers, and talk to their union stewards before violence breaks out and everyone get disciplined.



New Mexico Labor History Has Many Lessons to Teach!

Grant County, NM—1951. During the historic and victorious Empire Zinc Strike, male miners were ordered off the picket line by court order and arrested. THE WOMEN took over and held the picket for the year needed to win the strike. LESSON: Family and friends bring POWER to out battles! Enlist their support in our battles to protect the public and our careers.

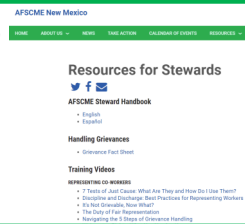


STEWARDS RESOURCES

ONLINE:

AFSCME18.org

Forms, The Handbook, Templates, and Advanced Information, just click.



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AFSCME Locals mobilize to improve workplace safety.

AFSCME Corrections Officers React to Proposed Shift Change, go on offensive in effective statewide action

New Mexico Corrections Department has been struggling with high vacancies and turnover for years. The resulting fatigue, health, and safety related issues are intolerable. While AFSCME members have mobilized politically to win better pay for some junior officers, the issue is huge and won't change overnight, or even across a number of years. In the meantime, the administration attempts to initiate quick fixes doesn't sit well with officers working at 6 public facilities across New Mexico.

When the administration announced all facility officers would begin working 12 hour shifts instead of 8, it initially looked like the change in policy would sail through. That is, until officers began speaking up in opposition, holding worksite meetings, and demanding a voice in the decision.

AFSCME staff reps and the statewide corrections Local 3422 leadership attended worksite meetings and opened a channel of dialogue with the NMCD administration. While officers at some facilities liked the idea of 12 hour shifts, officers at the larger Central New Mexico Correctional Facility felt that 8 hour shifts was the best policy for their

situation. A statewide vote was conducted by the 3422 statewide executive board. Over 100 officers joined AFSCME in order to cast their ballot and the department agreed that they would abide by the officers decision on a facility by facility basis.

As a result, some facilities moved to the 12 hour shift while other larger facilities remained on an 8 hour rotation.

Important Elements: The mobilization was initiated by a small group of officers at one facility. However, once officers started communicating with their co-workers and across the state, it became obvious that everyone had strong opinions on proposed changes to their schedules. By harnessing that moment, and designing a strategy for every officer to have their say, a lot momentum was generated that finally caused the administration to abide by the needs of AFSCME employees.

AFSCME Whistleblowers Expose Wrongdoings at NM Human Services Department

When AFSCME HSD Income Support Division Employees appeared in Federal Court and blew the whistle on fraud within the department, it made national news. An AFSCME letter to the USDA detailed major concerns. Not only did the mobilization generate excitement and increase membership involvement at HSD, but the AFSCME whistleblowers made the case and exposed major abuse of our welfare system from the highest levels of state government. A Federal

Judge appointed a special master with the power to initiate real change, like forcing the state to hire enough personnel.

Members continue to work the strategy by interacting with the special master, circulating petitions that demand that our union voices be heard, and talking over the latest news with members to maintain unity. AS part of the escalating series of actions, HSD/ISD employees are filing a prohibited practice complaint against the agency for failing to bargain a policy on quotas. They will also deliver the hundreds of petition signatures opposing the quota policies.

Important Elements: AFSCME worked with a range of community partners to blow this issue wide open. As things heat up, it is vital to remain focused on OUR MEMBER'S needs. Sometimes what is best for our members isn't what our coalition partners are focused on. In this case, our coalition partners might be motivated to see mandatory overtime instituted for AFSCME income support employees so that each and every welfare beneficiary gets served ASAP. We know that hiring more staff and improving policy must come first, otherwise, our members might suffer with unintended consequences.

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SHARE YOUR STORIES about settling workplace issue using direct action and the power of your contract. AFSCME Stewards can learn from your tactics.

Email NEWS@AFSCME18.org to include your Steward story in the next Frontlines.