



April 9, 2018

Court Delivers MEMORANDUM OPINION AND ORDER on Special Master Report *plus* Tuesday April 10 hearing on HSD illegal quota policy

*NON-POLITICAL INFO: POSTABLE ON UNION BULLETIN BOARDS

On April 10th, several of your brave Union HSD/ ISD co-workers from across New Mexico will testify in a public hearing at the NM Public Employees Labor Relations Board.

Make it an AFSCME Strong Day! Commit to having one conversation with a co-worker about work! and the importance of a strong and improving union contract!

[\[READ YOUR STATE CONTRACT @ AFSCME18.org/ Resources – Steward Resouces\]](http://AFSCME18.org/Resources-Steward-Resouces)

The Prohibited Practice Complaint, brought by a AFSCME, seeks to stop the State from further implementation, or enforcement, of a un-negotiated quota policy on Income Support Division employees. The Merits Hearing takes place 10:00 A.M. on April 10 2018, at 2929 Coors Blvd NW, Suite 303, Albuquerque, NM 87120, USA

[\[Read the prohibited practice complaint at AFSCME18.org\]](http://AFSCME18.org)

This case won't impact Income Support Division alone. The Martinez administration has looked to push quotas at several agencies, instead of addressing root causes of high turnover, unfilled vacancies, glitchy IT systems, and budget cuts.

It is important to win this battle so we can enforce our contract and re-establish in management's minds that our workplace rights cannot be circumnavigated.

Our complaint demands that New Mexico's Human Services Department rescind these unilateral changes, bargain with the Union over those, and any future changes to terms and conditions of employment of bargaining unit members prior to implementation in accordance with [Article 18, § 2 of the Collective Bargaining Agreement](#).



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Judge Gonzales Orders HSD to make changes at the Income Support Division (ISD).

In a parallel battle that is impacting HSD/ISD employees, U.S. District Judge Kenneth Gonzales, April 5, set deadlines for HSD Income Support Division to complete reforms in a 28 page memorandum opinion and order. You may read his FULL text of the specific Orders beginning on [Pg.26. \[PDF\]](#) here.

[Go to AFSCME18.org to READ the FULL MEMORANDUM OPINION AND ORDER on Special Master Report regarding State efforts to comply with the HSD/ISD Federal Consent Decree.](#)

Judge Gonzales stopped short of ordering Cabinet Secretary Earnest to dismiss bad-acting managers but did note in his Opinion that, "the Compliance Specialist's report supports the Special Master's conclusion that management lacks sufficient Knowledge, Skills, and Abilities to bring HSD into compliance..."

The Opinion reads supportive of high level staffing changes at ISD, characterizing the ISD Director's Court testimony as "woefully inadequate" and writes "...there are reasons for the Court to lack total confidence in the current middle-tier management," and that Defendant **[State] has sufficient information from which to make appropriate personnel decisions as they may relate to this litigation.**"

Notables from the Order include:

HSD will:

- revise the Consent Decree to reflect the parts that have been completed, update requirements, and dismiss all moot court orders. ***Implementation Timeframe: 30 days***
- develop, implement, and complete ASPEN refresher training to include functionality and known work arounds for staff success: ***Implementation Timeframe:180 days***
- implement auto denial and closure functions: ***Implementation by May 1, 2018***
- enhance new employee training to align with realistic job expectations, and improve the accuracy of the training materials: ***DRAFT TRAINING MATERIALS DUE September 1, 2018, for review and recommendations of the Court Special Master,***

Please download and [READ the FULL MEMORANDUM OPINION AND ORDER](#) at [AFSCME18.org](#)



On Thursday, March 1st,

the Human Service Department appeared before U.S. District Judge Kenneth Gonzales in the decades-old Debra Hatten-Gonzales case concerning mismanagement at New Mexico's HSD Income Support Division.

Judge Gonzales ordered over a dozen County Line and Regional Managers to be present during the hearing. Significant details of that report and information emerging during the hearing include:

- HSD/ISD will restore and integrate into ASPEN an auto-denial and auto-closure system
- HSD/ISD has entered into a contract to create a global employee-procedures, or "desktop reference", manual (eta 12/2018)
- Report recommends termination of several top ISD managers due to lack of knowledge and skills necessary to implement necessary improvements
- Management's response to orders being handed down by the court has created an atmosphere of fear and retaliation that must change

Both Judge Gonzales and Special Master Parker took time during the hearing to recognize the heavy lift that income support division Family Assistance Analysts do every day to deliver support services in spite of the deck being stacked against us.

Go to AFSCME18.org [READ the Special Master's Report](#) to U.S. District Court on State's efforts to comply with the HSD/ISD Federal Consent Decree.

We'll send another update following Tuesday, April 10 hearing in Albuquerque.

In unity