



**American Federation of Teachers New Mexico**  
**530 Jefferson Street NE**  
**Albuquerque, NM 87108**

---

### **Initial 2023 Legislative Priorities for AFT NM**

*Priorities based on existing AFT NM Legislative Priorities and existing Legislation*

#### **Overview:**

Below are a series of legislative priorities which cover public education, higher education, healthcare, and labor issues for a 60-day Legislative Session. (This list is not exhaustive; however, it is a draft of the priorities we have to this point.)

We have attempted to provide succinct descriptions of our efforts, however, should you wish to discuss any of these items further, our contact information is at the end of the document.

#### **2023 Economic Priorities:**

*1: Increased compensation for educational staff from K-12 through Higher Education, including Transportation workers.*

The FY '22 budget provided for a 7% average pay increase for educational employees. The Office of the Governor and the Legislature did a good job to ensure specific language was included which delineated K-12, transportation\*, and higher education employees and staff, which helped to ensure that gubernatorial and legislative intent were honored when these raises were put into practice.

Compensation which supports a living wage is a major component of not only recruiting, but also retaining quality educators who will stay in New Mexico schools and institutions for their entirety of their careers. Longevity in the New Mexico public education system also has benefits for the health and sustainability of our educational employee pension fund.

To that end, AFT New Mexico also supports efforts to establish a \$25,000 minimum wage for licensed classified employees (e.g., EAs/IAs, health assistants, etc.), and placing a minimum \$16/hour wage into state statute for hourly K-12 educational staff.

**Key Priority:** *AFT New Mexico believes that a percentage-based raise be provided to certified and higher educational employees and a substantially larger percentage-based raise be provided for classified and transportation staff in addition to increases to hourly minimums and increased minimums for licensed classified school staff.*

*\*While transportation workers were explicitly mentioned in 2022's HB 2, transportation workers who are employees of contracted services on behalf of a public school district (e.g., Las Cruces drivers and attendants) have historically struggled to secure the commensurate raises. While we believe the intent of the Governor and members of the Legislature were to include these educational employees, implementing this intent has proven difficult. AFT NM would vigorously support language requiring districts who contract similar transportation services to provide the same level of raises for contracted employees and additionally preventing the NM PED from approving a local educational authority's budget that fails to include equal raises in a contractor's successful bid.*

In addition, we recommend:

- Sufficient funding for equitable salaries for all district-employed counselors, social workers, therapists, and nurses tied to the current tier minimums.
- Increased discretionary funding for staffing efforts in each district to attract and retain sufficient social workers, counselors, school psychologists, and nurses in every school to mitigate the effects of trauma and poverty among our students and communities.

## 2: Tackling health insurance cliffs through raising the coverage floor.

For several years, AFT NM has supported an adjustment to the bands of coverage for educational employees working in our public education system.

While salaries have increased under the current administration at a higher and faster rate than the immediately preceding administration, an unintended result of these increases has been increased health insurance costs for our lowest paid workers due to entering a new band of health insurance premium costs, resulting in an actual reduction of take-home pay.

We fully support 2021's SB 110, then carried by Senator Mimi Stewart. If enacted, this bill would significantly impact our lowest-paid educators by not only reducing their insurance costs, but also increasing their take-home pay.

LFC estimates that this legislation would cost New Mexico roughly \$5.5M/year and represents a recurring cost.

[Link to SB 110](#) || [Link to LFC Fiscal Impact Report](#)

**Key Priority:** *AFT New Mexico would like to see the Legislature support legislation like SB 110 and include the costs in their Legislative Budget while accounting for any raises being budgeted for the FY '23 fiscal year so that provided raises for low wage workers do not immediately bump the worker into a higher coverage bracket. We also support efforts to move the state to an 80/20 coverage model.*

3: Remove cap to health insurance coverage ratio.

Like item two, AFT NM also supports the amendment of Section B of 22-29-10, which limits the amount a local educational authority can contribute to an employee group health insurance plan to 80%.

**Key Priority:** *AFT NM supports amending Section B of 22-29-10 to reflect that a local educational authority may contribute up to 100% of the cost of employee group health insurance. This would not represent a cost to the State; however, it would improve local decision-making and control should a local educational authority wish to prioritize health insurance coverage to attract and retain a high-quality educational staff.*

4: Increases to SEG funding through investments in at-risk and per-pupil unit values.

New Mexico has made significant progress in increasing funding to the SEG through increases in investments to the at-risk multiplier (2020's HB 59) and increased funding to the per-pupil student unit value.

At the same time, the on-going *Yazzie/Martinez* lawsuit is exposing the historic inequities in our system of education.

Increases to the SEG and at-risk funding should recognize that teaching is not the entirety of schooling. Schooling is made up of many enriching experiences designed for students. Additionally, teaching is not all that educators do in school. They have many leadership roles, and they take on a multitude of responsibilities that keep our schools running smoothly and our students engaged.

Extra-curricular and Co-curricular roles, leadership positions such as Departmental Chair, Student Assistance Team Chair, Mentoring, as well as leadership positions in school-based reforms such as Restorative Practice Initiatives and Project-Based Learning are an essential part of schooling. These roles are paid differentials in most, if not all, school districts and have stagnated due to inadequate funding. By funding discretionary money for districts through the SEG, we are all able to attract and retain educators to serve schools and students in these vital and enriching roles.

**Key Priority:** *New Mexico can take more a more aggressive stance in combatting and remedying these inequities by increasing at-risk and per-pupil funding. In doing so, our state can more fully staff our schools, provide more intentional and consistent services, and better serve our students and families.*

## **Non-Economic Policies**

### **1: Create and support student debt Ombud and regulation.**

AFT New Mexico has introduced legislation seeking to regulate student lending in New Mexico for roughly the last five legislative sessions. As the bill has evolved, it has garnered more support from both legislators and stakeholders, including the Student Borrowers Protection Center, NM Center for Law & Poverty, the New Mexico Auditor's Office, AARP, and many other community-based advocacy groups.

Currently, New Mexico does not regulate student loan debt servicers, nor does it provide a remedy for defrauded borrowers. 2021's SB 164 achieves both.

Sponsored by Senator Katy Duhigg and Representative Patricia Roybal Caballero, SB 164 establishes and implements processes for licensing and regulating the student loan debt industry and establishes a state Ombud that would assist and advocate for in-state borrowers who were defrauded by debt servicers.

SB 164 does not cancel or write off student debt, however it provides relief for borrowers, who are disproportionately New Mexicans of color, women, Native Americans, and Veterans.

Analysis of SB 164 in 2021 indicated that a three-year cost to implement this program would be \$1.1M (\$363,000/year), representing the 4 FTE positions that the Regulation and Licensing Department estimated needing to fully implement the program. This cost does not consider future state income from licensing fees.

[Link to text of SB 164](#) || [Link to LFC Fiscal Impact Report](#)

**Key Priority:** *In 2021, SB 164 cleared the Senate Tax, Business, and Transportation Committee by a vote of 9-1, and the House companion bill (HB 218) passed the House Commerce and Economic Development Committee by a vote of 7-2. Both votes were bipartisan.*

*This is a critical year for this legislation as the US Department of Education has not fully exercised its powers in remedying the student debt crisis in the United States, and as several national student*

*debt services have indicated their intention to sell off student debt to other, third-party services, representing a looming crisis for the historic and nearly \$2T of student debt owed by borrowers.*

## 2: NBCT stipend modernization.

Expanding the eligibility of New Mexico's successful National Board for Professional Teaching Standards to match the current areas of certification available to educators has been a longstanding priority for AFT New Mexico and our partners at the National Boards.

As National Boards certification has expanded and modernized, there are a small sub-set of certified New Mexico educators that are excluded from receiving the currently available stipend which recognizes their credential. Our objective is to expand eligibility from "teacher" certification stipends to "licensed school employee" certification for stipend eligibility, including school administrators who maintain an active certification.

**Key Priority:** *AFT NM respectfully requests legislation matching 2022's HB 45 to be enacted. Legislation like HB 45 is a critical piece of legislation which would help to achieve equity for the stipend process for NBCT educators. Additionally, National Board Certification is a pathway for educators to advance from Level II to Level III licensure. This legislation represents a long-standing and widely supported effort by New Mexico's education community.*

## 3: Supporting College and University Support Staff.

*In a 2022 survey of higher education staff, more than half of respondents are considering leaving their jobs within the next year. Higher education support staff are those who hold administrative, janitorial, food service, and other non-teaching roles on campus, and according to a Washington Post analysis, higher education staff suffered the largest and most consistent job losses on campuses during the pandemic. A Higher Education Personnel Act can build on job protections that are given to K-12 support staff by:*

- *Raising the minimum wage to \$25 per hour.*
- *Extending just cause and arbitration rights.*
- *Providing the right to appeal employment termination before an independent arbitrator and ensuring that employer has the burden of proof.*
- *Expanding the right to back pay if termination is reversed on appeal.*

**Key Priority:** *In addition to ensuring these protections for higher education faculty and staff, access to unemployment benefits, healthcare, retirement, and sick leave benefits remain a priority for non-tenured and adjunct faculty along with campus support staff. Including these provisions in a Higher Education Personnel Act could improve employee quality of life and make life less precarious for workers.*

#### 4: Supporting Non-Tenured and Adjunct Faculty.

All members of a school's faculty, non-tenured and adjunct members, should be treated with fairness and respect. However, according to a report from the American Federation of Teachers, a quarter of adjunct faculty make less than \$25,000 a year (below the federal poverty guideline for a family of four) and nearly 40 percent of adjunct faculty members rely on public assistance. This is significant, as three-quarters of college faculty in the nation are contingent—part-time/adjunct or full-time temps. Not only do they receive low pay and no benefits, but they also struggle with unpredictable workloads. Research has demonstrated that better support for contingent faculty has a positive impact on student success. New Mexico lawmakers can help increase the quality of public higher education by taking steps to support contingent faculty and to stabilize the instructional corps at state schools.

#### **Key Priority:**

A Higher Education Personnel Act could support adjuncts by:

- Adopting a minimum pay of \$5,000 per course taught. This minimum assumes that a 3-credit hour workload requires 3-4 class hours a week for 15 weeks, with 1 hour per week of office hours. Those who work full-time (8 courses over the academic year) would make no less than \$41,000 per year.
- Establishing an adjunct and non-tenured faculty preference for full-time faculty job vacancies.
- Making it easier for adjunct staff to access unemployment benefits for periods of unemployment between semesters.
- Creating a PSLF multiplier for adjuncts similar to CA, OR, WA, and NY in which public institutions include preparation time and office hours when calculating weekly hours worked for PSLF eligibility. Colleges, and other public employers, should also aim to give employees annual notice of renewal and a copy of the employment certification form with the employer portion already completed so staff are aware of their eligibility and have the documentation they need to submit proof of employment at a public service organization to the Department of Education.

#### 5: Creating a Higher Education Personnel Act.

**Key Priority:** New Mexico legislators should pass a Higher Education Personnel Act that supports academic freedom, faculty voice in their instruction decisions, and a set of basic rights for all higher education faculty. All faculty including full-time tenured, adjunct, and non-tenured faculty should have just cause protections with an appeals process that includes panels that are made of faculty peers. The K-12 Personnel Act can serve as a model for higher education, with job protections and standards for educators enshrined in state law. For example, under existing K-12 law, school employees are required to provide employees with written notice of

unsatisfactory work performance and a corrective action plan to improve employee performance. Similarly, K-12 employees will receive back pay if their termination is reversed on appeal. These rights should be extended to full-time, non-tenured, and adjunct faculty in a Higher Education Personnel Act.

#### 6: Rethinking New Mexico's Graduation Requirements with Equity in Mind.

Overall, New Mexico's high school course requirements do not serve the educational needs of all students. They also fail to prepare students for careers that exist today. Ideally, students should be able to choose their own pathways to graduation (much like we do in college) and align their coursework requirements with the skills and knowledge they've identified as necessary for success after high school. This means, for example, allowing students who plan to go into a technical field to replace some of the literature course requirements with a technical writing or reading course. While there is a role for the New Mexico Public Education Department to play in developing some common course descriptions, districts should be allowed to amend or develop their own descriptions. This way, a student interested in a career in construction would be allowed to focus their attention on relevant math coursework, hands-on career, and technical education (CTE) electives and business communication, and forgo an emphasis on less relevant math, science, and literary coursework.

High school graduation requirements should also be aligned with state industry partner needs. New Mexico boasts two of the nation's largest labs, as well as technology companies like Intel. Students should have access to technology curriculum, so they leave high school prepared for the jobs that are currently in demand. Unfortunately, our classroom technology is severely outdated, and our state lacks infrastructure to provide reliable internet to many rural areas. State investments in classroom technology can go a long way in addressing equity issues raised in the *Martinez/Yazzie v. State of New Mexico* lawsuit.

**Key Priorities:** New Mexico should change the current high school graduation requirements to allow more flexibility in how students earn credit in different content areas. For example, the state should:

- Adjust the math credit requirement to three; adjust math courses to reflect real-life skills, allowing for flexibility to take a math-heavy path based on career choices; provide financial literacy, basic statistics, and data analysis course options; and offer math options related to CTE paths (e.g., math for construction careers tied in with building design).
- Allow for science elective classes for graduation credit. Culinary arts, astronomy and geology should count toward science graduation requirements. CTE classes and art classes, if structured appropriately, should overlap with science credits as well.
- Allow flexibility for English coursework, providing students with options like technical writing and CTE-specific English courses.

- Allow for the replacement of fourth-year core subject requirements with a capstone project that fulfills requirements for all content areas.

### 7: Mandatory overtime for Healthcare Workers.

Nurses and other healthcare workers frequently are forced to work past the end of their regularly scheduled shifts, which may be as long as twelve hours. This unexpected overtime may result from an emergency but often happens when employers choose to fill scheduling gaps by forcing employees to work overtime rather than hiring more staff.

Long hours—especially longer-than-expected hours—are not only damaging to the health and well-being of those at work, but they also can lead to medical errors and unsafe care. One study found critical care nurses working 12.5 consecutive hours or longer had nearly double the risk of making an error. In a survey of Milwaukee nurses, 42% reported being forced to work overtime at least once a month; 96% percent said the quality of patient care suffered when nurses were forced to work overtime; and 43% reported they were personally aware of errors that occurred because of nurse fatigue. Troubling statistics like these prompted the Institute of Medicine to recommend that nurses work no more than 12 hours in a 24-hour period and no more than 60 hours in a seven-day period.

At least 18 states have taken steps to curtail or prohibit mandatory overtime in the healthcare industry. Oregon nurses, for example, cannot work more than 48 hours in a week or longer than 12 consecutive hours in a day. New Jersey prohibits employers from requiring nurses to work more than their mutually agreed-upon and regularly scheduled shift. Mandatory overtime rules generally do not prevent nurses from choosing to work additional hours, but they do prohibit employers from requiring them to do so and in some cases also protect employees from discipline or retaliation for refusing overtime.

**Key Priority:** New Mexico should ban mandatory overtime in the health care industry and should include protections from retaliation for health care workers who refuse to work additional hours or shifts.

### 8: Safe Staffing in Hospitals.

California's staffing standard is a model for state action to ensure safe patient care and better working conditions for nurses. The California standard requires that hospital units be staffed based on individual patient need, and in accordance with minimum, registered nurse-to-patient staffing ratios. For example, in the emergency department, the safe staffing standard would require that each nurse be assigned no more than four patients at a time, with some nurses having fewer patients if there were patients in need of more intensive care. Staffing standards give hospital administrators and health care workers a shared, unambiguous, measurable



standard, and when these standards are set by law, violations can be addressed by government enforcement.

Many states require hospitals to create staffing committees with robust health care worker input, charged with creating staffing plans to meet the unique needs of each individual hospital unit. In most of these states, direct care nurses account for at least half of the members of staffing committees and are chosen by their peers. When combined with minimum staffing ratios, as they are in California, these committees can ensure staffing levels are customized, recommending higher-than-minimum levels in units with greater patient acuity and needs. In states with staffing committees but not required minimum safe staffing standards, many committee structures lack effective enforcement mechanisms and are insufficient alone to address chronic understaffing in our hospitals.

Public reporting of hospital staffing level data is a third approach to create transparency that can assist policy makers in developing effective solutions. In addition to creating transparency and accountability for hospitals, it also can assist patients in making informed choices about their medical care.

However, it should be noted that one recent study evaluated the effectiveness of these three state policy approaches and found that only states that set minimum safe staffing standards were correlated with increased nurse staffing levels. The other approaches, while helpful especially in tandem with minimum safe staffing standards, may not directly impact staffing alone.

**Key Priority:** New Mexico should enact a safe staffing standard that requires staffing based on a patient classification/acuity system and minimum nurse to patient ratios. New Mexico could follow the California example and direct its Department of Health to develop ratios through input from front line nurses and healthcare workers and their unions, along with regulations for implementing the law. The standard should also provide for mandatory RN Staffing and Patient Classification Committees, with at least 50% representation by frontline RNs, that meet at least quarterly to review patient classification systems and staffing plans.

### 9: Protecting New Mexican Workers' Right to Organize.

Earlier this year, Cornell University researcher Kate Bronfenbrenner testified to Congress about private sector management's anti-union campaigning. She found that 87 percent of the time, management mounts a campaign to try to defeat the union organizing drive. Most (74%) of these campaigns hire an anti-union management consultant. Many (45%) threaten to shut down the firm in response to unionization. Many (30%) threaten to cut wages. But the most frequently used tactic is the captive audience meeting. It is used in 85 percent of anti-union campaigns. We've seen that in coverage of union busting at Starbucks and Amazon.

Jennifer Abruzzo, the General Counsel of the National Labor Relations Board has written a memo making the case that captive audience meetings “inherently involve an unlawful threat that employees will be disciplined or suffer other reprisals if they exercise their protected right not to listen to such speech.” The memo argues that tolerance of captive audience meetings by the Board violates fundamental labor-law principles, statutory language, and the NLRB’s congressional mandate. While counsel has made this recommendation to the board, the board has yet to act.

In 2022, the Connecticut state legislature passed a bill that prevents management from compelling workers to attend meetings about political or religious matters, with political matters including issues related to decisions to join “political, civic, community, fraternal, or labor organizations.” This followed several years of activism by AFT-CT, CT AFL-CIO, and other unions.

Experts In Connecticut testified that this legislation is not preempted by the National Labor Relations Act and that it protects workers' first amendment rights without violating management rights. Oregon has had a similar statute for several years.

**Key Priority:** Lawmakers should follow the Connecticut example and enact legislation to prevent management from compelling workers to attend meetings that only seek to discourage union participation.

Contact Info:

Whitney Holland  
President, AFT NM  
whitney@nmaft.org  
360-731-4671

John Dyrz  
State Affiliate Political Organizer, AFT NM  
john@nmaft.org  
505-554-8679