

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE STATE BOARD OF EDUCATION TO CREATE A TASK  
FORCE TO STUDY AND RECOMMEND RULES TO ENSURE CERTAIN RIGHTS  
OF PUBLIC SCHOOL EMPLOYEES AND THEIR REPRESENTATIVES.

WHEREAS, the Public Employee Bargaining Act gave public  
school employees a sense of dignity in decision-making  
processes at the local school district level; and

WHEREAS, bargaining between public school employees and  
their employers has resulted in better decisions at the local  
level involving educational issues; and

WHEREAS, a majority of public school employees have  
continuing bargaining rights despite the repeal of the Public  
Employee Bargaining Act; and

WHEREAS, the bargaining rights of some public school  
employees have been taken away and the rights of other

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1 employees are in jeopardy; and

2 WHEREAS, all public school employees should have the  
3 right to organize and bargain collectively with their  
4 employers; and

5 WHEREAS, collective bargaining promotes harmonious and  
6 cooperative relationships between public school employers and  
7 public school employees; and

8 WHEREAS, collective bargaining protects the public  
9 interest by assuring, at all times, the orderly operation and  
10 functioning of the public schools; and

11 WHEREAS, public school employees and their exclusive  
12 representative should have the right to meet with their  
13 employers for the purpose of entering into a written  
14 agreement regarding wages, hours and other terms and  
15 conditions of employment; and

16 WHEREAS, the public school employee bargaining agent  
17 should have the right to represent all public school  
18 employees in an appropriate bargaining unit for the purposes  
19 of collective bargaining; and

20 WHEREAS, public school employees should have the right,  
21 after good-faith bargaining, to reach agreement on all terms  
22 and conditions of employment and any other items that the  
23 parties choose to include in the scope of bargaining; and

24 WHEREAS, public school employees should have the right  
25 to form, joint or assist any labor organization for the  
purpose of collective bargaining through representatives  
freely chosen by majority vote of those public school

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1 employees without interference, restraint or coercion; and  
2 WHEREAS, a labor organization that has been certified as  
3 representing the public employees in the appropriate  
4 bargaining unit should be the exclusive representative of all  
5 public school employees in the appropriate bargaining unit  
6 and should act for all public school employees in the  
7 appropriate bargaining unit and negotiate a collective  
8 bargaining agreement covering all public school employees in  
9 the appropriate bargaining unit; and

10 WHEREAS, public school employees should have the right  
11 to a grievance procedure to settle disputes pertaining to  
12 employment terms and conditions and related personnel matters  
13 that end in a final and binding determination; and

14 WHEREAS, the exclusive representative should have the  
15 right to have agreements reached between them and the public  
16 school employer incorporated into a collective bargaining  
17 agreement; and

18 WHEREAS, payroll deductions for the exclusive  
19 representative's membership dues should be incorporated into  
20 the collective bargaining; and

21 WHEREAS, public school employees and their exclusive  
22 representative should have an impasse resolution procedure  
23 that resolves bargaining impasses pursuant to the Uniform  
24 Arbitration Act; and

25 WHEREAS, the state board of education is  
constitutionally charged with the oversight and regulation of  
public schools and public school employees; and

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1           WHEREAS, the state board of education supported public  
2 employee collective bargaining in the first session of the  
3 forty-fourth legislature; and

4           WHEREAS, the state board of education should ensure the  
5 rights of public school employees to collective bargaining  
6 through rule;

7           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
8 STATE OF NEW MEXICO that the legislature request the state  
9 department of public education and the state board of  
10 education to create a task force composed of public members,  
11 members of the legislature, representatives of the state  
12 board of education, school employees, representatives of the  
13 New Mexico federation of education employees and the national  
14 education association and representatives of school  
15 management to study and recommend rules for consideration by  
16 the state board of education to ensure these rights for  
17 public school employees and their exclusive representative;  
18 and

19           BE IT FURTHER RESOLVED that copies of this memorial be  
20 transmitted to the president of the state board of education  
21 and the superintendent of public instruction for appropriate  
22 distribution.