

State Employee Alliance
Communications Workers
of America
Local 7076, AFL-CIO, CLC

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Bargaining Report # 1 August 6, 2008 Bargaining Summary

Negotiations with the State of New Mexico and SEA-CWA Local 7076 are now underway. Since the beginning of the year we have been developing contract proposals based on your ideas and suggestions through the contract surveys we received from you during our negotiations preparations.

On Tuesday and Wednesday, August 5th and 6th, 2008 our negotiating team met with the State of New Mexico. Local 7076 submitted our first series of contract proposals based on the timeline of our negotiating strategy. Our contract proposals have been organized in a strategic manner that we believe will promote the most bargaining success for state workers.

Our first series of proposals to the State are geared toward improving the Union's ability to better represent state workers under the Union contract in grievance and disciplinary matters.

- **Article 2. Union Rights.** Our proposal would allow union officials and stewards the best possible advantage when representing union members and administering the contract. It would also extend union time during employee orientations and contract explanations.
- **Article 3. Fair Share.** Our proposal would clarify the CWA fair share collection process. This compliance will allow the local union to receive the needed resources to better represent our members.
- **Article 4. Deductions.** Our proposal would require the state to segregate dues payments and membership political contributions.
- **Article 5. Management Rights.** Our proposal will better clarify management's responsibility to comply with the Public Employee Bargaining Act when impasse is reached.
- **Article 6. Non-Discrimination.** Our proposal will allow us to grieve discrimination as defined by EEOC at the 3rd step of the grievance process.
- **Article 7. Pre-Disciplinary Investigations and Written Reprimands.** Our proposal will strengthen employees' rights to union representation for investigative meetings that could lead to disciplinary action.
- **Article 8. Discipline and Discharge.** Our proposal would expand alternative methods to resolve conflicts, improper employee performance, or behavior whenever appropriate. Also, we propose that the 7 Principles of Just Cause, which are the standard in private and public sector employment, be used when discipline is being determined.
- **Article 9. Grievance and Arbitration Procedure.** The Union believes that the State Personnel appeals process is not fair for workers. Administrative Law Judges (ALJs) who hear disciplinary appeals cases for the SPB by the Union do not take the collective

bargaining agreement into consideration when rendering their decisions, leaving state workers with an unfair hearing process. This proposal would also improve the information request process by union officials and stewards to receive all documents needed to better represent members.

- **Article 11. Labor-Management Committees.** Our proposal seeks to expand the Union's direct authority and involvement on the Group Benefits and other committees established by SPO that affect jobs, classification, and compensation. Language was submitted to strengthen the function of the Labor - Management Committee.
- **Article 13. Overtime and Compensatory Time.** Our proposal requires a payout or adjusted job duties to use the compensatory time if the maximum is reached.
- **Article 14. Agency Furlough and Reduction In Force Plans.** Our proposal would require the employer to meet with the Union to explain its RIF prior to submitting their plan to the State Personnel Board.
- **Article 16. Personnel Records.** Our proposal would regulate supervisors' control of employee soft files and expand the Union access to confidential records to better represent our members.
- **Article 17. Performance Evaluations.** Our proposal spells out how and when evaluations are completed and opened.
- **Article 18. Disciplinary Actions Related To Unsatisfactory Employee Evaluations.** Our proposal would limit the process to those employees who receive an overall unsatisfactory evaluation.
- **Article 20. Annual and Personal Leave.** Our proposal will restrict the employer's ability to deny requested leave unnecessarily.
- **Article 23. Physical Fitness.** Our proposal would reinstate 1.5 hours of paid time per week for participating in the exercise program.

The State acknowledged that our bargaining team came to the table well prepared with specific proposals. Your bargaining team enthusiastically awaits the Employer's response to our proposed language. We will be presenting the balance of the non-economic language on August 18 and 19.

As your bargaining team, we are working hard to best represent the ideas and concerns of SEA-CWA Local 7076 membership. Membership communication and your involvement in the workplace is critical to our bargaining success. Talk to your co-workers and share this information with them. We urge you to stay informed and inform others as we proceed. Our success is in your voice on the job and the action you take.

In Solidarity,

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