Laboring Through the Process of Collective Bargaining

NMSBA
2016 School Law Conference
June 3-4, 2016
Laboring Through the Process of Collective Bargaining

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I. The Union Organizing Process
   A. Card Check v. Election
   B. Organizing During Duty Time / Restricting Activities of Non-Employee Organizers
   C. Access to Mailboxes / Networks
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II. The Negotiation Process
A. Appointing the Negotiating Team
B. Identifying Management Proposals
C. Confidentiality
   • NMSA 1978 Section 10-15-1H(f) (Open Meetings Act)
   • NMSA 1978 Section 10-7E-17G (PEBA-Closed Meetings)
D. Negotiating Ground Rules
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III. The Scope of Bargaining
   A. Management Rights
      * NMSA 1978 Section 10-7E-6 (Direct work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees; determine qualifications for employment ...)
   B. Past Practices
      * “Zipper” Clauses
   C. Dues Deduction
   D. Reductions in Force
   E. “Bargaining: the impact of professional and instructional decisions made by the [Public School] Employer.” NMSA 1978 Section 10-7E-17D
IV. Dispute Resolution

A. Grievance Procedures

- Binding Arbitration – NMSA 1978 Section 10-7E-17F

- *14 Penn Plaza LLC v Pyett* - U.S. Supreme Court-5-4 Decision, April 1, 2009

- Board as final level of grievance process

  - CCSD v. CCEA, New Mexico Court of Appeals
    - June 21, 2016
    - Statutory Authority vs. CBA bargaining
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– Prohibited Practices Complaints
  • Broad use to address individual employment issues;
  • Used in political process to influence local school board;
  • Complaints against local superintendent

– Election of Remedies
  • What does your CBA say?
  • HRB/EEOC
  • PELRB
Questions

• Thank you
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