SENATE BILL 841

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MANNY M. ARAGON

AN ACT

RELATING TO PUBLIC EMPLOYEE BARGAINING; CLARIFYING THAT CERTAIN STATE EDUCATIONAL INSTITUTIONS MAY CREATE LOCAL BOARDS; AMENDING A SECTION OF THE PUBLIC EMPLOYEE BARGAINING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-7D-4 NMSA 1978 (being Laws 1992, Chapter 9, Section 4) is amended to read:

"10-7D-4. DEFINITIONS.--As used in the Public Employee Bargaining Act:

A. "appropriate bargaining unit" means a group of public employees designated by the board or local board for the purpose of collective bargaining;

B. "appropriate governing body" means the policymaking body or individual representing a public employer as defined in Section [7 of the Public Employee Bargaining Act]

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10-7D-7 NMSA 1978;

C. "board" means the public employee labor relations board;

D. "certification" means the designation by the board or local board of a labor organization as the exclusive representative for all public employees in an appropriate bargaining unit;

E. "collective bargaining" means the act of negotiating between a public employer and an exclusive representative for the purpose of entering into a written agreement regarding wages, hours and other terms and conditions of employment;

F. "confidential employee" means a person who assists and acts in a confidential capacity with respect to a person who formulates, determines and effectuates management policies;

G. "exclusive representative" means a labor organization that, as a result of certification, has the right to represent all public employees in an appropriate bargaining unit for the purposes of collective bargaining;

H. "factfinding" means the procedure following mediation whereby the parties involved in an impasse submit their differences to a third party for an advisory recommendation;

I. "impasse" means failure of a public employer and

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an exclusive representative, after good-faith bargaining, to
reach agreement in the course of negotiating a collective
bargaining agreement;

J. "labor organization" means any employee
organization, one of whose purposes is the representation of
public employees in collective bargaining and in otherwise
meeting, consulting and conferring with employers on matters
pertaining to employment relations;

K. "local board" means a local labor relations board
established by a public employer, other than the state, through
ordinance, resolution or charter amendment;

L. "lockout" means an act by a public employer to
prevent its employees from going to work and undertaken for the
purpose of resisting the demands of the employees' exclusive
representative or for the purpose of gaining a concession from
the exclusive representative;

M. "management employee" means an employee who is
engaged primarily in executive and management functions and is
charged with the responsibility of developing, administering or
effectuating management policies. An employee shall not be
deemed a management employee solely because the employee
participates in cooperative decision-making programs on an
occasional basis;

N. "mediation" means assistance by an impartial
third party to resolve an impasse between a public employer and

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an exclusive representative regarding employment relations

through interpretation, suggestion and advice;

O. "professional employee" means an employee whose

work is predominantly intellectual and varied in character and

whose work involves the consistent exercise of discretion and

judgment in its performance and requires knowledge of an

advanced nature in a field of learning customarily requiring

specialized study at an institution of higher education or its

equivalent. The work of a professional employee is of such

character that the output or result accomplished cannot be

standardized in relation to a given period of time;

P. "public employee" means a regular,

nonprobationary employee of a public employer; provided that in

the public schools, "public employee" shall also include any

regular probationary employee;

Q. "public employer" means the state or any

political subdivision thereof, including municipalities having

adopted home rule charters, and does not include any government

of a tribe or pueblo. State educational institutions, as

provided in Article 12, Section 11 of the constitution of New

Mexico, shall be considered public employers other than the

state;

R. "strike" means a public employee's refusal, in

concerted action with other public employees, to report for duty

or his willful absence in whole or in part from the full,

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faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; and

S.   "supervisor" means an employee who devotes a substantial amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other employees and who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively, but does not include individuals who perform merely routine, incidental or clerical duties or who occasionally assume supervisory or directory roles or whose duties are substantially similar to those of their subordinates and does not include lead employees or employees who participate in peer review or occasional employee evaluation programs."

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FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 5, 1997

Mr. President:

      Your **EDUCATION COMMITTEE**, to whom has been referred

SENATE BILL 841

has had it under consideration and reports same with

recommendation that it **DO PASS**, and thence referred to the

PUBLIC AFFAIRS COMMITTEE.

      Respectfully submitted,

_____

Cynthia Nava, Chairman

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Adopted_____ Not Adopted_____

           (Chief Clerk)   (Chief Clerk)

                  Date _____

6 The roll call vote was 6 For 1 Against

7 Yes: 6

8 No: Rawson

9 Excused: Duran, Garcia, Pinto

10 Absent: None

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Underscored material = new
[bracketed material] = delete

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FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 15, 1997

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

SENATE BILL 841

has had it under consideration and reports same **WITHOUT**

RECOMMENDATION, and thence referred to the **FINANCE COMMITTEE.**

Respectfully submitted,

_____

Shannon Robinson, Chairman

Adopted_____   Not Adopted_____

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KEYBOARD(TYPE SLUGS)   Page 9

(Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was __5__ For __0__ Against

Yes: 5

No: 0

Excused: Adair, Ingle, Smith, Robinson

Absent: None

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[bracketed material] = delete

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FORTY-SECOND LEGISLATURE
SECOND SESSION

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 17, 1997

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

SENATE BILL 841

has had it under consideration and reports same with recommendation that
it **DO PASS**.

Respectfully submitted,

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FORTY-SECOND LEGISLATURE
SECOND SESSION

_____

Ben D. Altamirano, Chairman

Adopted_____   Not Adopted_____

(Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Altamirano, Carraro, Ingle, Lyons, McKibben

Absent: None

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[bracketed material] = delete

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3 KEYBOARD(TYPE SLUGS)   Page 12

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FORTY-SECOND LEGISLATURE
SECOND SESSION

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 21, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 841

AMENDMENT sponsored by SENATOR PAYNE

   1.   On page 4, line 22, after the word "state" insert "for collective bargaining purposes only".

_____

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FORTY-SECOND LEGISLATURE
SECOND SESSION

Senator William H. Payne

Adopted _____   Not Adopted _____

(Chief Clerk)   (Chief Clerk)

Date _____

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State of New Mexico

House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your **BUSINESS AND INDUSTRY COMMITTEE,** to whom has been referred

SENATE BILL 841, as amended

has had it under consideration and reports same with recommendation that it **DO PASS.**

Respectfully submitted,

_____

Fred Luna, Chairman

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2   Adopted _____   Not Adopted _____

3   (Chief Clerk)   (Chief Clerk)

4   Date _____

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6   The roll call vote was __4__ For __3__ Against

7   Yes: 4

8   No: Hobbs, Kissner, Lutz

9   Excused: Alwin, Corley, Gubbels, Olguin, J.G. Taylor

10 Absent: Getty

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