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SENATE BILL 264

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO PUBLIC EMPLOYEE BARGAINING; REQUIRING CERTAIN
MEETINGS TO BE OPEN TO THE PUBLIC.

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

SECTION 1. Section 10-7E-17 NMSA 1978 (being Laws 2003,
Chapter 4, Section 17 and Laws 2003, Chapter 5, Section 17) is
amended to read:

"10-7E-17. SCOPE OF BARGAINING.--

A. Except for retirement programs provided pursuant
to the Public Employees Retirement Act or the Educational
Retirement Act, public employers and exclusive representatives:

(1) shall bargain in good faith on wages,
hours and all other terms and conditions of employment and
other issues agreed to by the parties. However, neither the
public employer nor the exclusive representative shall be

1 required to agree to a proposal or to make a concession; and

2 (2) shall enter into written collective
3 bargaining agreements covering employment relations.

4 B. The obligation to bargain collectively imposed
5 by the Public Employee Bargaining Act shall not be construed as
6 authorizing a public employer and an exclusive representative
7 to enter into an agreement that is in conflict with the
8 provisions of any other statute of this state. In the event of
9 conflict between the provisions of any other statute of this
10 state and an agreement entered into by the public employer and
11 the exclusive representative in collective bargaining, the
12 statutes of this state shall prevail.

13 C. Payroll deduction of the exclusive
14 representative's membership dues shall be a mandatory subject
15 of bargaining if either party chooses to negotiate the issue.
16 The amount of dues shall be certified in writing by an official
17 of the labor organization and shall not include special
18 assessments, penalties or fines of any type. The public
19 employer shall honor payroll deductions until the authorization
20 is revoked in writing by the public employee in accordance with
21 the negotiated agreement and for so long as the labor
22 organization is certified as the exclusive representative.
23 During the time that a board certification is in effect for a
24 particular appropriate bargaining unit, the public employer
25 shall not deduct dues for any other labor organization.

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1 D. The scope of bargaining for representatives of
2 public schools as well as educational employees in state
3 agencies shall include, as a mandatory subject of bargaining,
4 the impact of professional and instructional decisions made by
5 the employer.

6 E. An impasse resolution or an agreement provision
7 by the state and an exclusive representative that requires the
8 expenditure of funds shall be contingent upon the specific
9 appropriation of funds by the legislature and the availability
10 of funds. An impasse resolution or an agreement provision by a
11 public employer other than the state or the public schools and
12 an exclusive representative that requires the expenditure of
13 funds shall be contingent upon the specific appropriation of
14 funds by the appropriate governing body and the availability of
15 funds. An agreement provision by a local school board and an
16 exclusive representative that requires the expenditure of funds
17 shall be contingent upon ratification by the appropriate
18 governing body. An arbitration decision shall not require the
19 reappropriation of funds.

20 F. An agreement shall include a grievance procedure
21 to be used for the settlement of disputes pertaining to
22 employment terms and conditions and related personnel matters.
23 The grievance procedure shall provide for a final and binding
24 determination. The final determination shall constitute an
25 arbitration award within the meaning of the Uniform Arbitration

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1 Act; such award shall be subject to judicial review pursuant to
2 the standard set forth in the Uniform Arbitration Act. The
3 costs of an arbitration proceeding conducted pursuant to this
4 subsection shall be shared equally by the parties.

5 G. [~~The following meetings shall be closed: (1)~~]
6 Meetings for the discussion of bargaining strategy preliminary
7 to collective bargaining negotiations between the public
8 employer and the exclusive representative of the public
9 employees of the public employer [~~(2)~~] shall be closed. Unless
10 inconsistent with federal law, collective bargaining sessions
11 and [~~(3)~~] consultations and impasse resolution procedures at
12 which the public employer and the exclusive representative of
13 the appropriate bargaining unit are present shall be public
14 meetings open to the public at all times, and reasonable notice
15 of those meetings shall be given to the public by publication
16 on the web site of the appropriate state agency prior to the
17 time the meeting is scheduled."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2015.