



May 1, 2017

Kathy Jenkins, Union President
Mario Romero, Union President
Margaret Gonzales, Union President

Re: Union Business on Paid Time

Dear Union Presidents:

It has come to the University's attention that we have been violating state law by allowing certain union activities and business including, but not limited to, collective bargaining, to occur on work time/paid time of the University. Paying University employees while they are doing business for the Union, such as collective bargaining, representation of employees, and processing of grievances, is in violation of the New Mexico Constitution Article IX., Section 14, commonly known as the anti-donation clause, as well as a violation of the Governmental Conduct Act, Section 10-16-3, that prohibits a public employer in New Mexico from paying for services not rendered or allowing an employees to use their position or resources for private interests. In addition, the University could be in violation of inappropriately dominating or interfering in the labor organization or more egregiously, collusion.

Therefore, effective the date of this letter, the University will no longer condone union business on time paid for by the University. Should University employees wish to conduct Union business during paid time, employees shall follow the leave request procedures to utilize accrued annual leave or leave without pay.

Thank you for your attention to this matter.

Sincerely,
Denise Montoya, Ph.D., SHRM SCP, SPHR
Human Resources/Payroll Director

cc: NMHU Executive Leadership Team
Management Negotiation Teams
Human Resources/Payroll