

AFSCME - Labor Relations FAQs

1. Which employees are in the AFSME bargaining unit?

All regular full-time and part-time nonexempt employees except employees that meet the definition of "supervisor" or "confidential" defined by the New Mexico Collective Bargaining Act as follows: "**Confidential employee**" means a person who devotes a majority of time to assisting and acting in a confidential capacity with respect to a person who formulates, determines and effectuates management policy. "**Supervisor**" means an employee who devotes a majority amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other employees (regular 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. Temporary and probationary employees are not part of the bargaining unit.

2. Who has to pay union membership dues?

All bargaining unit employees are eligible, but cannot be required to pay membership dues as a condition of continued employment.

3. How much are union membership dues?

Union membership dues for regular full-time (more than 20 hours per week) employees for 2024, is \$21.75 per pay period.

4. Is an employee covered by the Collective Bargaining Agreement if they do not pay union membership dues?

Yes, all employees within the bargaining unit are covered by the CBA whether or not they pay union membership dues.

5. Why pay union membership dues?

Although the union is obligated to represent all bargaining unit employees whether they pay dues or not, there are many benefits available only to dues paying members. Employees can contact their union representatives for an explanation of these benefits.

6. Do provisions of the NMSU policy manual still apply to bargaining unit employees?

For bargaining unit employees, the CBA supersedes and replaces the NMSU policy manual for issues addressed in the union contract; if the CBA does not address a particular item or issue, NMSU policy will apply.

7. How does an employee contact a union representative?

A list of AFSCME Stewards and the Executive Board members can be found on the OPR Union Relations web page. The location of the AFSCME Local 2393 office is 138 Downtown Mall, Las Cruces, NM 88001.

8. Do union officials and stewards who are NMSU employees get paid time for union activities?

Employees referred to as "employee officials" are allowed to attend, on paid status, the following: 1) meetings requested by NMSU for purposes of administration of the CBA (Article 9), to include Labor Management Committee meetings, 2) investigatory interviews conducted by management as addressed in Article 34, 3) disciplinary hearings as addressed in Article 34, and 4) investigation and processing of grievances through the grievance and arbitration procedure, not to exceed a total of 4 hours (combined time) for each grievance. Employee officials shall obtain supervisory approval to attend such meetings and approval shall not be unreasonably withheld. Time spent on these activities is entered as Other Leave Time (OLT) on timesheets.

9. Can a bargaining unit employee request a particular union representative (steward)?

Yes, however the employee cannot be guaranteed that their request will be honored. Operational considerations and feasibility will be the primary considerations.

10. Can a supervisor have a Human Resource representative or another member of management sit in during an investigatory interview or discussion?

Yes

11. What should a supervisor do if he/she gets a call requesting a visit or meeting from an AFSCME representative?

Per the union agreement, all such visits are to be coordinated through the NMSU Office of People Relations (575-646-2449).

12. If a bargaining unit employee transfers to another department, does he/she go through another probationary period?

No, there is only one (initial employment) probationary period.

13. Do bargaining unit employees have to ask their supervisor whether to choose pay or comp time for overtime hours worked?

No, bargaining unit employees shall have 2 opportunities each year to elect to receive pay or comp time for hours worked, to be effective January 1 and July 1.

14. Do bargaining unit employees have to obtain prior approval from their supervisor to work overtime?

Yes, employees must obtain supervisory approval.

15. Can I limit promotions and job postings for nonexempt positions to a particular department or unit?

No, all job vacancies will be posted university-wide, and can concurrently be posted externally.

16. How does the union contract affect the applicant selection process in relation to affirmative action?

Applicable statutory or regulatory provisions supersede the union contract; therefore, where under-utilization is identified, acting affirmatively will be considered.

17. Will service increases occur automatically through payroll?

Yes.

18. Will employees receive the multilingual pay differential for incidental use of another language in the workplace?

No, NMSU management will make the determination if it is necessary to have multilingual employees on staff to facilitate communications with members of the public and students. A supervisor will designate a sufficient number of employees in the assigned work area to perform such duties.

19. What is the deadline for submitting a PAF for the multilingual pay differential?

This will be an on-going consideration and can occur anytime for the duration of the current union contract.

20. In Banner, is there a means in which a supervisor can check a nonexempt employee's accrued comp-time, annual leave, etc.?

A supervisor can view this information in the PEALEAV form.

21. How are overtime opportunities supposed to be distributed?

If overtime is required that is not within the specific job assignment of an individual employee, the supervisor shall first offer overtime to the employees under his/her supervision who are qualified to perform the necessary work. If more than one qualified

employee volunteers, the supervisor shall assign overtime based on classification seniority within that work group and rotate overtime assignments as equitably as possible.

22. What can a supervisor do if their work place practices, based on operational requirements, don't coincide with the contract requirements?

These situations must be brought to the attention of the Office of People Relations. The union contract allows for alterations or modification of the contract provisions if mutually agreed to, in writing, by duly authorized representatives of NMSU and AFSCME.

23. Can a bargaining unit employee bring anyone to an investigatory meeting or other activity where they are entitled to representation under the union contract?

Generally, the employee is only entitled to Union representation, which would be Union officials and stewards, otherwise referred to as employee officials. The one exception is in the case of disciplinary review hearings, Article 23, Section 4 (C). For review hearings an employee can bring one representative to the meeting. If the representative is an attorney and not an employee official, the employee must inform the Human Resource representative which allows the University time to arrange for General Counsel to be present at the hearing.

24. Is there a Spanish translation of the Union Contract?

No, the contract from August 2, 2022 through and including June 30, 2025 was not translated. For assistance with Spanish translation, please contact a Union representative.