



SJCEA

The San Juan College Educational Association Update May 2021

Collective Bargaining Update

The SJCEA negotiating team has declared impasse in its negotiations with SJC administration. In April, the team completed all of its proposals and submitted its Last Best Offer for the Collective Bargaining Agreement (CBA) to the administration. After declaring impasse our local NEA professional representative, Ewa Krakowska, contacted Matthew Philibeck (Commissioner of the Federal Mediation and Conciliation Service for New Mexico) informing him of our wish to proceed to mediation. We will keep you posted on how it unfolds. Please see below a summary of some of the articles we have proposed.

Faculty Individual Rights: Summarizes rights that Faculty have including the right to join or not join SJCEA, the right to have input in their schedules, appropriate workspace, appropriate representation, and to not have their personal lives be the subject of discipline unless it impacts job performance.

Faculty Group Rights: Proposes rights of faculty hiring committees regarding the hiring of faculty into their various departments. Aims to improve on some of the issues shared by faculty in hiring decisions over the past several years.

SJCEA Rights: Includes rights granted to SJCEA from the NM Public Employees Bargaining Act including use of college email and college facilities without being charged a fee, the use of SJCEA bulletin boards in the six schools and CPED and the right to give a presentation to incoming faculty at new faculty orientations.

Professional Expectations: This section includes proposed articles on:

1. Academic Load and Faculty Responsibilities
2. Evaluation of Faculty
3. Outside Employment

Compensation and Benefits: This section includes proposed articles on

1. Faculty Employment Contracts: Proposes some additional protections for full-time and probationary faculty
2. Faculty Salaries:
 - a. Proposes a Step and Lane Salary Scale for Faculty: benefits include combining in one table pay increases for rank and promotion with salary ranges/increases for obtaining higher certifications and degrees and also providing a standard framework to begin to address the issues of salary compression.
 - b. Overload and supplemental pay: Proposes more timely overload and supplemental pay for faculty in all schools.

Discipline, Disputes & Separation: This section includes proposed articles on

1. Disciplinary Procedures: Proposes a fair Progressive Disciplinary Process whose steps must be followed except for issues that require suspension and investigation

Collective Bargaining Update *(cont'd from page 1)*

2. Administrative Leave and Investigations: Specifies the type of infractions that can bypass progressive discipline and outlines a fairer process for such situations.
3. Termination Procedure
 - a. Outlines a procedure that requires a person be notified of a termination in person (over the past several years some individuals were notified of their termination (non-renewal of contract or firing) by email or USPS letter.
 - b. Outlines a fair process that will hopefully protect SJC in the future from costly litigation and settlements.

Reduction of Force: Outlines a fairer process and ranking mechanism that will hopefully protect SJC in the future from costly litigation and settlements. It is worth noting that the administration's proposed article puts the decision of who gets laid off in the President's hands

Appeal and Grievance Procedure: This section includes proposed articles on

1. Grievance Procedure: By New Mexico law, some sort of grievance procedure is required to be specified in our CBA. This gives faculty and administration the ability file a complaint in the cases of violations of the CBA. This process can ultimately end in arbitration which takes the final decision outside of the college into a trained professional's hands. We also have proposed that probationary faculty who are fired mid-contract (this is different from a non-contract renewal) be allowed the possibility to file a grievance through this procedure. They do not currently have the right to appeal any type of termination.
2. Appeal Procedure for termination: SJCEA's proposed procedure applies to continuing contract faculty in the case of any type of termination (firing mid contract or non-contract renewal). Big differences from the current faculty handbook procedure includes a standing appeal panel that consists of faculty (current or emeritus) elected by bargaining unit members. Current college procedure is that the administration picks the appeal panel and gives the terminated faculty member the right to reject one member of the chosen five. The procedure can ultimately end in arbitration. That is, the terminated faculty member may appeal the termination to a federal arbiter outside of the college. Current college procedure is that the President has the final decision in the appeal.
3. Arbitration is far quicker and less expensive than legal action outside the institution. Arbitration costs could potentially be less than \$10,000 with employees being reinstated as opposed to

A Note from Alicia O'Brien, Vice President of SJCEA

As faculty have issues, I appreciate those who have reached out to me. I am here to represent you if you would like me to be present at disciplinary meetings or meetings that you feel would benefit from observation by an outside party. I have attended some of these over this past academic year and it has been edifying to help those that needed me to be there."

Help Build Our Union

NEA-NM reminds is that these challenging times in education call for unity and strategic resolve to address working and learning conditions for San Juan College employees and our students as well as those throughout the state, respectively. We also must be ready to make the most of opportunities to overcome these challenges, as billions in federal monies are slated for education in New Mexico. Will you help us build?

NEA Early Enrollment Membership Campaign kicked off on April 1st, already leading to increases across the state. This campaign is designed to allow potential members, including past members, the opportunity to join NEA at no cost! Your first dues will not begin until October 2021 and your membership runs through September 30, 2022. Please consider joining and help us get the word out to your colleagues today!

Your Right to Know: Settlements and Legal/Consulting Fees at SJC

As many of you are aware, there have been several legal cases involving San Juan College and former employees over the past five years; a few have received some press coverage (see attached links for one of the cases that SJCEA was involved in). There are a couple of active cases at present whose information is pending but the ones listed below were settled out of court. SJCEA submitted an Inspection of Public Records (IPRA) request with NM Risk Management regarding the settlements in these cases and the table below lists a summary of this information. The Four Corners Well Control case was evidently not handled through Risk Management so we are still in the process of trying to obtain the amount of this settlement. We will keep you posted. Also attached for comparison is a spreadsheet listing the cases in NM State courts since 2000 involving four of the largest Community Colleges in NM (SJC, CNM, Santa Fe and Dona Ana).

The information on Attorney fees was obtained by an SJCEA IPRA request to San Juan College Administration. Attached is a more itemized listing of these attorney fees along with consultant fees during the last three years.

Monies Spent on all Legal Settlements since 2016					
Case	Settlement Amount	Settlement Date	Attorney for Plaintiff	Venue	Information Secured
Jeanne Malandro EEOC complaint	\$37,000.00	October 2016	Amelia Nelson - Albuquerque	Equal Employment Opportunity Commission (EEOC) ??	NEA IPRA request - Attorney & Consultant Fees (SJC)
Joseph Owen v. San Juan College	\$10,000.00	1/25/2018	Christian Hatfield - Farmington	NM 11th Judicial District Court (San Juan County)	NEA IPRA request (NM Risk Management)
Maurice Tiehen v. San Juan College	\$30,000.00	11/15/2018	Christian Hatfield - Farmington	NM 11th Judicial District Court (San Juan County)	NEA IPRA request (NM Risk Management)
Four Corners Well Control v. Board of Trustees (SJC)	Unknown	12/19/2019	Amelia Nelson - Albuquerque	US District Court (District of NM)	Still Investigating
White v. Board of Trustees (San Juan College)	\$30,000.00	1/29/2020	Gilpin Law Firm - Albuquerque	NM 11th Judicial District Court (San Juan County)	NEA IPRA request (NM Risk Management)
Laurie Gruel v. Board of Trustees (San Juan College)	\$445,000.00	March 2020	Jones Firm - Santa Fe (NEA-NM)	NM 11th Judicial District Court (San Juan County)	NEA IPRA request (NM Risk Management)
Deborah Simonson EEOC complaint	\$80,000.00	February 2021	SJCEA (NEA-NM)	Equal Employment Opportunity Commission (EEOC)	NEA IPRA request (NM Risk Management)
Totals (Known)	\$632,000.00				
Monies Spent on Attorney Fees					
Calendar Year (Jan. 1 - Dec. 31)	Amount	Information Secured			
Calendar Year - 2018	\$186,177.62	NEA IPRA request - Attorney & Consultant Fees (SJC)			
Calendar Year - 2019	\$241,016.26	NEA IPRA request - Attorney & Consultant Fees (SJC)			
Calendar Year - 2020	\$73,676.31	NEA IPRA request - Attorney & Consultant Fees (SJC)			
Totals	\$500,870.19				

Daily Times articles regarding legal issues with SJCEA members:

1. [Former San Juan College employee sues Board of Trustees \(DT: April 9, 2018\)](#)
2. [San Juan College board denies allegations in lawsuit \(DT: June 4, 2018\)](#)