



The Legislature  
of the  
State of New Mexico

48th Legislature, 2nd Session

LAWS 2008

CHAPTER \_\_\_\_\_

HOUSE MEMORIAL 29

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Introduced by

REPRESENTATIVE BEN LUJAN AND REPRESENTATIVE MIGUEL P. GARCIA AND  
REPRESENTATIVE SHERYL WILLIAMS STAPLETON AND  
REPRESENTATIVE MIMI STEWART



REPRESENTATIVE NICK L. SALAZAR  
REPRESENTATIVE JONI MARIE GUTIERREZ  
REPRESENTATIVE W. KEN MARTINEZ  
REPRESENTATIVE DEBBIE A. RODELLA  
REPRESENTATIVE JIM R. TRUJILLO  
REPRESENTATIVE DANIEL P. SILVA  
REPRESENTATIVE ANTONIO "MOE" MAESTAS

1 A MEMORIAL

2 URGING THE NEW MEXICO CONGRESSIONAL DELEGATION TO SUPPORT THE  
3 FEDERAL EMPLOYEE FREE CHOICE ACT.

4  
5 WHEREAS, in 1935 the United States established by law  
6 that workers must be free to form unions; and

7 WHEREAS, the free choice to join with others and bargain  
8 for better wages and benefits is essential to economic  
9 opportunity and good living standards; and

10 WHEREAS, unions benefit communities by strengthening  
11 living standards, stabilizing tax bases, promoting equal  
12 treatment and enhancing civic participation; and

13 WHEREAS, states in which more people are union members  
14 are states with higher wages, better benefits and better  
15 schools; and

16 WHEREAS, unions help raise workers' pay and narrow the  
17 income gap for minorities and women by increasing median  
18 weekly earnings by thirty-one percent for union female  
19 workers, thirty-six percent for African American workers,  
20 forty-six percent for Latino workers and eight percent for  
21 Asian American workers; and

22 WHEREAS, workers are also more likely to have health  
23 coverage and guaranteed defined-benefit pensions in union  
24 jobs; and

25 WHEREAS, eighty percent of private-sector union workers

1 have employer-provided health insurance compared with only  
2 forty-nine percent of nonunion workers, and sixty-eight  
3 percent of union workers have defined-benefit pension plans  
4 compared with fourteen percent of nonunion workers; and

5 WHEREAS, workers across the nation are routinely denied  
6 the freedom to form unions and bargain for a better life, with  
7 twenty-five percent of private-sector employers illegally  
8 firing at least one worker for union activity during  
9 organizing campaigns; and

10 WHEREAS, seventy-seven percent of the public believes it  
11 is important to have strong laws protecting the freedom of  
12 workers to make their own decisions about having a union, and  
13 sixty percent of workers would join a union if they had the  
14 chance; and

15 WHEREAS, employers often refuse to bargain fairly after  
16 workers form a union by dragging out first-contract bargaining  
17 for up to two years in forty-five percent of successful  
18 campaigns; and

19 WHEREAS, each year millions of dollars are spent to  
20 frustrate workers' efforts to form unions, and ninety-two  
21 percent of private-sector employers force employees to attend  
22 mandatory anti-union meetings; and

23 WHEREAS, when the right of workers to form a union is  
24 violated, wages fall, race and gender pay gaps widen,  
25 workplace discrimination increases and job safety standards

1 disappear; and

2 WHEREAS, a worker's fundamental right to choose a union  
3 without coercion and intimidation is a public issue that  
4 requires public policy solutions, including legislative  
5 remedies; and

6 WHEREAS, the federal Employee Free Choice Act received  
7 majority support in both houses of congress in 2007 but was  
8 defeated by a minority of senators; and

9 WHEREAS, the Employee Free Choice Act will safeguard  
10 workers' rights to make their own decisions about forming a  
11 union, provide for first-contract mediation and arbitration  
12 and establish meaningful penalties when employers violate  
13 workers' rights;

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
15 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it support the  
16 Employee Free Choice Act, which would authorize the national  
17 labor relations board to certify a union as the bargaining  
18 representative when a majority of employees voluntarily signs  
19 authorization cards designating that union to represent them;  
20 and

21 BE IT FURTHER RESOLVED that the house of representatives  
22 support first-contract mediation and arbitration and the  
23 establishment of meaningful penalties for violations of a  
24 worker's freedom to choose a union; and

25 BE IT FURTHER RESOLVED that members of the New Mexico

1 congressional delegation be requested to support the Employee  
2 Free Choice Act to protect and preserve for America's workers  
3 their freedom to choose for themselves whether or not to form  
4 a union; and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the New Mexico congressional delegation and to  
7 the governor.

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S/ BEN LUJAN  
BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS  
STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES