

Court issues restraining order after New Mexico school bus drivers vote to strike

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A March 31 court restraining order blocked a strike by school bus drivers in Las Cruces, New Mexico, who voted unanimously on March 29 to strike after negotiators failed to reach an agreement on a new contract. Las Cruces is a city of about 100,000, 50 miles northwest of El Paso, Texas.

Ostensibly directed against both management and the union, the temporary restraining order (TRO) requires the drivers to continue working without a contract, and forbids strike action as well as picketing and other protests on school property. Workers were set strike April 1, the date of the contract expiration.

Las Cruces Transportation Federation (LCTF) Local 6341, an affiliate of the American Federation of Teachers (AFT), is the bargaining agent for about 160 drivers in the Las Cruces Public School District (LCPS). It had been negotiating with School Transportation Services-New Mexico (STS-NM) since last July, but negotiations broke down over issues such as sick leave, safety and the condition of buses and transportation equipment.

STS-NM is a private firm that contracts school bus services with the LCPS. Its operations in Las Cruces cover 124 routes for about 7,300 students. Bus drivers have complained of the poor condition of the buses and of overcrowding. Marcos Torres, Local 6341 president, claimed that as many as 77 children ride each bus every day.

Torres did not get into specifics regarding contract talks, merely telling reporters, “We need to do more to protect the safety of our students... We need to improve conditions. It’s not a good situation.”

He also noted that drivers are offered no sick leave. Bowing to the injunction, he called on “all Las Cruces parents, community members and Board members” to contact STS-NM and appeal to management to restart

negotiations “with proposals for increased student safety and new policies to attract and retain the best qualified operating personnel to serve our students.”

LCPS Superintendent Stan Rounds predictably disavowed any responsibility on the part of the school district for the conflict or for its resolution. “First and foremost, remember that the bus drivers are not employees of the Las Cruces Public Schools,” he told Las Cruces Sun-News reporters. “They are employees of a contractor that has a contract with our district.” He called any disruption to school bus service “unconscionable.” Assigning equal blame to STS-NM and the LCTF, he said, “The bus company and the drivers need to realize that they are not putting kids first, and that should be their number one concern.”

As for STS-NM, it cannot terminate its contract with LCPS, which expires on June 30, after the end of the 2015-16 school year. STS-NM is not required to perform any improvements on its buses or alleviate the overcrowding in the meantime.

The restraining order lasts for 10 days, after which the parties are to meet in court where a judge will decide whether to issue a permanent injunction, which would effectively abrogate the bus drivers’ right to strike.

On April 1, Torres and AFT New Mexico President Stephanie Ly released a statement decrying the restraining order, without advancing any strategy to oppose it outside of toothless legal appeals. They declared that the “ex parte temporary restraining order” was granted “despite no allegations that AFT NM or LCTF #6341 had engaged in, or threatened, violence. The District’s motion, and the court’s jurisdiction to grant it, was based only on New Mexico state law.”

They further noted that the jurisdiction to issue the TRO “has been preempted and displaced by the federal

National Labor Relations Act, which, in no uncertain terms, grants employees the right to strike upon the expiration of a collective bargaining agreement.”

They also cited the New Mexico Anti-Injunction Act, “which generally prevents a state court from issuing an injunction in a labor dispute such as exists between AFT NM, LCTF #6341, and STS-NM.” They concluded, “Today, AFT NM and LCTF #6341 filed an Emergency Motion to Quash the Temporary Restraining Order, which we hope the District Court will grant, and dissolve the restraining order it issued without proper jurisdiction.”

While the legal maneuvering takes place, the drivers will be forced to keep driving overcrowded substandard buses as before, now without a contract.



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