

Opinion No. 55-6207

June 27, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Dick Valdez, Finance Director, Finance Director, New Mexico State Hospital,
Las Vegas, New Mexico

Pursuant to your request for an opinion as to whether the employees of the New Mexico Insane Asylum may organize themselves into a labor union, please be advised as follows.

It is extremely doubtful that such labor union could be organized at the New Mexico Insane Asylum since the New Mexico Insane Asylum is an institution belonging to the State of New Mexico, without specific legislation so authorizing.

The Courts take the view that "public employees owe an undivided allegiance to the public employer and that continued operation of public employment is indispensable in the public interest." 31 A.L.R. 2d, page 1152.

In view of this, public employees are certainly not entitled to the right to strike or to bargain collectively concerning the matters of their employment. The right to organize the public employees should be a matter of consideration for the Legislature, and since the New Mexico Legislature has not seen fit to grant this right, it is our opinion, under the present state of the law, that such right of organization is not available to public employees. Particularly, such organizations could not be recognized by the State of New Mexico.

Trusting this will answer your question, we remain

By: Paul L. Billhymer

Assistant Attorney General