

# LABOR-MANAGEMENT RELATIONS BOARD

*Tuesday, May 19, 2020*

## VIA ONLINE ZOOM MEETING

MEMBERS PRESENT:

Chairman Ted Baca  
Juan Montoya  
Bruce Perlman

OTHERS PRESENT:

Leigh Brunner  
Juan Martinez Luna  
Devon Moody  
Justin Pennington  
Melissa Kountz  
Patricia French  
James Montalbano  
Rocky Gutierrez  
Fred Mowrer  
Dina Holcomb  
Jessica Enriquez

### Minutes

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order. Board members Juan Montoya and Bruce Perlman were also present.

**II. REVIEW AND APPROVAL OF THE AGENDA FOR TUESDAY, MAY 19, 2020.**

Mr. Montoya moved to approve the agenda. Chairman Baca seconded. Roll call vote taken and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 9, 2020 AND MAY 8, 2020.**

Mr. Montoya moved to approve the minutes for March 9, 2020 and May 8, 2020. Mr. Perlman seconded. Roll call vote taken and passed 3-0.

**IV. PUBLIC COMMENTS \*Limited to three (3) minutes total time per person.**

No public comments.

**V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS.**

None.

**VI. PRESENTMENT OF ORDERS.**

None.

**VII. SCHEDULING OF MOTIONS HEARING:**

- **LB 16-24, CITY'S MOTION TO DISMISS AND UNION'S RESPONSE TO CITY'S MOTION TO DISMISS. (JAMES MONTALBANO, YOUTZ & VALDEZ)** Assistant City Attorney, Melissa Kountz appeared on behalf of the City and Attorney James Montalbano appeared on behalf of AFSCME. Chairman Baca scheduled this matter for motions hearing on June 29, 2020,
- **LB 17-37, CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION AND UNION'S RESPONSE TO CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION. (JAMES MONTALBANO, YOUTZ & VALDEZ)** Assistant City Attorney Ian Stoker appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. Chairman Baca scheduled this matter for motions hearing on June 29, 2020.

- **LB 19-13, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME 3022)**

Chairman Baca scheduled this matter for motions hearing on June 29, 2020.

**VIII. RESCHEDULING OF MERIT HEARINGS FROM APRIL 3, 2020; APRIL 15, 2020; APRIL 20, 2020 AND MAY 4, 2020:**

- **RESCHEDULED FROM APRIL 15, 2020- LB 16-24- PROHIBITED PRACTICE COMPLAINT BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATING THE LABOR- MANAGEMENT RELATIOS ORDINANCE BY FAILING TO NEGOTIATE WAGES WITH THE UNION AND GIVING RAISES OUSIDE THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT (LMRO 3-2-9(A)(4)(5)(6), INCLUDING BUT NOT LIMITED TO CBA 0.1, PREAMBLE, 0.4.1 RECOGNITION, 2.1.4 SALARY PROVISIONS, 39.1 NON-DISCRIMINATION).**

Chairman Baca scheduled this matter for merits hearing on July 6, 2020.

- **RESCHEDULED FROM APRIL 3, 2020- LB 19-12- PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING AND FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**

Chairman Baca scheduled this matter for merits hearing on July 6, 2020.

- **RESCHEDULED FROM APRIL 3, 2020- LB 19-15- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR PAST PRACTICE BY NOT HIRING A CIVILIAN TO FILL THE COURT SERVICES SUPERVISOR POSITION AND PLACING A SWORN OFFICER IN THE POSITION. (PATRICIA FRENCH, AFSCME 3022)**

Chairman Baca scheduled this matter for merits hearing on July 15, 2020.

- **RESCHEDULED FROM APRIL 3, 2020- LB 19-21- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(5)(6) AND THE CBA 23.1.2. (MICHAEL DORIN, AFSCME 2962)**

Assistant City Attorney Devon Moody appeared on behalf of the City and stated that the parties are discussing settlement negotiation. Mr. Gutierrez appeared on behalf of AFSCME. Chairman Baca scheduled this matter for merits hearing on July 15, 2020.

- **RESCHEDULED FROM MAY 4, 2020- LB 19-26- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF REBECCA McCLELAND AGAINST THE CITY OF ALBUQUERQUE CULTURAL SERVICES DEPARTMENT FOR VIOLATIONS OF THE LMRO AND CBA BY CHANGING MS. McCLELAND'S WORK SCHEDULE. (MICHAEL DORIN, AFSCME 2962)**

Chairman Baca scheduled this matter for merits hearing on July 15, 2020.

- **RESCHEDULED FROM APRIL 15, 2020-LB 19-34-. PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF M15 FINANCIAL ANALYST AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATIONS TO LMRO 3-2-9A6, CBA 0.1; 0.4; 13.1 AND 20.2. (PATRICIA FRENCH, AFSCME)**

Chairman Baca scheduled this matter for merits hearing on July 20, 2020.

- **RESCHEDULED FROM APRIL 15, 2020- LB 19-37- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF TIM ROSARIO AGAINST THE CITY OF ALBUQUEQUE POLICE DEPARTMENT FOR VIOLATIONS TO THE LMRO 3-2-9 (A6) AND CBA 0.1, 23, 24. (PATRICIA FRENCH, AFSCME 3022)**  
Chairman Baca scheduled this matter for merits hearing on July 20, 2020.
- **RESCHEDULED FROM APRIL 20, 2020- LB 19-38- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF YOLANDA BARRERAS AGAINST THE CITY OF ALBUQUEQUE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS TO THE LMRO 3-2-9 (A6) AND CBA 24.2, 17.1. (PATRICIA FRENCH, AFSCME 3022)**  
Chairman Baca scheduled this matter for merits hearing on July 20, 2020.
- **RESCHEDULED FROM APRIL 15, 2020- LB 19-40- STEP III GRIEVANCE FILED BY AFSCME LOCAL 3022 ON BEHALF OF PATRICIA FRENCH AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING LMRO 3-2-7, 3-2-9 AND CBA 0.1, 0.4.1, 20.3.1, 39.1.1. (DARREN SANCHEZ, AFSCME 3022)** Assistant City Attorney Juan Martinez appeared on behalf of the City and stated that the City may file a motion and request to schedule the merits hearing in August 2020. Chairman Baca scheduled this matter for motions hearing on July 6, 2020.
- **LB 20-09- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF EARL GARCIA AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATIONS OF THE LMRO 3-2-9A6, CBA 0.1.1 AND 24.1.5 JUST CAUSE. (CASEY PADILLA, AFSCME 624)** Chairman Baca scheduled this matter for merits hearing July 27, 2020.
- **LB 20-11- PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF BLANQUITTA QUINTANILLA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(A) AND CBA 0.1.1, 24.1.2.1, 24.1.4, 24.1.10 AND 24.2.3. (MICHAEL DORIN, AFSCME 2962)** Chairman Baca scheduled this matter for merits hearing July 27, 2020.
- **LB 20-13- PROHIBITED PRACTICE COMPLAINT FILED ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT IN PLACE BETWEEN THE PARTIES. (FRED MOWRER, APOA)**  
Chairman Baca scheduled this matter for merits hearing July 27, 2020.

**IX. ADJOURNMENT.**

Mr. Montoya moved to adjourn. Mr. Perlman seconded. Roll call vote taken and passed 3-0.

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**TED BACA, CHAIR**  
**City Labor Management Relations Board**

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**DATE**

cc: Tim Keller, Mayor

Ethan Watson, City Clerk