

# LABOR-MANAGEMENT RELATIONS BOARD

*Tuesday, April 13, 2021*

MEMBERS PRESENT:

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner      Rocky Gutierrez  
Devon Moody      James Montalbano  
Justin Pennington      Fred Mowrer  
Ian Stoker      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, APRIL 13, 2021.** Jessica Enriquez made a correction to item VII for LB 19-15 should read Request for Presentment of Competing Orders and not Scheduling Order. Chairman Baca moved to approve the amended agenda. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR MARCH 3, 2021 AND MARCH 22, 2021.** Mr. Perlman moved to approve the minutes for March 3, 2021 and March 22, 2021. Chairman Baca seconded. Voted and passed 3-0.

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

Attorney James Montalbano stated that the Union filed a Notice of Presentment of Competing Orders for LB 19-37 and asked to have them placed on the next meeting agenda for the Board's review and decision. He also stated that the parties have reached a settlement agreement in LB 20-36 which is listed on the agenda for item VIII.

**V. CONSIDERATION OF REPEAL OF CITY OF ALBUQUERQUE LABOR-MANAGEMENT RELATIONS BOARD'S RULES AND REGULATIONS AND ADOPTION OF THE NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD'S PROCEDURAL RULES IN PARTS 1-3 OF TITLE 11 CHAPTER 21 OF THE NEW MEXICO ADMINISTRATIVE CODE PURSUANT TO § 10-7E-10 NMSA 1978.**

- **See attached, Notice and Proposed Rules.**

There was discussion between the Board members and Assistant City Attorney Leigh Brunner regarding the adoption of the State rules. Assistant City Attorney Devon Moody stated that the City is currently making changes to the ordinance and it is currently in review process for changes to comply with PEBA.

Ms. Brunner stated that the adoption of the State rules must be submitted to the State by April 30, 2021. Chairman Baca made a motion for the Board to repeal the Labor Management Relations Board Rules and Regulations effective of the date that the State approves the Board's action in adopting their rules. Mr. Montoya seconded. Voted and passed unanimously 3-0.

**VI. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS:**

- **LB 20-48, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.

**VII. PRESENTMENT OF ORDERS:**

- **LB 19-15, PRESENTMENT OF COMPETING ORDERS.**  
Ms. Moody appeared on behalf of the City and stated that the City withdraws its Order and agrees to the Union's Order. Chairman Baca moved to enter and approve the Union's Order. Mr. Montoya seconded. Voted and passed 3-0.
- **LB 20-24, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for August 30, 2021.
- **LB 20-27, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for June 7, 2021.
- **LB 20-37, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for September 13, 2021.
- **LB 20-41, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for June 21, 2021.
- **LB 20-45, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for August 30, 2021.
- **LB 20-51, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for August 30, 2021.
- **LB 21-01, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for August 30, 2021.
- **LB 21-02, PROPOSED SCHEDULING ORDER.**  
Approved and signed by the Board and the merits hearing is scheduled for September 13, 2021.

Attorney Fred Mowrer appeared on behalf of APOA and stated that the parties are requested to schedule LB 19-35 and LB 20-34 sooner than June 7, 2021 as previously scheduled by the Board. Issues in other cases recently filed are becoming problematic and resolving LB 19-35 and LB 20-34 could resolve

several issues for other complaints as well. The Board scheduled the merits hearing for LB 19-35 and LB 20-34 on May 10, 2021.

**VIII. MOTION HEARINGS:**

- **LB 20-36, CITY’S MOTION TO AMEND SCHEDULING ORDER AND UNION’S RESPONSE TO CITY’S MOTION TO AMEND SCHEDULING ORDER.**

The parties have reached an agreement and this matter is moot. See item IV.

- **LB 20-46, CITY’S MOTION FOR MORE DEFINITE STATEMENT AND UNION’S RESPONSE TO CITY’S MOTION FOR MORE DEFINITE STATEMENT.**

Assistant City Attorney Ian Stoker appeared on behalf of the City and Attorney James Montalbano appeared on behalf of AFSCME. Chairman Baca stated that the City’s deadline to file their detailed answer and parties meet and confer by April 27, 2021. Mr. Stoker stated that the Union’s Response resolves the Motion for More Definite Statement and it is now moot.

- **LB 21-06, DISCOVERY MOTION.**
- **LB 21-08, DISCOVERY MOTION.**
- **LB 21-11, DISCOVERY MOTION.**
- **LB 21-17, DISCOVERY MOTION.**
- **LB 21-18, DISCOVERY MOTION.**
- **LB 21-19, DISCOVERY MOTION.**

Attorney Fred Mowrer appeared on behalf of APOA for LB 21-06, LB 21-08, LB 21-11, LB 21-17, LB 21-18 and LB 21-19. Ms. Moody stated that the City is currently working on producing the documents requested in discovery to Mr. Mowrer. Chairman Baca rescheduled the six cases for status conference on May 10, 2021.

**IX. LB 13-06, REQUEST TO SCHEDULE MERITS HEARING.**

Mr. Stoker stated that the request is on the City’s Motion to Reconsider or Modify Board’s Decision. Hearing was on December 2018 and the parties submitted written closing arguments and proposed findings of facts. Board deliberated in June 2019 and verbally provided decision in favor of the Union but has not entered a written order. Chairman Baca scheduled the City’s Motion to Reconsider for May 10, 2021.

**X. ADJOURNMENT.**

Chairman Baca moved to adjourn the meeting. Mr. Montoya seconded. Voted 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