



# **CITY OF ALBUQUERQUE**

## **LABOR-MANAGEMENT RELATIONS BOARD**

### **MONDAY, AUGUST 14, 2023**

#### **MEMBERS PRESENT:**

*Chairman Ted Baca*  
*Juan Montoya*  
*Bruce Perlman*

#### **OTHERS PRESENT:**

*Nichole Maher*      *Catherine Gonzalez*  
*Stephen Curtice*      *Jessica Serrano*  
*Mary Weise*      *Mark Finley*  
*Leigh Brunner*      *Augustine Romero*  
*Bill Marquez*      *Ian Stoker*  
*Merissa Reddy (zoom)*      *Carrie Cook (zoom)*  
*Yvonne Grimes (zoom)*      *Patricia French (zoom)*  
*John D'Amato (zoom)*      *Sophie Rane (zoom)*

### **MINUTES**

#### **I. CALL TO ORDER.**

Chairman Baca called the meeting to order at 9:05 a.m.

#### **II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, AUGUST 14, 2023.**

Mr. Montoya moved to approve. Mr. Perlman seconded. Voted passed 3-0.

#### **III. REVIEW AND APPROVAL OF MINUTES:**

##### **• MONDAY, JULY 17, 2023.**

Perlman moved to approve. Chairman Baca seconded. Voted passed 3-0.

##### **• TUESDAY, JULY 18, 2023.**

Perlman moved to approve. Chairman Baca seconded. Voted passed 3-0.

##### **• MONDAY, JULY 24, 2023.**

Perlman moved to approve. Chairman Baca seconded. Voted passed 3-0.

##### **• MONDAY, AUGUST 2, 2023.**

Perlman moved to approve. Chairman Baca seconded. Voted passed 3-0.

##### **• MONDAY, AUGUST 7, 2023.**

Perlman moved to approve. Mr. Montoya seconded. Chairman Baca abstained. Voted passed 2-0.

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

- Attorney Stephen Curtice commented he is appearing for Youtz and Valdez, and substituting for Attorney Montalbano. Attorney Curtice stated Attorney Montalbano is on vacation, but available by phone during deliberation, if needed.
- Secondly, Attorney Curtice commented that at the last Labor Board meeting, Attorney Ian Stoker and Attorney Curtice discussed dates for hearings and propose the following:
  - LB 21-54/LB 22-08 proposed hearing date October 23, 2023. Board approved.
  - LB 23-03 proposed hearing date November 27, 2023. Board approved.
  - LB 23-08 proposed hearing date November 6, 2023. Board approved.
  - LB 23-05 proposed hearing date November 13, 2023. Board approved. Attorney Curtis said they would send in their scheduling orders.



**V. MISCELLANEOUS/STATUS CONFERENCE:**

- **LB 23-10 SCREEN FOR FACIAL VALIDITY OF NEW PROHIBITED PRACTICE COMPLAINT FILED BY APOA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BY ISSUING A SPECIAL-ORDER CHANGING WORKING CONDITIONS OF FORMER HOMICIDE DETECTIVES.**

Assistant Attorney Jessica Serrano appeared on behalf of the City. Attorney John D'Amato appeared via zoom on behalf of APOA.

Attorney Serrano said the City feels this complaint is not ripe and does not site any specific issue/s from the CBA. Attorney D'Amato explained in more detail the practice in question on the PPC. Chairman Baca redirected Attorney D'Amato to the specific issue of facial validity on the complaint. Chairman directed that an amended PPC be filed within 5 days, by August 21, 2023. Attorney D'Amato confirmed he understood the request and deadline to file the amended PPC.

- **LB 21-37 PRESENTMENT OF POSITIONS AND STATUS OF AUDIT FOR PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ENVIRONMENTAL HEALTH SPECIALIST 1 (M14's) AGAINST THE CITY OF ALBUQUERQUE ENVIRONMENTAL HEALTH DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT FOR REQUIRING THE SPECIALIST 1 TO TRAIN AND CERTIFY AUTOMOTIVE TECHNICIANS AND AIR CARE INSPECTORS.**

Augustine Romero and Attorney Stephen Curtice appeared on behalf of AFSCME. Assistant Attorney Jessica Serrano and Assistant Attorney Catherine Gonzales appeared on behalf of the City.

Attorney Curtice stated the audit had been completed but there is a disagreement and believes this matter will need to be set for a merits hearing. Chairman Baca asked Attorney Serrano for a brief description of the case thus far and decisions made. Mr. Romero discussed the Union's feelings on staff continuing to do work they are not compensated for. Mr. Perlman asked for each side to make a statement on the issue. Attorney Curtice stated the validity of the audit is questionable. Mr. Perlman said the Board likely should have received the audit and ruled based on that. The signed Interlocutory Order was shown and paragraph 6 was discussed. Chairman Baca said the burden is on the Union to challenge the accuracy of the audit. The Board decided to conduct a hearing on the validity of the audit, to be set for Monday, August 21, 2023. The Board requested the Union and City work together to make sure the necessary witnesses appear. They stated the Union should disclose any witnesses by Wednesday, August 16, 2023 and the City should have their witnesses by August 18, 2023. The Board clarified the Union has the burden to prove the audit is not valid.

- **LB 20-09 STATUS OF RESOLUTION FOR 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 3-2-9 (A6) AND CBA 0.1.1 AND 24.1.5 JUST CAUSE TO DETERMINE REINSTATEMENT RIGHTS AND BACKPAY.**

Attorney Ian Stoker and Assistant Attorney Jessica Serrano appeared for the City. Attorney Stephen Curtice appeared on behalf of AFSCME Local 624.

Attorney Curtis provided a brief overview of the case and what the Union is requesting. Chairman Baca said to schedule this for a hearing on September 18, 2023, to approve the agreement that will be reached between the parties.

**VI. MERITS HEARING:**

- **LB 21-59 CONTINUATION OF PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MARY WEISE FOR VIOLATIONS OF LMRO 3-2-9(A6), INCLUDING BUT NOT LIMITED TO CBA 24 INVESTIGATIONS AND DISCIPLINE.**
  - **THE BOARD WILL CLOSE THIS MEETING TO THE PUBLIC PURSUANT TO § 10-5-1(H)(3) NMSA 1978 TO DELIBERATE ON THE ADJUDICATORY PROCEEDING IN LB 21-59.**

The Board signed the Stipulated Order the City presented of Dr. Sanchez's testimony from July 24, 2023 that audio was not recorded for.

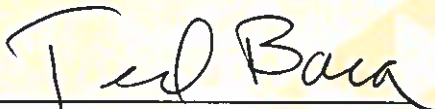
Chairman Baca made a motion that the Board go into closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act, which allows for the closing of meetings for deliberation by a public body in connection with an administrative adjudicatory proceeding. Mr. Montoya seconded. A roll call vote was taken and the motion passed 3-0. Session was closed at approximately 10:20 a.m.



The Board returned to open session at approximately 12:30 p.m. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Chairman Baca stated the Board was in closed session to discuss and deliberate on LB 21-59 and no other matters were discussed. The Board decided they would like closing arguments from each side due to the length of time the case has taken. A date was discussed and the Board decided to have closing arguments presented on September 18, 2023.

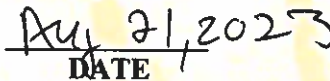
**VII. ADJOURNMENT.**

Chairman Baca motioned to adjourn the meeting. Mr. Perlman seconded. Voted and passed 3-0. Adjourned at 12:33 p.m.



**TED BACA, CHAIR**

**City Labor-Management Relations Board**



**DATE**

