



# ***CITY OF ALBUQUERQUE***

## **LABOR-MANAGEMENT RELATIONS BOARD**

***MONDAY, AUGUST 21, 2023***

**MEMBERS PRESENT:**

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

**OTHERS PRESENT:**

*Nichole Maher  
Alan Heinz  
Kate Furek  
Joel Villarreal  
Sam Chavez  
Merissa Reddy (zoom)  
Yvonne Grimes (zoom)*

*Victoria Gammill  
Augustine Romero  
Paul Broome  
Ian Stoker  
Diane Kimberle (zoom)  
John D'Amato (zoom)*

### **MINUTES**

**I. CALL TO ORDER.**

Chairman Baca called the meeting to order at 09:04 a.m. All Board members were present in person.

**II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, AUGUST 21, 2023.**

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

**III. REVIEW AND APPROVAL OF MINUTES FOR AUGUST 14, 2023.**

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

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

City Attorney Ian Stoker introduced Assistant City Attorney Kate Furek. She is a new member of the City Legal team and will be handling some of the cases.

**V. PRESENTMENT AND APPROVAL OF ORDERS:**

• **LB 21-30 ORDER TO DISMISS WITH PREJUDICE**

Approved and signed.

• **LB 21-37 STIPULATED ORDER TO DISMISS**

City Attorney Ian Stoker and AFSCME Local 3022 President Augustine Romero asked the Board to dismiss this case. Mr. Romero stated the Union decided to withdraw the case. They are asking it be dismissed with prejudice since the Board made a decision on the case prior to this order. Attorney Stoker stated Rule 41 governs withdrawals after the court has ruled and states it may be dismissed by stipulated order. Mr. Montoya asked if the interlocutory order had been signed and Attorney Stoker replied that it had. Approved and Signed.



**VI. MISCELLANEOUS/STATUS CONFERENCE:**

• **LB 23-15 ALBUQUERQUE POLICE OFFICERS ASSOCIATION (APOA) PETITION FOR ACCRETION – REVIEW AND ORDER.**

Assistant Attorney Kate Furek appeared on behalf of the City. Paul Broome appeared on behalf of APOA.

Mr. Broome provided a brief overview of the petition request, the position that is requesting accretion, timelines, issues that would arise if they were not both part of the Union and provided the Board and City Legal copies of TSO and PTO job descriptions.

Attorney Furek asked that the City be allowed to review the information and submit an order. Mr. Perlman asked if this information would need to be posted to allow Union members to reply. Attorney Stoker pointed out that this was still a question since the employees had not been hired yet. Mr. Perlman said, as he understands, the TSOs are a separate job category from the PTOs and there have been zero employees hired to date. Mr. Broome clarified there may have been one or two employees hired on probationary status thus far.

Attorney Stoker and Mr. Broome discussed the differences between a petition for accretion and clarification, along with meeting certain requirements to show percentages of representation. Chairman Baca stated Rule 2.36 B states the Union needs to petition for clarification and there is no requirement for showing Union member interest under clarifications.

Chairman Baca went over accretion requirements. Mr. Perlman discussed a petition for clarification and said it appeared if the Union withdrew the petition for accretion and filed a petition for clarification, they would not have to show a demonstration of interest, since there are no employees yet.

Mr. Perlman stated it appeared the Union and City had an agreement that the new position should be included in the bargaining unit, therefore, this is about making clarification of the unit, not representing employees since there are zero. Chairman Baca went over Rule 2.35 clarification again and read aloud the rule.

Mr. Perlman said by having this discussion now, the investigation is completed and made a motion for the Union to submit a petition of clarification.

Chairman Baca asked, now that this discussion was had, if City Legal have any issues to raise. Attorney Stoker stated if it was done as discussed, there was no moratorium that would cause employees to lose their right to petition for representation if they were not satisfied with their representation in the future. Seconded by Mr. Montoya. Voted and passed 3-0.


Chairman Baca ordered the Union to file an amended petition of clarification. Mr. Perlman asked that when this is brought back to the Board, they provide information on who has been hired for the positions to that point. Mr. Broome agreed.

• **LB 21-37 HEARING ON VALIDITY 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.**

Stipulated order to dismiss was signed today. Case is dismissed with prejudice.

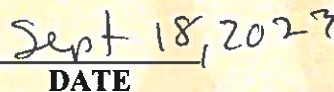
**VII. ADJOURNMENT.**

Chairman Baca motioned to adjourn meeting. Mr. Montoya seconded. Voted and passed 3-0. Meeting adjourned at 9:44 a.m.



**TED BACA, CHAIR**

**City Labor-Management Relations Board**

  
**DATE**