

# LABOR-MANAGEMENT RELATIONS BOARD

## *Monday, August 30, 2021*

### MEMBERS PRESENT:

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

### OTHERS PRESENT:

*Leigh Brunner*      *Ian Stoker*  
*Melissa Kountz*    *Merissa Reddy*  
*John D'Amato*      *Fred Mowrer*  
*Jessica Enriquez*    *Devon Moody*

## Minutes

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

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

### **II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, AUGUST 30, 2021.**

Chairman Baca stated that item II is removed because it is listed on item VI as Decision and Order for LB 19-35 and LB 20-34. He also stated an Amended Scheduling Order was submitted and added to item VI for LB 20-46. Mr. Perlman moved to approve the seconded amended agenda to include the new amendments. Mr. Montoya seconded. Voted and passed 3-0.

### **III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR AUGUST 16, 2021 AND AUGUST 20, 2021.**

Mr. Montoya moved to approve the minutes for August 16, 2021 and August 20, 2021. Mr. Perlman seconded. Voted and passed 3-0.

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

Attorney James Montalbano appeared on behalf of AFSCME and stated that LB 21-01 has been withdrawn and the parties have settled LB 20-24 and will also be withdrawn. Both matters are scheduled for X merits hearing and vacated.

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

- **LB 19-23, ORDER OF DISMISSAL.**  
Approved and signed by the Board.

### **VI. PRESENTMENT OF ORDERS:**

- **LB 19-35 AND LB 20-34, DECISION AND ORDER.**  
Assistant City Attorney Devon Moody appeared on behalf of the City and stated that the City approves the Order as entered. The Decision and Order was approved and signed by the Board.
- **LB 20-46, AMENDED SCHEDULING ORDER.**  
Approved and signed by the Board.
- **LB 20-51, ORDER ON JOINT MOTION TO VACATE MERITS HEARING.**  
The Order was approved and signed by the Board and scheduled for status conference on September 20, 2021.

### **VII. PRESENTMENT OF ORDER OF TIMELINE CASES.**

See item II.

**VIII. STATUS CONFERENCE:**

- **LB 14-28, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF SOLID WASTE EMPLOYEE (S) AGAINST THE CITY OF ALBUQUERQUE' S SOLID WASTE MANAGEMENT DEPARTMENT FOR FAILING TO NEGOTIATE IN GOOD FAITH WITH THE ROUTE COMMITTEE.**

Ms. Moody appeared on behalf of the City and Mr. Montalbano appeared on behalf of AFSCME. The parties stated that they have reached a settlement agreement and will submit closing documents.

**IX. MOTIONS HEARING:**

- **LB 20-45, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT.**

Assistant City Attorney Ian Stoker appeared on behalf of the City and presented the City's Motion for Summary Judgment. Attorney John D'Amato appeared on behalf of APOA and presented Respondent's Motion for Summary Judgment.

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. Perlman seconded. A roll call vote was taken and the motion passed 3-0.

Chairman Baca made a motion to return to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Mr. Montoya seconded. A roll call vote was taken and the motion passed 3-0. The Board was in closed session to discuss LB 20-45 and no other matters were discussed.

Chairman Baca moved to grant the City's Motion for Summary Judgment. Mr. Perlman seconded. Voted and passed 3-0.

**X. MERIT HEARINGS:**

- **LB 20-24, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MARY CHAVEZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR ISSUING HER A FINAL DECISION TO DISCIPLINE WITHOUT JUST CAUSE AND VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 24. DISCIPLINE & INVESTIGATIONS.**

See item IV.

- **LB 21-01, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ANGEL MOLINA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT REGARDING THE CBA 24.1.1 INVESTIGATIONS & DISCIPLINE.**

See item IV.

**XI. 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