

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD MONDAY, AUGUST 7, 2023

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

Nichole Maher
Sam Chavez
Joel Villarreal
Louis Sisneros
Leigh Brunner
Carrie Cook
Merissa Reddy (zoom)
Yvonne Grimes (zoom)
Diane Kimberle (zoom)
Quinn (zoom)

Catherine Gonzalez
Jessica Serrano
Mark Finley
Earl Garcia
Augustine Romero
Ian Stoker
Victoria Gammill (zoom)
Patricia French (zoom)
Dan Secrist (zoom)
Lanette Valdez (zoom)

MINUTES

I. CALL TO ORDER.

Juan Montoya called to order at 9:14 a.m. Chairman Baca was absent due to illness. Bruce Perlman nominated Juan Montoya as chair for the meeting. Mr. Montoya seconded. Voted and passed 2-0.

II. REVIEW AND APPROVAL OF LABOR BOARD AGENDA FOR MONDAY, AUGUST 07, 2023.

Perlman moved to approve and Montoya seconded.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES:

The minutes were skipped for this meeting and will be on the next agenda.

- MONDAY, JULY 17, 2023.
- TUESDAY, JULY 18, 2023.
- MONDAY, JULY 24, 2023.
- MONDAY, AUGUST 2, 2023.

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

V. PRESENTMENT AND APPROVAL OF ORDERS:

- OPEN MEETINGS ACT RESOLUTION APPROVAL AND SIGNATURE
Perlman moved to approve. Montoya seconded. Approved and signed.
- LB 20-43 STIPULATED ORDER TO DISMISS PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF BILL MARQUEZ AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9(A5)(A6), INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE.
Perlman moved to approve. Montoya seconded. Approved and signed.
- LB 20-32 STIPULATED ORDER TO DISMISS PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF BILL MARQUEZ AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A9(5)(6), INCLUDING BUT NOT LIMITED TO CBA 24, DISCIPLINE & INVESTIGATIONS.
Perlman moved to approve. Montoya seconded. Voted 2-0. Approved and signed.

- **LB 21-20 STIPULATED ORDER TO DISMISS PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE SENIOR AFFAIRS DEPARTMENT FOR VIOLATING LMRO 3-2-9(A)(4) REFUSING TO NEGOTIATE IN GOOD FAITH.**
Perlman moved to approve. Montoya seconded. Voted 2-0. Approved and signed.
- **LB 23-09 PROPOSED ORDER OF DISMISSAL FOR 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 IMPOSING DISCIPLINE FOR MATTERS ARISING BEYOND THE TIME LIMITS SET BY POLICY AND THE CBA.**
Perlman moved to approve. Montoya seconded. Voted 2-0. Approved and signed.

VI. MISCELLANEOUS/STATUS CONFERENCE:

- **STATUS OF NEW MEXICO PUBLIC EMPLOYEE BARGAINING ACT (PEBA) LETTERS FROM UNIONS. LETTERS MUST BE SUBMITTED BY 11/01/2023.**
It was discussed that letters from the City and each of the bargaining units who elect to continue operating under the Labor Board must be submitted by 11/1/23.
- **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 for the City. Attorney John D'Amato appeared on behalf of the APOA. City says they have an issue with this complaint. It was filed in anticipation that something may happen, but not in response to something that did happen. Attorney D'Amato said they must complete investigations within 45 days. The Board said they would like to wait to see the letter that was to be attached to the PPC. The Board is looking at timelines for screening facial validity. Mr. Montoya said to hold this until next Monday. Mr. Perlman moved to hold until next meeting. Mr. Montoya seconded. A decision was made to add it to the 8/14/23 agenda.
- **LB 23-11 SCREEN FOR FACIAL VALIDITY OF NEW PROHIBITED PRACTICE COMPLAINT FILED BY APOA ON BEHALF OF ZACHERY HERBST AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BY NOT COMPLYING WITH THE BOARD'S ORDER REGARDING TIMELY DISCIPLINE (LB 19-35/LB 20-34).**
Assistant Attorney Jessica Serrano appeared for the City and said they had no objections to the facial validity of this PPC. Mr. Montoya moved to find the PPC facially valid. Mr. Perlman seconded.
- **LB 23-12 SCREEN FOR FACIAL VALIDITY OF NEW PROHIBITED PRACTICE COMPLAINT FILED BY COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO ON BEHALF OF QUINN MULHERN AND LANETTE VALDEZ FOR VIOLATING LMRO 3-2-10 (A)(1) THROUGH (7) AND (9) AND SECTIONS 19(A) THROUGH (H) OF PEBA 10-7E-1.**
Attorney Ian Stoker appeared for the City and said they had no objections to the facial validity of the PPC. Mr. Perlman moved to find the PPC facially valid. Mr. Montoya seconded. Voted and passed 2-0.
- **LB 23-13 SCREEN FOR FACIAL VALIDITY OF NEW PROHIBITED PRACTICE COMPLAINT FILED BY APOA ON BEHALF OF JACOB SAIZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT SECTION 20.1.16, BY NOT COMPLYING WITH THE BOARD'S ORDER REGARDING TIMELY DISCIPLINE (LB 19-35/LB 20-34).**
Assistant Attorney Catherine Gonzales appeared for the City and said they had no objections to the facial validity of this PPC. Mr. Perlman moved to approve complaint as facially valid. Mr. Montoya seconded. Voted and passed 2-0.
- **LB 23-14 SCREEN FOR FACIAL VALIDITY OF NEW PROHIBITED PRACTICE COMPLAINT FILED BY APOA ON BEHALF OF OFFICER C. MARTINEZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT SECTION 20.1.16, BY NOT COMPLYING WITH THE BOARD'S ORDER REGARDING TIMELY DISCIPLINE (LB 19-35/LB 20-34).**
Assistant Attorney Jessica Serrano appeared for the City. Attorney John D'Amato appeared for APOA. The City had a question on the timeline issue. Attorney D'Amato asked to insert a few clarifying facts. Mr. Perlman moved to have the plaintiff resubmit the filing to clarify the timeline issue raised by the City, within 5 days. Mr. Montoya seconded.

- **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.**

Attorney Ian Stoker appeared for the City. Augustine Romero and Attorney Steven Curtis, in for Attorney James Montalbano, appeared on behalf of AFSCME Local 3022.

Since the last meeting the City has sent all the audit information they had to Attorney Montalbano. Mr. Romero said they feel they should no longer be doing the duties that were disputed. He also stated one of the employees retired, so now there is only one. Attorney Stoker said under interlocutory order, this matter is to be decided by the Board. Mr. Montoya said to move to status and scheduling hearing on next agenda.

- **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 for the City. Attorney Steven Curtis appeared on behalf of AFSCME Local 624.

Attorney Curtis asked for the Board to find on this case today. The Board said they were not in agreement at this time and could not rule today without Chairman Baca present. A date to reschedule was discussed and the Board decided to put it on the agenda for 8/14 as a status conference.

VII. SCHEDULING ORDER:

Mr. Montoya said they would like to leave these until a later date when all 3 Board members are present. Attorney Curtis proposed discussing possible dates for each trial.

- **LB 21-54 & LB 22-08 ENTRY OF SCHEDULING ORDER FOR PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 1888 ON BEHALF OF MARLON BATTAGLIA AND MARK FINLEY AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR CONTRACT VIOLATIONS OF DUE PROCESS AND THE CBA.**

The parties would like to aim for a hearing in mid-October.

- **LB 23-03 ENTRY OF SCHEDULING ORDER FOR AFSCME LOCALS 624 AND PURSUANT TO ARTICLE 2 OF THE LABOR-MANAGEMENT RELATIONS ORDINANCE (LMRO) SECTION 3-2-9 PROHIBITED PRACTICES, BY AND THROUGH EXECUTIVE BOARD MEMBER, LOUIS MONTOYA, FILES THIS PROHIBITED PRACTICE COMPLAINT ON BEHALF OF ARTHUR BLEA.**

The parties would like to aim for a hearing date towards the end of November.

- **LB 23-08 ENTRY OF SCHEDULING ORDER FOR PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF AUGUSTINE ROMERO AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF ARTS & CULTURE, FOR VIOLATIONS OF LMRO 3-2-10 SECTIONS A1 AND A7, INCLUDING BUT NOT LIMITED TO CBA 0.4.1 RECOGNITION.**

The parties would like to aim for a hearing date towards the end of October.

- **LB 23-05 ENTRY OF SCHEDULING ORDER FOR PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME COUNCIL 18, LOCALS 624, 1888, 2499, AND 3022 BY AND THROUGH YOUTZ & VALDEZ AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATIONS OF THE LMRO AND COLLECTIVE BARGAINING AGREEMENT.**

The parties would like to aim for a hearing date in mid-November.

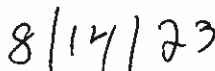
VIII. ADJOURNMENT.

Mr. Montoya moved to adjourn at 9:50 a.m.



TED BACA, CHAIR

City Labor-Management Relations Board



DATE