

LABOR-MANAGEMENT RELATIONS BOARD

Monday, December 27, 2021

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner
Ian Stoker
Justin Pennington
Merissa Reddy
Catherine Gonzales
Victor Lovato
Jessica Enriquez*

*Fred Mowrer
John D'Amato
James Montalbano
Jason Burnette
Rocky Gutierrez
Tomas Romero
Augustine Romero*

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 THIRD AMENDED AGENDA FOR MONDAY, DECEMBER 27, 2021. Mr. Montoya moved to approve the agenda. Mr. Perlman seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR NOVEMBER 19, 2021.

Mr. Montoya moved to approve the minutes for November 19, 2021. Mr. Perlman seconded. Voted and passed 3-0.

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

None.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS:

- **LB 13-17, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 17-37, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 20-03, STIPULATED ORDER OF DISMISSAL WITH PREJUDICE.**
Approved and signed by the Board.
- **LB 13-05, 14-28, 17-23, ORDER ON JOINT MOTION TO DISMISS WITH PREJUDICE.** Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS:

- **LB 20-45, FINAL ORDER.**
Assistant City Attorney Ian Stoker appeared on behalf of the City. Attorney John D'Amato appeared on behalf of APOA. Mr. Stoker stated that the City filed the Order based on the Board granting the City's Motion for Summary Judgment and Mr. D'Amato approved the Final Order. The Final Order for LB 20-45 was approved and signed by the Board.
- **LB 21-02, ORDER RESCHEDULING MERITS HEARING.**
Mr. Stoker appeared on behalf of the City. Attorney James Montalbano appeared on behalf of AFSCME Local 3022. Mr. Stoker stated that the hearing was scheduled for today December 27th, 2021 and some witnesses were not available. Mr. Montalbano did not object to the continuance. The Board rescheduled this matter for January 24, 2022.

- **LB 21-07, ORDER GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT.**
Attorney Jason Burnette appeared on behalf of the City and stated that the Board granted the City's Motion for Summary Judgment at the last meeting and if granted then the merits hearing scheduled for item XI. is moot. The Order was approved and signed by the Board.
- **LB 21-62, ORDER FOR EXTENSION OF TIME.**
Assistant City Attorney Catherine Gonzales on behalf of the City. Mr. D'Amato appeared on behalf of APOA and stated that he does not oppose the extension. The Order for Extension of Time was approved and signed by the Board.
- **LB 20-37, STIPULATED ORDER TO STAY PROCEEDINGS.**
Assistant City Attorney Justin Pennington appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME. Mr. Pennington stated that the parties are asking to stay proceedings because they are discussing and attempting to resolve with the grievance procedures and if not resolved in that manner then the Labor Board will have to schedule. The Order to Stay Proceedings was approved and signed by the Board and scheduled for January 24, 2022 for status conference.

VII. AFFIRMATION OF ELECTION TO CONTINUE TO OPERATE PURSUANT TO §§10-7E-10(D) AND 10-7E-10(E) NMSA 1978:

- **SEE ATTACHED BIENNIAL LOCAL BOARD PELRB FORM**
Assistant City Attorney and counsel for the Board, Leigh Brunner stated that all the local organizations and the City of Albuquerque have submitted letters stating they elect the Labor Board to continue to operate. Chairman Baca made a motion to submit the affidavit to the State Local Board. Mr. Montoya seconded. Voted and passed unanimously 3-0. Chairman Baca signed the affidavit and it was notarized.

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.** See item V.
- **LB 20-37, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF NICK MANOLE AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A5 AND 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE, 24. INVESTIGATIONS & DISCIPLINE, 39.1 NON-DISCRIMINATION.** See item VI.
- **LB 20-51, PROHIBITED PRACTICE COMPLAINT FILED BY THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 244 AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE FIRE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT AND THE PAST PRACTICES BETWEEN THE PARTIES.**
Assistant City Attorney Devon King appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. The parties stated that they have reached a settlement and closing documents are pending. Chairman Baca rescheduled this matter for status conference on January 24, 2022.
- **LB 21-16, PROHIBITED PRACTICE COMPLAINT FILED THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEVELOPMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT CONCERNING THE AMENDMENT TO STANDARD OPERATING PROCEDURES.** Mr. D'Amato appeared on behalf of APOA and Mr. Burnette appeared on behalf of the City. The parties stated that they have resolved this matter and will file a stipulated motion and order of dismissal.

IX. LB 20-09, CONTINUED FROM NOVEMBER 19, 2021, ARGUMENTS BASED ON BOARD'S OCTOBER 18, 2021 DECISION.

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.

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. Perlman seconded. A roll call vote was taken and the motion passed 3-0. Chairman Baca stated that the Board was in closed session to deliberate on LB 20-09 and no other matters were discussed.

Mr. Montoya moved to adopt the Petitioner's Findings of Fact and Conclusions of Law. Chairman Baca stated that article three should be removed. Mr. Perlman seconded. Voted and passed 3-0.

X. MOTIONS HEARING:

- **RESCHEDULED- LB 20-41, AFSCME 3022'S MOTION FOR RECONSIDERATION.**
Mr. Pennington appeared on behalf of the City and stated that this motion was previously heard and the Board granted the Motion for Reconsideration. He stated that the parties will submit an order to the Board.
- **LB 20-04 AND LB 21-35, APOA'S MOTION TO CONSOLIDATE.**
Mr. Stoker appeared on behalf of the City and stated that the Board previously granted the Motion to Consolidate. Mr. Mowrer appeared on behalf of APOA and stated that he will file an order with the Board.
- **LB 21-57, DISCOVERY MOTION FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION.**
- **LB 21-58, DISCOVERY MOTION FILED BY THE UNION ALBUQUERQUE POLICE OFFICERS' ASSOCIATION.**
Mr. Mowrer appeared on behalf of APOA and Mr. Pennington appeared on behalf of the City. The parties stated that discovery has been provided by the City and Mr. Mowrer withdrew the motions and will file an order for both LB 21-57 and LB 21-58.

XI. MERITS HEARING:

- **LB 21-07, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE PLANNING DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1, PREAMBLE, 0.4 RECOGNITION, 15.1 SHIFT BIDDING, 11.3 OTHER WORK WEEK PROVISIONS.**
See item VI,

XII. ADJOURNMENT.

Chairman Baca moved to adjourn the meeting. Mr. Montoya seconded. Voted and passed 3-0.

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Ethan Watson, City Clerk