

LABOR-MANAGEMENT RELATIONS BOARD
Monday, February 10, 2020
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

Leigh Brunner *Rocky Gutierrez*
Juan Martinez Luna *James Montalbano*
Devon Moody *Jessica Enriquez*
Ian Stoker

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 AMENDED AGENDA FOR MONDAY, FEBRUARY 10, 2020. Mr. Perlman moved to approve the agenda. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE MINUTES FOR FEBRUARY 3, 2020.

Mr. Montoya moved to approve the minutes for February 3, 2020. Mr. Perlman seconded. Voted and passed 3-0.

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

None.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.

- **LB 15-08, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 16-12, LB 16-25 AND LB 17-16, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 17-07, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 18-10, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **LB 17-18, ORDER GRANTING JOINT MOTION TO VACATE.**
Devon Moody, Assistant City Attorney appeared on behalf of the City and Patricia French appeared on behalf of AFSCME Local 3022. Ms. French stated that the Union withdraws this complaint and closing documents will be submitted.

- **LB 17-13, ORDER ON CITY'S MOTION TO DISMISS ON JURISDICTIONAL**

FOUNDATIONS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGEMENT.

Approved and signed by the Board.

VII. BOARD'S DISCUSSION ON CITY'S GENERAL OBJECTIONS TO THE FORM OF PLAINTIFF'S PROHIBITED PRACTICE COMPLAINTS.

There was brief discussion between the Board, Assistant City Attorney Melissa Kountz and AFSCME Representative Rocky Gutierrez regarding the City's Answers to PPC's that are submitted after a complaint is filed. Ms. Kountz stated that some of the complaints filed by the Unions are difficult to respond to and Mr. Gutierrez stated that he will discuss with other representatives to work on improving the submission of PPC's.

VIII. CITY AND UNION'S PRESENTMENT AND STATUS OF OLD PENDING CASES FROM 2018 AND PRIOR.

Ms. Kountz appeared on behalf of the City and presented a list of pending and open cases which total an estimate of 76 cases. Mr. Gutierrez appeared on behalf of AFSCME and asked to continue this item matter for future meeting date to allow the Union time to review what the City presented and will come back with their input. The Board scheduled a meeting on March 6, 2020 for status conference on all pending cases that need to be scheduled for hearing.

IX. STATUS CONFERENCE:

- **RESCHEDULED FROM JANUARY 24, 2020- LB 17-22, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF RICHARD RODRIGUEZ AGAINST THE CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT FOR GIVING MR. RODRIGUEZ A THREE (3) DAY SUSPENSION WITHOUT JUST CAUSE. (PATRICIA FRENCH, AFSCME LOCAL 3022)**

Juan Martinez, Assistant City Attorney appeared on behalf of the City and Patricia French appeared on behalf of AFSCME 3022. Mr. Martinez stated that the City filed a Motion to Dismiss and a response was never submitted by the Union. Chairman Baca scheduled this matter for motions hearing on March 13, 2020 and stated that the Union must file a response by March 2, 2020.

X. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-46, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF FRANCIS GARCIA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT, LMRO 3-2-9A6, CBA 0.1, PREAMBLE 24. INVESTIGATIONS & DISCIPLINE, 39.1 NON-DISCRIMINATION.**

MS. Kountz appeared on behalf of the City and asked the Board to schedule this matter for merits hearing. Ms. French appeared on behalf of the Union. Chairman Baca scheduled this matter for merits hearing on June 22, 2020.

Chairman Baca also stated that the meeting and all merit hearings scheduled for June 19, 2020 are rescheduled for June 22, 2020.

- **LB 19-47, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF YOLANDA BARRERAS AGAINST THE CITY OF ALBUQUERQUE FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT, LMRO 3-2-9A6, CBA 0.1, PREAMBLE 24. INVESTIGATIONS & DISCIPLINE, 39.1 NON-DISCRIMINATION.**

Justin Pennington, Assistant City Attorney appeared on behalf of the City and Ms. French appeared on behalf of AFSCME 3022. The parties presented a Stipulated Order of Dismissal and it was approved and signed by the Board.

XI. MOTIONS HEARING:

- **LB 17-18, CITY'S MOTION FOR SUMMARY JUDGMENT. (PATRICIA FRENCH, AFSCME 3022)**
See item VI.

XII. MERITS HEARING:

- **LB 15-32, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF RICARDO VALENCIA AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT.**
Ms. Kountz appeared on behalf of the City and Mr. Gutierrez appeared on behalf of AFSCME. The parties stated that this matter has settled but documents are pending signature. Chairman Baca scheduled this matter for status conference on April 3, 2020.
- **LB 17-17, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATING THE LABOR MANAGEMENT RELATIONS ORDINANCE AND THE COLLECTIVE BARGAINING AGREEMENT.** Ms. Pennington appeared on behalf of the City and Mr. Gutierrez appeared on behalf of AFSCME. The parties stated that this matter has settled but documents are pending signature. Chairman Baca scheduled this matter for status conference on April 3, 2020
- **LB 19-23, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION ON BEHALF OF TODD WOOLDRIDGE AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CONTRACTUAL OBLIGATIONS WHEN MR. WOOLDRIDGE WAS REMOVED FROM HIS K-9 UNIT POSITION PRIOR TO HIS PRE-DETERMINATION HEARING. (JOHN D'AMATO)**
This matter was vacated on February 3, 2020 and rescheduled for June 22, 2020.

XIII. ADJOURNMENT.

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

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Ethan Watson, Acting City Clerk