



LABOR-MANAGEMENT RELATIONS BOARD

Monday, February 15th, 2023

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

Leigh Brunner Sylvia Gallegos
Augustine Romero Cat Gonzalez
Merissa Reddy Tyson Hummell
Ian Stoker James Montalbano
Jessica Serrano Paul Broome
Diane Kimberle Fred Mower
Michael Dorin Victoria Gammill
Mary Debbie Wiese

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, FEBRUARY 15TH, 2023.

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

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR FEBRUARY 6TH, 2023.

Mr. Perlman moved to approve the minutes for February 6th, 2023. Mr. Montoya seconded. Voted and passed 3-0.

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

No comments

V. MOTIONS HEARING:

- LB 21-50 CITY OF ALBUQUERQUE'S MOTIONS HEARING
- LB 21-47 CITY OF ALBUQUERQUE'S MOTIONS HEARING
- LB 21-59 CITY OF ALBUQUERQUE'S MOTIONS HEARING

Assistant City Attorney Jessica Serrano argues to dismiss all 3 cases. States rule 41 of NMRA. Argues petitioner has failed to take action and/or justification on all 3 cases and has failed to use diligence on all three cases. James Montalbano argues there has been action on all three cases and should not be dismissed. Mr. Montoya discusses rules and clarifies wording with Mr. Montalbano. Chairman Baca and Mr. Perlman clarify rules as well. Jessica Serrano states new rule 1.28 start date of July 2021, states resolutions are available in these cases and have not been utilized by Mr. Montalbano. Chairman Baca asks Mr. Montalbano what factors pertain to not have been seen before the board. Mr. Montalbano restates rule 1.28. Mr. Perlman discusses brief overview of the cases vs the rule with examples and hypothetical questions. Attorney Ian Stoker reiterates Jessica Serrano's argument regarding rules. Augustine Romero states and presents log of cases he is working on. Chairman Ted Baca moves to go into closed session, Mr. Montoya second's motion. Closed session starts at 2:33pm. Back in open session begins at 3:05pm. Chairman Baca states the board only discussed motions 21-50, 21-47, and 21-59. Mr. Montoya moves to deny the City's motions to

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dismiss on all three cases. Mr. Perlman seconds motion. Voted 2-1. Ian Stoker proposed motion to stop backpay from accruing to protect the city. Motion is under advisement. Motions hearing on these cases will be set as a Merits hearing on 3/20/23. The deadline for all documents to be done will be 3/13/23. Timelines were set by Chairman Ted Baca.

VI. STATUS CONFERENE/SCHEDULING ORDER:

- **LB 21-37 PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ENVIRONMENTAL HEALTH SPECIALIST 1 (M14s) 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.**

Set Merits hearing for 4/3/23. The deadline for all documents to be done will be 3/24/23. Timelines were set by Chairman Ted Baca.

- **LB 22-24 PROHIBITED PRACTICE COMPLAINT FILED BY THE AFSCME LOCAL 3022 ON BEHALF OF ROBELLIA RUIZ AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 24, INVESTIGATIONS AND DISCIPLINE, 24.2.3 TERMINATION, 25.2 APPEALS AND PERSONNEL RULES AND REGULATIONS, 301.2 PROFESSIONAL EXCELLENCE, 301.3 STANDARDS OF CONDUCT.**

Set Merits hearing for 4/17/23. The deadline for all documents to be done will be 4/7/23. Timelines were set by Chairman Baca.

VII. PRESENTMENT AND PPROVAL OF ORDERS:

- **LB 22-35 STIPULATED ORDER**

Approved and signed

- **LB 20-08 STIPULATED ORDER DISMISSING PROHIBITED PRACTICE COMPLAINT**

Approved and signed

VIII. PETITION FOR CERTIFICATION AND REPRESENTATION (AIA)

- **LB 23-02 ALBUQUERQUE INVESTIGATORS ASSOCIATION PETITION FOR CERTIFICATION AND REPRESENTATION. INITIAL INVESTIGATION OF PETITION (LB RULE 2.12)**

Paul Broom argues that more than 50% of the people have signed for AIA to be their bargaining unit. Chairman Baca moved to go into closed session, Mr. Montoya and Mr. Perlman seconded. Back on record at 3:41pm. Mr. Baca stated only the card were reviewed from LB 23-02 during closed session. Victoria Gammill requests to view the cards as agreed previously. The Board discusses viewing of the cards and signatures. The board can only attest that the cards seem to be legitimate. Mr. Broome reads rule 2.10, the showing of interest and states an actual election can be held if needed. Victoria Gammill and the Board discuss how to move forward. Victoria Gammill addresses a prior case and argus union and confidentiality issues. Mr. Montoya recalls APOA getting denied prior and now AIA is proposing the same issue. Mr. Baca states employees are confidential employees and is a conflict. Victoria Gammill reads rule for confidential employees. The Board requests a Merits hearing on 2/27/23 for the purpose of unionizing AIA.

IX. ADJOURNMENT.

Chairman Baca adjourned the meeting at 4:32pm.



TED BACA, CHAIR
City Labor Management Relations Board

2/27/23
DATE

cc: Tim Keller, Mayor

Ethan Watson, City Clerk