

# CITY OF ALBUQUERQUE



## LABOR-MANAGEMENT RELATIONS BOARD

*Friday, February 18, 2022*

MEMBERS PRESENT:

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>Fred Mowrer</i>
<i>Ian Stoker</i>	<i>John D'Amato</i>
<i>Justin Pennington</i>	<i>James Montalbano</i>
<i>Catherine Gonzalez</i>	<i>Rocky Gutierrez</i>
<i>Merissa Reddy</i>	<i>Augustine Romero</i>
<i>Diane Kimberle</i>	<i>Michael Dorin</i>
<i>Jessica Enriquez</i>	<i>Casey Padilla</i>

### 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 AGENDA FOR FEBRUARY 18, 2022.**

Chairman Baca stated that the parties have settled LB 15-27 and the merits hearing for item VIII is vacated. Mr. Perlman moved to approve the agenda with amendment. Mr. Montoya seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JANUARY 24, 2022.**

Mr. Perlman moved to approve the minutes for January 24, 2022. Mr. Montoya 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 Local 3022 and stated that the Union filed a new prohibited practice complaint case number LB 22-12 and presented an Order for Temporary Restraining Order. Assistant City Attorney Ian Stoker appeared on behalf of the City and provided a brief response to the PPC. The Board scheduled the hearing for the temporary restraining order for February 22, 2022.

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

- **LB 13-19, ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 15-26, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 15-32, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 16-05, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 16-15, ORDER OF DISMISSAL.**  
Approved and signed by the Board.

The following Order of Dismissals were not on the agenda but were stipulated by the parties and signed by the Board members: LB 16-18, LB 17-18, LB 18-08, LB 18-27, LB 19-13, LB 19-15 and LB 19-19.

**VI. OLD BUSINESS STATUS CONFERENCE:**

- **LB 17-13, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF EMPLOYEE NICK MANOLE AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DENIED OVERTIME; LMRO 3-2-9A5 & 3-2-9A6, INCLUDING BUT LIMITED TO 0.1 PREAMBLE, 11.1.1 WORK WEEK, 2.3., OVERTIME.**

Augustine Romero, AFSCME Representative appeared on behalf of Local 3022. Assistant City Attorney Pennington appeared on behalf of the City. The parties stated that this matter has been resolved and processed with the grievance resolution committee.

- **LB 17-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ELIZABETH MAESTAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE CBA AND LMRO WHEN THEY ISSUED HER A SIX DAY SUSPENSION.**

Rocky Gutierrez, AFSCME Representative appeared on behalf of Local 624 and Elizabeth Maestas and stated that this matter is consolidated with LB 17-19 and has a pending settlement agreement.

- **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.**

Mr. Pennington appeared on behalf of the City and stated that this matter has a pending settlement agreement.

- **LB 17-18, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF RAY MAYNES AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR DENIAL OF INFORMATION NECESSARY FOR EMPLOYEES TO PREPARE AND TO RESPOND TO ALLEGATIONS MADE.**

Order of Dismissal submitted by the parties. See item V

- **LB 17-19, PROHIBITED PRACTICE COMPLAINT AND MOTION TO CONSOLIDATE WITH LB 17-15 FILED BY AFSCME LOCAL 624 ON BEHALF OF ELIZABETH MAESTAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE LABOR MANAGEMENT RELATIONS ORDINANCE 3-2-9a (6) AND THE COLLECTIVE BARGAINING AGREEMENT REGARDING 24.1.7 AND 12.3.3.**

Rocky Gutierrez, AFSCME Representative appeared on behalf of Local 624 and Elizabeth Maestas and stated that this matter is consolidated with LB 17-19 and has a pending settlement agreement.

**VII. STATUS CONFERENCE RESCHEDULED FROM JANUARY 24, 2022:**

- **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.**

Attorney Fred Mowrer appeared on behalf of IAFF. Assistant City Attorney Catherine Gonzalez appeared on behalf of the City. The parties stated that this matter has a pending agreement. Chairman Baca rescheduled this matter for status conference on February 28, 2022.

**VIII. MERITS HEARING RESCHEDULED FROM DECEMBER 27, 2021:**

- **LB 15-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624, 1888, 2962 AND 3022 AGAINST THE CITY OF ALBUQUERQUE FOR FAILING TO NEGOTIATE ITS PROPOSED CHANGES TO THE SAP AND VIOLATING 3-2-9 (A)(4) OF THE LMRO ('74 CODE, 2-2-9) (ORD. 153-1971); AM. ORD. 4-1977; AM. ORD. 4-2001).**

See item II.

**IX. ADJOURNMENT.**

Mr. Perlman 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