

**LABOR-MANAGEMENT RELATIONS BOARD**  
**Monday, February 3, 2020**  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

*Chairman Ted Baca*  
*Juan Montoya*  
*Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner*      *James Montalbano*  
*Melissa Kountz*      *Jessica Enriquez*  
*Ian Stoker*

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order at 9:03 a.m. Board members Juan Montoya and Bruce Perlman were also present.

**II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, FEBRUARY 3, 2020.** Mr. Montoya moved to approve the amended agenda. Mr. Perlman seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF THE MINUTES FOR JANUARY 24, 2020.**

Mr. Montoya moved to approve the minutes for January 24, 2020. Mr. Perlman seconded. Voted and passed 3-0.

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

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the parties have submitted a Motion and Order to Vacate Merits Hearing on February 21, 2020 for LB 19-23. See item VI.

**V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.** None.

**VI. PRESENTMENT OF ORDERS.**

- **LB 17-37, ORDER SEETING RESPONSE DEADLINE AND MOTION HEARING.** Approved and signed by the Board.
- **LB 19-23, ORDER ON PETITIONER'S UNOPPOSED MOTION TO VACATE AND RESET THE MERITS HEARING AND MODIFICATION OF SCHEDULING ORDER DEADLINE.** Approved and signed by the Board and rescheduled for June 19, 2020.
- **LB 19-32, ORDER GRANTING JOINT MOTION TO VACATE MERITS HEARING.** Approved and signed by the Board and rescheduled for June 19, 2020.

**VII. OLD BUSINESS STATUS CONFERENCE:**

- **RESCHEDULED FROM JANUARY 24, 2020- LB 16-18, PROHIBITED PRACTICE COMPLAINT FILED BY THE CITY OF ALBUQUERQUE AGAINST AFSCME LOCAL 624 AND 2962 EMPLOYEES FOR IMPROPERLY BILLING THE CITY FOR UNION TIME.**

Ms. Kountz stated that the parties have settled this matter and closing document are pending. Chairman Baca rescheduled this matter for status conference on February 21, 2020.

**VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:**

- **LB 19-45, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF FRANCIS GARCIA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR ISSUING HER AN INVESTIGATION LETTER PAST THE DEADLINE.** Ms. Kountz appeared on behalf of the City and Attorney James Montalbano appeared on behalf of AFSCME. Ms. Kountz stated that the parties were unable to finalize a scheduling order but will get it done and submitted. Chairman Baca scheduled this matter for merits hearing on June 19, 2020.

**IX. MOTIONS HEARING:**

- **LB 17-13, CITY'S MOTION TO DISMISS ON JURISDICTONAL GROUNDS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGEMENT ON THE MERITS.** Ian Stoker, Assistant City Attorney appeared on behalf of the City and Mr. Montalbano appeared on behalf of AFSCME. Mr. Stoker stated that the City's Motion to Dismiss is compatible with the Motion to Dismiss for LB 17-06 which was denied by the Board. Mr. Montoya moved to deny the City's Motion to Dismiss. Chairman Baca seconded. Voted and passed 3-0. Mr. Stoker then presented the City's Motion for Summary Judgment and Mr. Montalbano presented the Petitioner's Response to City's Motion for Summary Judgment.

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. Montoya seconded. A roll call vote was taken and the motion passed 3-0.

Chairman Baca moved to grant the City's Motion for Summary Judgment. Mr. Perlman seconded. Voted and passed unanimously 3-0.

**X. MERITS HEARING:**

- **LB 19-32, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MICHELLE ROMERO AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A5, 3-2-9A6, CBA 24.2, 17.1.2.1 AND PERSONNEL RULES AND REGULATIONS 301.2 AND 301.3.** See item VI.

**XI. ADJOURNMENT.**

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

**APPROVED:**

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**TED BACA, CHAIR**  
**City Labor Management Relations Board**

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**DATE**

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