



CITY OF ALBUQUERQUE

CITY LABOR-MANAGEMENT RELATIONS BOARD MONDAY, FEBRUARY 5, 2024

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Nichole Maher
Paul Broome
Casey Padilla
Louis Sisneros
Victoria Gammill
Merissa Reddy
Fred Mowrer
Augustine Romero
Will Reinken (zoom)
Renee Monteverde (zoom)
Walter Adams (zoom)*

*Louis Montoya
Milagro Padilla
Stephanie Gomez
Catherine Gonzalez
Carrie Cook
Crystal Little
Joel Villarreal
Leigh Brunner
Jana Smith-Carr (zoom)
James Montalbano (zoom)*

MINUTES

I. CALL TO ORDER.

Chairman Baca called the meeting to order at 9:05 am. All Board members were present in person.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, FEBRUARY 5, 2024.

Motion by Mr. Montoya to approve. Seconded by Mr. Perlman. Voted passed 3-0.

III. REVIEW AND APPROVAL OF MINUTES FOR JANUARY 8, 2024.

Motion by Mr. Montoya to approve. Seconded by Mr. Perlman. Voted passed 3-0.

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

Nichole Maher spoke to say City's motion for LB 23-24 was supposed to be added to this agenda. The City said it could be heard at the next meeting.

V. PRESENTMENT AND APPROVAL OF ORDERS:

• **LB 23-12 SCHEDULING ORDER**

Approved and signed.

• **LB 23-05 SCHEDULING ORDER,**

Approved and signed.

• **LB 23-22 ORDER TO DISMISS WITH PREJUDICE**

Approved and signed.

• **LB 24-01 ORDER ON FACIAL VALIDITY**

City Attorney Catherine Gonzalez circulated a copy of the order to the Union and Board. Joel Villarreal spoke on the Union's issue with the order at hand. The decision the Board previously made and the order by the City were discussed. Approved and signed.

VI. MISCELLANEOUS/STATUS CONFERENCE:

- **LB 23-23 ENTRY OF SCHEDULING ORDER FOR PROHIBITED PRACTICE COMPLAINT FILED BY ASSISTANT CITY ATTORNEY VICTORIA GAMMILL ON BEHALF OF THE CITY OF ALBUQUERQUE AGAINST THE COMMUNICATIONS WORKERS OF AMERICA, FOR VIOLATION OF SECTION 3-2-10(B)(4) AND SECTION 3-2-10(C) OF THE LMRO.**

Approved and signed.

- **LB 24-02 SCREENING FOR FACIAL VALIDITY OF NEWLY FILED PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962, COUNCIL 18, PRESIDENT STEPHANIE GOMEZ ON BEHALF OF BETTY BACA, AGAINST THE CITY OF ALBUQUERQUE PLANNING DEPARTMENT FOR VIOLATING A WRITTEN AGREEMENT IN FORCE WHICH WAS NEGOTIATED UNDER LMRO § 3-2-10 (A)(7), AS WELL A VIOLATING CBA § 24.1.3.1.**

Mr. Perlman motioned to find as facially valid. Mr. Montoya seconded. Voted and passed 3-0.

- **LB 23-24 SCREENING FOR FACIAL VALIDITY FOR AMENDED PETITION FOR DECERTIFICATION FILED BY PAUL E. BROOME ON BEHALF OF THE COMMUNITY SAFETY DEPARTMENT FOR DECERTIFICATION OF THE COMMUNICATIONS WORKERS OF AMERICA LOCAL 7076 AS THE EXCLUSIVE BARGAINING AGENT FOR THE BEHAVIORAL HEALTH RESPONDER TIER 1 (E15) & 2 (E16), ACS COMMUNITY RESPONDERS (CR1) AND STREET OUTREACH AND RESOURCE COORDINATORS (E15).**

Attorney Victoria Gammill appeared on behalf of the City. Milagro Padilla appeared on behalf of the CWA. Paul Broome appeared on behalf of the APOA.

Chairman Baca moved to go into private session at 9:34 a.m. to discuss the signed petitions in this matter. All other meeting members voluntarily left the meeting room. Attorney Will Reinken and Milagro Padilla stayed on behalf of the CWA. Attorney Fred Mowrer and Paul Broome stayed on behalf of the APOA. The signed decertification forms were discussed. It was determined that a facial validity determination of the amended petition relies on there being enough valid signatures. Attorney Reinken stated he felt if there are only 6 signed cards, there are not enough for this petition to continue or be found as facially valid. Mr. Montoya reviewed aloud the rules on investigation.

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. Session was closed at approximately 10:08 a.m.

The Board returned to open session at approximately 10:27 a.m. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Chairman Baca stated the Board was in closed session to discuss and deliberate on LB 23-24 and no other matters were discussed.

The Board found there were 6 signed cards. This was 30% of 20 employees, but are now told there are 21 employees, which would not be 30%. Attorney Gammill stated it needed to be decided if this was an amended or corrected petition, which would determine which numbers are going to be used to decide employee involvement. Chairman Baca asked the City what their position on the amended petition was. Attorney Gammill stated it Mr. Broome was the new signer on the petition. Milagro Padilla said they felt new information from the City on employees should be submitted. Attorney Gammill said it was a substantive change because the original petition said the bargaining unit was 20 people and the amended petition says 22 people.

Chairman Baca said to continue this discussion to the next labor board meeting on 2/26/24. The Board is requesting payroll information from the City. At the next meeting the Board will decide if this is an amended or corrected petition.

- **LB 24-03 SCREENING FOR FACIAL VALIDITY FOR PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FRED MOWRER ON BEHALF OF THE APOA AND ADRIAN MONTOYA, AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CONTRACTUAL OBLIGATIONS BY SERVING A TARGET LETTER BEYOND THE CONTRACTUAL TIMELINE.**

Attorney Catherine Gonzalez appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of the APOA.

Attorney Gonzalez stated the City does not take any issue with the facial validity of the PPC. Chairman Baca moved to find the PPC facially valid. Mr. Montoya seconded. Voted passed 3-0.

- **LB 24-04 SCREENING FOR FACIAL VALIDITY FOR PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY WILLIAM REINKEN ON BEHALF OF COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO AGAINST ALBUQUERQUE COMMUNITY SAFETY DEPARTMENT FOR REFUSING TO EXECUTE THE CBA, VIOLATING LMRO 3-2-10 (A)(1) THROUGH (7) AND (9) AND SECTIONS 19(A) THROUGH (H) OF PEBA §10-7E-1.**

Attorney Victoria Gammill appeared on behalf of the City. Milagro Padilla appeared on behalf of the CWA. Attorney Gammill stated this is to be heard with LB 23-24 at the next labor board meeting.

VII. MOTION HEARING:

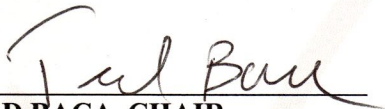
- **LB 21-15 MOTION HEARING TO DISMISS PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 1888 AGAINST THE CITY OF ALBUQUERQUE MUNICIPAL DEVELOPMENT DEPARTMENT FOR FAILING TO NEGOTIATE THE UNILATERAL CHANGES TO THE UNIFORM POLICY, LMRO 3-2-7, 3-2-9 AND CBA 16.2.**

Attorney Carrie Cook appeared on behalf of the City. Louis Sisneros appeared on behalf of AFSCME Local 1888. Mr. Sisneros said AFSCME does not contest the dismissal. Dismissed with prejudice.

*Milagro Padilla made a statement that the two union members that rescinded their signed cards have been approached by another co-worker asking them to sign them again and he is very concerned they will continue to be harassed. He asked that this be heard sooner than 2/26/24. The Board would like to set this for hearing this Friday or next Monday. Nichole Maher will check availability of the hearing room and communicate with the Board on scheduling.

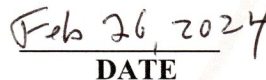
VIII. ADJOURNMENT.

Chairman Baca adjourned at 10:50 a.m.



TED BACA, CHAIR

City Labor-Management Relations Board



DATE