

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Monday, January 24, 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*                      *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 at 9:00 a.m. Board members Juan Montoya and Bruce Perlman were also present.

**II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR FRIDAY, JANUARY 24, 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 10, 2020 AND JANUARY 13, 2020.** Mr. Montoya moved to approve the minutes for January 10, 2020 and January 13, 2020. Mr. Perlman seconded. Voted and passed 3-0.

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

The Board discussed the April 6, 2020 agenda and rescheduled the meeting date to April 15, 2020. Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that Fred Mowrer submitted a Motion to Continue the Merits Hearing for LB 19-35 scheduled on April 6, 2020 and the City does not oppose. Chairman Baca also stated that the February 3, 2020 agenda will be amended to end at noon rather than 5:00 p.m. due to a Board member scheduling conflict.

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

- **OMNIBUS ORDER DISMISSING LB 13-02, LB 17-29 AND LB 18-25 WITH PREJUDICE.** Approved and signed by the Board.

**VI. PRESENTMENT OF ORDERS.**

- **LB 17-01, ORDER GRANTING JOINT MOTION TO VACATE AND CONTINUE MOTIONS HEARING.** Approved and signed by the Board and rescheduled for March 2, 2020. Chairman Baca also gave the Union a deadline of February 20, 2020 to file their response.

- **LB 19-14, ORDER ON PETITIONER'S UNOPPOSED MOTION TO CONTINUE MARCH 13, 2020 MERITS HEARING.** Approved and signed by the Board and rescheduled for June 8, 2020.
- **LB 19-15, ORDER ON JOINT MOTION TO VACATE MERITS HEARING.** Approved and signed by the Board and rescheduled for April 3, 2020.
- **LB 19-31, ORDER ON PETITIONER'S UNOPPOSED MOTION TO CONTINUE MARCH 9, 2020 MERITS HEARING.** Approved and signed by the Board and rescheduled for June 8, 2020.
- **LB 19-35, ORDER ON PETITIONER'S UNOPPOSED MOTION TO CONTINUE APRIL 6, 2020 MERITS HEARING.** Approved and signed by the Board and rescheduled for June 8, 2020.
- **LB 19-41, ORDER ON PETITIONER'S UNOPPOSED MOTION TO CONTINUE APRIL 20, 2020 MERITS HEARING.** Approved and signed by the Board and rescheduled for June 8, 2020.

**VII. OLD BUSINESS STATUS CONFERENCE:**

- **RESCHEDULED FROM DECEMBER 16, 2019 - LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF TRANSIT EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME 624)** Order of Dismissal approved and signed by the Board on December 6, 2019.
- **RESCHEDULED FROM DECEMBER 16, 2019- 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 reached an agreement and closing documents are pending approval. Chairman Baca rescheduled this matter for status conference on February 3, 2020.
- **RESCHEDULED FROM JANUARY 13, 2020 - LB 17-22, 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).** Attorney James Montalbano appeared on behalf AFSCME and stated that Richard Rodriguez is no longer a city employee and therefore requested more time to discuss possible resolution with the City. Chairman Baca rescheduled this matter for status conference on February 10, 2020.
- **LB 17-29, PROHIBITED PRACTICE COMPLAINT FILED ROBERT RIVERA, TRANSIT EMPLOYEE AND AFSCME 624 AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT.** See item V.
- **LB 17-30, PROHIBITED PRACTICE COMPLAINT FILED BY TRANSIT EMPLOYEE LISA VARGAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT.** The parties submitted a Joint Motion and Order to Dismiss and it was approved and signed by the Board.
- **LB 17-34, PROHIBITED PRACTICE COMPLAINT FILED BY LISA VARGAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT.** The parties submitted a Joint Motion and Order to Dismiss and it was approved and signed by the Board.
- **LB 17-37, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF CARMEN PEREZ AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT.** Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that the City filed a motion but the Union has not filed a response. Chairman Baca scheduled this matter for motions hearing on April 3, 2020 and stated that the Union should file a response within three weeks.

- **RESCHEDULED FROM JANUARY 10, 2020- LB 18-25, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ROBERT RIVERA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, LMRO 3-2-9, SECTION (5) AND (6). (ROCKY GUTIERREZ, AFSCME) See item V.**

**VIII. MOTIONS HEARING:**

- **LB 17-01, CITY'S MOTION TO DISMISS AND MOTION TO DISMISS ON THE GROUNDS OF MOOTNESS. AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS. See item VI.**

**IX. MERITS HEARING:**

- **LB 19-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR PAST PRACTICE BY NOT HIRING A CIVILIAN TO FILL THE COURT SERVICES SUPERVISOR POSITION AND PLACING A SWORN OFFICER IN THE POSITION. (PATRICIA FRENCH, AFSCME 3022)**
- **LB 19-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF JOSE PADILLA AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9 A(6) AND THE CBA 24.1.7 AND 24.1.5.1 WHEN ISSUED MR. PADILLA A THREE-DAY SUSPENSION. (CASEY PADILLA, AFSCME 624)**  
Mr. Stoker stated that the parties have reached an agreement and closing documents are pending approval. Chairman Baca rescheduled this matter for status conference on February 21, 2020.

**X. ADJOURNMENT.**

Mr. Perlman moved to adjourn. Mr. Montoya seconded. Voted and passed 3-0 and the meeting was adjourned at 9:32 a.m.

**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