

# CITY OF ALBUQUERQUE



## LABOR-MANAGEMENT RELATIONS BOARD

*Monday, January 24, 2022*

MEMBERS PRESENT:

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner  
Ian Stoker  
Justin Pennington  
Catherine Gonzalez  
Merissa Reddy  
Jessica Enriquez  
Fred Mowrer  
John D'Amato  
James Montalbano  
Rocky Gutierrez  
Augustine Romero  
Michael Dorin*

### Minutes

**I. CALL TO ORDER.**

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

**II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, JANUARY 24, 2022.** Mr. Montoya moved to approve the agenda. Mr. Perlman seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 27, 2021.**

Mr. Perlman moved to approve the minutes for December 27, 2021. Mr. Montoya seconded. Voted and passed 3-0.

**IV. BOARD APPOINTMENT OF A CHAIRPERSON PURSUANT TO SECTION 3-2-16(C) ROA 1994.** Mr. Perlman moved to nominate and re-elect Ted Baca as the Board Chairman. Mr. Montoya seconded. Roll call vote taken and passed 3-0.

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

Attorney James Montalbano appeared on behalf of AFSCME Local 3022 and requested to reschedule the merits hearing for LB 21-02 listed as item XI. Assistant City Attorney Ian Stoker appeared on behalf of the City and did not oppose the continuance. The Board approved the continuance and rescheduled the merits hearing for February 28, 2022.

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

- **LB 16-16, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 19-12, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 19-30, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 19-38, STIPULATED ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 20-11, ORDER OF DISMISSAL.**  
Approved and signed by the Board.
- **LB 20-39, ORDER TO DISMISS WITH PREJUDICE.**  
Approved and signed by the Board.
- **LB 21-16, ORDER OF DISMISSAL.**  
Approved and signed by the Board.

**VII. PRESENTMENT OF ORDERS:**

- **LB 20-04 AND LB 21-35, ORDER TO CONSOLIDATE.**  
Approved and signed by the Board.

- **LB 20-04 AND LB 21-35, SCHEDULING ORDER.**  
Approved and signed by the Board and Chairman Baca scheduled this matter for merits hearing on August 1, 2022.
- **LB 20-15, SCHEDULING ORDER,**  
Approved and signed by the Board and Chairman Baca scheduled this matter for merits hearing on August 29, 2022
- **LB 21-19, SCHEDULING ORDER.**  
Assistant City Attorney Justin Pennington appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. The parties filed and Order of Dismissal with Prejudice prior to the meeting and withdrew the Scheduling Order. The Board approved and signed the Order of Dismissal with Prejudice.
- **LB 21-26, SCHEDULING ORDER.**  
Approved and signed by the Board and Chairman Baca scheduled this matter for merits hearing on August 1, 2022.
- **LB 21-57, ORDER WITHDRAWING DISCOVERY.**  
Approved and signed by the Board.
- **LB 21-58, ORDER WITHDRAWING DISCOVERY.**  
Approved and signed by the Board.

**VIII. NEW BUSINESS:**

- **LB 22-03, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR ISSUING A MANDATORY INSTRUCTION NO. 7-67 (EFFECTIVE 1/10/2022) WHICH CHANGES CONDITIONS OF EMPLOYMENT WITHOUT NEGOTIATING SUCH CHANGES; PETITION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF; NOTICE OF JOINDER IN PETITION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF.** Attorney Melissa Kountz appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of IAFF and APOA. Rocky Gutierrez appeared on behalf of AFSCME. Attorney James Montalbano appeared on behalf of AFSCME Local 3022. Ms. Kountz stated that the Administrative Instructions was based on the OSHA requirement but have been stayed by the court and therefore the City did not enforce it. Mr. Mowrer stated that the Motion to Stay was filed because although the Administrative Instruction was not enforced because of pending negotiations it does not mean it has gone away completely and the City may consider reissuing. Mr. Gutierrez stated that he did receive an email from the City stating they were rescinding the Administrative Instruction. Chairman Baca made a motion to deny the Motion to Stay and dismiss this matter without prejudice. Mr. Montoya seconded. Voted and passed 3-0.

**IX. OLD BUSINESS STATUS CONFERENCE:**

- **LB 13-19, PROHIBITED PRACTICE COMPLAINT AGAINST AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 624 FOR BREACH OF CONTRACT AND BREACH OF THE MERIT SYSTEM ORDINANCE (MSO) AND LABOR-MANAGEMENT RELATIONS ORDINANCE.** Mr. Gutierrez appeared on behalf of the AFSCME and stated that the parties have agreed to dismiss this matter. Mr. Stoker appeared on behalf of the City and stated that closing documents will be submitted.
- **LB 14-10, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE'S AVIATION DEPARTMENT FOR FAILURE TO NEGOTIATE TERMS AND CONDITIONS OF EMPLOYMENT.** Mr. Gutierrez appeared on behalf of AFSCME and stated that this case has been pending for a long time and there was negotiation discussion. Mr. Pennington appeared on behalf of the City. Chairman Baca scheduled this matter for merits hearing on February 28, 2022.
- **LB 15-07, PROHIBITED PRACTICE COMPLAINT FILED ON BEHALF OF AFSCME LOCAL 1888, 624 AND 2962 AGAINST THE CITY OF ALBUQUERQUE HUMAN RESOURCES DEPARTMENT FOR VIOLATIONS OF THE LABOR MANAGEMENT RELATIONS ORDINANCE SECTIONS 3-2-9.** Mr. Gutierrez appeared on behalf of AFSCME and stated that the issues have been discussed in negotiations and may be resolved. Mr. Stoker appeared on behalf of the City. Chairman Baca scheduled this matter for merits hearing on February 28, 2022.

- **LB 15-26, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF TECHNICAL AND CLERICAL EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATION OF THE CONTRACT AGREEMENT FOR BILINGUAL PAY DIFFERENTIAL.** Mr. Gutierrez appeared on behalf of AFSCME and stated that the Union withdraws this complaint and will submit an order.
- **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).** Mr. Gutierrez appeared on behalf of AFSCME and stated that the parties are currently in negotiations. Mr. Stoker appeared on behalf of the City and stated that negotiations slowed down due to pandemic but are working to get resolved. Chairman Baca scheduled this matter for merits hearing for February 18, 2022.
- **LB 15-32, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE PARKS MANAGEMENT DIVISION AND DEPARTMENT OF MUNICIPAL DEVELOPMENT.** Mr. Gutierrez appeared on behalf of AFSCME and stated that the employee has delayed the process and has not responded after settlement discussion with City. Chairman Baca scheduled this matter for merits hearing on February 18, 2022 and will be vacated if an order to dismiss is filed.

**X. STATUS CONFERENCE RESCHEDULED FROM DECEMBER 27, 2021:**

- **LB 20-37, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF NICK MANOLE AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A5 AND 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE, 24. INVESTIGATIONS & DISCIPLINE, 39.1 NON-DISCRIMINATION.** Mr. Montalbano appeared on behalf of AFSCME Local 3022 and stated that this matter was stayed pending submission to the grievance process which was submitted and grievance is pending. Mr. Pennington appeared on behalf of the City and stated that an agreement has been circulated and pending approval. Chairman Baca rescheduled the status conference for February 28, 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.**  
Mr. Mowrer appeared on behalf of IAFF and stated that agreement has been circulated and pending final approvals. Chairman Baca rescheduled for status conference on February 18, 2022.

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

- **LB 21-02, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF THE FALSE ALARM REDUCTION UNIT SUPERVISOR AGAINST THE CITY OF ALBUQUERQUE FOR RECLASSIFYING THE POSITION TO AN E-15 INSTEAD OF AN M-15 AND VIOLATING LMRO. 3-2-8 (A)(B), 3-2-9 (A1) (A6) INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE AND 0.4 RECOGNITION.** See item V.

**XII. ADJOURNMENT.**

Chairman Baca adjourned the meeting.

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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