



# CITY OF ALBUQUERQUE

## LABOR-MANAGEMENT RELATIONS BOARD TUESDAY, JULY 18, 2023

### MEMBERS PRESENT:

Chairman Ted Baca  
Juan Montoya  
Bruce Perlman

### OTHERS PRESENT:

Nichole Maher  
James Montalbano  
Mary Weise  
Sophie Rane  
Leigh Brunner  
Michael Dorin  
Yvonne Grimes (zoom)  
Patricia French (zoom)

Catherine Gonzalez  
Jessica Serrano  
Shelle Sanchez  
Merissa Reddy  
Augustine Romero  
Sharon Joseph (zoom)  
John D'Amato (zoom)

## MINUTES

### I. CALL TO ORDER.

Chairman Baca called the meeting to order at 10:39 a.m.

### II. REVIEW AND APPROVAL OF THE AGENDA FOR TUESDAY, JULY 18, 2023.

Voted and passed 3-0.

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

None at this time.

### IV. MERITS HEARING:

- **CONTINUATION OF LB 21-59 PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MARY WEISE FOR VIOLATIONS OF LMRO 3-2-9(A6), INCLUDING BUT NOT LIMITED TO CBA 24. INVESTIGATIONS AND DISCIPLINE.**

Assistant Attorney Catherine Gonzales, Assistant Attorney Jessica Serrano, Sophie Rane and Dr. Shelle Sanchez appeared on behalf of the City. Attorney James Montalbano and Augustine Romero appeared on behalf of AFSCME Local 3022.

Inventory of Exhibits: All of City's Exhibits have been admitted into evidence.

It was discussed that July 31<sup>st</sup> is not available to schedule in the Basement Hearing Room to continue this hearing.

City called its next witness: Sharon Joseph

Assistant Attorney Catherine Gonzales discussed Ms. Joseph's credentials and experience in animal handling and senior training. Attorney Gonzales asked Ms. Joseph about her scope of work and discussed her work with AZA accreditation involvement throughout her employment, and how it related to her contract work with ABQ BioPark. Exhibit S was discussed.

Lunch break called at 12:04 pm until 1:15 pm.

Back on record at 1:15 pm.

Cross-examination of witness Sharon Joseph:

Attorney Montalbano questioned Ms. Joseph about her visit to the Abq BioPark in 2019 and in regards to the investigation that was done in 2020 concerning this case. Accreditation for AZA was discussed and who's responsibility it is to complete the paperwork. They spoke about Marcus the Silverback transferring zoos and expected gorilla behavior due to the move. Attorney Montalbano and witness discussed how important staffing is in dealing with the animals.

Attorney Gonzales objected and Chairman overruled.

Ms. Joseph said staffing is very important. Ms. Joseph went on to describe a typical day caring for gorillas. Attorney Montalbano and Ms. Joseph discussed who was responsible for creating a formal training plan in writing. Attorney Montalbano and Ms. Joseph discussed protocol for a gorilla that has been trained to shift but is refusing.

Brief redirect by Attorney Gonzales:

Attorney Gonzales and Ms. Joseph discussed how important she feels it is for a supervisor to tell their side of a story in which a hose was used to assist in shifting. They went on to discuss what a zoo keeper with over 20 years of experience would know about these situations, what they should find as appropriate reasons to use a hose, who was responsible for entering notes, what critical information to enter in notes was, and how far behind the zoo was in their notes. They then discussed how long it had been since using the hose to facilitate shifting was acceptable. Attorney Gonzales discussed with Ms. Joseph the difference between negative and positive reinforcement and punishment, and what she would expect a zookeeper to know.

Attorney Montalbano followed up:

Attorney Montalbano and Ms. Joseph discussed the use of a hose to assist in shifting and when those protocols were enforced.

City and Union rested.

Chairman excused witness at 2:03 pm.

Chairman called for a 10-minute recess.

Back on record at 2:11 p.m.

City called second witness, Kenneth Ortiz:

Ms. Rane and Mr. Ortiz discussed his experience with conducting predetermination hearings and how many he had done. He went on to describe the process of a predetermination hearings. Ms. Rane asked what a typical day of a predetermination hearing looks like and he described the template they use and how the hearing goes. Ms. Rane asked what the point of having a predetermination hearing is and Mr. Ortiz explained. Ms. Rane asked Mr. Ortiz if he was at the hearing for Ms. Weise and he said yes. They discussed how he became involved, the documentation he received prior to the hearing and how he set up for it.

Exhibit I was shown to the witness and he said that was the exact document he received. It was discussed who was present at the meeting and their roles. They went on to talk about Ms. Weise's meeting. Ms. Rane asked if recommendations were made from the hearing and Mr. Ortiz outlined them, along with what he confirmed with the investigator.

Exhibit L was shown to Mr. Ortiz, who said he recognized the document and it was a fair and accurate copy. Ms. Rane and Mr. Ortiz went over each allegation and his determinations.

City rested.

Cross by Attorney Montalbano:

Attorney Montalbano talked with Mr. Ortiz about his compensation for predetermination hearings, what information the Union had, and if continuing the predetermination hearing to allow the Union time to obtain the documentation they wanted had been an option.

Attorney Gonzales objected, stating Attorney Montalbano was trying to litigate something that had already been ruled on. Chairman Baca asked Attorney Montalbano if he was trying to litigate something that had already been litigated by asking about the Union not getting its documentation. Attorney Montalbano said he was not, but the Union did not get what it requested and he had the right to question the accuracy of the hearing. Attorney Gonzales stated the City provided the Union with the information they asked for. The Union asked for the documentation that would be used in the predetermination hearing and the City provided just that. Attorney Gonzales said this was already litigated on LB 21-50. Attorney Montalbano said he would move on.

Exhibit K – excerpts of the recording of Ms. Weise’s predetermination hearing were played.

The Board, Attorney Montalbano and Attorney Gonzales talked about the Union’s request for documents and if they had received what they had requested. Attorney Montalbano referred to the last sentence of Exhibit I. Chairman Baca discussed the predetermination hearing notice and if both parties had it. They all said yes. Attorney Montalbano rested.

Witness excused at 3:21 pm

Attorney Montalbano asked if he could have a witness not available on 8/2/23 testify today via zoom. City did not object and Board said they would allow.

Attorney Montalbano called witness Dr. Ralph Zimmerman:

Dr. Zimmerman provided his credentials and experience. He spoke about Ms. Weise asking him to visit the ape building and how often and long he was there.

Objection by Attorney Gonzales that he is a former City employee at the zoo 4, years prior to this incident. Attorney Montalbano said he would get on to the character witness part and did not need him to go into detail about him working there.

Attorney Montalbano discussed with Dr. Zimmerman how he knew Ms. Weise, how often he was around her and her abilities as a zookeeper.

Attorney Gonzales objected that it is improper propensity evidence. Overruled by Chairman.

Dr. Zimmerman went on to discuss Ms. Weise’s dedication to the animals and how high her drive to keep them comfortable and happy was. Attorney Montalbano asked if Dr. Zimmerman ever saw Ms. Weise mistreat an animal.

Attorney Gonzales objected and Chairman asked Attorney Montalbano to ask Dr. Zimmerman’s opinion.

Attorney Montalbano asked Dr. Zimmerman his opinion about Ms. Weise ability to harm an animal, which was discussed. Attorney Montalbano rested.

Attorney Gonzales cross-examination:

Attorney Gonzales questioned Dr. Zimmerman on his knowledge of hose use to aid in gorilla shifting and protocols in the past and present on the subject. The City rested.

Attorney Montalbano redirected:

Attorney Montalbano talked to Dr. Zimmerman about specifics of using the hose for shifting. Attorney Montalbano rested.

Chairman thanked witness and excused at 3:48 pm.

It was discussed that the City would complete interviewing witnesses on 7/24/23 at the OAH office, 7<sup>th</sup> floor of Plaza del Sol from 1:30 pm to 5 pm. The Union will complete interviewing witnesses on 8/2/23 from 8:30 am to 5 pm at the Plaza del Sol Basement Hearing room. Both sides can submit proposed findings.

V. **ADJOURNMENT.**

Meeting adjourned at 4:00 pm.

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

  
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**DATE**