

**LABOR-MANAGEMENT RELATIONS BOARD**  
***Monday, July 6, 2020***  
**VIRTUAL ZOOM MEETING**

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

<i>Leigh Brunner</i>	<i>Patricia French</i>
<i>Melissa Kountz</i>	<i>James Montalbano</i>
<i>Ian Stoker</i>	<i>Patricia French</i>
<i>Juan Montoya</i>	<i>Augusta Garcia</i>
<i>Devon Moody</i>	<i>Fred Mowrer</i>
<i>Jessica Enriquez</i>	

**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 AGENDA FOR MONDAY, JULY 6 2020.**

Mr. Montoya moved to approve the agenda for July 6, 2020. Mr. Perlman seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 29, 2020.**

Mr. Perlman moved to approve the minutes for June 29, ,2020. Chairman Baca seconded. Voted and passed 3-0.

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

None.

**V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS.**

None.

**VI. PRESENTMENT OF ORDERS:**

• **LB 19-19, ORDER GRANTING JOINT MOTION TO LIFT STAY.**

Order approved and signed by the Board.

• **LB 19-40, AMENDED SCHEDULING ORDER.**

Juan Martinez, Assistant City Attorney appeared on behalf of the City and stated that the parties are working to settle this matter and therefore the Amended Scheduling Order is moot. Attorney James Montalbano appeared on behalf of the Union. Chairman Baca scheduled this matter for status conference on July 15, 2020.

• **LB 20-16 SCHEDULING ORDER.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and Attorney Fred Mowrer appeared on behalf of APOA. The Board scheduled this matter for merits hearing on December 6, 2020.

**VII. RESCHEDULING OF MERIT HEARINGS:**

- **LB 19-12, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING AND FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT.**

Devon Moody, Assistant City Attorney Devon Moody appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. The Board scheduled this matter for merits hearing on January 19, 2020.

**VIII. MERITS HEARING:**

- **LB 16-24, PROHIBITED PRACTICE COMPLAINT BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATING THE LABOR-MANAGEMENT RELATIONS ORDINANCE BY FAILING TO NEGOTIATE WAGES WITH THE UNION AND GIVING RAISES OUTSIDE THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT (LMRO 3-2-9(A)(4)(5)(6),**

Ms. Kountz appeared on behalf of the City and Mr. Montalbano appeared on behalf of AFSCME Local 3022. City's exhibits 1 through 6 were admitted. Union's exhibits 1 through 40 were admitted. The following witnesses were called to testify; Lee Whistle, Patricia French, Ms. Kountz presented for a second time the City's Motion to Dismiss and Motion for Directive Motive.

The Board voted unanimously to 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.

The Board voted unanimously 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. The Board was in closed session to deliberate on the motions for LB 16-24 and no other matters were discussed.

Mr. Montoya moved to deny the City's Motion to Dismiss and the City's Motion for Directive Motive. Mr. Perlman seconded. Voted and passed 3-0.

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 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. Perlman seconded. A roll call vote was taken and passed 3-0. The Board was in closed session to deliberate on the matter of LB 16-24 and no other matters were discussed.

Chairman Baca made a motion to sustain the Prohibited Practice Complaint and find that the City did engage in a prohibited practice of giving pay raises outside the collective bargaining agreement. The remedy is that the Board will enter an Order to cease and desist directing the City to no longer engage in this practice. Mr. Montoya seconded. Voted and passed unanimously 3-0.

**IX. 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