

LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 29, 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>Rocky Gutierrez</i>
<i>Justin Pennington</i>	<i>John D'Amato</i>
<i>Devon Moody</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, JUNE 29, 2020.

Mr. Perlman moved to approve the agenda for June 29, 2020. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 19, 2020.

Mr. Montoya moved to approve the minutes for May 19, 2020. Mr. Perlman seconded. Voted and passed 3-0.

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

Rocky Gutierrez, AFSCME Representative appeared and requested a continuance for the motion hearing for LB 17-37 listed on item VIII. Assistant City Attorney Ian Stoker appeared on behalf of the City and stated that he does not oppose the continuance but request to stay back pay damages until matter is rescheduled. Chairman Baca granted City's request to stop damages until matter is rescheduled.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS:

• **LB 19-14, STIPULATED ORDER OF DISMISSAL.**

Roll call vote taken by the Board to approve the Order and vote passed 3-0.

• **LB 19-31, STIPULATED ORDER OF DISMISSAL.**

Roll call vote taken by the Board to approve the Order and vote passed 3-0.

VI. PRESENTMENT OF ORDERS:

• **LB 19-35, ORDER GRANTING JOINT MOTION TO VACATE AND CONTINUE MERITS HEARING.**

Assistant City Attorney Melissa Kountz appeared on behalf of the City and stated that the parties have agreed to vacate because parties are currently discussing resolution negotiation. Chairman Baca rescheduled this matter for a status conference for July 15, ,2020.

• **LB 19-41, ORDER GRANTING JOINT MOTION TO VACATE AND CONTINUE MERITS HEARING.**

Assistant City Attorney Devon Moody appeared on behalf of the City and stated that this matter was scheduled previously for merits hearing on June 8, 2020 and the parties are working on a settlement agreement. Chairman Baca rescheduled this matter for a status conference for July 15, ,2020.

- **LB 19-12, ORDER ON JOINT MOTION TO VACATE MERITS HEARING ON JULY 6, 2020.** Roll call vote taken by the Board to approve the Order and vote passed 3-0.

VII. RESCHEDULING OF MERIT HEARINGS SCHEDULED ON JUNE 8, 2020 AND JUNE 22, 2020:

- **SCHEDULED JUNE 22, 2020- LB 19-23, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION ON BEHALF OF TODD WOOLDRIDGE AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CONTRACTUAL OBLIGATIONS WHEN MR. WOOLDRIDGE WAS REMOVED FROM HIS K-9 UNIT POSITION PRIOR TO HIS PRE-DETERMINATION HEARING. (JOHN D'AMATO)**
Attorney John D'Amato appeared on behalf of APOA and Ms. Moody appeared on behalf for the City and stated that this matter will be ready for merits hearing by September. After brief scheduling discussion, Chairman Baca rescheduled the merits hearing for October 5, 2020.
- **SCHEDULED JUNE 22, 2020- LB 19-32, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MICHELLE ROMERO AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A5, 3-2-9A6, CBA 24.2, 17.1.2.1 AND PERSONNEL RULES AND REGULATIONS 301.2 AND 301.3.**
Attorney James Montalbano appeared on behalf of AFSCME 3022. Ms. Kountz appeared on behalf of the City. Chairman Baca rescheduled the merits hearing for October 5, 2020.
- **SCHEDULED JUNE 8, 2020- LB 19-35, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLIC OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS TO THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**
This matter is scheduled for status conference on July 15, 2020. See item VI.
- **SCHEDULED JUNE 8, 2020- LB 19-41, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**
This matter is scheduled for status conference on July 15, 2020. See item VI.
- **SCHEDULED JUNE 22, 2020- LB 19-45, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF FRANCIS GARCIA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR ISSUING HER AN INVESTIGATION LETTER PAST THE DEADLINE. (JAMES MONTALBANO, YOUTZ & VALDEZ)**
Ms. Kountz appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME 3022. Chairman Baca rescheduled the merits hearing on October 12, 2020.
- **SCHEDULED JUNE 22, 2020- LB 19-46, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF FRANCIS GARCIA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT, LMRO 3-2-9A6, CBA 0.1, PREAMBLE 24. INVESTIGATIONS & DISCIPLINE, 39.1 NON-DISCRIMINATION. (JAMES MONTALBANO, YOUTZ & VALDEZ)**
Ms. Kountz appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME 3022. Chairman Baca rescheduled the merits hearing on October 12, 2020.

VIII. MOTION HEARINGS:

- **LB 16-24, CITY'S MOTION TO DISMISS AND UNION'S RESPONSE TO CITY'S MOTION TO DISMISS. (JAMES MONTALBANO, YOUTZ & VALDEZ)**
Ms. Kountz appeared on behalf of the City and presented the City's Motion to Dismiss and stated that the complaint was filed late. Mr. Montalbano appeared on behalf of AFSCME 3022 and presented the Union's Response to City's Motion to Dismiss.

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.

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. Montoya seconded. A roll call vote was taken and the motion passed 3-0. The Board was in closed session to discuss LB 16-24 and no other matters were discussed.

Mr. Montoya moved to deny the City's Motion to Dismiss. Mr. Perlman seconded. Roll call vote taken and passed. 3-0.

- **LB 17-37, CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION AND UNION'S RESPONSE TO CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION. (AFSCME 2962)**

Union's request to vacate this matter was granted by the Board. See item IV.

- **LB 19-13, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME 3022)**

Ms. Kountz appeared on behalf of the City and presented the City's Motion for Summary Judgment. Mr. Montalbano appeared on behalf of AFSCME 3022 and presented the Petitioner's Response to City's Motion for Summary Judgment.

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.

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. Montoya seconded. A roll call vote was taken and the motion passed 3-0. The Board was in closed session to discuss LB 19-13 and no other matters were discussed.

Mr. Montoya moved to grant the City's Motion for Summary Judgment. Mr. Perlman seconded. Roll call vote taken and passed 3-0.

IX. ADJOURNMENT.

Chairman Baca moved to adjourn. Mr. Montoya seconded. Roll call vote taken and passed 3-0.

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Ethan Watson, City Clerk