

LABOR-MANAGEMENT RELATIONS BOARD

Monday, June 7, 2021

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner Jessica Enriquez
Devon Moody James Montalbano
Augusta Garcia John D'Amato
Justin Pennington Stephen Curtice*

Minutes

I. CALL TO ORDER.

Chairman 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 7, 2021.

Assistant City Attorney Justin Pennington appeared on behalf of the City for LB 20-38 scheduled for merits hearing on item X and stated that the parties have settled this matter. Mr. Montoya moved approval the amended agenda. Mr. Perlman seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 19, 2021 AND MAY 26, 2021.

Mr. Perlman moved to approve the minutes for May 19, 2021. Mr. Montoya seconded. Voted and passed 3-0. Mr. Montoya moved to approve the minutes for May 26, 2021. Mr. Perlman seconded. Voted and passed 3-0.

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

Attorney Stephen Curtice appeared on behalf of AFSCME and Assistant City Attorney Devon Moody appeared on behalf of the City. The parties asked the Board to reschedule item IX motions hearing for LB 13-06 and item VIII status conference for LB 14-28 because both have pending settlement agreements.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS.

None.

VI. PRESENTMENT OF ORDERS.

None.

VII. CONSIDERATION OF AMENDMENTS TO THE NEW MEXICO PUBLIC EMPLOYEE LABOR RELATIONS BOARD'S PROCEDURAL RULES IN PARTS 1-3 OF TITLE 11 CHAPTER 21 OF THE NEW MEXICO ADMINISTRATIVE CODE AS ADOPTED BY THE CITY OF ALBUQUERQUE LABOR-MANAGEMENT RELATION'S BOARD PURSUANT TO § 10-7E-10 NMSA 1978.

Assistant City Attorney and counsel to the Board, Leigh Brunner stated that the State Board did not accept the City's rules and she has been working with their staff to bring the rules into compliance with what they are requesting. She has filed the City's draft rules but has not received a response. Therefore, she recommended the Board issue a ruling to issue a notice of proposed rule making and post the draft rules to be included on the June 21st meeting agenda.

Chairman Baca moved to approve the posting of the Notice of Rule Making and post the rules for adoption on June 21, 2021. Mr. Montoya seconded. Voted and passed 3-0.

VIII. STATUS CONFERENCE:

- **LB 14-28, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF SOLID WASTE EMPLOYEE (S) AGAINST THE CITY OF ALBUQUERQUE' S SOLID WASTE MANAGEMENT DEPARTMENT FOR FAILING TO NEGOTIATE IN GOOD FAITH WITH THE ROUTE COMMITTEE.**

See item IV. and this matter is rescheduled for June 21, 2021.

- **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.**

Ms. Moody appeared on behalf of the City and stated that the parties are working on a settlement agreement. This matter is rescheduled for June 21, 2021.

- **LB 20-04, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT.**

Assistant City Attorney Justin Pennington appeared on behalf of the City and stated that Mr. Mowrer previously stated that he was going to consider requesting to consolidate LB 20-04 with LB 21-35. Attorney John D'Amato appeared on behalf of APOA who will be taking over this case for Mr. Mowrer and requested to reschedule to allow him time to review the cases. Chairman Baca scheduled LB 20-09 and LB 21-35 for status conference on June 21, 2021.

IX. MOTIONS HEARING RESCHEDULED FROM MAY 10, 2021:

- **LB 13-06, CITY'S MOTION TO RECONSIDER OR MODIFY DECISION AND UNION'S RESPONSE TO CITY'S MOTION TO RECONSIDER.**

See item IV and this matter is rescheduled for July 6, 2021.

X. MERITS HEARING:

- **LB 20-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF CINDY ADAKAI AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 23. CONDITIONS OF EMPLOYMENT, 24. INVESTIGATIONS & DISCIPLINE 39.1 NON -DISCRIMINATION.**

Mr. Pennington appeared on behalf of the City and Mr. Montalbano appeared on behalf of AFSCME Local 3022. Mr. Pennington stated that the City believes the Board may not have jurisdiction to hear this matter based on the issue of just cause. Mr. Montalbano objected and stated that the City is raising this argument and motion too late and in an untimely manner and should have submitted a motion or raised jurisdictional issue in the detailed answer.

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 20-27 and no other matters were discussed.

Chairman Baca moved to vacate hearing merits hearing and the City has until June 17, 2021 to file a written motion challenging the jurisdiction and Mr. Montalbano has until June 30 to file a response. The motions hearing will be scheduled for July 6, 2021. Mr. Montoya seconded. Voted and passed 3-0.

- **LB 20-38, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE, 0.4.1 RECOGNITION, AND 23.1.1 CONDITIONS OF EMPLOYMENT.**

Mr. Pennington appeared on behalf of the City and Attorney James Montalbano appeared on behalf of AFSCME Local 3022. The parties stated that they have a pending settlement agreement and this matter was vacated.

XI. ADJOURNMENT.

Chairman Baca adjourned the meeting.

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Ethan Watson, City Clerk