

LABOR-MANAGEMENT RELATIONS BOARD

Wednesday, March 3, 2021

Virtual Zoom Meeting

MEMBERS PRESENT:

Chairman Ted Baca

Juan Montoya

Bruce Perlman

OTHERS PRESENT:

Leigh Brunner

Melissa Kountz

Ian Stoker

Devon Moody

Juan Martinez Luna

Augusta Garcia

Patricia French

James Montalbano

Justin Pennington

Rocky Gutierrez

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 MARCH 3, 2021.

Mr. Montoya moved approval of the agenda for March 3, 2021. Chairman Baca seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE MINUTES FOR DECEMBER 7, 2020 AND DECEMBER 16, 2020. Mr. Montoya moved approval of the minutes for December 7, 2020. Chairman Baca seconded. Voted and passed 3-0.

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

Chairman Baca discussed scheduling of motions submitted to the Board. Assistant City Attorney Ian Stoker was present on behalf of the City and for LB 20-46, Motion for More Definite Statement. He stated that a response has not been received. Chairman Baca stated that LB 20-46 will be placed on the next meeting agenda. LB 20-50 Discovery Motion, Fred Mowrer appeared on behalf of APOA and stated that the City has responded and working to provide all discovery. He agreed to an extension on the discovery. Chairman Baca stated that LB 20-50 will be placed on the next meeting agenda. LB 20-47 Discovery Motion filed by APOA, Devon Moody appeared on behalf for the City and stated that the City has complied with the discovery. LB 20-48 Motion for Discovery, Mr. Mowrer stated that discovery has been provided by the City matter is now moot. LB 20-35 Discovery Motion, Mr. Mowrer requested this matter be rescheduled for the next meeting.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS:

- **LB 20-06, STIPULATED ORDER OF DISMISSAL WITH PREJUDICE.**
Approved and signed by the Board.
- **LB 20-16, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS:

- **LB 19-12, ORDER ON JOINT MOTION TO VACATE MERITS HEARING.** Assistant City Attorney Devon Moody appeared on behalf of the City and stated that the parties are in negotiation and discussing a settlement agreement. The Order was approved and signed by the Board.
- **LB 19-45 AND LB 19-46, ORDER ON JOINT MOTION TO VACATE JANUARY 19, 2021 MERITS HEARING.** Assistant City Attorney Melissa Kountz appeared on behalf of the City and Patricia French appeared on behalf of AFSCME. The parties stated that they are discussing settlement. The Order was approved and signed by the Board and the merits hearing is rescheduled for May 19, 2021.
- **LB 20-21, ORDER GRANTING CITY'S UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE MOTIONS.** Assistant City Attorney Juan Martinez appeared on behalf of the City and stated that the parties are discussing negotiation settlement and the motion is withdrawn.
- **LB 20-31, SCHEDULING ORDER.** The Order was approved and signed by the Board and the merits hearing is scheduled for May 26, 2021.
- **LB 20-36, AMENDED SCHEDULING ORDER.** Approved and signed by the Board and the merits hearing is scheduled for May 26, 2021.
- **LB 20-38, SCHEDULING ORDER.** Approved and signed by the Board and merits hearing is scheduled for June 7, 2021.

VII. LB 20-32 AND LB 20-43, CITY'S UNOPPOSED MOTION TO CONSOLIDATE PROHIBITED PRACTICE COMPLAINTS. Assistant City Attorney Justin Pennington appeared on behalf of the City and Patricia French appeared on behalf of AFSCME. The parties agreed to consolidate the two cases because they involve the same employee and same set of facts. Chairman Baca granted the Motion to Consolidate LB 20-32 and LB 20-43 and the merits hearing is scheduled for June 21, 2021.

VIII. STATUS CONFERENCE:

- **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.** Ms. Kountz appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. Ms. Kountz stated that the parties have discussed scheduling this with LB 20-34 because the include the same issues. Chairman Baca scheduled this matter for merits hearing on June 7, 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 Mr. Mowrer on behalf of APOA. The parties stated that this matter is pending settlement.
- **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.** Mr. Pennington appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. The parties stated that this matter may be resolved and could be rescheduled for status conference.
- **LB 20-11, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF BLANQUITTA QUINTANILLA AGAINST**

THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(A) AND CBA 0.1.1, 24.1.2.1, 24.1.4, 24.1.10 AND 24.2.3. Mr. Stoker appeared on behalf of the City and stated that parties have reached a settlement agreement but Mr. Gutierrez had trouble getting the employee to sign the agreement and asked the Board to reschedule this matter for status in May.

- **LB 20-13, PROHIBITED PRACTICE COMPLAINT FILED ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT IN PLACE BETWEEN THE PARTIES.** Ms. Moody appeared on behalf of the City and stated that this case deals with the same issues as LB 19-35 and asked to put off until the ruling is entered in LB 19-35 and LB 20-34 Mr. Mowrer on behalf of APOA. Chairman Baca scheduled this matter for status conference on June 21, 2021.
- **LB 20-18, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT.** Mr. Stoker appeared on behalf of the City and stated that the parties have discussed resolution and also asked the Board to hold off until the ruling for LB 19-35 and LB 20-34. Mr. Mowrer appeared on behalf of APOA. Chairman Baca scheduled the status conference for June 2,1 2021.
- **LB 20-09, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF EARL GARCIA AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATIONS OF THE LMRO 3-2-9A6, CBA 0.1.1 AND 24.1.5 JUST CAUSE.** Mr. Pennington appeared on behalf of the City and stated that Mr. Gutierrez was not available due to family medical issues. Ms. French appeared on behalf of AFSCME and requested this matter be rescheduled. Chairman Baca scheduled this matter for status conference on May 26, 2021.
- **LB 20-20, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF JULIE JAMISON AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE, 0.4.1, RECOGNITION, 23.1.1 CONDITIONS OF EMPLOYMENT, 39.1 NON-DISCRIMINATION.** Juan Martinez appeared on behalf of the City and stated that the Union filed a Notice of Withdraw.

IX. ADJOURNMENT.

Mr. Bruce moved to adjourn. Chairman Baca seconded. Voted and passed 3-0.

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Ethan Watson, City Clerk