

LABOR-MANAGEMENT RELATIONS BOARD

Monday, May 19, 2021

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner Rocky Gutierrez
Devon Moody James Montalbano
Melissa Kountz Fred Mowrer
Ian Stoker John D'Amato
Juan Martinez Michael Dorin
Augusta Garcia Tomas Romero
Jessica Enriquez*

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 WEDNESDAY, MAY 19, 2021.

Chairman Baca stated that there is an amendment to the agenda for item VIII. merit hearings for LB 19-45 and LB 19-46 have been settled. Mr. Montoya moved to approve the amended agenda. Mr. Perlman seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 10, 2021.

Mr. Montoya moved to approve the minutes for May 10, 2021. Mr. Perlman seconded. Voted and passed 3-0.

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

Assistant City Attorney Melissa Kountz appeared on behalf of the City and Attorney Fred Mowrer appeared on behalf of APOA. The parties asked the Board for clarification on their decision for LB 19-34 and LB 19-35. The parties presented brief arguments.

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 19-34 and LB 19-35 and no other matters were discussed.

Chairman Baca moved to suspend the Board's ruling and decision as presented during the May 10, 2021 meeting and rescheduled parties' argument for May 26, 2021. Mr. Montoya seconded. Voted and passed 3-0.

V. RECEIPT OR PRESENTMENT OF STIPULATED DISMISSALS AND SETTLEMENTS.

None.

VI. PRESENTMENT OF ORDERS:

- **LB 19-34, FINAL ORDER.**

Approved and signed by Chairman Baca on behalf of the Board.

- **LB 20-46, SCHEDULING ORDER.**
Approved and signed by the Board and the merits scheduled is scheduled for October 18, 2021.
- **LB 21-09, SCHEDULING ORDER.**
Attorney James Montalbano appeared on behalf of AFSCME and stated that there is a pending settlement agreement related with LB 19-45 and LB 19-46.
- **LB 21-13, SCHEDULING ORDER.**
Mr. Montalbano appeared on behalf of AFSCME and stated that the Union will withdraw this complaint.
- **LB 21-16, SCHEDULING ORDER.**
Approved and signed by the Board and the merits scheduled is scheduled for November 19, 2021.

VII. 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.**
Attorney James Montalbano appeared on behalf of AFSCME and stated that the parties are discussing a possible resolution of this matter and requests to have it rescheduled. Chairman Baca rescheduled this matter for status conference 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.**
Assistant City Attorney Devon Moody appeared on behalf of the City and Attorney Fred Mowrer appeared on behalf of APOA. The parties stated that there is a pending settlement for this matter. Chairman Baca rescheduled this matter for status conference on June 7, 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.**
Mr. Mowrer appeared on behalf of APOA and asked the Board to consolidate this matter with LB 21-35 because they are similar and schedule a hearing. The City will review both cases and follow up with Mr. Mowrer and the Union on stipulation of consolidation. Chairman Baca rescheduled this matter for status conference on June 7, 2021.
- **LB 20-11, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF BLANQUITA 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.**
Rocky Gutierrez, AFSCME Represented appeared on behalf of Blanquita Quintanilla and stated that the parties are discussing a possible settlement. Assistant City Attorney Ian Stoker appeared on behalf of the City and agreed to reschedule. Chairman Baca rescheduled this matter for status conference on June 21, 2021.

VIII. MERITS HEARING:

- **LB 19-45 consolidated with LB 19-46, 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.**
See item II.

- **LB 19-46 consolidated with LB 19-45, 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.**
See item II.

IX. ADJOURNMENT.

Chairman Baca adjourned the meeting.

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Ethan Watson, City Clerk