

# CITY OF ALBUQUERQUE



## LABOR-MANAGEMENT RELATIONS BOARD

*Wednesday, May 26, 2021*

MEMBERS PRESENT:

*Chairman Ted Baca  
Juan Montoya  
Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner      Rocky Gutierrez  
Devon Moody      James Montalbano  
Melissa Kountz      John D'Amato  
Juan Martinez      Tomas Romero  
Augusta Garcia      Jessica Enriquez*

### Minutes

**I. CALL TO ORDER.**

Chairman Baca

**II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, MAY 26, 2021.**

Chairman Baca stated that the merit hearings listed for item VIII for LB 20-31 and LB 20-36 have been settled. Mr. Montoya moved to approve the agenda for May 26, 2021. Mr. Perlman seconded. Voted and passed 3-0.

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

None.

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

None.

**V. PRESENTMENT OF ORDERS.**

None.

**VI. STATUS CONFERENCE:**

- **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.**

Rocky Gutierrez, AFSCME represented appeared on behalf of Earl Garcia and Assistant City Attorney Justin Pennington appeared on behalf of the City. Mr. Gutierrez stated that the parties continue to discuss a settlement but have not reached one and request to schedule a merits hearing. Mr. Pennington stated that there may be some jurisdiction issues for the Board and asked to schedule a motion hearing prior to a merits hearing. Chairman Baca granted the extension for the City to file their motion by June 11, 2021 and the Union's response is due June 30, 2021. Chairman Baca scheduled the motions hearing for July 6, 2021 and the merits hearing will be August 16, 2021. The parties will submit a scheduling order.

**VII. PRESENTMENT OF ARGUMENTS FOR LB 19-35.**

Assistant City Attorney Devon Moody appeared on behalf of the City and Attorney John D'Amato appeared on behalf of APOA. Both 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 19-35 and no other matters were discussed.

Chairman Baca made a motion that only matters where discipline was imposed shall be on the retention cards and all use of force cases where an admonishment letter was issued shall be treated only as an admonishment and part of the review. Following the review if an FI number is issued it should be issued no later than fifteen calendar days from date of incident and the ninety days begins with issuance of the FI number. Mr. Montoya seconded. Voted and passed 3-0.

**VIII. MERITS HEARING:**

- **LB 20-31, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF AUGUSTINE ROMERO AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE CULTURAL SERVICES DEPARTMENT FOR VIOLATIONS OF 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.**  
See item II.
- **LB 20-36, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS OF LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 0.1 PREAMBLE, 0.4.1 RECOGNITION, 13 WORK ASSIGNMENTS, 20.3.1 CLASSIFICATION/RECOGNITION.**  
See item II.

**IX. ADJOURNMENT.**

Chairman Baca moved to adjourn 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