

**LABOR-MANAGEMENT RELATIONS BOARD**  
**Monday, October 7, 2019**  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

*Chairman Ted Baca*  
*Juan Montoya*  
*Bruce Perlman*

OTHERS PRESENT:

*Leigh Brunner*                      *Fred Mowrer*  
*Ian Stoker*                              *Patty French*  
*Devon Moody*                        *Tomas Romero*  
*Melissa Kountz*                      *Jessica Enriquez*

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order. All members were present.

**II. INTRODUCTION OF NEW BOARD MEMBER BRUCE PERLMAN.**

Chairman Baca introduced new board member, Bruce Perlman.

**III. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, OCTOBER 7, 2019.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that Rocky Gutierrez submitted a Motion to Vacate Merits Hearing for LB 19-13 scheduled for item XII, and the City does not oppose. She also requested to vacate the motions hearing for LB 19-13 scheduled under item XI. Patty French appeared on behalf of AFSCME and stated that Mr. Gutierrez had an urgent family emergency and could not attend the meeting. Mr. Montoya moved to approve the Motion to Vacate Merits Hearing. Mr. Perlman seconded. Voted and passed 3-0.

Juan Montoya moved to approve the amended agenda with the changes. Chairman Baca seconded. Voted and passed 3-0.

**IV. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR SEPTEMBER 23, 2019.** Mr. Montoya moved to approve the minutes. Chairman Baca seconded. Voted and passed 2-0.

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

Chairman Baca stated that the continuation of merits hearing for LB 16-20 was scheduled for October 16, 2019 but he will not be available. Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that he also submitted an Unopposed Motion to Vacate Merits Hearing for LB 16-20. Chairman Baca tentatively rescheduled the merits hearing for November 22, 2019 if prior board member Ryan Harrigan is available.

**VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**

- **LB 17-26, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**  
Approved and signed by the Board.

**VII. PRESENTMENT OF ORDERS.**

None.

**VIII. STATUS CONFERENCE:**

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF TRANSIT EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME 624)**

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that this matter has been resolved and is pending final documents for closing. Chairman Baca rescheduled this matter for status conference on November 18, 2019.

**IX. RESCHEDULING OF MERITS HEARING:**

- **SCHEDULED OCTOBER 18, 2019- LB 19-10, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEVEN HERRERA AGAINST THE CITY OF ALBUQUERQUE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT AND LABOR RELATIONS MANAGEMENT ORDINANCE. (MICHAEL DORIN, AFSCME 2962)**

The meeting for October 18, 2019 has been cancelled due to Mr. Perlman's unavailability. This matter is rescheduled for merits hearing on November 22, 2019.

- **SCHEDULED JANUARY 22, 2020- LB 19-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR PAST PRACTICE BY NOT HIRING A CIVILIAN TO FILL THE COURT SERVICES SUPERVISOR POSITION AND PLACING A SWORN OFFICER IN THE POSITION. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

The meeting for January 22, 2020 has been cancelled due to Mr. Perlman's unavailability and rescheduled for January 24, 2020.

- **SCHEDULED JANUARY 22, 2020- LB 19-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF JOSE PADILLA AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9 A(6) AND THE CBA 24.1.7 AND 24.1.5.1 WHEN ISSUED MR. PADILLA A THREE-DAY SUSPENSION. (CASEY PADILLA, AFSCME 624)**

The meeting for January 22, 2020 has been cancelled due to Mr. Perlman's unavailability and rescheduled for January 24, 2020.

**X. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:**

- **LB 19-30, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 ON BEHALF OF SECURITY OFFICER KEITH BALLOR AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT. (TOMAS ROMERO, AFSCME 1888)**

Ms. Kountz appeared on behalf of the City and stated that this matter has been settled and closing documents are pending.

- **LB 19-31, PROHIBITED PRACTICE COMPLAINT FILED BY THE IAFF LOCAL 244 AGAINST THE CITY OF ALBUQUERQUE FIRE DEPARTMENT FOR VIOLATIONS OF THE CBA AND PAST PRACTICES WHEN THE CITY UNILATERALLY STOPPED PAYING SOME MEMBERS SALARY ASSOCIATED WITH OVERTIME PAY. (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and stated that the parties are prepared to move forward with scheduling a merits hearing but request a date in March or April of 2020. Attorney Fred Mowrer was present for APOA. Chairman Baca scheduled this matter for merits hearing on March 9, 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. (PATRICIA FRENCH, AFSCME 3022)**

Ms. Kountz appeared on behalf of the City and stated that the parties are prepared to go forward with scheduling a merits hearing. Ms. French appeared on behalf of AFSCME. Chairman Baca scheduled this matter for merits hearing on February 3, 2020.

- **LB 19-33, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF DONNA WHITE FOR VIOLATIONS TO LMRO 3-2-9A6, CBA 24.2; 17.1.2.1 AND PERSONNEL RULES & REGULATIONS 301.2; 301.3. (PATRICIA FRENCH, AFSCME 3022)**

Ms. Moody appeared on behalf of the City. Ms. French appeared on behalf of AFSCME. Chairman Baca scheduled this matter for merits hearing on March 13, 2020.

**XI. MOTIONS HEARING:**

- **LB 16-15, CITY’S MOTION FOR SUMMARY JUDGMENT AND PETITIONERS RESPONSE TO CITY’S MOTION FOR SUMMARY JUDGMENT. (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. The parties stated that they have reached an agreement and closing documents are pending.

- **LB 19-14, APOA’S DISCOVERY MOTION. (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and stated that Mr. Mowrer has granted the City an extension to respond to the Discovery Motion. Mr. Mowrer stated that he withdraws the motion.

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

See item III.

**XII. MERITS HEARING:**

- **LB 19-13, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF COURT SERVICE SPECIALIST AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT. (ROCKY GUTIERREZ, AFSCME 3022).**

See item III.

**XIII. ADJOURNMENT.**

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

**APPROVED:**

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**TED BACA, CHAIR**  
**City Labor Management Relations Board**

\_\_\_\_\_  
**DATE**

cc: Tim Keller, Mayor  
 Katy Duhigg, City Clerk