



CITY OF ALBUQUERQUE

CITY LABOR-MANAGEMENT RELATIONS BOARD

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Nichole Maher
Augustine Romero
James Montalbano (zoom)
Carrie Cook
Leigh Brunner
Louis Sisneros
Casey Padilla*

*Jessica Serrano
Louis Montoya
Jose Lopez
Catherine Gonzalez
Merissa Reddy
Kate Furek
Mike Dorin*

MONDAY, DECEMBER 18, 2023

MINUTES

I. CALL TO ORDER.

Chairman Baca called the meeting to order at 9:05 am. All Board members were present in person.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, DECEMBER 18, 2023.

Mr. Perlman moved to approve the agenda. Mr. Montoya seconded. Voted passed 3-0.

III. REVIEW AND APPROVAL OF MINUTES FOR:

- **NOVEMBER 6, 2023**

Mr. Montoya moved to approve. Mr. Perlman seconded. Voted and passed 3-0.

- **NOVEMBER 13, 2023**

Mr. Perlman moved to approve. Mr. Montoya seconded. Voted and passed 3-0.

- **NOVEMBER 27, 2023**

Mr. Perlman moved to approve. Mr. Montoya seconded. Voted and passed 3-0.

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

None today.

V. MISCELLANEOUS/STATUS CONFERENCE:

- **LB 23-20 SCREEN FOR FACIAL VALIDITY FOR NEW PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022, COUNCIL 18, AFL-CIO PRESIDENT AUGUSTINE ROMERO ON BEHALF OF PAULA MINTLE, AGAINST THE CITY OF ALBUQUERQUE FAMILY & COMMUNITY SERVICES DEPARTMENT FOR VIOLATING THE CBA WHEN IT DID NOT HAVE JUST CAUSE TO DISCIPLINE MS. MINTLE.**

Assistant Attorney Carrie Cook appeared on behalf of the City. Augustine Romero appeared on behalf of AFSCME Local 3022.

Chairman Baca reviewed the PPC aloud. Attorney Cook stated the City believed this matter should have gone to Personnel Board and no specific article of the CBA was cited by the Union. Chairman Baca said the PPC mentioned 'just cause' and Mr. Romero explained clause 0.4.1 in paragraph 3 of the PCC. Attorney Cook said it is not clear what the Union is alleging was violated. Mr. Perlman asked the Union where just cause was cited in the contract and what the issue concerning representation was. Chairman Baca moved that the PPC is valid on the condition that the union file in 10 days from today an amended version, stating where just cause is mentioned in the CBA. Mr. Perlman amended the motion to say: cite all allegations. Mr. Perlman seconded. Voted passed 3-0.

- **LB 23-21 SCREEN FOR FACIAL VALIDITY FOR NEW PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022, COUNCIL 18, AFL-CIO PRESIDENT AUGUSTINE ROMERO ON BEHALF OF JUDDY LUEBBERS AND MELANIE RODRIQUEZ, AGAINST THE CITY OF ALBUQUERQUE GENERAL SERVICE DIVISION & METRO SECURITY FOR VIOLATING CBA ARTICLE 1.7 AND LMRO § 3-2-10(A)(5)(7)(9).**

Assistant Attorney Jessica Serrano appeared on behalf of the City. Augustine Romero appeared on behalf of AFSCME Local 3022.

Chairman Baca reviewed the PPC aloud. Chairman Baca asked Mr. Romero what exactly the Union was asking for, which was discussed. Attorney Serrano said the City did not have an issue with the facial validity of this PPC, but wanted to clarify exactly what the union was asking for. Mr. Romero clarified. Chairman Baca moved to approve this PPC as facially valid. Mr. Perlman seconded. Voted and passed 3-0.

- **LB 23-22 SCREEN FOR FACIAL VALIDITY FOR NEW PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FRED MOWRER ON BEHALF OF THE APOA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT, FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BY NOT PROVIDING COLD CASE AND HOMICIDE UNIT DETECTIVES THE PAYMENT OF WAGE FOR WORKING IN THE DIVISION.**

Assistant Attorney Catherine Gonzalez appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of the APOA.

Chairman Baca reviewed the PPC aloud. Attorney Mowrer provided the Board a copy of Exhibit 1. Attorney Mowrer discussed the issue with bi-weekly pay for homicide unit detectives. Attorney Gonzalez said she just received a copy of the inter-office memo but does not see anything on an MOU with the Union. The Union is not sure what the MOU date is. The work has started but the pay has not. Mr. Perlman said he understands how this is a grievance but not a violation of the MOU. Attorney Gonzalez said without an executed MOU, it cannot be violated. Chairman Baca stated the memorandum appeared to state it was the official agreement. Mr. Perlman asked if the Board approved this PPC as facially valid, and then the City paid the money immediately after, would Attorney Mowrer withdraw the PPC. Attorney Mowrer said yes, he would. Attorney Gonzalez said it is concerned there is no MOU. Mr. Perlman said it is unclear how the Lieutenant wrote a memorandum if APD had not approved the pay. Attorney Gonzalez said the City perceived the letter as a notice, not an official start of anything. Mr. Perlman said it did not explain why the document was sent to APD payroll. Attorney Gonzalez said they speculate it was a notice until the MOU was submitted. Chairman moved to find the PPC facially valid. Mr. Montoya seconded. Mr. Perlman said he wants to make sure this does not set a precedent, and also wants an MOU shown. Voted and passed 3-0. Attorney Mowrer said he is not sure where the MOU is and has been asking but found no answers; which is partly why this PPC was filed.

VI. MOTION HEARING:

- **LB 23-19 MOTION FOR DISCOVERY HEARING ON PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FRED MOWRER ON BEHALF OF THE APOA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT, FOR FAILING TO ADHERE TO THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BY FAILING TO UPDATE OR REPAIR THE CURRENT RADIO COMMUNICATIONS SYSTEM USED BY OFFICERS IN THE DEPARTMENT.**

Assistant Attorney Kate Furek appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA.

Chairman Baca asked if this had been resolved. Attorney Mowrer said it had. Union's motion for Discovery is withdrawn.

VII. ADJOURNMENT.

Chairman Baca adjourned at 9:47 am.


TED BACA, CHAIR

City Labor-Management Relations Board


DATE