



CITY OF ALBUQUERQUE

CITY LABOR-MANAGEMENT RELATIONS BOARD MONDAY, SEPTEMBER 23, 2024

MEMBERS PRESENT:

*Chairman Ted Baca
Juan Montoya
Bruce Perlman*

OTHERS PRESENT:

*Domonique Limon
Leigh Brunner
Frederick M. Mowrer
Michael Dorin
Joel Villareal*

*Casey Padilla
Evan Crocker
James Montalbano (Zoom)
Milagro Padilla (Zoom)*

MINUTES

I. CALL TO ORDER.

Chairman Baca called the meeting to order at approximately 9:02 a.m. All three Board members were present in person.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, SEPTEMBER 23, 2024.

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

III. REVIEW AND APPROVAL OF MINUTES FOR SEPTEMBER 9, 2024.

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

IV. PUBLIC COMMENTS:

Attorney Frederick Mowrer Congratulated Member Juan Montoya and Chairman Ted Baca for the re-nomination for the next term on the City of Albuquerque Labor-Management Relations Board.

V. REVIEW AND APPROVAL OF THE ANNUAL OPEN MEETINGS ACT RESOLUTION.

Assistant City Attorney Leigh Brunner requested to review a couple items on the draft Annual Open Meetings Act Resolution. Paragraph two addresses how much notice will be given for a regular meeting. The Open Meetings Act states that every year the Board shall review and may adjust the notice requirements as they see fit. Chairman Baca reviewed the highlighted points. The Board decided to keep the provision stating that notice of regular meetings shall be given at least 10-days in advance as the dates and times of upcoming meetings are currently listed on each Agenda and the Board's website. The Board discussed that currently the regular meetings are set for the first and third Monday of each month, which will be reflected in the revised resolution. Attorney Brunner will finalize the Resolution for approval and signature at our next meeting.

VI. MISCELLANEOUS/STATUS CONFERENCE:

- **LB 24-21 ORDER OF DISMISSAL WITH PREJUDICE** - Approved and Signed.

- **LB 23-05 ORDER GRANTING CITY'S MOTION FOR LEAVE.**

Attorney Evan Crocker appeared on behalf of the City and stated that the City is asking for a Motion for Leave to File a Motion for Reconsideration. Motions for Reconsideration have been filed in the past and there is a rule within in the Labor Board Rules which provides for Reconsideration. He also stated that if the Motion is not granted the City will be filing an Appeal in the District Court. Attorney James Montalbano appeared on behalf of AFSCME, and noted that this was regarding the Motion for Summary Judgment. The parties both stated to the Board that there were no disputed facts. Chairman Baca requested that Attorney Montalbano provide a short summary of the facts of this case. Attorney Montalbano stated that this pertains to the Motion for Summary Judgement regarding whether or not the City had a duty to bargain for wage adjustments and the request for

public information which was not provided. He stated that the parties had represented to the board that there were no issues of disputed fact. Attorney Montalbano stated that they issued a class and comp study related to this case around July 1st and we have asked to bargain and we have been rejected. Joel Villareal, Staff Representative, stated that Mr. Crocker stated the Unions are misrepresenting the City's attempts to bargain which is not. The Order was very clear and based on communications made by the Union with the City, to this day they have not received a date to bargain or any information regarding the wage negotiations they have been trying to do for over a year.

Member Perlman moved to approve. Chairman Baca seconded. Voted and passed 2-1. Member Perlman stated that he does share Member Montoya's concern because we did approve the City's Motion to Approve but there may be some points which were missed.

Chairman Baca noted, if the City files their Motion to Reconsider by this Friday, September 27, 2024, opposing counsel has until the following Friday, October 4, 2024, to file their reply. The matter will be heard on October 7, 2024.

- **LB 24-20 ENTRY OF SCHEDULING ORDER.**

Attorney Frederick Mowrer on behalf of the APOA. This case was filed by Attorney D'Amato regarding retirement benefits due as a result of termination. This matter can be vacated today. Attorney Mowrer's understanding is that Ms. Gonzalez and Mr. D'Amato are working on a resolution. Attorney Evan Crocker appeared on behalf of the City, and stated that is his understanding as well and a resolution will be reached and we can happily vacate this matter. We will schedule a status conference for October 21, 2024.

- **LB 24-22 PETITION FOR CLARIFICATION OF EXISTING BARGAINING UNIT.**

Chairman Baca stated, no one from CWA is present. Attorney Evan Crocker appeared on behalf of the City and stated that this matter was addressed at the last meeting as an accretion request. He was told by the department that there are three individuals who wish to be considered. Chairman Baca reviewed the two petition cards provided. Chairman Baca stated it is still unclear. Attorney Crocker offered to request the Department provide more information. Attorney Mowrer stated that from what he can remember Triage Specialists were not included in the original filing for CWA. Milagro Padilla appeared on behalf of the CWA, and stated that they were approached by two individuals who wished to be included. At the last meeting it was requested by the Board we provide Unit Clarification. Chairman Baca noted that this matter will be re-set for October 7, 2024, and requested that the CWA please try to have the necessary information for us on the 7th.

- **LB 24-23 FACIAL VALIDITY SCREENING PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FREDERICK M. MOWRER ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AND OFFICER BRANDON WATTS AGAINST THE ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CBA SECTION 20 BY UNTIMELY IMPOSING DISCIPLINE.**

Attorney Evan Crocker appeared on behalf of the City, and Attorney Frederick Mowrer appeared on behalf of the APOA. Attorney Crocker stated that the City has no objection to the facial validity of this matter. Chairman Baca stated, let the record reflect that the parties have stipulated to the facial validity of this matter. This matter will be deemed facially valid.

- **LB 24-24 FACIAL VALIDITY SCREENING PROHIBITED PRACTICE COMPLAINT FILED BY ATTORNEY FREDERICK M. MOWRER ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AND OFFICER JASON BROWN AGAINST THE ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CBA SECTION 20 BY UNTIMELY IMPOSING DISCIPLINE.**

- Attorney Evan Crocker appeared on behalf of the City, and Attorney Frederick Mowrer appeared on behalf of the APOA. Attorney Crocker stated that the City has no objection to the facial validity of this matter. Chairman Baca stated, let the record reflect that the parties have stipulated to the facial validity of this matter. This matter will be deemed facially valid.

VII. **ADJOURNMENT.**

Chairman Baca adjourned meeting at 10:01 a.m.

Ted Baca

TED BACA, CHAIR
City Labor-Management Relations Board

Oct ^{TR}
~~Sept~~ 7, 2024
DATE

