

BERNALILLO COUNTY LABOR RELATIONS BOARD

Danny W. Jarrett, Member
Morty Simon, Member

Julie Morgas Baca, Chair



Meeting Minutes For Thursday, June 12, 2014, at 1:30p.m.
BC Annex Building, 415 Tijeras NW
Human Resources Training Room, Second Floor, Albuquerque, New Mexico 87102

Members Present:

Danny Jarrett
Julie Morgas Baca
Morty Simon

Bernalillo County Staff Present

Robert Kidd, Compliance Officer
Rachel F. Nickels, Executive Assistant

Michael Garcia, Assistant County Attorney, Sr.
Jason Jaramillo, Assistant County Attorney

On Behalf of Petitioner Present

Youtz & Valdez, P.C. (Shane Youtz, Esq.)

Call to Order:

The meeting was called to order at 1:37p.m. by Chair Morgas Baca.

Roll Call:

Announcement of each of Board Member was made by Compliance Officer Robert D. Kidd, per the Chair's request.

Approval of Agenda:

Member Simon motioned to approve the Agenda which was seconded by Member Jarrett and approved unanimously.

Approval of Minutes:

Member Simon motioned to approve the Friday, May 16, 2014 Minutes which was seconded by Member Jarrett and unanimously approved.

Review and Approval of the Board's Rules of Procedure:

Member Simon motioned and then later withdrew his motion to approve the rules of Procedure. Member Simon posed inquires about a Hearing Officer and Fact Finder within the existing provisions. Member Jarrett motions to table this Item until the next scheduled Meeting for further review and approval which is unanimously approved.

Hearing on Merits of Complaint AFSCME, Local 2499 v. Board of County Commissioners of Bernalillo County (PPC 2014-001):

Introductions

Michael I. Garcia, Assistant County Attorney, Sr. and Jason Jaramillo, Assistant County Attorney, introduced themselves for the Board.

Shane Youtz, Counsel for Petitioner, introduced himself for the Board.

Opening Statements

First Opening Statement was presented by Mr. Youtz and he provided Exhibits to the Board to be used during the Hearing.

Second Opening Statement was presented by Mr. Garcia and he also, provided Exhibits to the Board to be used during the Hearing.

Petitioner's Case

Mr. Youtz called his first witness, Eric R. Allen, Metropolitan Detention Center ("MDC") Sergeant and Union Vice-President, who was sworn in by Mr. Kidd. The Sergeant gave his testimony and then Mr. Jaramillo cross-examined him with Mr. Youtz redirecting him on cross-examination. Member Simon asked for clarification, followed by Member Jarrett and finally Chair Morgas Baca ended with her questions directed to Mr. Youtz, regarding clarification on the exhibits provided.

Mr. Youtz called his second witness, former Chief Ramon Rustin of MDC, who is technically still consulting the Department, who was sworn in by Mr. Kidd. Chief Rustin gave his testimony and then Mr. Garcia cross-examined him. Member Simon and Member Jarrett asked the Chief for clarification and Mr. Youtz then re-directed. Chief Rustin's testimony ended with Chair Morgas Baca's questions.

Mr. Youtz called his third and final witness, Stephen Perkins, Lieutenant at MDC and Union President, who was sworn in by Mr. Kidd. Mr. Garcia then cross-examined the Lieutenant. Member Simon and Member Jarrett, respectively, asked for clarification from the Lieutenant and then Mr. Youtz stated he rests his case.

Respondent's Case

Mr. Garcia called his first witness, Captain Raymond Gonzales of MDC, who was sworn in by Mr. Kidd. Mr. Youtz cross-examined the Captain and Mr. Garcia re-directs with no questions for the Board.

Mr. Garcia called his second and last witness, Lieutenant at MDC, who was sworn in by Mr. Kidd. Mr. Youtz then cross-examined the Lieutenant followed by Member Jarret asking for clarification, and Mr. Garcia then rests his case after this witness.

Chair Morgas Baca motioned to break at 3:59p.m., and the Hearing reconvened at 4:10p.m.

Mr. Jaramillo called the third and final witness, Jonathan Thomas, Captain at MDC, who was sworn in by Mr. Kidd. There was no cross-examination and the Respondent stated he rests his case.

Closing Statements

Closing Statement was presented by Mr. Youtz.

Closing Statement was presented by Mr. Jaramillo who asked the Board to dismiss all complaints.

Member Simon motioned to go into executive session at 4:43p.m., which was unanimously approved.

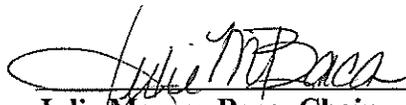
The Board reconvened from executive session at 5:26p.m. Member Simon motions to deny the ~~complaint~~ ^{leave} on the ten hour shift change and motions to deny the complaint on recruiting officers ~~with believe~~ to reopen if the recruiting officers are listed in the certification, but as to the overall issue, the Board requests both parties provide briefing on the ambiguity of the fourth paragraph of the Memorandum of Understanding ("MOU"), and briefing on the issue of status quo, if it is a long enough period to be considered a status quo and also whether or not that period of time helps Board to interrupt what the MOU's intentions were. Member Jarrett, seconded the motions and were all passed unanimously. Briefing is to be provided to the Board no later than fourteen calendar days (Thursday, June 26, 2014) and Member Jarrett seconded the motion and was therefore, approved.

Adjournment:

With no further business, the meeting adjourned at 5:29p.m., on Thursday, June 12, 2014.

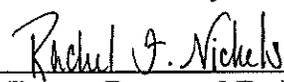
Next Meeting:

After the Board has received and reviewed the requested Briefs from both parties, the next Meeting will be scheduled accordingly.



Julie Morgas Baca, Chair
Bernalillo County Labor Relations Board

7-23-14
Date



Minutes Prepared By Rachel F. Nickels
Compliance Office

July 23, 2014
Date