

BERNALILLO COUNTY LABOR RELATIONS BOARD

Danny W. Jarrett, Member  
Morty Simon, Member

Julie Morgas Baca, Chair



**Meeting Minutes For Wednesday, October 22, 2014, at 2:00p.m.  
One Civic Plaza NW, Albuquerque, New Mexico 87102  
10<sup>th</sup> Floor County Manager's Conference Room B**

**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 M. Jaramillo, Assistant County Attorney

**Public Present**

Stephen Curtis, AFSCME Counsel

**Call to Order:**

The meeting was called to order at 2:03p.m. by Chair Morgas Baca.

**Roll Call:**

All Board Members were noted to be present by Chair Morgas Baca.

**Approval of Agenda:**

Member Simon motioned to approve the Agenda which approved unanimously.

**Approval of Minutes:**

Member Jarrett motioned to approve the Monday, August 25, 2014 Minutes which was seconded by Chair Morgas Baca and unanimously approved.

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

Michael Garcia, Assistant County Attorney, Sr., speaks to the issue of having a Hearing Officer and cites that the Ordinance does not prohibit nor does it make a provision for such a position

and compares the County Ordinance to that of the City of Albuquerque's Labor Relations Ordinance. He also points out funding constraints and cautions against changing the Ordinance. Though a Hearing Officer may eliminate some duties of the Board, it could also lengthen the process of Hearings. Mr. Garcia will do a follow-up Memo to the Board.

Member Simon asks for clarification regarding the procurement process for a Hearing Officer. Mr. Curtis questions having a Hearing Officer and being able to meet the five (5) day deadline for Hearings. Member Jarrett comments on reasons for having a Hearing Officer. Member Simon comments on the need for a Hearing Officer for findings of fact.

**Hearing on Briefs in Complaint AFSCME, Local 2499 v. Board of County Commissioners of Bernalillo County (PPC 2014-002):**

Stephen Curtis, AFSCME Counsel, opens with arguments and discusses Briefs submitted on behalf of the AFSCME, Local 2499. Member Simon asks for clarification and Mr. Curtis responds. Member Jarrett asks for additional clarification and all Board Members review the Labor Relations Ordinance silently. Member Jarrett asks if the bargaining is continuing and Mr. Garcia answers yes.

Michael Garcia, Assistant County Attorney, Sr., makes opening statement and responds to opposing counsel's comments. Member Simon asks for clarification of Section 32.1 and 32.2 of Ordinance and Mr. Garcia responds. Member Jarrett comments on certain language of the Collective Bargaining Agreement. Mr. Garcia, again confirms the ongoing negotiations and asks the Board to deny PPC2014-002.

Stephen Curtis, AFSCME Counsel, responds to Mr. Garcia and Member Simons asks questions of Mr. Garcia to which he answers accordingly followed by additional questions to Mr. Curtis by Members Jarrett and Simon. Mr. Curtis responds to the Member with further closing comments by Mr. Garcia and then Mr. Simon.

Chair Morgas Baca motion to go into executive session at 3:02p.m.

Chair Morgas Baca reconvenes the Meeting at 3:28p.m.

Board Members motioned and voted for approval of the below Decision, which was read by Member Simon as follows:

The Petitioner's Complaint is granted in part and denied in part. The Collective Bargaining Agreement remains in affect under Section 32.1 until a new agreement has been ratified and executed by both parties.

The Board observes that in the arbitration decision in AFSCME, Local 2499 v. Bernalillo County Metropolitan Detention Center, the arbitrator found in Paragraph 4 of his Findings, that the CBA's "Me Too Clause" is vague and unenforceable without agreement by the parties or interpretation and application by an arbitrator or court, however, it is not void for vagueness.

The parties are urged to ensure that during the negotiation process, agreed upon language does not suffer from this same defect. All other requested relief is denied.

There will be a written Final Decision and Order.

**Other Matters:**

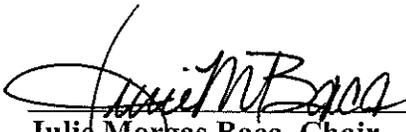
N/A

**Next Meeting:**

TBD

**Adjournment:**

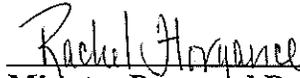
With no further business, the meeting adjourned at 3:29p.m., on Wednesday, October 22, 2014.



Julie Morgas Baca, Chair  
Bernadillo County Labor Relations Board

2-13-15

Date



Minutes Prepared By Rachel Floryance  
Compliance Office

February 13, 2015

Date