

BERNALILLO COUNTY LABOR RELATIONS BOARD

Danny W. Jarrett, Member  
Morty Simon, Member

Julie Morgas Baca, Chair



**Meeting Minutes For Friday, February 13, 2015, 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.

**Public Present**

Stephen Curtis, AFSCME Counsel  
Patrick Pearson  
Adam Vaughn  
Rocky Gutierrez

**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 Simon motioned to approve the Wednesday, October 22, 2014 Minutes which was seconded by Jarrett and unanimously approved.

**Hearing on AFSCME, Local 2499 v. Board of County Commissioners of Bernalillo County (2015-001):**

Stephen Curtis, AFSCME Counsel, addressed Board regarding the procedural objection as the focus on Hearing, Michael Garcia, Assistant County Attorney, Sr., agrees with Mr. Curtis.

Mr. Curtis states the Petitioner's position making arguments regarding the process established and conceptual issues in the County's Labor Ordinance to which Mr. Garcia responds. Individually the Board Members ask questions, need clarification, and request documentation of past procedures followed by the County regarding these same matters. The issue of running elections and proper way of initiating the process of elections is addressed by the Board as well as both parties. Mr. Garcia also addresses the definition of Supervisor. The Board follows up with the question of having a Fact Finder, as discussed in previous Board Meetings. Mr. Garcia responds to the Board.

Member Simon motions to go into executive session at 2:44pm, which is approved unanimously.

The Board reconvenes at 3:30pm

The Chair states that the Board just received, during executive session, documentation of a Petition For Initial Certification Of A New Bargaining Unit dated January 23, 2012, which is evidence of previous practice.

Member Simon moves to rule as follows: the Board is denying the Petition at this time with leave for the Union to refile in accordance with Section 207 (a), however, and also find, that the Union does not have to show and cards or reveal in any way, those who signed the cards or petition to the County as part of an initial Petition. We also find that the Union, the word asserting in second line of Section 207 (a) only calls for a good faith assertion that the Union believes that they will prevail in an election and not an actual knowledge that they have fifty percent (50%) supporting at that time. Also, the Board rule that the thirty percent (30%) requirement in Section G is a reference to the thirty percent (30%) requirement in Section A. Finally, if in case the Union decides to refile in accordance with Section 207 (a), we are ordering the County to retain a Fact Finder or a Hearing Officer by April 1, 2015, and further order the County to submit three (3) potential names to the Board for approval of a Fact Finder or Hearing Officer before they actually hire a Fact Finder or Hearing Officer. If this case is refiled, then this case should be referred to the Fact Finder or Hearing Officer for determination of factual questions. Member Jarrett seconded the motion and it was approved unanimously.

Mr. Curtis asks for clarification from the Board on the above decision.

A more detailed audio transcript of this Hearing can be requested from the Compliance Office.

**Other Matters:**

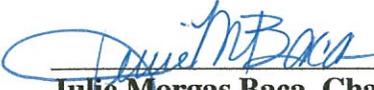
Scheduling of PPC2015-001 to be heard at the next scheduled Meeting.

**Next Meeting:**

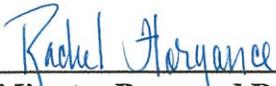
March 25, 2015, at 1:30pm

**Adjournment:**

With no further business, the meeting adjourned at 3:20p.m., on Friday, February 13, 2015.

  
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**Julie Morgas Baca, Chair**  
**Bernafillo County Labor Relations Board**

8-26-15  
\_\_\_\_\_  
**Date**

  
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**Minutes Prepared By Rachel Floryance**  
**Compliance Office**

August 26, 2015  
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**Date**