

SANDOVAL COUNTY LABOR MANAGEMENT RELATIONS BOARD

REGULAR MEETING MINUTES

THIRE FLOOR COUNTY COMMISSION CHAMBERS (Via WEBEX)

10:30 P.M. – Wednesday October 21, 2020

1. CALL TO ORDER

The meeting was called to order at 10:30 p.m. by Ted Baca, Chair.

2. PLEDGE OF ALLEGIANCE

Pledge of Allegiance not recited because of virtual meeting format

3. INTRODUCTIONS & ANNOUNCEMENTS

Shane Youtz appeared on behalf of AFSME Local Counsel 18 and introduced local union representative Sam Chavez

Dina Holcomb appeared on behalf of Sandoval County and introduced Robin Hammer, County Attorney; Jeff Peters, County Director of Human Resources; Gilbert Armendariz, Detention Director; and Chris Urbanik, Assistant Detention Director.

Monica Carta-Varela and David Montoya, Training/Recruiting Specialist, Detention Center, Joe Hern

Parties to discuss decertification: David Montoya, Monica

4. APPROVAL OF AGENDA

Ted Baca, Chair moved to approve the agenda as amended since the Pledge of Allegiance was not recited. Frank Marquez seconded the motion. The motion passed 3-0.

5. APPROVAL OF MINUTES

Tec Baca, Chair moved to approve the minutes from June 12, 2020 meeting. Frank Marquez seconded the motion. The motion passed 3-0.

6. STATUS CONFERENCE – RESCHEDULING HEARING FOR LRB 01-2020.01/PPC

Shane Youtz said the Union is ready at any time. Rules require the hearing to be held within twenty (20) days of the originally hearing date. That deadline has been missed.

Chair Baca mentioned that an amended petition was filed which caused the original date to be missed.

Shane Youtz confirmed that they had filed an amended petition.

Dina Holcomb proposed the dates of December 4, 2020 and December 14, 2020 for the hearing. Ms. Holcomb said that one day would be sufficient for the hearing.

Shane Youtz said that he preferred the December 4, 2020 date. Mr. Youtz said that the decertification petition was assisted by the employer. Assisted decertification petitions are illegal and that issue would have to be resolved by the board before there can be any election or hearing on the decertification. The sooner that is done the better.

Chair Baca mentioned that the decertification issue would be handled on the next agenda item.

Board member Frank Marquez and board member Marilyn Hill both verified that they are available on December 4, 2020.

Chair Baca asked Robin Hammer if the hearing on December 4, 2020 could be done in person at the Sandoval County Commission Chamber room.

Robin Hammer mentioned that the county prefers to have the December 4, 2020 meeting in person and not virtual. Frank Marquez and Marilyn Hill were both fine with an in-person hearing.

Chair Baca scheduled the hearing for LRB -01-2020-01/PPC for December 4, 2020 at 9:00 a.m. Shane Youtz had no objections to the in-person hearing. Dina Holcomb mentioned that her witnesses would not have a problem with an in-person hearing. Robin Hammer confirmed that the county has the capability to socially distance during an in-person hearing.

Chair Baca set the following deadlines:

Amend Pleadings or add additional parties - Mr. Youtz does not need a deadline. Ms. Holcomb does not need a deadline. Chair Baca mentioned that any deadlines associated with pleadings and additional parties has now expired.

Completion of Discovery - Mr. Youtz does not need a deadline. Ms. Holcomb does not need a deadline. Chair Baca mentioned that any deadlines associated with completion of discovery has now expired.

Dispositive Motions – Mr. Youtz does not see a need for any of these types of motions. Ms. Holcomb agreed. Chair Baca mentioned that any deadlines associated with dispositive motions has now expired.

Deadlines for any other types of motions – Mr. Youtz does not see a need for any of other types of motions. Ms. Holcomb agreed. Chair Baca mentioned that any deadlines associated with any other motions has now expired.

Deadline to disclose witnesses – Mr. Youtz can do it a week or two before the trial to include exhibit list. Whatever Ms. Holcomb prefers. Ms. Holcomb believes a week before is fine. Mr. Youtz suggested the Monday before Thanksgiving. Ms. Holcomb is fine with that. Parties decided to exchange

documents. Ms. Holcomb agreed. Chair Baca set the deadline for exchanging information on or before Monday November 23, 2020.

Mr. Youtz mentioned that he would have more than five witnesses but fewer than ten. Ms. Holcomb mentioned that she would have four or five witnesses. Chair Baca asked if everyone was confident that the hearing could be done in one day. Mr. Youtz thought that would be tough. Ms. Holcomb agreed. All agreed that a second day would be needed. The second day was scheduled for December 14, 2020 at 9:00 a.m. Frank Marquez and Marilyn Hill both confirmed that they would be available on December 14, 2020.

No further discussion took place regarding the hearing for 01-2020.01/PPC.

7. PETITION FOR DECERTIFICATION

Chair Baca asked who represented the petitioners and who represented AFSMC.

David Montoya said he would represent the petitioners. Shane Youtz said he would represent AFSCME.

Mr. Youtz mentioned that it's long held labor law that when there is a pending prohibitive practice charge that goes to the merits of a petition to decertify, the petition and the election are held off until those charges are resolved. Those charges are called, "blocking charges." The charge in this specific complaint alleges that the county actively assisted its employees in distributing a decertification petition while on company time and in company uniform. If those allegations are true, it would invalidate the decertification petition because employer assisted decertification petitions are explicitly illegal. The resolution of that question must be made by the labor board before it can make a determination on whether or not to hold an election of the decertification petition. Mr. Youtz proposed that the decertification petition be stayed pending resolution of the blocking charge which is contained in the current PPC to be heard on December 4, 2020 and December 14, 2020.

David Montoya said that the decertification petition was started by union employees that were not satisfied with the union's representation of the employees. Mr. Montoya has no objections to hearing the PPC before the decertification petition.

Chair Baca said that a hearing for the decertification petition would not be scheduled until there is a decision on the current PPC.

Dina Holcomb mentioned that any time a decertification petition is filed it requires the employer to file a list of bargaining employees with the petitioner and the union. Mr. Holcomb said we would provide that list.

No further comment regarding the petition for decertification occurred.

8. PUBLIC COMMENT

No public comment was received via email.

9. ADJOURN

Frank Marquez moved that the meeting be adjourned. Marilyn Hill seconded the motion. The motion passed 3-0.

Meeting adjourned at 11:00 a.m.

APPROVED