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## City Lacks Functioning Labor Board

By Dan McKay

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It's been more than a year since City Hall had a functioning labor board to resolve disputes between employees and management.

And it's not clear whether the problem will be fixed anytime soon, even as a backlog of 70 cases awaits consideration.

"We're kind of stuck in a pickle," said Ernest Lucero, a bus driver pushing to form a new union. "We have no one to go to in the city."

Albuquerque's labor ordinance calls for the appointment of a three-member board to help resolve disputes between the city and its employees. The city's labor board hasn't met since December 2009, the month Mayor Richard Berry took office, one labor attorney said.

The problem is that the management and union representatives to the board haven't been able to agree on who should serve as the third, "neutral" member of the board.

Barbara Stephenson — the mayor's latest appointee to the board after an earlier one resigned — and Justin Lesky, the unions' pick, have apparently settled on civil rights attorney George Bach as the third member. That would allow the group to start meeting again in mid-April.

But the mayoral administration questions Bach's appointment because he's involved in litigation against city government.

"At first blush, that doesn't sound too neutral to me," said Rob Perry, Albuquerque's chief administrative officer.

Bach, in a letter to the city Legal Department, said none of his pending cases is "labor-related" and that he won't take on any new civil matters against the city. His pending city litigation includes a due process case, a false arrest, the former mayor's ban on sex offenders in libraries and the detention of an illegal immigrant.

Bach added that the labor board will consider objections to his service at its next meeting, and he's willing to "evaluate any potential conflict or appearance of impropriety on a case-by-case basis."

Meanwhile, a union attorney, Paul Livingston, wants to know how Bach was selected and whether it happened outside a public meeting.

A draft agenda for a labor board meeting April 19 lists the nomination of Bach as one of the first items of business. It's not clear whether Bach's appointment would also require City Council approval, officials said.

The lack of a board "has been frustrating to me," Berry told the Journal. "We just want a reasonable third party."

Union leaders say the lack of labor board leads to more court fights because the city and its employees don't have a better venue for settling disputes. In some cases, the city has imposed new contracts on its unions because they can't agree on one, labor leaders say.

"We've had to go to court, spending lots of money, because there's no labor board," said Andrew Padilla, president of AFSCME Council 18, an umbrella group that includes several unions of city employees.

Livingston, who represents some transit workers who want to switch unions, said that, with no labor board, "you don't have any ability to have fair hearings. You've basically taken all public employee rights."

Perry disagrees that the lack of a board is quite that serious. Unions have some options, he said, such as taking disputes to the state labor board, which they've done several times.

But he said "it'd be preferable to have an objective, balanced and functioning labor board within the city."

Livingston points out that the state board is no longer functioning, either, after its members were fired by Gov. Susana Martinez.

The city labor board agenda includes 71 cases, such as allegations that the city has engaged in "prohibited practices" against employees.

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