

# **CITY of ALBUQUERQUE**

## **TWENTY FIRST COUNCIL**

COUNCIL BILL NO. F/S R-14-101 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Diane Gibson

1 **RESOLUTION**

2 **SETTING POLICY RELATING TO THE CIRCUMSTANCES IN THE MATTER OF**  
3 **THE CITY OF ALBUQUERQUE V. AMERICAN FEDERATION OF STATE,**  
4 **COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 624;**  
5 **ALBUQUERQUE POLICE OFFICERS' ASSOCIATION; AND INTERNATIONAL**  
6 **ASSOCIATION OF FIRE FIGHTERS LOCAL 244; DIRECTING THE CITY**  
7 **ATTORNEY TO DISMISS THIS MATTER.**

8 **WHEREAS, after several years of negotiation the City of Albuquerque**  
9 **recently renewed a collective bargaining agreement with the Albuquerque**  
10 **Police Officers' Association (APOA) effective July 16, 2014; and**

11 **WHEREAS, after several years of negotiation the City of Albuquerque also**  
12 **recently renewed a collective bargaining agreement with the International**  
13 **Association of Fire Fighters (IAFF) effective March 8, 2014; and**

14 **WHEREAS, at or near the end of negotiation with the APOA and the IAFF**  
15 **the City Attorney filed a lawsuit against the APOA, the IAFF and the American**  
16 **Federation of State, County, and Municipal Employees (AFSCME) 624 seeking**  
17 **payment from these entities for City wages accrued by union officials while**  
18 **conducting union business as authorized under the expired collective**  
19 **bargaining agreements; and**

20 **WHEREAS, this lawsuit by the City against City organized labor unions**  
21 **shows bad faith on the part of the City by having negotiated new collective**  
22 **bargaining agreements and subsequently filing suit for conduct authorized**  
23 **under the expired contract but before execution of the new contract; and**

24 **WHEREAS, the City is in ongoing negotiation with AFSCME 624 for a new**  
25 **collective bargaining agreement, and has been since approximately 2010 and**

1 an appearance of bad faith could impact the future negotiations with this and  
2 other labor groups; and

3 WHEREAS, the City's action in negotiating new bargaining agreements and  
4 immediately filing suit for activities during the negotiation period that were  
5 authorized by the prior, expired contract will be detrimental to the City's  
6 interest in good labor relations and the completion of future, reasonable  
7 collective bargaining agreements.

8 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
9 ALBUQUERQUE:

10 Section 1. It is the Policy of the City to not seek civil damages from labor  
11 groups or their officials for conduct during negotiations that was consistent  
12 with the terms of the most recently expired collective bargaining agreement  
13 when the City was enjoined from not honoring the terms of the expired  
14 agreements; and accordingly, the City Attorney is directed to immediately  
15 dismiss the matter of *City of Albuquerque v. American Federation of State,*  
16 *County, and Municipal Employees (AFSCME) Local 624; Albuquerque Police*  
17 *Officers Association; and International Association of Fire Fighters Local 244*  
18 *(D-202-CV-2014-04347).*

19 Section 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
20 word, or phrase of this resolution is for any reason held to be invalid or  
21 unenforceable by any court of competent jurisdiction, such decision shall not  
22 affect the validity of the remaining provisions of this resolution. The Council  
23 hereby declares that it would have passed this resolution and each section,  
24 paragraph, sentence, clause word or phrase irrespective of any provisions  
25 being declared unconstitutional or otherwise invalid.