



Legislation Details (With Text)

**File #:** R-14-101  
**Type:** Resolution      **Status:** Sustained  
**File created:** 8/18/2014      **In control:** City Council  
**Final action:** 11/3/2014  
**Enactment date:**      **Enactment #:**

**Effective date:**

**Title:** F/S Setting Policy Relating To The Circumstances In The Matter Of The City Of Albuquerque v. American Federation Of State, County And Municipal Employees (AFSCME) Local 624; Albuquerque Police Officers' Association; And International Association Of Fire Fighters Local 244; Directing The City Attorney To Dismiss This Matter (Gibson)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. R-101, 2. R-101 Approved Floor Substitute, 3. R-101fsfinal

Date	Ver.	Action By	Action	Result
11/3/2014	3	City Council	Sustained	
10/24/2014	3	Mayor	Vetoed	
10/14/2014	2	City Council	Sent to Mayor for Signature	
10/6/2014	2	City Council	Passed	Pass
9/15/2014	2	City Council	Postponed	Pass
9/15/2014	2	City Council	Postponed	
9/3/2014	1	City Council	Substituted	Pass
9/3/2014	1	City Council	Postponed as Substituted	Pass
8/18/2014	1	President	To be heard at the Council Meeting	
8/18/2014	1	City Council	Introduced	

**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**

COUNCIL BILL NO. F/S R-14-101

ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Diane Gibson

RESOLUTION

F/S Setting Policy Relating To The Circumstances In The Matter Of The City Of Albuquerque v. American Federation Of State, County And Municipal Employees (AFSCME) Local 624; Albuquerque Police Officers' Association; And International Association Of Fire Fighters Local 244; Directing The City Attorney To Dismiss This Matter (Gibson)

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

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

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

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

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

WHEREAS, the City is in ongoing negotiation with AFSCME 624 for a new collective bargaining agreement, and has been since approximately 2010 and an appearance of bad faith could impact the future negotiations with this and other labor groups; and

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

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

ALBUQUERQUE:

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

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

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