

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD

Wednesday, March 26, 2014

600 2nd Street NW, 7th Floor, Albuquerque, NM 87102

HEARING ROOM 1

MEMBERS PRESENT:

*Patrick Halter
Susan Chappell
Juan Montoya*

OTHERS PRESENT:

*Doris Duhigg
Rebecca Wardlaw
Samantha Hults
Melissa Kountz
Stevie Nichols*

*Rocky Gutierrez
Fred Mowrer
James Montalbano
Lee Whistle
Steve Higgins*

MINUTES

I. CALL TO ORDER.

Chairman Halter called meeting to order at 9:10 a.m., all members were present.

PO Box 1293

II. REVIEW AND APPROVAL OF AGENDA FOR WEDNESDAY, MARCH 26, 2014.

Chairman Halter moved to approve the agenda for Wednesday, March 26, 2014. Susan Chappell seconded. Agenda approved 3-0.

Albuquerque

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR FEBRUARY 19, 2014.

Chairman Halter moved to approve the Labor board minutes for February 19, 2014. Juan Montoya seconded. Minutes approved 3-0.

NM 87103

IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.

None.

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V. LB 14-02, REVIEW OF PETITIONER'S MOTION TO AMEND PPC.

Frederick Mowrer appeared on behalf of APOA and stated that he spoke with Samantha Hults on behalf of Kathy Levy and she has stated that she has no opposition to the Motion to Amend the PPC.

Samantha Hults on behalf of the City of Albuquerque and Kathy Levy stated that Ms. Levy does not oppose the amendment.

VI. LB 11-16, REVIEW OF PARTIES' JOINT MOTION FOR DISMISSAL OF PPC.

Ms. Hults appeared on behalf of the City of Albuquerque and stated that the matter has been settled.

Chairman Halter made a motion to dismiss the case. Ms. Chappell seconded. Passed 3-0.

- VII. LB 12-31, REVIEW OF CITY'S AMENDED ANSWER AND POSITION STATEMENT.**
Melissa Kountz appeared on behalf of the City of Albuquerque and stated that the parties have reached an agreement on several items. She requested for cases LB 12-31, LB 12-23 and LB 13-28 be placed on the agenda for April 30, 2014, allowing the Union more time to respond to these cases by April 30th. She stated that if the Union does not respond to these cases by April 30th then the cases will be jointly dismissed. She stated that the parties have agreed to dismiss LB 13-17, LB 13-26 and LB 13-25.

Rocky Gutierrez appeared on behalf of AFSCME Local 624 stated that it is correct.

Chairman Halter stated that the responses from the Union are due April 30th.

Ms. Hults suggested that the Union submit a written document withdrawing their cases.

- VIII. LB 12-23, REVIEW OF CITY'S MOTION FOR MORE DEFINITE STATEMENT.**
Case continued. See item VII.

- IX. LB 13-17, REVIEW OF CITY'S MOTION TO DISMISS.**
See item VII.

- X. LB 13-26, REVIEW OF CITY'S MOTION TO DISMISS.**
See item VII.

- XI. LB 13-25, REVIEW OF CITY'S MOTION TO DISMISS.**
See item VII.

- XII. LB 13-22, REVIEW OF THE PARTIES' STIPULATED MOTION TO DISMISS.**
Mr. Mowrer appeared on behalf of IAFF stated that an Order to dismiss has been presented.

Rebecca Wardlaw on behalf of the City of Albuquerque stated that the parties have agreed to dismiss the matter.

- XIII. LB 13-28, REVIEW OF CITY'S AMENDED ANSWER, POSITION STATEMENT, AND MOTION FOR DISMISSAL.**
See item VII.

- XIV. REVIEW OF AFSCME'S AMENDED NOTICE OF DISMISSAL IN LB 05-02, LB 11-14 AND LB 11-28.**
Mr. Gutierrez stated that a notice to withdrawn was entered to withdraw all three cases.

- XV. REVIEW OF CITY'S MOTION TO ADMINISTRATIVELY CLOSE LB 05-02.**
See item XIV.

- XVI. ISSUANCE OF BOARD'S WRITTEN DECISION IN LB 10-22.**
Chairman Halter made a motion to adopt the decision. Ms. Chappell seconded. Passed 3-0.

- XVII. NEW BUSINESS.**
Chairman Halter stated that he will include some older cases that are pending on the May agenda.

Ms. Wardlaw stated that the City has provided a list to Jessica Enriquez of their pending cases. She suggested that Jessica should go thru the old minutes because some cases may be closed and are just listed as open.

Chairman Halter suggested putting all of IAFF pending cases on an agenda to be heard.

Doris Duhigg asked if there have been any potential names for a Chair nominee.

Mr. Mowrer on behalf of APOA and IAFF stated that he has spoken to District Court Judge Ted Baca who has showed interest in being considered for the Board.

XVIII. SCHEDULING OF CASES FOR LABOR BOARD MEETINGS ON APRIL 14, APRIL 30, MAY 15, JUNE 16 AND JUNE 30.

Ms. Hulst stated that the City has trial on April 14th and will not be available.

Chairman Halter stated that an agenda may still be published for April 14th and will cancel the meeting so that parties have notice of the items.

Mr. Mowrer stated that he will submit a list to staff of his cases that need to be heard.

XIX. MERITS HEARING.

- LB 14-01 COMPLAINT AGAINST THE CITY OF ALBUQUERQUE ON BEHALF OF AFSCME LOCAL 3022 FOR NON-NEGOTIATION OF THE BARGAINING UNIT FOR E AND M SERIES EMPLOYEES (LEE WHISTLE, AFSCME Council 3022).

James Montalbano appeared on behalf of AFSCME Local 3022 and called two witnesses to testify, Lee Whistle and Steve Higgins. Stevie Nichols Assistant City Attorney appeared on behalf of the City of Albuquerque and called to testify two witnesses, Vince Yermal and Darlene Herrera.


Testimony and statements were made by the parties regarding the Collective Bargaining Agreement referring to E and M series employees. They discussed issues of the Union and the City not being able to reach an agreement after several years of discussing the E and M series employees.

Chairman Halter stated that the Board will meet on April 14, 2014 to review and discuss this case. He requested that the parties submit closing arguments within a week.

XX. ADJOURNMENT

Chairman Halter moves to adjourn the meeting. Susan Chappell seconded. Approved 3-0.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

cc: Richard J. Berry, Mayor
Trina Gurule, Acting City Clerk