

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD

Monday, May 4, 2015

600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

*Patrick Halter
Susan Chappell
Juan Montoya*

OTHERS PRESENT:

*Nick Bullock
Kathryn Levy
Kellie Garcia
Jessica Enriquez*

*Rocky Gutierrez
Fred Mowrer
Jared Klunczyk*

MINUTES

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Albuquerque

New Mexico 87103

www.cabq.gov

I. CALL TO ORDER.

Chairman Patrick Halter called the meeting to order at 9:00 a.m. All members were present.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, MAY 4, 2015.

Chairman Halter made a motion to approve the agenda for May 4, 2015. Susan Chappell seconded. Motion passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 30, 2015.

Chairman Halter made a motion to approve the minutes for March 30, 2015. Juan Montoya seconded. Motion passed 3-0.

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

Rocky Gutierrez appeared on behalf of AFSCME and stated that the union has several old pending cases that have not been scheduled for hearing. He asked how the union should approach the Board with pending cases for scheduling.

Chairman Halter instructed the city and the union to meet to discuss pending cases and Jessica Enriquez will provide a list to the parties of open pending cases.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.

Fred Mowrer appeared on behalf of APOA and stated that the parties have reached an agreement in LB 13-12 and an Order of Dismissal was submitted. Kathy Levy, Assistant City Attorney appeared on behalf of the city. Chairman Halter made a motion to approve the Order of Dismissal in LB 13-12. Ms. Chappell seconded. Motion passed 3-0.

VI. LB 13-11, REVIEW OF THE NOTICE OF PRESENTMENT OF SETTLEMENT AGREEMENT. (Fred Mowrer, APOA)

Fred Mowrer appeared on behalf of APOA and Kathy Levy, Assistant City Attorney appeared on behalf of the city. The parties requested a continuance on this matter to get agreement signed. Chairman Halter granted the continuance and this matter will be rescheduled for May 18, 2015.

VII. SCHEDULING HEARING IN LB 12-24, LOCAL 624 v. CITY.

Kellie Garcia, Assistant City Attorney appeared on behalf of the city and stated that the grievant claims that the contract was violated because an investigation was not completed on time and did not receive due process.

The parties agreed to meet to discuss matter before scheduling a hearing and this item will be rescheduled for June 1, 2015.

VIII. MOTIONS, RESPONSES AND ORDERS:

- **LB 15-05, STIPULATED ORDER OF DISMISSAL. (Fred Mowrer, APOA)**

Fred Mowrer appeared on behalf of the City and Kathy Levy, Assistant City Attorney appeared on behalf of city. The parties submitted to the Board a Stipulated Order to Dismiss this matter. Chairman Halter made a motion to approve the Order. Ms. Chappell seconded. Motion passed 3-0.

- **LB 13-07, MOTION TO WITHDRAW AND STIPULATED ORDER FOR WITHDRAWAL. (Jared Klunczyk, AFSCME)**

- **LB 13-08, MOTION TO WITHDRAW AND STIPULATED ORDER FOR WITHDRAWAL. (Jared Klunczyk, AFSCME)**

- **LB 13-09, MOTION TO WITHDRAW AND STIPULATED ORDER FOR WITHDRAWAL. (Jared Klunczyk, AFSCME)**

Jared Klunczyk appeared on behalf of AFSCME and on behalf of grievant Frances Vallejos. Kellie Garcia, Assistant City Attorney appeared on behalf of the city. Mr. Klunczyk stated that the union has submitted the Motions to Withdrawal in LB 13-07, LB 13-08 and LB 13-09 because Ms. Vallejos has now retired from the city. Ms. Garcia stated that the city does not oppose the Stipulated Order's for Withdrawal. Chairman Halter made a motion to approve the Orders to Withdrawal in LB 13-07, LB 13-08 and LB 13-09. Juan Montoya seconded. Motion passed 3-0.

- **LB 14-28, CITY'S AMENDED ANSWER, POSITION STATEMENT AND MOTION TO DISMISS. (Rocky Gutierrez, AFSCME)**

Kellie Garcia, Assistant City Attorney appeared on behalf of the city and stated that last fall the Solid Waste Management Department restricted its collection routes so that each route could be completed in eight hour time frames. The union alleges the city committed a prohibited practice under the labor management relations ordinance (LMRO) because there was an MOU in place and past practice of route committees to discuss routes and changes to routes and the city failed to meet to discuss route changes. The Union also alleges the City failed to bargain to impasse the change and working conditions. The city requested a Dismissal in this matter because it failed to state a claim upon which relief can be granted. She stated that the last time the committee met was in 2008 and the management names the union provided in there more definite statement are names of employees that are no longer employed with the city therefore there is no past practice of the committee. She also stated that the MOU between the city and union was no longer in place and expired in 2002 and was not renewed and it is management's right under the LMRO to make decisions to assure operational efficiency and the city did offer the union a chance to provide input.

Rocky Gutierrez appeared on behalf of AFSCME and stated that the MOU was a condition of bargaining and the parties agreed to create route committees and it has been past practice. He stated that any change that affects employees have to be negotiated or meet with route committee to agree on route structures and boundaries. He asked the Board to schedule a hearing or order the city to enter into route committees.

Chairman Halter made a motion to deny the City's Motion to Dismiss and ordered the parties to meet to discuss matter and report back to the Board in 45 days. Juan Montoya seconded. Motion passed 3-0.

IX. CONTINUANCE OF MERITS HEARING:

- **LB 11-11, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE HUMAN RESOURCES DEPARTMENT ON BEHALF OF AFSCME LOCAL 624, BLUE COLLAR EMPLOYEES OF THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT BY INITIATING THE LEAD DRIVER CLASIFICATION WITHOUT NEGOTIATING. (Rocky Gutierrez, AFSCME)**

Parties submitted a Motion to Vacate the hearing. Chairman Halter made a motion to approve the Motion to Vacate. Susan Chappell seconded. Motion passed 3-0.

X. ADJOURNMENT.

Chairman Halter made a motion to adjourn the meeting. Ms. Chappell seconded. Motion passed 3-0 and the meeting was adjourned at 9:37 a.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board

5-18-2015
DATE

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