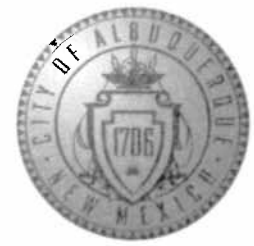


CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 1, 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 *Rocky Gutierrez*
Kellie Garcia *Brittany Lopez*
Melissa Kountz *Robert Montoya*
Victor Lovato *Michael Dorin*
Fred Mowrer

MINUTES

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

- I. CALL TO ORDER.**
Chairman Patrick Halter called the meeting to order at 9:15 a.m. All members were present.
- II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JUNE 1, 2015.**
Chairman Halter made a motion to approve the agenda. Juan Montoya seconded. Motion passed 3-0.
- III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 18, 2015.**
Chairman Halter made a motion to approve the minutes for May 18, 2015. Susan Chappell seconded. Motion passed 3-0.
- IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.**
No public comments.
- V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**
None.
- VI. LB 13-11, REVIEW OF THE NOTICE OF PRESENTMENT OF SETTLEMENT AGREEMENT. (Fred Mowrer, APOA)**
Fred Mowrer appeared on behalf of APOA and stated that Kathryn Levy could not be present and the agreement is still in the process of being signed. He asked the Board to reschedule this matter for the next meeting.

This matter is rescheduled for June 15, 2015.

VII. STATUS AND SCHEDULING OF CASES:

- **LB 12-24, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF DOLORES LOVATO, TRANSIT DEPARTMENT FOR VIOLATION OF DUE PROCESS (Casey Padilla, AFSCME)**
 - **LB 14-18, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE TAFOYA FOR DENYING HER DUE PROCESS AT A DISCIPLINARY HEARING AND FOR VIOLATION OF THE CONTRACT INCLUDING ARTICLE 24.1.3 AND 24.2.1. (Michael Dorin, AFSCME LOCAL 2962)**
 - **LB 14-19, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF NOAH FLORES, TELECOMMUNICATOR II FOR VIOLATION OF THE CONTRACT AND FOR DENYING HIS DUE PROCESS BY REFUSING HIM SICK LEAVE AND BENEFITS FOR THE DAY. (Michael Dorin, AFSCME LOCAL 2962)**
- Kellie Garcia, Assistant City Attorney appeared on behalf of the city. Rocky Gutierrez appeared on behalf of AFSCME. Chairman Halter stated that LB 12-24 will be scheduled for merits hearing on July 27, 2015 and LB 14-18 and LB 14-19 will be rescheduled for scheduling of a merits hearing.

VIII. MOTIONS, RESPONSES AND ORDERS:

- **LB 15-01, CITY'S MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT. PETITIONER'S RESPONSE TO PPC. (Robert Montoya)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated that the complaint reflects two distinct matters and one is an unemployment reimbursement matter which she and Mr. Montoya are working on a settlement and the second is contractual violations. She stated that the complaint alleges contractual violations of sections 12.4.1, 13.1.1.2, 13.4.2, 13.4.3, 13.4.4, 13.4.7 and 20.2.2 and she briefed each section. She read section 13 page 27 of the contract and stated that Mr. Montoya was an extra board driver with a CDL and was assigned to work an event. The city asked the Board to dismiss this matter with prejudice or if a hearing is scheduled she requested that the city join with AFSCME Local 624, Transit as a party because decision may impact transit employees as well.

Robert Montoya appeared and stated that he is a Sun Van driver and not a Motor Coach Operator and asked that the Board schedule this matter for a hearing because he was drafted to work on an event day and was forced and threatened to work that on that day. He stated that his seniority is number seven which is above others and employees below him were not used to work and referred to section 20 of the Policies and Procedures.

Rocky Gutierrez appeared on behalf of AFSCME and stated that the union will enter into this case and agrees that this matter should go forward.

Chairman Halter ordered parties to meet and discuss this matter and report the status back to the Board in sixty days.

- **LB15-07, CITY'S MOTION FOR SUMMARY JUDGMENT AND CITY'S MOTION TO DISMISS. (Rocky Gutierrez, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Rocky Gutierrez appeared on behalf of AFSCME. Ms. Kountz briefed the complaint and discussed the new tracking system for union time and the past practice. She stated that there is a new different funding for union time and document is needed for tracking and processing. She asked the Board to dismiss the prohibited practice complaint. Mr. Gutierrez stated that the Labor Board does not have jurisdiction to discuss past practice process for requesting union time and gave argument regarding P30's required for union time by city employees to conduct union business. He asked the Board to deny the City's Motion of Summary Judgment and order the city to negotiate or schedule this matter for a hearing.

Chairman Halter made a motion to deny the city's Motion for Summary Judgment and ordered parties to meet and report status back to the Board in sixty days. Mr. Montoya seconded. Chappell did not second. Motion passed 2-1.

IX. ADJOURNMENT.

Chairman Halter made a motion to adjourn the meeting. Susan Chappell seconded. Motion passed 3-0 and the meeting was adjourned at 9:55 a.m.

APPROVED:

 _____	<u>6-15-2015</u>
PATRICK HALTER, CHAIR City Labor Board	DATE

cc: Richard J. Berry, Mayor
Natalie Y. Howard, City Clerk