

LABOR-MANAGEMENT RELATIONS BOARD
Friday February 21, 2020
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>Rocky Gutierrez</i>
<i>Juan Martinez Luna</i>	<i>Casey Padilla</i>
<i>Devon Moody</i>	<i>Justin Pennington</i>
<i>Melissa Kountz</i>	<i>Jessica Enriquez</i>

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order. Board members Juan Montoya and Bruce Perlman were also present.

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR FRIDAY, FEBRUARY 21, 2020. Mr. Montoya moved to approve the agenda. Mr. Perlman seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE MINUTES FOR FEBRUARY 10, 2020.

Mr. Montoya moved to approved the minutes for February 10, 2020. Mr. Perlman seconded. Voted and passed 3-0.

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

Chairman Baca asked Assistant City Attorney Melissa Kountz if the list she emailed of case numbers were matters that are settled, in process of settling and or dismissals. Ms. Kountz responded yes and stated that she will also be submitting an email of list of matters that need to be scheduled.

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

- **LB 17-22, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **LB 19-34, AMENDED SCHEDULING ORDER.**
Approved and signed by the Board.

VII. STATUS CONFERENCE:

- **RESCHEDULED FROM FEBRUARY 3, 2020- LB 16-18, PROHIBITED PRACTICE COMPLAINT FILED BY THE CITY OF ALBUQUERQUE AGAINST AFSCME LOCAL 624 AND 2962 EMPLOYEES FOR IMPROPERLY BILLING THE CITY FOR UNION TIME.**

Ms. Kountz stated that the parties are still working on the final settlement. Chairman Baca rescheduled this matter for status conference on March 13, 2020

- **LB 17-23, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO SECTIONS 3-2-9-A (1)(2)(4). (ROCKY GUTIERREZ, AFSCME 624)**

Assistant City Attorney Devon Moody appeared on behalf of the City and stated that this matter is similar to LB 14-28 that is pending a decision by the Board and the parties are also working to resolve this matter. Chairman Baca rescheduled this matter for status conference on April 20, 2020.

- **LB 19-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF JOSE PADILLA AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9 A(6) AND THE CBA 24.1.7 AND 24.1.5.1 WHEN ISSUED MR. PADILLA A THREE-DAY SUSPENSION. (CASEY PADILLA, AFSCME 624)**

Ms. Kountz stated that this matter has been resolved and the parties will submit an Order. Chairman Baca rescheduled this matter for status on April 15, 2020.

VIII. MOTIONS HEARING:

- **LB 19-27, CITY'S MOTION FOR SUMMARY JUDGMENT. (MICHAEL DORIN, AFSCME 2962)**

Assistant City Attorney Juan Martinez appeared on behalf of the City and stated that the Union did not file a response and the deadline was in early January. Rocky Gutierrez appeared on behalf of AFSCME and stated that Mr. Dorin was the assigned representative on this matter and he is no longer working with AFSCME therefore he was not prepared to respond on this matter. Mr. Martinez briefly presented the City's Motion for Summary Judgment. Chairman Baca moved to approve the City's Motion for Summary Judgment. Mr. Montoya seconded. Voted and passed 3-0.

IX. MERITS HEARING:

- **LB 14-10, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S AVIATION DEPARTMENT FOR FAILURE TO NEGOTIATE TERMS AND CONDITIONS OF EMPLOYMENT. (CASEY PADILLA, AFSCME 624)**

Assistant City Attorney Justin Pennington appeared on behalf of the City and stated that the parties have settled this matter and an Order will be submitted. Chairman Baca rescheduled this matter for status conference on March 13, 2020.

- **LB 15-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624, 1888, 2962 AND 3022 AGAINST THE CITY OF ALBUQUERQUE FOR FAILING TO NEGOTIATE ITS PROPOSED CHANGES TO THE SAP AND VIOLATING 3-2-9 (A)(4) OF THE LMRO ('74 CODE, 2-2-9)(ORD. 153-1971); AM. ORD. 4-1977; AM. ORD. 4-2001). (ROCKY GUTIERREZ)**

Ms. Kountz stated that this matter has been resolved. Chairman Baca scheduled this matter for status conference on March 13, 2020.

- **LB 16-19, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 AND DMD SECURITY OFFICERS AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR NOT FOLLOWING THE COLLECTIVE BARGAINING AGREEMENT REGARDING OVERTIME PROCEDURES FOR OFFICERS. (TOMAS ROMERO, AFSCME 1888)**

Mr. Pennington stated that the parties have settled this matter. Chairman Baca scheduled this matter for status conference on March 13, 2020.

- **LB 18-10, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT IN PLACE BY HIRING PRIVATE CONTRACT CIVILIAN EMPLOYEES AND NOT ATTEMPTING TO DETERMINE WHETHER THE POSITIONS COULD BE FILLED BY CERTIFIED POLICE OFFICERS. (FRED MOWRER)**

Ms. Kountz stated that the parties have settled this matter. Chairman Baca scheduled this matter for status conference on March 13, 2020.

After a brief discussion Chairman Baca cancelled the meeting for March 2, 2020.

X. ADJOURNMENT.

Mr. Montoya moved to adjourn. Chairman Baca seconded. Voted and passed 3-0.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
 Ethan Watson, Acting City Clerk