

LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 24, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

Leigh Brunner	Patty French
Ian Stoker	Denisse Enriquez
Melissa Kountz	James Montalbano
Devon Moody	Rocky Gutierrez
Nick Nunez	Erica Johnson
Jessica Enriquez	Fred Mowrer

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, JUNE 24, 2019. Mr. Harrigan moved to approve the amended agenda. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR JUNE 10, 2019 AND JUNE 11, 2019. Mr. Montoya moved to approve the minutes for June 10, 2019. Mr. Harrigan seconded. Voted and passed 3-0.

Mr. Harrigan moved to approve the minutes for June 11, 2019. Mr. Montoya seconded. Voted and 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.

- **LB 16-30, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 18-09, ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **LB 19-03, AMENDED SCHEDULING ORDER.**
Approved and signed by the Board.
- **LB 19-05, AMENDED SCHEDULING ORDER.**
Approved and signed by the Board.

- **LB 19-11, SCHEDULING ORDER.**

Approved and signed by the Board and this matter is scheduled for merits hearing on November 18, 2019.

VII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-12, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING AND FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**

Devon Moody, Assistant City Attorney appeared on behalf of the City and Fred Mowrer, Attorney for APOA was also present. The parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on November 18, 2019.

- **LB 19-13, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF COURT SERVICE SPECIALIST AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**

Nick Nunez, Assistant City Attorney appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. The parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on October 7, 2019.

- **LB 19-18, EMERGENCY PETITION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Ms. Moody appeared on behalf of the City. Attorney James Montalbano appeared on behalf of AFSCME and stated that he withdraws the petition at this time but this was filed in support of LB 18-27 which is scheduled for motions hearing on August 9, 2019.

VIII. STATUS CONFERENCE:

- **LB 15-30, PROHIBITED PRACTICE COMPLAINT FILED BY APOA ON BEHALF OF APD SERGEANT SHAWN BARELA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR TRANSFERRING MR. BARELA WITHOUT PROVIDING HIM AN OPPORTUNITY TO BID TO OPEN SPOTS FILLED BY LESS SENIOR SERGEANTS AND REFUSING TO HONOR THE TERMS OF THE CBA 13.1.4(1)(2)(3)(4). (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and stated that he moves to withdraw a Motion to Dismiss that was filed in this matter but will file a new motion. Mr. Mowrer appeared on behalf of APOA and stated that he does not object to the City filing a new motion. Chairman Baca scheduled this matter for merits hearing on August 21, 2019 and a scheduling order must be submitted by July 8, 2019.

- **LB 16-03, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 ON BEHALF OF DMD SECURITY OFFICERS AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR HAVING SWING SHIFT OFFICERS WORK OVERTIME POSITIONS INSTEAD OF THEIR REGULAR SCHEDULED SHIFT. (TOMAS ROMERO, AFSCME 1888)** Ms. Kountz appeared on behalf of the City and Mr. Gutierrez appeared on behalf of AFSCME. The parties stated that this matter has been resolved.

- **LB 16-14, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF PAULINA ALVARDO AGAINST THE CITY OF ALBUQUERQUE PLANNING DEPARTMENT; LMRO 3-3-3 EMPLOYEE CONDUCT, STANDARDS; LMRO 3-2-9 PROHIBITED PRACTICE (A)(1), (5), (6); CBA 0.3 AGREEMENT CONTROL. (PATRICIA FRENCH, AFSCME 3022).**

Mr. Stoker appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME. The parties submitted a Joint Motion to Dismiss and Order of Dismissal to the Board and the Order was approved and signed.

- **LB 16-15, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR DEPLOYING NUMEROUS OFFICERS TO PROVIDE SECURITY AND CONTROL AT A POLITICAL RALLY AND FAILING TO PROPERLY SUPERVISE AND EQUIP TO PROTECT THEM FROM PHYSICAL HARM. (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and stated that the City filed a Motion for Summary Judgment and the Union has not responded. Mr. Mowrer appeared on behalf of APOA and agreed to file a response to City's Motion. Chairman Baca scheduled this matter for motion hearing on August 9, 2019.

- **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. (MELISSA KOUNTZ, ASSISTANT CITY ATTORNEY)**

Ms. Kountz appeared on behalf of the City and stated that the City withdraws this matter.

- **LB 16-20, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LEANN HARRISON AND JULIA MOYA AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES FOR VIOLATING LMRO 3-2-9A6 AND CBA 13.1 WORKING OUTSIDE CLASSIFICATION. (PATRICIA FRENCH, AFSCME 3022)**

Mr. Stoker appeared on behalf of the City and Mr. Montalbano appeared for AFSCME 3022. Mr. Stoker stated that the City filed a Motion to Dismiss in LB 17-06 and it was denied by the Board, therefore the parties have agreed to ask the Board to submit a decision in LB 17-06 and once adopted, include the decision as part of the record for LB 16-20 so that the parties do not have to argue the same thing. Chairman Baca scheduled this matter for status on August 7, 2019.

Chairman Baca stated that there were three items that did not get placed on the agenda, and they were LB 11-39, LB 15-34 and LB 16-11. Mr. Gutierrez appeared on behalf of AFSCME for LB 11-39 and stated that an employee does not have jurisdiction to file a complaint to the Board on their own behalf and therefore the Union will file a motion. Chairman Baca scheduled this matter for merits hearing on August 21, 2019.

Ms. Kountz appeared on behalf of the City for LB 15-34 and LB 16-11 and stated that these matters involve Chantell Chavez and she has signed a settlement agreement with the City releasing all claims against the City. Patty French appeared on behalf of AFSCME 3022 and for Ms. Chavez and stated that she has not seen the agreement and is not aware if Ms. Chavez agrees to withdraw her complaint. Ms. Kountz stated that she will provide a copy of the agreement to Ms. French. Chairman Baca scheduled LB 15-34 and LB 16-11 for status on July 8, 2019.

IX. MOTIONS HEARING:

- **LB 15-07, CITY'S MOTION FOR SUMMARY JUDGMENT AND MOTION TO DISMISS AND AFSME'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT.**

Ms. Kountz appeared on behalf of the City and stated that this matter has been resolved by the parties.

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 Katy Duhigg, City Clerk