LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 3, 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	*Tomas Romero*
Ian Stoker	*Rocky Gutierrez*
Melissa Kountz	*Fred Mowrer*
Devon Moody	*Jessica Enriquez*
Nick Nunez	

Minutes

I. CALL TO ORDER.
Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Ryan Harrigan were also present.

II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, JUNE 3, 2019.
Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that item the merits hearing for LB 18-27 listed on item IX., has been vacated and asked the Board to reschedule this matter for scheduling of motions hearing on the next meeting agenda because James Montalbano was not present.

Mr. Montoya moved to approve the agenda with amendments. Mr. Harrigan seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 22, 2019.
Mr. Harrigan moved to approve the minutes for May 22, 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 14-02, ORDER OF DISMISSAL.**
  Approved and signed by the Board**.**
- **LB 14-09, ORDER ON STIPULATED MOTION FOR DISMISSAL.**
  Approved and signed by the Board**.**
- **LB 15-38, ORDER OF DISMISSAL.**
  Approved and signed by the Board**.**
- **LB 16-04, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.** Approved and signed by the Board**.**

VI.   **PRESENTMENT OF ORDERS.**
- **LB 19-08, AMENDED SCHEDULING ORDER.**
  Nick Nunez, Assistant City Attorney appeared on behalf of the City and stated that he met with Michael Dorin and the parties agreed to the Amended Scheduling Order. After a brief discussion the Board scheduled this matter for merits hearing on September 9, 2019.
- **LB 17-15 ORDER ON UNOPPOSED MOTION TO CONSOLIDATE WITH LB 17-19.** Approved and signed by the Board**.**

VII.   **STATUS CONFERENCE:**
- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF TRANSIT EMPLOYEES AGAINST THE CITY OF ALBUQERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME 624)**
  Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that this matter has been settled by the parties and settlement documents are pending approval.
- **LB 13-23, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE, ALBUQUERQUE POLICE DEPARTMENT AND CHIEF ALLEN BANKS FOR VIOLATION OF CONTRACTUAL OBLIGATIONS.**
  Ms. Kountz appeared on behalf of the City and Attorney Fred Mowrer appeared on behalf of APOA. The parties stated that they are ready for scheduling of merits hearing and will submit a scheduling order. Chairman Baca scheduled this matter for merits hearing on October 7, 2019.
- **LB 14-02, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS (FRED MOWRER, APOA).**
  See item V.
- **LB 14-09, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICER'S ASSOCIATON AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS. (FRED MOWRER, APOA)**
  See item V.
- **LB 15-08, PROHIBITED PRACTICE COMPLAINT FILED BY ROBERT GUTIERREZ ON BEHALF OF NEW MEXICO TRANSPORTATION UNION AGAINST THE CITY OF ALBUQUERQUE AND AFSCME LOCAL 624. (ROBERT GUTIERREZ, REPRESENTATIVE FOR NMTU)**
  Ms. Kountz appeared on behalf of the City and moved to dismiss this matter based on lack of standing because NMTU is no longer a bargaining union with the City. The Board voted unanimously to grant the City's motion to dismiss.
- **LB 15-28, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF DAVID MENDOZA, TERMINATED FROM DMD AGAINST THE CITY OF ALBUQUERQUE AND CITY'S DEPARTMENT OF MUNICIPAL DEVELOPMENT AND FOR VIOLATIONS OF THE LMRO 3-2-9 (A)(5) AND (A)(6) AND OF THE COLLECTIVE BARGAINING AGREEMENT 0.1.1 AND 24.1.5 WH. (CASEY PADILLA, AFSCME 624)**
  Ian Stoker appeared on behalf of the City and stated that the parties have submitted their Proposed Findings of Facts and Conclusions of Law and this matter is pending the Board's written decision.

  Jessica Enriquez, City Hearing Monitor will contact previous Board member Nicholas Hart for his availability to meet with the Board and deliberate on LB 15-28.

VIII. MOTIONS HEARING:

- **LB 16-35, CITY'S MOTION FOR SUMMARY JUDGMENT AND UNION'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME 1888)**

  Ms. Kountz appeared on behalf of the City and presented the City's Motion for Summary Judgment. Rocky Gutierrez appeared on behalf of AFSCME Local 1888 and presented the Union's Response to City's Motion for Summary Judgment.

  Mr. Montoya made a Motion that the Board go into closed session pursuant to Section10.15.1.H.3 of the Open Meetings Act which allows for the closing of meetings for deliberation by a public body in connection with an administrative adjudicatory proceeding. Mr. Harrigan seconded. A roll call vote was taken and the Motion passed 3-0.

  Mr. Montoya made a Motion to return to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Mr. Harrigan seconded. A roll call vote was taken and the Motion passed 3-0. The Board was in closed session to discuss LB 16-35 and no other matters were discussed.

  Mr. Harrigan made a motion to grant the City's Motion for Summary Judgment on the grounds that the grievance was not filed in writing within ten work days. Mr. Montoya seconded. Voted and passed unanimously 3-0.

IX. MERITS HEARING:

- **LB 18-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF COURT SERVICES SPECIALIST AGAINST THE CITY OF ALBUQUERQUE FOR LMRO 3-2-9A3, 3-2-9A6 AND CBA 0.1, PREAMBLE, 0.4. RECOGNITION. (PATRICIA FRENCH, AFSCME 3022)**

  See item II.

X. ADJOURNMENT.

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

APPROVED:

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TED BACA, CHAIR   **DATE**
 City Labor Management Relations Board

cc: Tim Keller, Mayor   Katy Duhigg, City Clerk