

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, December 5, 2018
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Michael Wartell

OTHERS PRESENT:

Kathleen Ahghar
Ian Stoker
Devon Moody
Ian Stoker
Casey Padilla
Rocky Gutierrez
Tomas Romero
Jessica Enriquez

Minutes

- I. CALL TO ORDER.**
Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Michael Wartell were also present.
- II. REVIEW AND APPROVAL OF AGENDA FOR WEDNESDAY, DECEMBER 5, 2018.**
Chairman Baca stated that item IX, case number LB 13-20 has been dismissed by the parties and replaced with the continuance of LB 13-06. Mr. Montoya moved to approve the amended agenda. Mr. Wartell seconded. Voted and passed 3-0.
- III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 3, 2018.**
Mr. Montoya moved to approve the minutes for December 3, 2018. Mr. Wartell seconded. Voted and passed 3-0.
- IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.**
No public comments.
- V. INTRODUCTION OF NEW BOARD MEMBER NICHOLAS T. HART.**
Nicholas Hart appeared and introduced himself. Mr. Hart will begin his appointment to the Board on Monday, December 10, 2018.
- VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**
None.
- VII. PRESENTMENT OF ORDERS.**
The Board approved and signed a Scheduling Order that was submitted for LB 18-15.
- VIII. NEW BUSINESS FOR STATUS CONFERENCE:**
- **LB 18-23, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF TRANSIT EMPLOYEE CARLOS HERCULES AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (CASEY PADILLA, AFSCME LOCAL 624)**

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Casey Padilla appeared on behalf of AFSCME Local 624 and stated that the Union submitted their amended prohibited practice complaint on December 4, 2018. Nick Nunez, Assistant City Attorney appeared on behalf of the City and asked the Board to clarify the triggering date for the submission of the complaint for deadlines. Chairman Baca stated that the triggering date is the date the amended complaint was filed on December 4, 2018.

IX. MERITS HEARING:

- **LB 13-20, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE FOR REFUSING TO NEGOTIATE IN GOOD FAITH.**

Order of Dismissal was approved and signed by the Board on December 3, 2018.

- **CONTINUANCE OF MERITS HEARING FROM DECEMBER 3, 2018 IN LB 13-06.**

Ian Stoker, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The City called to testify Michael Castaneda, Transit Security Officer.

There was discussion between the Board members and the parties on stipulating to agree that Mr. Wartell will continue to have jurisdiction on this matter because his last day on the Board is December 5, 2018 and he is being replaced with Nicholas Hart. Mr. Stoker read section 3-2-15 of the Labor Board Ordinance and it was determined that Mr. Wartell will continue to have jurisdiction on this matter.

The parties will submit written closing arguments and briefs as ordered by the Board by January 25, 2019.

X. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DISCUSS THEIR DECISION IN LB 15-25.

Chairman Baca made a Motion that the Board go into closed session pursuant to Section 10.15.1.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. Wartell seconded. A roll call vote was taken and passed 3-0.

Chairman Baca 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. Montoya seconded. A roll call vote was taken and the Motion passed 3-0. The Board was in closed session to discuss LB 15-25.

Chairman Baca stated that the Board reviewed the parties Closing Briefs and Proposed Findings of Facts and Conclusions of Law. He also stated that the Board's attorney Kathy Ahghar prepared the Board's Order for Findings of Facts and Conclusions of Law and moved to approve the Order. Mr. Montoya seconded. Voted and passed 2-1.

XI. ADJOURNMENT.

Mr. Montoya moved to adjourn. Mr. Wartell seconded. Voted and passed 3-0 and the meeting was adjourned at 11:33 a.m.

APPROVED:



TED BACA, CHAIR
City Labor Management Relations Board

12/10/18
DATE

cc: Tim Keller, Mayor
Katy Duhigg, City Clerk