



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

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Michael Wartell

OTHERS PRESENT:

Melissa Kountz *Stephen Curtice*
Ian Stoker *Rocky Gutierrez*
Devon Moody *Patty French*
Nick Nunez *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 FRIDAY, NOVEMBER 2, 2018,

Nick Nunez, Assistant City Attorney appeared on behalf of the City and stated that the parties have agreed to withdraw LB 15-37 and will not proceed with the merits hearing listed as item XII of the agenda. An Order of Dismissal was presented to the Board members and it was approved and signed. Mr. Montoya moved to approve the agenda. Mr. Wartell seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR OCTOBER 9, 2018.

Mr. Wartell moved to approve the agenda for October 9, 2018. Mr. Montoya seconded. Vote taken 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 15-15, Stipulated Order of Dismissal approved and signed by the Board.
- LB 15-37, Stipulated Order of Dismissal approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

Devon Moody, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The parties submitted a Joint Motion and Order to Vacate Merit Hearing for LB 14-28 which was scheduled for November 16, 2018. The Board approved and signed the Order.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and presented Joint Motions to Dismiss and Orders of Dismissal for LB 11-12, LB 11-36, LB 12-03, LB 12-18, LB 12-29, LB 13-26, LB 14-19, LB 15-12, LB 15-13, LB 15-29, LB 16-23, LB 16-26, LB 17-33, LB 17-38 and LB 18-04. The Orders were approved and signed by the Board members.

VII. BOARD'S REVIEW AND DISCUSSION ON THE ORDER ON APPEAL OF ADMINISTRATIVE DECISION IN LB 15-18.

Chairman Baca presented the Order on Appeal of Administrative Decision. Ian Stoker, Assistant City Attorney appeared on behalf of the City and asked the Board to allow the City to submit a dispositive motion prior to scheduling this matter for merits hearing. Chairman Baca stated that Board will enter a scheduling order for LB 15-18.

VIII. SCHEDULING OF MERITS HEARING FOR DECEMBER 2018:

- **LB 13-02, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S TRANSIT DEPARTMENT FOR DENIAL OF DUE PROCESS.**
Ms. Moody appeared on behalf of the City and requested a leave to file a dispositive motion. Chairman Baca stated that the City's motion is due November 16, 2018 and the Union's Response is due November 30, 2018. This matter is scheduled for motions hearing on December 10, 2018.

- **LB 13-06, STEP III GRIEVANCE AGAINST THE CITY OF ALBUQUERQUE'S TRANSIT SECURITY DEPARTMENT FOR DENIAL OF OPPORTUNITY TO WORK OVERTIME (Local 1888)**
This matter is scheduled for merits hearing on December 3, 2018.

- **LB 13-20, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE FOR REFUSING TO NEGOTIATE IN GOOD FAITH.**
This matter is scheduled for merits hearing on December 5, 2018.

- **LB 13-27, AFSCME COUNCIL 18 AND LOCAL 1888'S STEP III GRIEVANCE ON BEHALF OF ANDY FITZGERALD AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATION TO INCLUDE BUT NOT LIMITED TO "JUST CAUSE" (ROCKY E. GUTIERREZ, AFSCME Council 18).**
This matter is scheduled for merits hearing on December 3, 2018.

- **LB 15-31, PROHIBITED PRACTICE COMPLAINT FILED BY YOUTZ AND VALDEZ ON BEHALF OF AFSCME LOCAL 3022 AND CITY OF ALBUQUERQUE EMPLOYEES IN THE BEHAVIORAL HEALTH PROGRAM.**
Ms. Moody appeared on behalf of the City and stated that the City filed a motion and asked the Board to schedule this matter for motions hearing prior to scheduling for a merits hearing. Chairman Baca scheduled this matter for motions hearing on December 10, 2018.

IX. SCHEDULING OF MERITS HEARING FOR JANUARY 2019:

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE TRANSIT EMPLOYEES OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**
This matter is scheduled for merits hearing on January 7, 2019.

X. SCHEDULING OF MERITS HEARING:

- **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.**
This matter is scheduled for merits hearing on January 9, 2019.

- **LB 17-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF JUAN MAES AND PATSY GALLEGOS AGAINST THE CITY OF ALBUQUERQUE FOR NOT RECEIVING EQUAL PAY WHEN BEING PROMOTED TO A PARK SUPERVISOR. (LMRO 3-2-9A1, 3-2-9A3, 3-2-9A4, CBA 0.1 PREAMBLE, 2. SALARY, PERSONNEL RULES AND REGULATIONS, 700, COMPENSATION).**

This matter is scheduled for merits hearing on January 7, 2019.

XI. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 18-13, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS.**

Chairman Baca gave the parties a deadline of November 30, 2018 to meet and confer and this matter will be scheduled for motions hearing on January 9, 2018.

- **LB 18-14, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS (Section 17) VIOLATION OF THE CITY'S PROMOTIONAL POLICY.**

Ms. Moody appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. The parties have resolved this matter and paperwork will be submitted by Mr. Mowrer to dispose of this case.

- **LB 18-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF VANESSA MONTANO AND EVANGELINE ABEYTA, AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF FAMILY AND COMMUNITY SERVICES.**

Chairman Baca gave the parties a deadline of November 30, 2018 to meet and confer and this matter is scheduled for motions hearing and merits hearing on January 14, 2018.

- **LB 18-16, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT.**

Chairman Baca gave the parties a deadline of November 30, 2018 to meet and confer and this matter is scheduled for motions hearing on January 14, 2018.

XII. MOTIONS HEARING:

- **LB 15-37, CITY'S MOTION TO DISMISS AND CITY'S MOTION TO DISMISS FOR FAILURE TO COMPLY WITH ORDER OF JANUARY 17, 2017 ON BRIEFING SCHEDULE.**

Order of Dismissal was approved and signed by the Board members. See item II.

XIII. ADJOURNMENT.

Mr. Wartell moved to adjourn. Mr. Montoya seconded. Vote taken and passed 3-0. The meeting was adjourned at 9:50 a.m.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

11/16/18

 DATE

cc: Tim Keller, Mayor
 Trina Gurule, Interim City Clerk