



**LABOR-MANAGEMENT RELATIONS BOARD**  
**Monday, September 24, 2018**  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

*Chairman Ted Baca*  
*Juan Montoya*  
*Michael Wartell*

OTHERS PRESENT:

*Kevin Morrow*  
*Melissa Kountz*  
*Devon Moody*  
*Ian Stoker*  
*Nick Nunez*

*Rocky Gutierrez*  
*Casey Padilla*  
*Stephen Curtice*  
*Jessica Enriquez*

## Minutes

PO Box 1293

**I. CALL TO ORDER.**

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

Albuquerque

**II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, SEPTEMBER 24, 2018.**

Mr. Wartell moved to approve the agenda for September 24, 2018. Mr. Montoya seconded. Vote taken and passed 3-0.

NM 87103

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR SEPTEMBER 5, 2018.**

Mr. Montoya stated that item VII of the minutes state that the city agreed to pay sixty five percent to settle the claim but that was incorrect and the correction is that the city agreed to pay sixty five thousand to settle the claim. Mr. Wartell moved to approve the amended minutes. Mr. Montoya seconded. Vote taken and passed. 3-0.

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**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.**

The City and APOA submitted a Stipulated Order of Dismissal for LB 14-21. Nick Nunez, Assistant City Attorney appeared on behalf of the city and stated that after discussion with APOA's council John D' Amato, the parties decided to dismiss the matter without prejudice. Then after brief discussion with the Board members and Mr. Nunez, Chairman Baca stated that the Board rejects the Stipulated Order and this matter will be scheduled for a hearing or could be dismissed with prejudice.

**VI. PRESENTMENT OF ORDERS.**

The Board members approved and signed an order on Motion for Summary Judgment for LB 17-10 that was submitted and approved by the parties.

**VII. STATUS CONFERENCE ON VACATED MERITS HEARING:**

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE TRANSIT EMPLOYEES OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**

Devon Moody, Assistant City Attorney appeared on behalf of the city. Rocky Gutierrez appeared on behalf of AFSCME. The parties asked for a continuance for a status conference because they rescheduled their meeting for October 2, 2018 to discuss the test cases in this matter. Chairman Baca rescheduled this matter for status conference on October 9, 2018.

**VIII. THE BOARD WILL CONVENE AND VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DISCUSS THE DECISION IN LB 12-02.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Stephen Curtice appeared on behalf of AFSCME. Ms. Kountz presented a stipulated Final Order on Remand to the Board members for their review and approval.

Mr. Wartell 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. Montoya 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. Wartell seconded. A roll call vote was taken and the Motion passed 3-0. Chairman Baca stated that the Board was in closed session to discuss LB 12-02 and no other matters were discussed.

Mr. Montoya moved to approve the Final Order on Remand. Mr. Wartell seconded. Voted and passed unanimously 3-0.

**IX. THE BOARD WILL ANNOUNCE THEIR DECISION IN LB 12-02.**

See item VIII.

**X. MERITS HEARING:**


- **LB 11-12, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME 624 ON BEHALF OF SOLID WASTE BLUE-COLLAR EMPLOYEES. (ROCKY GUTIERREZ)**
- **LB 11-36, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME 624 ON BEHALF OF SOLID WASTE EMPLOYEES. (ROCKY GUTIERREZ)**
- **LB 12-03, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT ON BEHALF OF JAMES MORA FOR REFUSAL TO NEGOTIATE THE REDUCTION IN ROUTES, RETALIATION AND CONTRACT VIOLATIONS. (CASEY PADILLA)**

Ms. Moody appeared on behalf of the city. Mr. Gutierrez appeared on behalf of AFSCME. After brief discussion between the parties and the Board members, Mr. Gutierrez stated that the union withdrawals LB 11-12, LB 11-36 and LB 12-03. Mr. Gutierrez also asked the Board to schedule for merits hearing LB 14-28 because it has similar facts and issues relating to these three cases. Chairman Baca stated that LB 14-28 will be put on the October 9 2018 agenda for scheduling of merits hearing.

**XI. ADJOURNMENT.**

Mr. Montoya moved to adjourn. Mr. Wartell seconded. Vote taken and passed 3-0. The meeting was adjourned at 10:11 a.m.

**APPROVED:**

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

10/9/18  
**DATE**

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