

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Wednesday, February 6, 2019*  
**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*  
*Nicholas Hart*

OTHERS PRESENT:

<i>Nicholas Bullock</i>	<i>Victor Lovato</i>
<i>Ian Stoker</i>	<i>Stephen Curtice</i>
<i>Devon Moody</i>	<i>Patty French</i>
<i>Nick Nunez</i>	<i>John D'Amato</i>
<i>Justin Schutte</i>	<i>Fred Mowrer</i>
<i>Jessica Enriquez</i>	

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Nicholas Hart were also present.

**II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, FEBRUARY 6, 2019,**

Nicholas Bullock, Assistant City Attorney appeared on behalf of Kathleen Ahghar and as council to the Board and stated that the date posted on the website for the meeting was incorrect and reflected February 9, 2019 and not February 6, 2019. Jessica Enriquez, City Hearing Monitor stated that the correct date and time was listed on the agenda and provided correctly to the City web team for correct posting and was not aware of the date being posted incorrectly. Mr. Hart moved to suspend the Board's Rules that the date and time of meeting be posted on website for this meeting. Mr. Montoya seconded. Voted and passed 3-0. Mr. Montoya then moved to approve the agenda. Mr. Hart seconded. Voted and passed 3-0.

Devon Moody, Assistant City Attorney stated that LB 18-17 listed on item IX for merits hearing, has been settled by the parties. The Order of Dismissal was approved and signed by the Board members.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 21, 2018.**

Mr. Montoya moved to approve the minutes for December 21, 2019. Mr. Hart seconded. Voted and passed 3-0.

**IV. PUBLIC COMMENTS \*Limited to three (3) minutes total time per person.**

Ms. Moody stated that the parties have settled LB 11-38 which was scheduled for a merits hearing for February 13, 2019 and stated that the parties will be submitting a Motion to Vacate and dismissal documents.

Ian Stoker, Assistant City Attorney stated that the parties submitted a Notice to Vacate Merits Hearing for LB 18-10 which was previously scheduled for February 13, 2019. After a brief discussion Chairman Baca rescheduled LB 18-10 for merits hearing on February 22, 2019.

- V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**
- **LB 18-21, ORDER OF DISMISSAL.**  
Approved and signed by the Board members.
  - **LB 16-06, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**  
Approved and signed by the Board members.
  - **LB 18-17, ORDER OF DISMISSAL.**  
Approved and signed by the Board members.
  - **LB 18-22, ORDER OF DISMISSAL.**  
Approved and signed by the Board members.
  - **LB 18-24, ORDER OF DISMISSAL.**  
Approved and signed by the Board members.
- VI. PRESENTMENT OF ORDERS.**
- **LB 18-13, ORDER AND SCHEDULING ORDER.**  
Approved and signed by the Board members.
  - **LB 18-10, ORDER ON UNOPPOSED MOTION TO CONTINUE MERITS HEARING.**  
Approved and signed by the Board members.
  - **LB 18-12, ORDER GRANTING SECOND JOINT MOTION TO STAY PROCEEDINGS.**  
Attorney Fred Mowrer appeared on behalf of APOA and stated that the parties decided to arbitrate case with an arbitrator as to the issue of timeliness. After a brief discussion, Chairman Baca agreed to continue this matter and place it on the agenda for February 13, 2019 because Assistant City Attorney Melissa Kountz was not present.
- VII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:**
- **LB 18-22, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LUANE ALATORRE AGAINST THE CITY OF ALBUQUERQUE FOR LMRO 3-2-9A6, CBA 24.1.1 INVESTIGATIONS AND DISCIPLINE.**  
See item V. An Order of Dismissal was approved by the Board.
  - **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.**  
Mr. Nunez appeared on behalf of the City. Attorney Stephen Curtice was present on behalf of AFSCME. Mr. Nunez asked the Board to schedule this matter for motions hearing prior to a merits hearing. The Board scheduled this matter for motions hearing on April 24, 2019 and the merits hearing scheduled for May 1, 2019.
  - **LB 18-24, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ABRAHAM ESCOBEDO AGAINST THE CITY OF ALBUQUERQUE, LMRO 3-2-9A6, CBA 24.1.1 INVESTIGATIONS AND DISCIPLINE.**  
See item V. An Order of Dismissal was approved by the Board.

- **LB 18-25, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ROBERT RIVERA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, LMRO 3-2-9. SEC. (5) AND (6).**

Ms. Moody appeared on behalf of the City. Attorney Stephen Curtice was present on behalf of AFSCME. Ms. Nunez stated that the City has filed a Motion for More Definite Statement and did receive a Response from Petitioner Robert Montoya. Chairman Baca scheduled LB 18-25 for motions hearing on February 13, 2019.

**VIII. MOTION HEARINGS:**

- **LB 18-11, CITY’S MOTION TO DISMISS AND PETITIONER’S RESPONSE TO CITY’S MOTION TO DISMISS.**

Ms. Moody appeared on behalf of the City and presented the City’s Motion to Dismiss. Mr. Curtice appeared on behalf of AFSCME and presented Petitioner’s Response to City’s Motion to Dismiss.

Mr. Hart 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. Hart 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. Chairman Baca stated that the Board was in closed session to discuss LB 18-11 and no other matters were discussed.

Mr. Hart made a motion to deny the City’s Motion to Dismiss. Mr. Montoya seconded. Voted and passed 3-0.

**IX. MERITS HEARING:**

- **LB 18-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LAWRENCE MORA FOR LMRO 3-2-9(A6), CBA 24.1.1, INVESTIGATIONS AND DISCIPLINE.**

See item II.

**X. ADJOURNMENT.**

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

**APPROVED:**

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

\_\_\_\_\_  
**DATE**

cc: Tim Keller, Mayor      Katy Duhigg, City Clerk