

LABOR-MANAGEMENT RELATIONS BOARD
Monday, November 18, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

Leigh Brunner *Fred Mowrer*
Ian Stoker *Rocky Gutierrez*
Devon Moody *Casey Padilla*
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 Bruce Perlman were also present.

II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, NOVEMBER 18, 2019.

Mr. Montoya moved to approved the agenda for November 18, 2019. Mr. Perlman seconded Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR OCTOBER 7, 2019. Chairman Baca moved to approve the minutes for October 7, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

Rocky Gutierrez, AFSCME Council 18 Representative stated that there are two matters pending for the Board's decision and they are LB 14-28 and LB 13-06. Chairman Baca stated that the Board will review these matters and schedule a future date to render their decision.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.

- **LB 19-28, STIPULATED AMENDED ORDER OF DISMISSAL WITH PREJUDICE.** Approved and signed by the Board.
- **LB 18-02, STIPULATED ORDER OF DISMISSAL WITH PREJUDICE.** Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **LB 19-12, ORDER ON JOINT MOTION TO VACATE MERITS HEARING SCHEDULED NOVEMBER 18, 2019.**
Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that she and Fred Mowrer, Attorney for appellant agreed to reschedule the hearing because a key witness for both sides was not available to attend the hearing. The Order was approved and signed by the Board and rescheduled for January 24, 2020.

- **LB 19-14, ORDER ON STIPULATED MOTION TO VACATE MERITS HEARING FOR NOVEMBER 18, 2019.**
Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that the parties agreed to vacate the hearing because one witness is not available and the parties will also be discussing this matter during contract negotiations. The Order was approved and signed by the Board and rescheduled for March 13, 2020.
- **LB 15-32, AMENDED SCHEDULING ORDER.**
Approved and signed by the Board.
- **LB 19-23, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on February 10, 2020.
- **LB 19-29, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on March 13, 2020.

VII. STATUS CONFERENCE:

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF TRANSIT EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME 624)**
Ms. Moody appeared on behalf of the City and Mr. Gutierrez appeared on behalf of AFSCME and the parties asked to reschedule this matter because they have reached a resolution and final documents are pending approval. Chairman Baca rescheduled this matter for December 16, 2019.
- **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, SECTION (5) AND (6). (ROCKY GUTIERREZ, AFSCME)**
Mr. Gutierrez appeared on behalf of AFSCME and Robert Rivera and stated that the parties previously reached an agreement and will submit an Order of Dismissal. He asked the Board to reschedule this matter for status conference. Chairman Baca rescheduled this matter for January 10, 2020.

VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-34, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF M15 FINANCIAL ANALYST AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATIONS TO LMRO 3-2-9A6, CBA 0.1; 0.4; 13.1 AND 20.2. (PATRICIA FRENCH, AFSCME 3022)**
Mr. Stoker appeared on behalf of the City. Patricia French was not present on behalf of AFSCME. Mr. Stoker presented a Scheduling Order to the Board and stated that the Order was sent to Ms. French. The Board approved and signed the Scheduling Order and this matter is scheduled for merits hearing on April 6, 2020.
- **LB 19-35, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS TO THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**
Ms. Moody appeared on behalf of the City and Attorney Fred Mowrer appeared on behalf of APOA. Ms. Moody stated that the City filed a Motion for More Definite Statement and parties have been in discussion regarding this matter. Chairman Baca scheduled this matter for merits hearing on April 6, 2020.

- **LB 19-36, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO 3-2-7; 3-2-9(A)(4) AND (6) AND THE CBA 13.1; 20.2 AND 24.**

Ms. Moody appeared on behalf of the City and stated that she spoke with Ms. French and this matter may be resolved and Union will withdraw. Chairman Baca scheduled this matter for status conference on December 16, 2020.

- **LB 19-37, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF TIM ROSARIO AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS TO THE LMRO 3-2-9 (A6) AND CBA 0.1, 23, 24.**

Mr. Stoker appeared on behalf of the City and presented a Scheduling Order to the Board and stated that the Order was sent to Ms. French. The Board approved and signed the Scheduling Order and this matter is scheduled for merits hearing on April 6, 2020.

IX. MERITS HEARING:

- **LB 19-12, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING AND FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT.**

See item VI.

- **LB 19-14, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT.**

See item VI.

X. ADJOURNMENT.

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

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
 Katy Duhigg, City Clerk