

LABOR-MANAGEMENT RELATIONS BOARD
Friday, November 22, 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	Ryan Harrigan
Ian Stoker	Fred Mowrer
Devon Moody	Patty French
Melissa Kountz	Michael Dorin
Ransom Smith	Leann Harrison
Melanie Lopez	Julia Moya
Jessica Enriquez	Juan Martinez

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:42 a.m. Board members Juan Montoya and Bruce Perlman were also present. Ryan Harrigan, prior Board member was also present for VII. continuance of merits hearing for LB 16-20.

II. REVIEW AND APPROVAL OF THE AGENDA FOR FRIDAY, NOVEMBER 22,

2019. Mr. Montoya moved to approve the agenda for November 22, 2019. Mr. Perlman seconded. Voted and passed 3-0.

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

None.

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

- **LB 13-23, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 15-18, MOTION AND ORDER TO WITHDRAW.**
Approved and signed by the Board.
- **LB 19-10, MOTION AND ORDER TO WITHDRAW.**
Approved and signed by the Board.

V. PRESENTMENT OF ORDERS.

- **LB 19-31, SCHEDULING ORDER.**
Approved and signed by the Board.
- **LB 19-41, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on April 20, 2020.
- **LB 19-24, JOINT ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-38, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF YOLANDA BARRERAS AGAINST THE CITY OF ALBUQUEQUE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS TO THE LMRO 3-2-9 (A6) AND CBA 24.2, 17.1. (PATRICIA FRENCH, AFSCME 3022)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the parties are working to resolve this matter but request a hearing date. Chairman Baca scheduled this matter for merits hearing on April 20, 2020.

- **LB 19-39, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE MUNICIPAL DEVELOPMENT DEPARTMENT FOR FAILING TO NEGOTIATE WITH THE UNION THE CHANGE OF EMPLOYEES HOURS LMRO 3-2-9(A)(4). (ROCKY GUTIERREZ, AFSCME 624)**

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated she spoke with Rocky Gutierrez and he notified her that he could not be present for the meeting but advised her that the Union will be submitting an Order to Withdraw this matter.

- **LB 19-40, STEP III GRIEVANCE FILED BY AFSCME LOCAL 3022 ON BEHALF OF PATRICIA FRENCH AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING LMRO 3-2-7, 3-2-9 AND CBA 0.1, 0.4.1, 20.3.1, 39.1.1. (DARREN SANCHEZ, AFSCME 3022)**

Ms. Kountz appeared on behalf of the City and stated that the parties have not met to meet and confer but request scheduling merits hearing. Chairman Baca scheduled this matter for merits hearing on April 20, 2020.

- **LB 19-41, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT.**

See item V.

VII. MERITS HEARING:

- **CONTINUANCE FROM SEPTEMBER 23, 2019- LB 16-20, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LEANN HARRISON AND JULIA MOYA AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT FOR VIOLATING LMRO 3-2-9A6, CBA 13.1, WORKING OUTSIDE OF CLASIFICATION. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Assistant City Attorneys Ian Stoker and Ms. Kountz appeared on behalf of the City. Attorney James Montalbano appeared on behalf of AFSCME and on behalf of Leann Harrison and Julia Moya. Exhibits were entered and the following witnesses were called to testify; Rebecca Sawyer, James Pyle and Melanie Lopez.

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. 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. Harrigan seconded. A roll call vote was taken and the Motion passed 3-0. The Board was in closed session to discuss LB 16-20 and no other matters were discussed.

The Board did not render a decision but ordered the parties to submit closing statements and findings and conclusions of law by December 13 2019 and rescheduled this matter for deliberation on December 16, 2019.

- **LB 15-18, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF THE CLERICAL AND TECHNICAL EMPLOYEES WITH THE RECORDS/UCR DIVISION AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE CONTRACT SECTIONS 6.1.1 AND 6.1.3. (MICHAEL DORIN, AFSCME LOCAL 2962)**

See item IV.

- **LB 19-10, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEVEN HERRERA AGAINST THE CITY OF ALBUQUERQUE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT AND LABOR RELATIONS MANAGEMENT ORDINANCE. (MICHAEL DORIN, AFSCME LOCAL 2962)**

See item IV.

VIII. ADJOURNMENT.

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

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Katy Duhigg, City Clerk