

LABOR-MANAGEMENT RELATIONS BOARD
Monday, September 23, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>James Montalbano</i>
<i>Ian Stoker</i>	<i>Patty French</i>
<i>Devon Moody</i>	<i>Michael Dorin</i>
<i>Melissa Kountz</i>	<i>Julia Moya</i>
<i>Melanie Lopez</i>	<i>Leann Harrison</i>

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, SEPTEMBER 23, 2019.

Chairman Baca stated that LB 13-17 and LB 19-06 scheduled for merits hearing on item X have been resolved and removed from the agenda. Mr. Harrigan moved approval of the amended agenda with changes. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR SEPTEMBER 6, 2019 AND SEPTEMBER 9, 2019.

Mr. Montoya moved to approve the minutes for September 6, 2019 and September 9, 2019. Mr. Harrigan seconded. Voted and passed 3-0.

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

Assistant City Attorney Melissa Kountz introduced new Assistant City Attorney Justin Pennington.

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

- **LB 13-27, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 15-28, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 17-24, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.** Approved and signed by the Board.
- **LB 19-06, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 19-28, STIPULATED ORDER OF DISMISSAL WITH PREJUDICE.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

LB 13-17, ORDER GRANTING JOINT MOTION TO VACATE MERITS HEARING. Approved and signed by the Board.

VII. STATUS CONFERENCE:

- **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)**

Assistant City Attorneys Devon Moody and Ian Stoker appeared on behalf of the City and James Montalbano appeared on behalf of AFSCME. The parties stated that this matter has a pending settlement that will resolve all of Mr. Rivera's cases that are pending against the City. Chairman Baca rescheduled this matter for status conference on October 18, 2019.

VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-28, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF EMPLOYEES WITHIN THE PARKS AND RECREATION DEPARTMENT AGAINST THE CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT FOR VIOLATIONS OF THE LMRO 3-2-9 A(6) AND THE CBA 16.1.5. (CASEY PADILLA, AFSCME 624)**

See item V.

- **LB 19-29, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF SOLID WASTE EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATIONS OF THE LMRO 3-2-9 A(4) AND FAILING TO BARGAIN WITH THE UNION WHEN THE CITY IMPLEMENTED A SHIFT BID WITH A CHANGE IN WORKING HOURS. (CASEY PADILLA, AFSCME 624)**

Ms. Moody appeared on behalf of the City and stated that the parties agreed to extend the deadline to meet and confer and the scheduling order is due the following week. Chairman Baca scheduled this matter for merits hearing on January 10, 2020.

IX. MOTIONS HEARING:

- **LB 19-10, CITY'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND UNION'S RESPONSE TO CITY'S MOTION FOR PARTIAL SUMMARY JUDGMENT. (MICHAEL DORIN, AFSCME)**

Ms. Moody appeared on behalf of the City and presented the City's Motion for Partial Summary Judgment. Michael Dorin appeared on behalf of AFSCME and presented the Union's Response to City's Motion for Partial Summary Judgment.

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. Harrigan seconded. A roll call vote was taken and the motion passed 3-0.

Chairman Baca 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. Chairman Baca stated that the Board was in closed session to discuss LB 19-10 and no other matters were discussed.

Chairman Baca moved to deny the City's Motion for Partial Summary Judgment. Mr. Montoya seconded. Voted and passed 3-0.

X. MERITS HEARING:

- **LB 13-17, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE'S TRANSIT DEPARTMENT ON BEHALF OF ALEXANDER LAPLANTE FOR TERMINATION UNDER THE CITY'S IMPOSED SUBSTANCE ABUSE POLICY (CASEY PADILLA, AFSCME)**

See item II.

- **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. (PATRICIA FRENCH, AFSCME 3022)**

Ms. Kountz and Mr. Stoker appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME and behalf of Leann Harrison and Julia Moya. Exhibits were entered and the following witnesses were called to testify; Leann Harrison, Patricia French and Julia Moya. After concluding the hearing at 3:50 p.m., this matter is continued for October 16, 2019.

- **LB 19-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF SOLID WASTE SUPERVISORS, AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 2.3 OVERTIME, 15.1 SHIFT BIDDING. (LAWRENCE MORA, AFSCME 3022)**

See item II.

XI. ADJOURNMENT.

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

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor
Katy Duhigg, City Clerk