

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, February 19, 2014
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Patrick Halter
Susan Chappell
Juan Montoya

OTHERS PRESENT:

<i>Doris Duhigg</i>	<i>Rocky Gutierrez</i>
<i>Samantha Hults</i>	<i>Vanessa F. King</i>
<i>Fred Mowrer</i>	<i>Mary Scott</i>
<i>Shane Youtz</i>	<i>Tasha Smalls</i>
<i>Melissa Kountz</i>	<i>Linda Huckles</i>
<i>Steven Chacon</i>	<i>Genaro Tafoya</i>
<i>Frank Gonzales</i>	<i>Abe Trujillo</i>
<i>Jimmy Padilla</i>	<i>William Bushard</i>
<i>Arthur Silva</i>	

PO Box 1293

MINUTES

Albuquerque

NM 87103

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- I. CALL TO ORDER.**
Chairman Halter called meeting to order at 9:02 a.m., all members were present.
- II. REVIEW AND APPROVAL OF AGENDA FOR WEDNESDAY, FEBRUARY 19, 2014.**
Chairman Halter moved to approve the agenda for Wednesday, February 19, 2014. Juan Montoya seconded. Agenda approved 3-0.
- III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JANUARY 27, 2014.**
Chairman Halter moved to approve the Labor board minutes for January 27, 2014. Susan Chappell seconded. Minutes approved 3-0.
- IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.**
None.
- V. LB 11-37 REVIEW OF PARTIES' JOINT MOTION TO DISMISS PPC.**
Samantha Hults appears on behalf of the City of Albuquerque and states that the parties have met and agreed to dismiss the PPC. Chair Halter moves to accept joint motion to dismiss. Susan Chappell seconded. Approved 3-0.
- VI. LB 11-40 REVIEW OF PARTIES' JOINT MOTION TO DISMISS PPC.**
Samantha Hults appears on behalf of the City of Albuquerque and states that the parties have met and agreed to dismiss the PPC. Chair Halter moves to accept joint motion to dismiss. Susan Chappell seconded. Approved 3-0.

VII. CONSIDERATION OF IRA BOLNICK AS PROSPECTIVE NOMINEE FOR CHAIRMAN.

Susan Chappell moves to nominate and accept Ira Bolnick as neutral member. Shane Youtz and Fred Mowrer appear on behalf of the Unions and expresses that although they have respect for Mr. Bolnick they oppose the nomination. Samantha Hultz stated that there is no opposition for the appointment of Mr. Bolnick on behalf of the City of Albuquerque. Juan Montoya expresses that he cannot second the motion to nominate Ira Bolnick after the Union opposition comments were made because he is the Board labor representative. Doris Duhigg asks for suggested names from the Unions and the City of Albuquerque for a neutral member to be provided to the Board. Mr. Blonick appears after discussion. Chairman Halter explains that there was no second for the motion to accept him as a neutral and advises that names will be submitted.

VIII. REVIEW OF CITY'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND CONSIDERATION OF AFSCME'S ADDITIONAL INFORMATION OR STATEMENT IN LB 11-14.

Samantha Hults appears on behalf of the City of Albuquerque. Rocky Gutierrez appeared on behalf of AFSCME Local 624 and states that the matter has been settled. Parties will submit closing documents.

IX. REVIEW OF PPC AND RESPONDENTS' ANSWERS/RESPONSES THERETO IN LB 10-22.

Samantha Hults appears on behalf of the City of Albuquerque and states that the matter involves an agreement between the City of Albuquerque and AFSCME 3022. She states that the City reclassified M-Series employees to E-Series employees and that AFSCME Local 3022 was the collective bargaining union. Both AFSCME and the City agreed to reclassify those employees back to M-Series but some employees remain unhappy. Mrs. Hults states that the City cannot negotiate with employees individually if they have a bargaining union or counsel and asks that the matter be dismissed because there is a settlement, claims are moot and that there no issues for Board to make a determination. Rocky Gutierrez appears on behalf of AFSCME and explains that the employees are members of AFSCME 3022 but hired Paul Livingston as counsel, therefore making the Union is a third party to the case. Parties ask for representative clarification. Frank Gonzales appears *pro se* and for the other supervisors, and explains that there were nine (9) supervisors who were changed from M-Series to E-Series with different pay steps. When they were reclassified back to the M-Series they were placed at lower pay steps. They went to Human Resources and were told that they had been changed and claim there was not any notification. This created a problem for them because they were not allowed to get pay raises that the M-Series received and brought them down in pay steps. Mr. Gonzales tries to submit documents. Samantha Hults objects to documents. Mr. Gonzales explains that he went to numerous City departments to fix the problem but did not get assistance. They then hired Paul Livingston. However, they are no longer represented and represent themselves. The supervisors also discuss that they were forced back into the Union and requests that they receive their previous classification and steps. Genaro Tafoya appears *pro se* and for the other supervisors and explains his similar issue with different pay steps. Rocky Gutierrez explains that Lee Whistle, who is not present and is the President of AFSCME 3022, has the agreement. Samantha Hults discusses that an agreement was made by AFSCME and believes it's an internal dispute amongst members. Mr. Gonzales explains they are not union members and have never signed union cards or voluntarily paid dues. William Bushard appears *pro se* and for the other supervisors and explains that they spoke to Darlene Herrera with Human Resources to file a grievance regarding the movement but were told they could not file a grievance. They then went to the Union to ask to file a grievance and were told they couldn't file

They then went to the Union to ask to file a grievance and were told they couldn't file because the supervisors were non-union members. They then hired Paul Livingston and the matter as heard by Judge Huling in District Court, she remanded the case back to the Labor Board but the Board was non-functional. The supervisors claim that AFSCME said they could represent them and then received a call shortly after stating that there was an agreement with the City and the Union for the positions. Chairman Halter moves to go into closed session. Juan Montoya seconded. Closed session approved 3-0.

Chairman Halter moves to return to open session and explains that only matters were discussed during closed session was pertaining to LB-10-22. Susan Chappell seconded. Returned to open session approved 3-0.

Chairman Halter moves that the Board finds that on October 16, 2009 AFSCME 3022 signed an agreement with the City of Albuquerque resolving the issues brought forward in LB-10-22 and that the Board does not have jurisdiction or authority to resolve a membership dispute. Susan Chappell seconded. Matter approved 3-0. Chairman Halter clarifies that the Board will issue an order to dismiss and advises supervisors that they may appeal the decision to District Court.

Abe Trujillo appeared *pro se* and for the other supervisors and questioned pay and retirement issues. Chairman Halter explains that he will be included in the appeal.

X. NEW BUSINESS.

None.

XI. MERITS HEARING.

- LB 09-33 PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE'S TRANSIT DEPARTMENT FOR CONTRACT VIOLATIONS (STEVEN R. GRIEGO, AFSCME LOCAL 624)
Melissa Kountz appeared for the City of Albuquerque. Rocky Gutierrez appeared on behalf of AFSCME Local 624. Parties agreed that they have settled the matter and will submit closing documents.

XII. ADJOURNMENT

Chairman Halter moves to adjourn the meeting. Susan Chappell seconded. Approved 3-0. Adjourned at 10:11 a.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

cc: Richard J. Berry, Mayor
Trina Gurule, Acting City Clerk