

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Monday, January 26, 2015
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Patrick Halter
Susan Chappell
Juan Montoya

OTHERS PRESENT:

Nick Bullock
Samantha Hults
Kellie Garcia
Marie Legrand-Miller
Melissa Kountz
Jessica Enriquez

MINUTES

PO Box 1293

I. CALL TO ORDER.

Chairman Patrick Halter called the meeting to order at 1:05 p.m. All members were present.

Albuquerque

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JANUARY 26, 2015.

Chairman Halter made a motion to approve the agenda. Susan Chappell seconded. Motion passed 3-0.

New Mexico 87103

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JANUARY 12, 2015.

Chairman Halter made a motion to approve the minutes for January 12, 2015. Juan Montoya seconded. Motion passed 3-0.

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

No public comments.

V. SCHEDULING OF CASES FOR HEARING IN LB 12-26, LB 13-12 (JOHN D'AMATO) AND LB 14-26. (FRED MOWRER, APOA)

Samantha Hults, Assistant City Attorney appeared on behalf of the City and on behalf of Assistant City Attorney Kathy Levy. No one was present for APOA. Items will be rescheduled to February 23, 2015.

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

Chairman Halter made a motion to approve the Stipulated Order of Dismissal in LB 08-46. Mr. Montoya seconded. Motion passed 3-0.

Chairman Halter made a motion to approve the Order to Administratively Close LB 06-27. Mr. Montoya seconded. Motion passed 3-0.

Chairman Halter made a motion to approve Order to Administratively Close LB-36. Ms. Chappell seconded. Motion passed 3-0.

Chairman Halter made a motion to approve the Unopposed Motion to Vacate and Reset LB 12-23, LB 12-31, LB 13-28 consolidated with LB 14-03, LB 14-24 and LB 14-14 currently scheduled for February 2, 2015. Mr. Montoya seconded. Motion passed 3-0.

VII. LB-ARB-13-01, RESPONSE TO REQUEST FOR ARBITRATIONS. (AFSCME LOCAL 624).

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that the City chooses not to consent to arbitration and has the right per the LMRO. The CBA has not been signed by the required parties and the CBA was ratified last week and this matter is mute. Chairman Halter made a motion to grant the City's request to dismiss. Mr. Montoya seconded. Motion passed 3-0.

VIII. LB 11-21, CITY'S SUPPLEMENTAL REPLY TO UNION'S RESPONSE TO MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME LOCAL 624)

Kellie Garcia, Assistant City Attorney appeared on behalf of the City and stated that the City's position is that there was no issue because all employees met qualification and seniority was not required per the LMRO section 3-1-1A. Chairman Halter made a motion to grant the City's Motion for Summary Judgment. Ms. Chappell seconded. Motion passed 3-0.

IX. STATUS REVIEW OF CASES.

• **LB 12-22 (AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City. No one was present on behalf of AFSCME. Matter rescheduled for February 23, 2015.

• **LB 12-31 (AFSCME)**

Ms. Kountz appeared on behalf of the City and stated that there is a pending Motion for Summary Judgment. Matter will be scheduled for February 23, 2015.

• **LB 12-23 (TRANSIT)**

Chairman Halter made a motion to grant the Stipulated Order of Dismissal. Mr. Montoya seconded. Motion passed 3-0.

X. MOTIONS AND ORDERS.

• **LB 14-02, PETITIONER'S SECOND MOTION TO AMEND PPC AND ANY WRITTEN RESPONSES THERETO FROM RESPONDENT. (FRED MOWRER, APOA)**

Jessica Enriquez, City Hearing Monitor stated that Mr. Mowrer's office sent an email requesting to continue this matter. Chairman Halter stated that a response has not been received by the City and he made a motion to grant the Motion to Amend PPC. Mr. Montoya second. Motion passed 3-0.

• **LB 07-26, CITY'S MOTION TO DISMISS. (NMTU)**

Marie Legrand-Miller, Assistant City Attorney appeared on behalf of the City. No one was present on behalf of NMTU. Chairman Halter made a motion to grant the City's Motion to Dismiss. Ms. Chappell seconded. Motion passed 3-0.

• **LB 08-35, REVIEW OF THE ORDER. (ROCKY GUTIERREZ, AFSCME)**

Samantha Hults, Assistant City Attorney appeared on behalf of the City. No one was present on behalf of AFSCME. Ms. Hults stated that Mr. Gutierrez does not oppose the Order as he previously stated on the record. Chairman Halter made a motion to adopt the Order. Ms. Chappell seconded. Motion passed 3-0.

XI. MERITS HEARING.

• **LB 13-23, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE, ALBUQUERQUE POLICE DEPARTMENT AND CHIEF ALLEN BANKS FOR VIOLATION OF CONTRACTUAL OBLIGATIONS. (FRED MOWRER, APOA)**

Parties submitted a Stipulated Motion to Vacate in this matter. Chairman Halter made a motion to grant the Stipulated Order to Vacate. Ms. Chappell seconded. Motion passed 3-0.

XII. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0 and the meeting was adjourned at 1:20 p.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

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