



LABOR-MANAGEMENT RELATIONS BOARD

Thursday July 25, 2014

**600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1**

MEMBERS PRESENT:

*Patrick Halter
Susan Chappell
Juan Montoya*

OTHERS PRESENT:

*Doris Duhigg Rocky Gutierrez
Rebecca Wardlaw Mary Scott
Melissa Kountz Marcus Garcia
Jessica Enriquez*

MINUTES

I. CALL TO ORDER.

Chairman Halter called meeting to order at 9:04 a.m., all members were present.

PO Box 1293

II. REVIEW AND APPROVAL OF AGENDA FOR THURSDAY JULY 25, 2014.

Chairman Halter made a motion to approve agenda. Juan Montoya seconded. The motion passed 3-0.

Albuquerque

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JULY 10, 2014.

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

NM 87103

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

Marcus Garcia, Attorney in the matter of LB 10-02 requested that the Notice of Presentment and Order he filed get placed on the next meeting agenda.

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Melissa Kountz, Assistant City Attorney for the City of Albuquerque stated that the Board has already signed a Final Order and that signing another Final Order would be silly.

Rocky Gutierrez appeared on behalf of AFSCME Council 18 and discussed the priority list that was handed out to the Board members and all persons present. He stated that the list was the same list that was issued to the Board on May 14, 2012 and that he would submit a new list by the following Monday.

Ms. Kountz stated that two cases on the priority list have pending Motions of Summary Judgment from the City.

Chairman Halter stated that once the Motions are received by the City then they will be placed on an upcoming agenda for review

V. LB 14-06, REVIEW OF STIPULATED MOTION TO DISMISS. (FRED MOWRER, IAFF)

Chairman Halter stated that the Motion was presented to the Board at the last meeting but was not signed because it was not an item on the agenda.

Rebecca Wardlaw, Assistant City Attorney suggested a standing agenda item for review and approval of Stipulated Motions and Orders.

Chairman Halter and Doris Duhigg agreed with Ms. Wardlaw.

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

VI. LB 14-07, REVIEW OF CITY'S AMENDED ANSWER, POSITION STATEMENT AND MOTION TO DISMISS OR ALTERNATIVELY SUMMARY JUDGEMENT AND PETITIONER'S RESPONSE THERETO. (AFSCME LOCAL 1888)

Mr. Gutierrez stated that Mr. Anaya is on FMLA leave and he advised him of the consequences of the Board dismissing the matter if he did not appear to argue the case. He also stated that the Union did not assign the case over to him.

Chairman Halter stated that no contact has been received from Mr. Anaya

Ms. Kountz stated that the City had not received any contact or updates to the case from Mr. Anaya. She made a verbal Motion to Dismiss.

Chairman Halter made a motion to dismiss. Ms. Chappell seconded. Motion passed 3-0.

Ms. Kountz will draft an Order to Dismiss for the Board to sign.

VII. LB 10-17, REVIEW OF CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE THERETO. (AFSCME LOCAL 1888)

Ms. Kountz stated that the City Motion's to Strike because the Union had a deadline of 7-10 days to file their response and the response was just received yesterday. The City moved to dismiss the case because it has been almost four years and there is not much relief to provide to Ms. Wagner because Mr. Martanali has retired.

Mr. Gutierrez on behalf of the Union stated that he understood that the response was due July 25th. He presented a verbal response and argued that there was violence in the work place and comments were made in public by Mr. Martanali to Ms. Wager and that was a violation of the collective bargaining agreement and the labor management relations ordinance. He stated that this case was filed in 2010 and was never dealt with because the City's investigation never occurred.

Ms. Kountz responded and said that this was a single action that occurred in 2010 and if there was this continued behavior then there would be more complaint's filed. She stated that the Board jurisdiction is limited to violations of the labor management relations ordinance.

Chairman Halter made a motion to dismiss LB 10-17. Ms. Chappell seconded. Motion passed 3-0.

VIII. LB 14-05, ISSUANCE OF BOARD DECISION. (PAUL LIVINGSTON, NMTU)

Chairman Halter made a motion to approve and sign Order to Dismiss. Ms. Chappell seconded. Motion passed 3-0.

IX. MERITS HEARING

- **LB 13-24 PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS. (FRED MOWRER, APOA)**

Mr. Mawrer appeared on behalf of APOA and presented a Stipulated Motion to Continue.

Chairman Halter made a motion to approve the motion to continue. Mr. Montoya seconded. Motion passed 3-0.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board

8-18-2014
DATE

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