

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Monday, December 1, 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>Nicholas Bullock</i>	<i>Casey Padilla</i>
<i>Kellie Garcia</i>	<i>Lee Whistle</i>
<i>Marie Legrand-Miller</i>	<i>Deb Rainaldi</i>
<i>Samantha Hults</i>	<i>Mike Dorin</i>
<i>Melissa Kountz</i>	<i>Denisse Enriquez</i>
<i>Jessica Enriquez</i>	<i>Erika Wilson</i>

MINUTES

PO Box 1293

I. CALL TO ORDER.

Chairman Patrick Halter called the meeting to order at 9:00 a.m. All members were present.

Albuquerque

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, DECEMBER 1, 2014.

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

NM 87103

III. REVIEW AND APPROVAL OF CORRECTED LABOR BOARD MINUTES FOR OCTOBER 27, 2014.

Chairman Halter stated that the change in minutes was the heading of the date that previously showed October 13, 2014 but the correct date is October 27, 2014. He made a motion to approve the corrected minutes. Juan Montoya seconded and the motion passed 3-0.

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IV. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR NOVEMBER 17, 2014.

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

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

None.

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

None.

VII. STATUS OF BARGAINING UNIT AGREEMENT IN LB 14-01. (JAMES MONTALBANO, AFSCME LOCAL 1888)

Marie Legrand-Miller and Melissa Kountz, Assistant City Attorney's appeared on behalf of the City. Lee Whistle appeared on behalf of AFSCME Local 3022. The parties stated that they are working on a finalized settlement agreement and will submit a Motion to Dismiss.

This matter will be scheduled on December 15, 2014 for status.

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VIII. PRESENTMENT HEARING ON THE CITY'S PROPOSED ORDER DENYING PPC IN LB 08-35.

Samantha Hults, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME Local 1888. Ms. Hults stated that the City sent a Proposed Order to the Union and the Union objected to the findings of facts and conclusions. She asked the Board to review and sign the Order or alternatively she would provide a word document for the Board to review and make changes to.

Rocky Gutierrez stated that the Union believes that the City omitted some information to the findings of facts. He suggested that the parties agree on an Order and then present it to the Board.

Ms. Chappell stated that she would like to see the parties agree on a Proposed Order and if they do not agree then the Board will have a presentment hearing.

Matter was rescheduled for January 12, 2014.

IX. OLD BUSINESS

- **ADMINISTRATIVE REVIEW OF LB 99-08 (AFSCME LOCAL 624), LB 99-14 (NMTU), LB 06-27 (AFSCME LOCALS 624, 2962, 3022), LB 06-36 (AFSCME LOCAL 624).**

Kellie Garcia, Assistant City Attorney appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME and stated that the Union will get together with the City to figure out status on old cases.

LB 99-08, LB 06-27 and LB 06-36 will be scheduled for status on January 12, 2014.

Ms. Garcia stated that LB 99-14 was brought by NMTU and that Union is no longer is existence and the representative was Paul Livingston who has been disbarred. She asked the Board to dismiss the case.

Chairman Halter confirmed that Mr. Livingston was sent a copy of the meeting agenda. He asked the City to submit a Motion to Dismiss.

X. NEW BUSINESS

- **LB 14-03 PROHIBITED PRACTICE COMPLAINT AGAINST THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 18, AFL-CIO, AND LOCAL 2962 FOR DISCLOSING CONFIDENTIAL CONTENTS OF CLOSED DOOR NEGOTIATIONS, AND MOTION TO CONSOLIDATE WITH LB 13-28.**

Ms. Garcia appeared on behalf of the City and stated that the City filed this PPC because of comments that were made at a City Council meeting on November 4, 2013. City alleges the comments were made against the LMRO to keep comments confidential. She stated that LB 13-28 was a PPC filed by the Union against the City regarding the same core of incident and asked the Board to consolidate the two cases.

Mr. Gutierrez asked the Board to deny consolidating the two cases and stated that the City filed there Complaint untimely.

Ms. Garcia responded that the City filed there PPC beyond the 30 day window but the Union may have also filed their PPC untimely.

This matter was rescheduled by the Board to December 15, 2014 to review AFSCME's oral motion to dismiss and City's motion to consolidate.

XI. MERITS HEARINGS.

- **LB 11-06, STEP III GRIEVANCE FOR USAGE OF SICK LEAVE ON BEHALF OF ALL CLERICAL EMPLOYEES WITHIN THE ALBUQUERQUE POLICE DEPARTMENT.**

Ms. Garcia appeared on behalf of the City. Mr. Gutierrez and Debbie Rainaldi appeared on behalf of AFSCME. Karen Salazar with APD was also present as the department representative.

Mr. Gutierrez presented an opening statement and stated that the City has implemented a 44% rule with APD employees. This agreement expired in 2010 but is in injunction by the court to still be enforced. He read the sick leave procedure for clerical and technical employees. He cited the Collective Bargaining Agreement regarding Personnel Sick Leave. He asked the Board to enforce the CBA and ask City to adhere to the policy and negotiate with the Union.

Ms. Garcia reads section of CBA 6.1 Sick Leave and the APD Administrative Order. The City asks the Board to deny the PPC.

Erica Lee Wilson, Emergency Communication Manager with APD was called by Mr. Gutierrez to testify.

Chairman Halter made a motion to go into closed session. Mr. Montoya seconded. Motion passed 3-0.

Chairman Halter made a motion to return into open session. Ms. Chappell seconded. Motion passed 3-0.

Chairman Halter made a motion to dismiss the case because there is no active case in controversy and original complaint is not an alleged policy of non-negotiating. Ms. Chappell seconded. Motion passed 3-0.

- **LB 14-22, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF AFSCME LOCAL 624 AND SOLID WASTE EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE, SOLID WASTE DEPARTMENT FOR FAILING TO NEGOTIATE THE POLICY TO IMPASSE. (CASEY PADILLA, AFSCME LOCAL 624)**

Ms Legrand-Miller appeared on behalf of the City. Mr. Gutierrez and Casey Padilla appeared on behalf of AFSCME. Both parties presented opening statements and Mr. Gutierrez stated that the Union dismisses this case.

Chairman Halter stated that this case is closed.

XII. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0 and the meeting was adjourned at 1:15 p.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

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