

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Friday, September 26, 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
Samantha Hults
Melissa Kountz
Marie Legrand-Miller
Jessica Enriquez
Vanessa King
Lee Whistle
Rocky Gutierrez
James Montalbano

MINUTES

I. CALL TO ORDER.

Chairman Halter called the meeting to order at 9:05 a.m., all members were present.

PO Box 1293

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, OCTOBER 13, 2014.

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

Albuquerque

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR SEPTEMBER 26, 2014.

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

NM 87103

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

Chairman Halter stated that the future hearing dates for 2015 will be; January 12th and 26th, February 2nd and 16th, March 2nd, 16th, and 30th, April 6th and 20th, May 4th and 18th.

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Chairman Halter made a motion to approve and sign the Order in item XIII, LB 12-34 and LB 13-03. Mr. Montoya seconded. Motion passed 3-0.

V. LB 14-01, REVIEW OF AFSCME'S AND CITY'S EVIDENCE AND ARGUMENTS FOR BARGAINING UNIT POSITIONS. (JAMES MONTALBANO, AFSCME)

James Montalbano for Youtz and Valdez, on behalf of AFSCME, stated that both parties submitted opening statements and they are ready to proceed with the hearing on October 13, 2014. He requested to start with the animal welfare department employees first and aviation second. He also requested that the City provide the Union with any evidence or documents before the hearing.

Marie Legrand-Miller, Assistant City Attorney appeared on behalf of the City and stated that the City was directed to provide position statements for animal welfare and aviation.

Chairman Halter requested from the parties a list of positions that have been agreed to.

This matter will be scheduled for October 13, 2014 and will begin with the animal welfare employees.

VI. LB 10-14, REVIEW OF CITY'S MOTION FOR SUMMARY JUDGEMENT OF PPC. (AFSCME LOCAL 1888)

Samantha Hults, Assistant City Attorney on behalf of the City objected to the Union's Response that was received the night before the meeting. She briefed the case and stated that Mr. Jaramillo was provided his due process and asked the Board to uphold his termination.

Rocky Gutierrez appeared on behalf of AFSCME Local 1888, stated that the Order was supposed to be submitted by the 26th of September. He presented argument to the City's statements and stated that Mr. Jaramillo was not at fault. He stated that there are disputed facts and asked the Board to grant a hearing.

Chairman Halter made a motion to go into closed session to discuss LB 10-14. Mr. Montoya seconded. Motion passed 3-0.

Closed session concluded. Chairman Halter made a motion to deny Motion for Summary Judgment. Mr. Montoya seconded. Motion passed 3-0.

Case will be scheduled for a hearing on December 15, 2014.

VII. LB 11-11, REVIEW OF CITY'S MOTION FOR SUMMARY JUDGMENT OF PPC. (ROCKY GUTIERREZ, AFSCME LOCAL 624)

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that Mr. Gutierrez was ordered to file a written response and he had not provided one.

Mr. Gutierrez appeared on behalf of AFSCME Local 624 and requested more time to file a response.

Melissa Kountz objected on allowing Mr. Gutierrez more time to file a response.

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

Closes session concluded. Chairman Halter granted the Union until October 10, 2014 to file a response and the City can respond to the Union's response by October 17, 2014.

Case will be scheduled for October 27, 2014.

VIII. LB 11-06, REVIEW OF CITY'S AMENDED ANSWER AND POSITION STATEMENT. (ROCKY GUTIERREZ, AFSCME LOCAL 624)

Ms. Hults appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME Local 624.

Chairman Halter made a motion to schedule this matter for a hearing on December 1, 2014. Ms. Chappell seconded. Motion passed 3-0.

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

None.

X. DISCUSSION OF SCHEDULING HEARINGS IN APOA CASES. (JOHN D'AMATO AND FRED MOWRER)

- LB 12-26
- LB 13-12
- LB 13-23
- LB 14-13
- LB 14-15
- LB 14-02

Doris Duhigg, Attorney for the Board stated that Mr. Mowrer asked her to notify the Board of the parties Stipulated Motion to Continue.

These cases will be rescheduled for future dates.

XI. LB 12-22, REVIEW OF ORDER OF DISMISSAL.

Ms. Kountz appeared on behalf of the City and stated that the order that was previously signed was not a stipulated order. She asked the Board to put the City's Motion to Strike Petitioner's Response on the City's More Definite Statement, on next month's agenda.

Chairman Halter made a motion to vacate order that was signed and schedule this matter for next month. Mr. Montoya seconded. Motion passed 3-0.

XII. SCHEDULING OF PENDING CASES.

None.

XIII. ISSUANCE OF BOARD DECISION IN LB 12-34 AND LB 13-03.

See Item IV.

XIV. MERITS HEARING

- **LB 08-35 STEP III GRIEVANCE PROCEDURES IN ACCORDANCE WITH THE CBA BETWEEN THE CITY OF ALBUQUERQUE AND LOCAL 1888, ARTICLES 25.2.5, 25.2.6 AND 25.2.7. (ROCKY GUTIERREZ, AFSCME)**

Samantha Hults appeared on behalf of the City and gave an opening statement and briefed the case. She stated that the grievant Erasmo Torres was a security guard when he was terminated for stealing items from safe keeping. City's witnesses that testified were John Castillo, Ernest Gonzales, Mark Shepard and Diane Kimberle. All witnesses presented themselves and were sworn in and testified. City's exhibits 1 through 18 were admitted.

Rocky Gutierrez, AFSCME representative appeared on behalf of the grievant Erasmo Torres and gave an opening statement. Grievant exhibits A and B were presented and admitted. Grievant witnesses Patrick Gutierrez and Jason Gomez were sworn in and testified. Mr. Gutierrez presented argument that confiscated items were not stolen items.

Chairman Halter ordered parties to submit written closing statements before the October 13, 2014 meeting and matter will be placed on the agenda.

XV. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0 and meeting was adjourned at 3:30 p.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

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