

# CITY OF ALBUQUERQUE



## LABOR-MANAGEMENT RELATIONS BOARD

*Monday, October 13, 2014*

**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> 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  
Kellie Garcia  
Lee Whistle  
Rocky Gutierrez  
James Montalbano*

### MINUTES

**I. CALL TO ORDER.**

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

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

Chairman Halter made a motion to approve the agenda. Juan Montoya seconded. Passed 3-0.

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

Chairman Halter made a motion to approve the minutes. Mr. Montoya seconded. Passed 3-0.

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

Kelly Garcia, Assistant City Attorney appeared on behalf of the City and stated that the City is having difficulty understanding the deadlines for dispositive motions. She suggested that the Board consider revising the Rules and Regulations to be similar to the Personnel Board Rules and Regulations.

Samantha Hults, Assistant City Attorney stated that it would be beneficial to both parties to revise the Labor Board Rules and Regulations.

Rocky Gutierrez appeared on behalf of AFSCME stated that the City holds the Union on deadlines all the time and that the City has five days to respond and thirty days to submit a dispositive motion.

Chairman Halter asked the City and the Union representatives to collaborate and draft up a proposal for revision to the Labor Board Rules and Regulations.

**V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**

None.

**VI. LB 12-22, REVIEW OF THE CITY'S MOTION TO STRIKE. (ROCKY GUTIERREZ, AFSCME LOCAL 2962)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the Union filed a Response but did not state nothing more definite as requested by the Board. She argued that the burden was on the Union to prove and they did not and moved to dismiss the case.

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Mr. Gutierrez appeared on behalf of AFSCME and Annette Gomez. He briefed the case and stated that Annette Gomez was performing all duties of an Administrative Assistant since July 2008 and the complaint was filed in 2011. He stated that Ms. Gomez was not paid for performing the duties and was the reason why the complaint was filed. He stated that the Union responded by the deadline of June 30, 2014 and the City filed their Motion on August 29, 2014 which was sixty days later and motions should be filed in thirty days so the City's Motion was untimely.

Chairman Halter made a motion to deny the City's Motion to Strike and set the case for a hearing. Mr. Montoya seconded. Motion passed 3-0 and case will be scheduled for a hearing on January 12, 2015.

**VII. REVIEW OF THE RECORD IN LB 08-35.**

Chairman Halter stated that this case had a merits hearing at the prior Labor Board meeting and both parties submitted post hearing Briefs. He made a motion for the Board to go into closed session. Mr. Montoya seconded. Passed 3-0.

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

Chairman Halter stated that the Board was in closed session to discuss the case in LB 08-35. He made his first motion that the Labor Board is not required to follow the Personnel Board definition of just cause as stated by the City and second part of the motion was to dismiss the complaint because there was just cause for termination. Ms. Chappell seconded. Motion passed 3-0. City will draft the Order.

**VIII. SCHEDULING OF PENDING CASES.**

Fred Mowrer appeared on behalf of APOA and stated that the parties are prepared to schedule hearings for LB 13-23, LB 14-12, LB 14-13 and LB 14-15.

Chairman Halter stated that LB 13-23 will be scheduled for hearing on January 12, 2015, LB 14-12 hearing will be on February 2, 2015, LB 14-13 hearing will be on February 16, 2015 and LB 14-15 hearing will be on March 2, 2015.

**IX. CITY'S REFERRAL TO LMRB OF NMTU REQUEST FOR RECOGNITION AS EXCLUSIVE REPRESENTATIVE AND ANY RESPONSES THERETO.**

Chairman Halter stated that the referral was dated September 23, 2014 and was from Terry Adrian to the Mayor. The letter from Rob Perry to the Board was dated September 29, 2014. He stated that AFSCME Local 624 is the current certified exclusive bargaining union for Transit and the City by there conduct has recognized AFSCME Local 624 as the bargaining unit. He stated that the court threw out the prior election results and AFSCME never lost their status.

Ms. Hults appeared on behalf of the City and stated that the City received the new presentation and cards, that's why was brought to the Board's attention. She stated that the City has done the postings required and AFSCME had not responded.

No one was present from New Mexico Transit Union.

Chairman Halter made a motion that AFSCME Local 624 is the current certified exclusive bargaining union. Mr. Montoya seconded. Motion passed 3-0.

**X. SCHEDULING OF HEARING DATE**

- **LB 11-26 STEP III GRIEVANCE ON BEHALF OF DEPARTMENT OF FINANCE EMPLOYEE CARAL NAVARRETTE, DENIED SELECTION OF THE PROMOTION PROCESS. (ROCKY GUTIERREZ, AFSCME LOCAL 2962)**

Chairman Halter stated that this case will be scheduled on January 12, 2015 for a merits hearing.

**XI. MERITS HEARING**

- **LB 14-01 AFSCME LOCAL 3022 COMPLAINT AGAINST THE CITY OF ALBUQUERQUE FOR NONNEGOTIATIONS OF THE BARGAINING UNIT FOR E AND M SERIES EMPLOYEES. (JAMES MONTALBANO, ATTORNEY FOR AFSCME LOCAL 3022)**

Melissa Kountz appeared on behalf of the City. James Montalbano with Youtz and Valdez appeared on behalf of AFSCME. Both parties stated that they have reached a settlement agreement that both parties will agree to meet on positions that become vacant. Parties will provide a final Order to the Board.

**XII. ADJOURNMENT.**

Chairman Halter made a motion to adjourn the meeting. Ms. Chappell seconded. Motion passed 3-0 and meeting was adjourned.

**APPROVED:**



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**PATRICK HALTER, CHAIR**  
**City Labor Board**

10.27.14  
**DATE**

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