



LABOR-MANAGEMENT RELATIONS BOARD
Monday, November 17, 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>James Montalbano</i>
<i>Kelly Garcia</i>	<i>Fred Mowrer</i>
<i>Marie Legrand-Miller</i>	<i>Jessica Enriquez</i>

MINUTES

I. CALL TO ORDER.

Chairman Patrick Halter called the meeting to order at 9:03 a.m. All members were present.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, NOVEMBER 17, 2014.

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

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

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

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

No public comments.

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

None.

VI. MOTIONS.

- **LB 14-23, CITY'S MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTIONS AND THE UNION'S RESPONSE THERETO. (ROCKY GUTIERREZ, AFSCME)**
- **LB 14-20, CITY'S MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTIONS AND THE UNION'S RESPONSE THERETO. (ROCKY GUTIERREZ, AFSCME)**
- **LB 14-22, CITY'S MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTIONS. (CASEY PADILLA, AFSCME)**

Marie Legrand-Miller and Kelly Garcia, Assistant City Attorney's appeared on behalf of the City. Ms. Garcia stated that the City has filed three Motions for Enlargement of Time to File Dispositive Motions in each case which will allow the City to file dispositive motions no later than 30 days before a merits hearing and responses can be submitted within 15 calendar days from the date of the motion and that there would be no prejudice caused. She stated that allowing the City to file Dispositive Motions can eliminate disputes.

Rocky Gutierrez appeared on behalf of AFSCME Local 624 and 2962 and requested City's motion be denied. He stated that the Ordinance is set up to settle disputes and by granting the City's Motion it would delay the process. He argued that the City has had adequate time to investigate and respond and did not. LB 14-20 case is a disciplinary case and a matter of just cause. Briefs case LB 14-20 and stated that the grievant filed a Step 1 grievance and received no response from the Director. Step II was filed with HR and City made no request to meet with Union. He requested for the cases be set for hearings.

Chairman Halter agreed to schedule LB 14-22 for merits hearing on December 1, 2014.

Chairman Halter made a motion LB 14-20 and LB 14-23 to grant City's Motion for Enlargement of time to submit Dispositive Motions with a deadline by December 15, 2014. Merits hearing will be scheduled if Motions are not granted. Mr. Montoya seconded and motion passed 3-0.

VII. NEW BUSINESS.

- **14-11 PROHIBITED PRACTICE COMPLAINT AND REQUEST FOR EXPEDITED HEARING TO BE SCHEDULED AGAINST THE CITY OF ALBUQUERQUE'S DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR UNILATERALLY IMPOSING FURLOUGH DAYS OFF TO SECURITY GUARDS. (JAMES MONTALBANO, AFSCME LOCAL 1888)**

Chairman Halter stated that the complaint requests an expedited hearing and the parties have agreed to consolidate this case with LB 13-14, and LB 12-34. Case will be scheduled for January 26, 2015.

James Montalbano with Youtz and Valdez appeared on behalf of AFSCME Local 1888 and stated that issues will be addressed at negotiation mediation ordered by the court for 90 days and the parties should be prepared for a hearing in late January.

- **14-14 PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S HUMAN RESOURCE DEPARTMENT AND THE CITY OF ALBUQUERQUE'S SOLID WASTE MANAGEMENT DEPARTMENT FOR VIOLATING THE LMRO AND THE CBA BY FAILING TO NEGOTIATE THE POLICY TO IMPASSE. (CASEY PADILLA, AFSCME LOCAL 624)**

Chairman Halter scheduled this case for a hearing for February 2, 2015

LB 14-24 and LB 14-25 will also be scheduled for merits hearing on February 2, 2015.

VIII. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. The motion passed 3-0 and meeting was adjourned at 9:30 a.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board

Dec. 1, 2014
DATE

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