

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD

Friday, September 5, 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*

*Mary Scott
Victor Lovato
James Bird
James Montalbano*

MINUTES

I. CALL TO ORDER.

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

PO Box 1293

II. REVIEW AND APPROVAL OF AGENDA FOR FRIDAY, SEPTEMBER 5, 2014.

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

Albuquerque

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR AUGUST 18, 2014.

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

NM 87103

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

No public comments.

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V. LB 14-01, STATUS REPORT OF BARGAINING UNIT IN AFSCME LOCAL 3022 AND THE CITY OF ALBUQUERQUE. (JAMES MONTALBANO, AFSCME)

Marie Legrand-Miller, Assistant City Attorney appeared on behalf of the City of Albuquerque. James Montalbano, Attorney on behalf of AFSCME Local 3022. They stated that the City and the Union could not reach an agreement in some positions which include the E15 series positions.

Chairman Halter requested written statements by both parties that are due by September 26, 2014. He stated that this matter will be heard for the October 13, 2014 meeting and if more time is needed then it will continue to the October 27, 2014 meeting.

VI. LB 14-08, REVIEW OF CITY'S MOTION TO DISMISS AND PETITIONERS RESPONSE TO CITY'S MOTION TO DISMISS THERETO. (JAMES BIRD, ABQ RIDE)

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that the complaint filed by James Bird is not a matter of jurisdiction for the Labor Board Relations Board.

James Bird appeared and stated that he has read what the Labor Board governs and it does not eliminate anybody just because he is not covered by the Union. He argued that he is a City Employee with rights and that he was given direction by his HR to file with Labor Board. He asked where he needs to file his complaint.

Chairman Halter responded that this Board does not have jurisdiction on the case. He made a motion to dismiss. Ms. Chappell seconded. Motion passed 3-0.

VII. LB 14-07, REVIEW ORDER OF DISMISSAL.

Samantha Hults appeared on behalf of the City of Albuquerque and stated that the order was sent to Mr. Gutierrez and Mr. Anaya for their review but they never responded.

Chairman Halter made a motion to adopt the order. Mr. Montoya seconded. Motion passed 3-0 and order was approved.

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

Ms. Kountz appeared on behalf of the City of Albuquerque and stated that Mr. Gutierrez submitted a motion to continue and she did not oppose to the continuance, however she opposed on any extension of time for Mr. Gutierrez to respond because his respond was due by August 5, 2014.

Chairman Halter moved to continue this matter for September 26, 2014. Ms. Chappell seconded. Motion passed 3-0.

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

Melissa Kountz appeared on behalf of the City of Albuquerque and stated that Mr. Gutierrez submitted a motion to continue and she did not oppose to the continuance.

Chairman Halter made a motion to continue this matter for September 26, 2014. Mr. Montoya seconded. Motion passed 3-0.

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

Order to Dismiss was submitted on behalf of the Respondent's Motion to Strike that was previously granted by the Board.

Chairman Halter made a motion to adopt the Order to Dismiss. Ms. Chappell seconded. Motion passed 3-0.

XI. SCHEDULING FOR HEARINGS

- **LB 14-10 PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S AVIATION DEPARTMENT FOR FAILURE TO NEGOTIATE TERMS AND CONDITIONS OF EMPLOYMENT. (CASEY PADILLA, AFSCME LOCAL 624)**

Ms. Kountz appeared on behalf of the City and stated that the Union filed a More Definite Statement in response to the Board's order based on City's motion of what policies and procedures were violated of the collective bargaining unit. She said that the Union gave the City a printout of the policies and it has hand written, hard to read notes and did not point out the specific contract violations. She verbally moved to strike and moved to dismiss.

Mr. Montalbano appeared on behalf of the Union and requested more time to speak with Mr. Gutierrez to go over this matter and he will be prepared at next meeting.

Chairman Halter requested that the Union submit sites of violations of the collective bargaining agreement by September 26, 2014.

Matter continued to September 26, 2014.

- **LB 11-15 PROHIBITED PRACTICE COMPLAINT ON BEHALF OF AFSCME LOCAL 624, 1888, 2962 AND 3022 AGAINST THE CITY OF ALBUQUERQUE FOR FAILING TO BARGAIN IN GOOD FAITH. (ROCKY GUTIERREZ, AFSCME)**
Ms. Hults appeared on behalf of the City and stated that this case is similar to a lawsuit that is pending in District Court regarding the evergreen provisions and that the City has prevailed on that case. She stated that the City is not ready for a hearing and requested more time to submit a Motion for Dismissal.

This matter will be continued to a future date.

- **LB-ARB 11-01 REQUEST FOR ARBITRATION OF CONTRACT IMPASSE. (ROCKY GUTIERREZ, AFSCME LOCAL 2962)**
- **LB-ARB 11-02 REQUEST FOR ARBITRATION OF CONTRACT IMPASSE. (ROCKY GUTIERREZ, AFSCME LOCAL 1888)**
- **LB-ARB 11-03 REQUEST FOR ARBITRATION OF CONTRACT IMPASSE. (ROCKY GUTIERREZ, AFSCME LOCAL 624)**

Ms. Hults appeared on behalf of the City. Mr. Montalbano appeared on behalf of AFSCME. Ms. Hults stated that these matters have been consolidated with LB 11-23. She stated that there is a pending motion for reconsideration from the Labor Board.

Chairman Halter requested that the motion be provided to the Board and the Union will be given thirty days to respond to the motion once it has been received.

XII. SCHEDULING OF PENDING CASES.

Chairman Halter stated that Fred Mowrer on behalf of APOA, has submitted a list of cases to be heard and those cases will be scheduled for the September 26th 2014 meeting.

Ms. Hults stated that the City is prepared to proceed on September 26th with the hearing in LB 08-35.

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

Ms. Hults appeared on behalf of the City and an Order to the Board that she and Fred Mowrer have been working on.

A clean copy of the finalized Order will be submitted to the Board for their review and approval by September 26, 2014.

XIV. MERITS HEARING

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

Chairman Halter made a motion to approve the Motion to Continue submitted by Mr. Mowrer. Mr. Montoya seconded. Motion passed 3-0.

XV. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0 and meeting was adjourned at 9:38 a.m.

APPROVED:



PATRICK HALTER, CHAIR
 City Labor Board



DATE

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