LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 19, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Eric Locher*	*James Montalbano*
Juan Montoya	*Samantha Hults*	*Tomas Romero*
Michael Wartell	*Melissa Kountz*	*Bobby Griego*
	Kellie Garcia	*Patty French*
	Philemina Hausler	*Nick Nunez*
	Ian Stoker	*Ian Stoker*
	Rocky Gutierrez	*John D'Amato*

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:01 a.m. Board Members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JUNE 19, 2017.

Mr. Montoya moved to approve the agenda for June 19, 2017. Mr. Wartell seconded. Amended Agenda was approved 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR APRIL 25, 2017.

Mr. Wartell moved to approve the minutes for April 25, 2017. Mr. Montoya seconded. Passed and approved 3-0.

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

Rocky Gutierrez appeared on behalf of AFSCME and discussed item VI., stating that the Union would request a tally of cases with fees that have been paid because there may be a credit for cases that were not heard. Samantha Hults, Assistant City Attorney stated that the Union should request the tally with the City Clerk's office.

V. NOTICE FROM THE CITY CLERK'S OFFICE REGARDING THE IMPLEMENTATION OF THE PARTIES TO PAY LABOR BOARD FEES.

Eric Locher, Assistant City Attorney appeared and gave a brief presentation on behalf of the City Clerk. He stated that there was past practice of parties paying a filing fee when a new case was filed but the filing fees have not been billed or collected for a long period of time. He stated that the City Clerk's office will enforce the Ordinance 3-2-15(e) and issue invoices for the collection of fees that are to be split by the City and Union's involved per each meeting.

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

- **LB 15-16 ORDER OF DISMISSAL.**
  Kelly Garcia, Assistant City Attorney appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. Parties agreed to the Order of Dismissal submitted by the City. The Order was approved and signed by the Board members.
- **LB 16-01 ORDER GRANTING CITY'S MOTION TO DISMISS.**
  Ian Stoker, Assistant City Attorney appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. Mr. Gutierrez asked the Board to reconsider the Order because he has received new information regarding the complaint. Chairman Baca stated that the Order is what is on the agenda to be presented to the Board and will be signed and the Union could file a Motion to Reconsider if they wish to do so. The Order was approved and signed by the Board members.

  An Order of Dismissal for LB 12-25 was presented to the Board and John D'Amato, Attorney appeared on behalf of APOA and stated that the Order was provided to the City and they do not oppose. Assistant City Attorney Samantha Hults stated that the City approves the Order of Dismissal. The Order was approved and signed by the Board members.

VII. NOTICE TO WITHDRAW FROM AFSCME LOCAL'S 624, 1888,2962 AND 3022 FOR THE FOLLOWING CASES;

- **AFSCME LOCAL 624: LB 09-18, LB 09-33, LB 09-36, LB 09-44, LB 10-13, LB 11-10, LB 11-20, LB 11-41, LB 12-13, LB 13-15, LB 13-25, LB 14-04 AND LB 14-24.**
- **AFSCME LOCA 1888: LB 16-21.**
- **AFSCME LOCAL 2962: LB 07-12, LB 08-32, LB 08-33, LB 08-42, LB 09-08, LB 09-11, LB 10-03, LB 12-21, LB 12-27, LB 12-35 AND LB 15-21.**
- **AFSCME LOCAL 3022: LB 11-24, LB 15-17, LB 15-20, LB 15-23, LB 15-24.**
  Rocky Gutierrez appeared on behalf of AFSCME and stated that the Union submitted the Notice's to Withdraw of all cases listed in item VII. Copies of the Notice to Withdraw will be placed in each corresponding file.

VIII. MOTION BRIEFING DEADLINES.

Samantha Hults, Assistant City Attorney appeared on behalf of the City and asked the Board for clarification whether parties are required to file Reply's to Response's. Chairman Baca stated that the Board does not require Reply's unless parties concur with filing a Reply. He also stated that the Board will discuss creating an Administrative Order and changes to the Labor Board Rules and Regulations at a future meeting.

IX. LB 15-26, AFSCME'S SECOND RESPONSE TO CITY'S MOTION FOR DISCOVERY.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and asked the Board to defer this matter to the next agenda. No action taken for this matter.

X. MOTION AND RESPONSE IN LB 16-17:

- **CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT.**
- **PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT.**
  Melissa Kountz, Assistant City Attorney appeared on behalf of the City and presented argument on the City's Motion to Dismiss and Motion for Summary Judgment. James Montalbano appeared on behalf of AFSCME and presented the Petitioner's Response to City's Motion to Dismiss and Motion for Summary Judgment.

Chairman Baca made a Motion that the Board go into closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act which allows for the closing of meetings for deliberation by a public body in connection with an administrative adjudicatory proceeding. Mr. Wartell seconded. A roll call vote was taken and passed 3-0.

Chairman Baca made a Motion to return to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Mr. Wartell seconded. A roll call vote was taken and the Motion passed 3-0. He stated that the Board was in closed session to discuss LB 16-17 and no other cases were discussed.

The Board voted unanimously to deny the City's Motion to Dismiss and voted unanimously to grant the City's Motion for Summary Judgment.

XI. MERITS HEARING:

- **LB 15-09, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 1888 ON BEHALF OF SECURITY OFFICER ADRIAN MONTOYA AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR NOT BEING AWARDED HOLIDAY PAY PER THE CBA ARTICLE 7.2.2.**
  Assistant City Attorney's Kelly Garcia and Melissa Kountz appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The parties called witnesses to testify and exhibits were admitted.

  Mr.Wartell made a Motion that the Board go into closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act which allows for the closing of meetings for deliberation by a public body in connection with an administrative adjudicatory proceeding. Mr. Montoya seconded. A roll call vote was taken and passed 3-0.

  Mr. Wartell made a Motion to return to open session. The meeting had been in closed session pursuant to Section 10.15.1.H.3 of the Open Meetings Act. Mr. Montoya seconded. A roll call vote was taken and the Motion passed 3-0. He stated that the Board was in closed session to discuss LB 15-09 and no other cases were discussed.

  Mr. Montoya moved to dismiss the case. Mr. Wartell seconded. Vote was taken and passed unanimously 3-0.

XII. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Mr. Wartell seconded. Passed 3-0 and the meeting was adjourned at 4:23 p.m.

APPROVED:

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TED BACA, CHAIR **DATE**
City Labor Management Relations Board

cc: Richard J. Berry, Mayor
Natalie Howard, City Clerk