LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, April 25, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Eric Locher*	*Bobby Griego*
Juan Montoya	*Samantha Hults*	*Rocky Gutierrez*
Michael Wartell	*Melissa Kountz*	*Jessica Enriquez*
	Philomena Hausler	
	Kellie Garcia	
	Mary Scott	

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:16 a.m. Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR TUESDAY, APRIL 25, 2017.

Mr. Wartell moved to approve the agenda for April 25, 2017. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 2, 2017.

Chairman Baca stated that during the March 2, 2017 meeting for item III. Public Comments, the Board discussed revising and updating the Labor Board Rules and Regulations. He stated that the Board will work on the changes and the draft of the proposed changes will be presented at a future public meeting. Mr. Montoya moved to approve the minutes for March 2, 2017. Mr. Wartell seconded. Voted and 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. PRESENTATION ON THE SPECIAL MASTER PROPOSAL BY HUMAN RESOURCES DIRECTOR, MARY SCOTT.

Mary Scott, Director of Human Resources Department for the City of Albuquerque appeared and gave a presentation on the city's proposal for a Special Master. She stated that a Special Master would assist the Board with the huge back log of pending cases.

Rocky Gutierrez appeared on behalf of AFSCME and agrees with the city to use a Special Master for resolving cases.

The Board ordered AFSCME to file Response's to all City Motions filed prior to April 1, 2017 and submit by June 9, 2017.

VII. LB 15-26, CITY'S MOTION FOR DISCOVERY AND BOARDS DISCUSSION AND POSSIBLE RECONSIDERATION OF THE BOARD'S MARCH 2, 2017 DECISION.

Melissa Kountz, Assistant City Attorney appeared on behalf and presented the City's Motion for Discovery. Rocky Gutierrez appeared on behalf of AFSCME and presented the Union's Response. Chairman Baca made a motion to grant the City's Motion for Discovery. Mr. Montoya seconded. Passed 3-0. Response due by May 25, 2017.

Juan Montoya moved to amend the Board's Decision and finds the case is not moot and will move forward with scheduling a hearing. Chairman Baca seconded. Passed 3-0.

VIII. MOTION'S HEARING RESCHEDULED:

- **LB 16-01, STEP III GRIEVANCE. (AFSCME 1888, TOMAS ROMERO)**

  Ian Stoker, Assistant City Attorney appeared on behalf of the city and presented the City's Motion to Dismiss. Rocky Gutierrez appeared on behalf of AFSCME and argued the Motion.

  Michael 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 the 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 16-01 and no other cases were discussed.

  Mr. Wartell moved to grant the City's Motion to Dismiss. The Board voted unanimously to grant the Motion to Dismiss.

- **LB 16-03, STEP III GRIEVANCE, (AFSCME 1888, TOMAS ROMERO)**

  Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Rocky Gutierrez appeared on behalf of AFSCME. Ms. Kountz presented the City's Motion to Dismiss. Mr. Gutierrez presented the Union's Response to the Motion to Dismiss. Both parties gave a brief argument.

  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. Montoya seconded. A roll call vote was taken and the 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 16-03 and no other cases were discussed.

Mr. Montoya moved to deny the City's Motion to Dismissed. The Board voted unanimously to deny the Motion.

- **LB 16-19, STEP III GRIEVANCE. (AFSCME 1888, TOMAS ROMERO)**
  Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated that the city withdrawals their Motion to Dismiss.

IX. 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.**
  Rocky Gutierrez appeared on behalf of AFSCME and submitted a Motion to Vacate and Reschedule. Kelly Garcia appeared on behalf of the city and stated that the city does not oppose the continuance.

  Juan Montoya moved to approve the Motion to Vacate. Chairman Baca seconded. Passed 3-0. This matter has been rescheduled for May 17, 2017.

X. ADJOURNMENT.

Juan Montoya moved to adjourn the meeting. Mr. Wartell seconded. Passed 3-0 and the meeting was adjourned at 11:36 a.m.

APPROVED:

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

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