LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, January 17, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Jeffrey Driggers*	*Fred Mowrer*
Juan Montoya	*Samantha Hults*	*Victor Lovato*
Michael Wartell	*Melissa Kountz*	*Annette Paez*
	Philomena Hausler	*John D'Amato*
	Ian Stoker	*Rocky Gutierrez*
	Mary Scott	*Jessica Enriquez*

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:02 a.m. All Board Members were present.

II. REVIEW AND APPROVAL OF AGENDA FOR TUESDAY, JANUARY 17, 2017.

Michael Wartell made a motion to approve the agenda for January 17, 2017. Juan Montoya seconded. Motion passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 20, 2016.

Mr. Montoya made a motion to approve the minutes for December 20, 2 016. Mr. Wartell seconded. Motion passed 3-0.

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

Mary Scott, Human Resources Director appeared and spoke about the city and the union's upcoming meetings to resolve the case load of 169 pending open cases. She stated that some cases may be moot due to the case being so old. She also suggested that the Board should consider hiring a special master that can help with the large amount of cases in review for the cases that cannot be resolved or agreed upon between the parties.

Fred Mowrer, Attorney for APOA and IAFF appeared and stated that the union does not oppose a special master and some old cases are still in dispute because the principal of the issue is still alive.

An item will be listed to the next meeting agenda for discussion and proposals of moot cases.

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

- **LB 16-09, ORDER TO WITHDRAW PROHIBITED PRACTICE COMPLAINT. (IAFF 244)** Order signed by board members.
- **OTHER STIPULATED ORDERS PRESENTED.**
  Signed Orders; LB 16-09 Stipulated Order to Withdraw Prohibited Practice Complaint; LB 12-26 Order to Dismiss with Prejudice; LB 16-06 Stipulated Order to Vacate Hearing for January 17, 2017; LB 16-13 Stipulated Order to Vacate Hearing for January 17, 2017.

  Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Fred Mowrer appeared on behalf of APOA. Mr. Mowrer submitted a Motion to Amend Complaint and the city filed a Response to the Motion to Amend. Ms. Kountz stated that the city does not oppose the amendment of the complaint. Chairman Baca asked the parties to provide a stipulated order to amend the complaint and file the order by the next board meeting on February 13, 2017.

VI. LB 16-32, CITY'S PETITION FOR DECERTIFICATION ELECTION.

- **AFSCME'S MOTION TO DISMISS PETITION FOR DECERTIFICATION ELECTION. (AFSCME 624)**
  Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque. James Montalbano, Attorney appeared on behalf of AFSCME Local 624 and with him AFSCME Representative Rocky Gutierrez.
  The parties presented brief arguments and responses to the Petition for Decertification Election and AFSCME's Motion to Dismiss Petition.
  Mr. Montalbano stated that AFSCME objects to the Petition because it was filed untimely and the City did not meet the deadline of filing before the contract expired. He also stated that the Board does not have jurisdiction to hear this case because it was filed outside time limit. Ms. Hults asked the Board to grant the Petition and stated that the employees have the right to choose who they want to be their representative as stated in the Labor Management Relations Ordinance.

  Juan Montoya 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. Chairman Baca seconded. A roll call vote was taken and the Motion passed 3-0.

  Mr. Montoya 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. Chairman Baca 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 16-32 and no other cases were discussed.

  Chairman Baca stated that the Board voted unanimously to grant AFSCME's Motion to Dismiss LB 16-32. He asked the Union to submit an Order to the Board for review and approval.

VII. MOTIONS AND RESPONSES TO BE DISCUSSED:

- **LB 12-35, CITY'S MOTION TO DISMISS. (AFSCME 2962)**
- **LB 14-02, PETITIONER'S THIRD MOTION TO AMEND PPC. (APOA, FRED MOWRER)**
- **LB 15-01, CITY'S MOTION TO DISMISS. (AFSCME 624)**
- **LB 15-10, CITY'S MOTION TO DISMISS. (AFSCME 624)**
- **LB 15-15, PETITIONER'S SECOND MOTION TO AMEND COMPLAINT AND ORDER TO AMEND COMPLAINT. (APOA, FRED MOWRER)**
- **LB 15-19 CITY'S AMENDED ANSWER AND MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 15-22, CITY'S MOTION TO DISMISS, CITY'S AMENDED ANSWER AND MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 15-23 CITY'S MOTION FOR SUMMARY JUDGMENT AND CITY'S MOTION TO DISMISS. (AFSCME 3022)**
- **LB 15-24, CITY'S MOTION TO DISMISS. (AFSCME 3022)**
- **LB 15-25, CITY'S MOTION TO DISMISS. (AFSCME 1888)**
- **LB 15-30, CITY'S MOTION TO DIMISS AND APOA'S RESPONSE TO CITY'S MOTION TO DISMISS. (APOA, FRED MOWRER)**
- **LB 15-31, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 3022, JAMES MONTALBANO)**
- **LB 15-34, CITY'S MOTION TO DISMISS. (AFSMCE 3022)**
- **LB 15-37, CITY'S MOTION TO DISMISS. (AFSMCE 3022)**
- **LB 15-38, CITY'S MOTION TO DISMISS. (AFSCME 3022)**
- **LB 16-02, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-04, CITY'S MOTION FOR DISMISSAL OR ALTERNATIVELY SUMMARY JUDGMENT AND IAFF'S RESPONSE TO CITY'S MOTION. (IAFF, FRED MOWRER)**
- **LB 16-07, CITY'S AMENDED MOTION TO DISMISS FOR LACK OF JURISDICTION AND CITY'S MOTION FOR SUMMARY JUDGMENT THAT THE VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT AT ISSUE IN THIS PROHIBITED PRACTICE CHARGE IS A DE MINIMIS VIOLATION. (AFSCME 3022)**
- **LB 16-08, CITY'S AMENDED MOTION TO DISMISS AND CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-10, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-12, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-14, CITY'S MOTION TO DISMISS. (AFSCME 3022)**
- **LB 16-16, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCM 3022)**
- **LB 16-17, CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-29, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 2962)**
- **LB 16-28, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 2962)**
- **LB 16-27, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 2962)**
- **LB 16-26, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME**

624)

- **LB 16-25, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 16-24, CITY'S MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STAY TIME LIMITS FOR DISPOSITIVE MOTIONS. (AFSCME 3022)**
- **LB 16-23, CITY'S MOTION TO DISMISS. (AFSCME 1888)**
- **LB 16-22, CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 2962)**
- **LB 16-21 CITY'S MOTION TO DISMISS AS MOOT. (AFSCME 1888)**
- **LB 16-20 CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION. (AFSCME 3022)**
- **LB 16-15, CITY'S MOTION FOR SUMMARY JUDGMENT. (FRED MOWRER, APOA)**

  Chairman Baca stated that these cases pertain to the discussion of pending cases as stated by Human Resources Director Mary Scott (See Item IV). The City and Union Representatives have scheduled future meetings to discuss all pending and open cases for possible dismissals, settlement agreements, moot cases or scheduling for hearing. The list will be provided to the Board at a future meeting. Fred Mowrer, on behalf of APOA and IAFF stated that LB 15-30, LB 15-15 and LB 16-04 are ready to be scheduled for a hearing. Mr. Mowrer will submit a Motion to Stay Proceedings in LB 16-15.

VIII. MERITS HEARING:

- **LB 16-06, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT BY REFUSING TO HONOR THE TERMS AND PAST PRACTICE REGARDING PAID MILITLARY LEAVE. (APOA, FRED MOWRER)**

  See item V.
- **LB 16-13, PROHIBITED PRACTICE COMPLAINT FILED BY THE INTERNATION ASSOCIATION OF FIRE FIGHTERS LOCAL 244 AGAINST THE CITY OF ALBUQUERQUE FIRE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT AND PAST PRACTICE OF THE PARTIES REGARDING PAID MILITARY LEAVE. (IAFF, FRED MOWRER)**

  See item V.

IX. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Mr. Wartell seconded. Passed 3-0.

APPROVED:

_____ _____

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

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