LABOR-MANAGEMENT RELATIONS BOARD
Friday, June 30, 2017
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:
Chairman Ted Baca
Juan Montoya
Michael Wartell

OTHERS PRESENT:
Eric Locher
Samantha Hults
Melissa Kountz
Kellie Garcia
Philemina Hausler
James Montalbano
Casey Padilla
Bobby Griego
Robert Montoya

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 SECOND AMENDED AGENDA FOR FRIDAY JUNE 30, 2017.
Chairman Baca made corrections to the agenda in item VIII. LB 10-18 was corrected to LB 10-08 and he stated that LB 16-19 is a Notice of Withdrawal of a Motion not withdrawal of the complaint. Mr. Wartell moved to approve the agenda. Mr. Montoya seconded. Vote taken and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 19, 2017.
Chairman Baca made a correction to the minutes for item VIII. The correction was to add "the parties may file a Reply if the parties concur or the parties may file a Motion to get the Board's permission to file a Reply." Chairman Baca moved to approve the minutes with the corrections. Mr. Montoya seconded. Vote taken 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 ORDERS OF DISMISSALS AND SETTLEMENTS.
None.

VI. PRESENTMENT OF ORDERS.
None.

VII. LB 12-02, ORDER DENYING THE CITY OF ALBUQUERQUE'S MOTION FOR REHEARING, MODIFYING THE COURT'S MEMORANDUM OPINION AND ORDER, FILED APRIL 22, 2016 AND REMANDING THIS MATTER TO THE BOARD FOR FURTHER PROCEEDINGS AS APPROPRIATE.

James Montalbano, Attorney for AFSCME stated that the District Court has remanded this matter back to the Labor Board for further findings but the Union believes there are no further items to be considered. The Court remanded this matter back for further findings regarding the issue of waiver and management rights. He stated that the Board has already considered the issues of waiver and management rights and asked the Board to close this matter and enter an Order in accordance with the District Court Order.

Samantha Hults, Assistant City Attorney appeared on behalf of the City. She stated that the City disagrees with Mr. Montalbano because the Board never got to the City's arguments regarding waiver and management rights. The Board issued an Order on only one of the three issues and therefore, the City asked the District Court to send this back to the Board for further findings.

Chairman Baca moved that the Board consider and rule on the issues of waiver and management rights. Mr. Wartell seconded. Vote taken and passed 3-0. Chairman Baca then ordered both parties to submit Brief's within sixty days, due by August 29, 2017.

VIII. NOTICE OF WITHDRAWAL:

- **LB 10-18, PROHIBITED PRACTICE COMPLAINT. (AFSCME 2962)**
- **LB 15-19, STEP III GRIEVANCE. (AFSCME 3022)**
- **LB 16-10, PROHIBITED PRACTICE COMPLAINT. (AFSCME 3022)**
- **LB 16-19, STEP III GRIEVANCE. (AFSCME 1888)**
- **LB 16-33, PROHIBITED PRACTICE COMPLAINT. (AFSCME 3022)**
- **LB 16-34, PROHIBITED PRACTICE COMPLAINT. (AFSCME 2962)**

  LB 10-18 was corrected to LB 10-08, see item II. Chairman Baca presented the Notice of Withdrawal of Prohibited Practice Complaint's for LB 10-08; LB 15-19; LB 16-10; LB 16-33; LB 16-34 and the City's Notice of Withdrawal the Motion to Dismiss for LB 16-19.

IX. MOTIONS AND/OR RESPONSES *(TO DISCUSS SCHEDULING OF MOTIONS HEARING OR MERITS HEARING):*

- **LB 10-19, CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT AND AFSCME'S RESPONSE TO CITY'S MOTION TO DIMISS OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT. (AFSCME 624)**
- **LB 12-18, CITY'S AMENDED ANSWER AND POSITION STATEMENT MOTION TO DISMISS AND MOTION FOR MOR DEFINITE STATEMENT AND AFSCEM'S RESPONES TO CITY'S MOTION TO DIMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT. (AFSCME 2962)**
- **LB 12-20, CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT AND AFSCME'S RESPONSE TO THE CITY'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A MORE DEFINITE STATEMENT. (AFSCME 2962)**
- **LB 12-28, CITY'S AMENDED ANSWER, POSITION STATEMENT AND MOTION FOR A MORE DEFINITE STATEMENT AND AFSCME 624'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT.**
- **LB 13-17, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 624)**

- **LB 14-11 consolidated with LB 12-34 and LB 13-14, PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE WHY A FULL ACCOUNTING OF MAKE-WHOLE REMEDY HAS NOT BEEN CARRIED OUT BY RESPONDENT AND CITY'S RESPONSE TO MOTION FOR ORDER TO SHOW CAUSE. (AFSCME 1888)**
- **LB 14-20, CITY'S MOTION TO DISMISS AND AFSCME 2962'S RESPONSE TO CITY'S MOTION TO DIMISS.**
- **LB 15-01, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS. (ROBERT RIVERA)**
- **LB 15-18, AFSCME 2962'S MOTION FOR RECONSIDERATION AND CITY'S RESPONSE TO UNION'S MOTION TO RECONSIDER.**
- **LB 15-27, CITY'S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. (ASCME 624, 1888, 2962 and 3022)**
- **LB 15-28 CITY'S MOTION FOR SUMMARY JUDGMENT AND AFSCME'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSMCE 624)**
- **LB 15-29, CITY'S MOTION FOR TO DISMISS AND MOTION FOR SUMMARY JUDGMENT AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. (AFSCME 624)**
- **LB 15-32, AFSCME'S MOTION TO REQUEST A STAY OF PROCEEDINGS AND A STAY FOR RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (AFSCME 624)**
- **LB 15-33, CITY'S MOTION TO DIMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS AND MOTION TO CONSOLIDATE WITH LB 15-13. (AFSCME 624)**
- **LB 15-34, CITY'S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT; AFSCME 3022'S MOTION TO REQUEST ADDITIONAL TIME TO FILE RESPONSES AND CITY'S RESPONSE TO AFSCME'S MOTION TO REQUEST ADDITIONAL TIME TO FILE RESPONSES TO CITY'S MOTIONS TO DISMISS AND MOTION FOR SUMMARY JUDGMENT. (AFSCME 3022)**
- **LB 15-35, CITY'S MOTION TO DIMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 2962)**

  Melissa Kountz, Assistant City Attorney appeared and asked the Board to hold off on scheduling LB 10-19; LB 12-18; LB 12-28; LB 15-01; LB 15-29 and LB 15-34 until after November when she returns from a three month leave. Mr. Montalbano appeared on behalf of AFSCME and agreed to not schedule the six cases until after November but if the Union has an urgent matter will contact City Attorney's office to discuss scheduling or will make the request to the Board. Chairman Baca agreed to reset the cases for argument in November 2017.

  Scheduling was discussed by the Board for July meetings and the Board agreed two schedule a meeting on July 13, 2017 and July 17, 2017. The parties and the Board agreed to schedule LB 12-20; LB 14-20 and LB 15-18 for a Motions Hearing on July 13, 2017. For July 17, 2017 they agreed to schedule Motions Hearing for LB 14-11; LB 15-27; LB 15-28 and LB 15-32. Cases LB 15-33 and LB 15-35 will be rescheduled to discuss scheduling on July 13, 2017.

X. MOTIONS HEARING:

- **LB 17-06, CITY'S MOTION TO DISMISS FOR LACK OF JURISDICTION AND AFSCME 3022'S RESPONSE TO CITY'S MOTION TO DISMISS.**
  James Montalbano appeared on behalf of AFSCME and stated that he received a request from Assistant City Attorney Ian Stoker to reschedule this hearing because he was not available to attend the meeting. The Union did not object to reschedule the matter and asked the Board to put on the next meeting agenda. Kelly Garcia, Assistant City Attorney stated that the City will be filing a Motion to Stay Proceedings in this matter. Chairman Baca agreed to reschedule this Motions Hearing for July 13, 2017.

XI. ADJOURNMENT.

Chairman Baca moved to adjourn the meeting at 10:35 a.m.

APPROVED:

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

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