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

MEMBERS PRESENT:	*OTHERS PRESENT:*	
Chairman Ted Baca	*Eric Locher*	*John D'Amato*
Juan Montoya	*Kellie Garcia*	*Rocky Gutierrez*
Michael Wartell	*Ian Stoker*	*Casey Padilla*
	Nick Nunez	
	Javier Gonzales	

Minutes

I. CALL TO ORDER.
Chairman Ted Baca called the meeting to order at 9:02 a.m. Board members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, AUGUST 7, 2017.
Mr. Montoya moved to approve the agenda for August 7, 2017. Mr. Wartell seconded. Vote taken and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JULY 27, 2017.
Mr. Wartell moved to approve the minutes for July 27, 2017. Mr. Montoya seconded. Vote taken and passed 3-0.

IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.
Rocky Gutierrez, AFSCME Representative approached the Board and questioned the invoice of fees due by the Union's that was issued at a past meeting. He asked for clarification regarding ordinance section 3-2-15(E).

Eric Locher, Assistant City Attorney appeared on behalf of the Board and suggested that Mr. Gutierrez contact the City Clerk to address his questions regarding the payment of fees.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.
Kellie Garcia, Assistant City Attorney presented to the Board an Order of Dismissal for LB 15-09. Rocky Gutierrez appeared on behalf of AFSCME and stipulated to the Order of Dismissal. The Order was approved and signed by the Board members.

VI. PRESENTMENT OF ORDERS.
See item V.

VII. SCHEDULING OF MERITS HEARING:

- **LB 14-20 STEP III GRIEVANCE ON BEHALF OF STACEY VALVERDE AGAINST THE CITY OF ALBUQURQUE, FAMILY AND COMMUNITY SERVICES DEPARTMENT FOR REJECTING THE PREDETERMINATION HEARING OFFICER'S RECOMMENDATION AND SUSPENDING HER FOR THREE BUSINESS DAYS WITHOUT JUST CAUSE. (AFSCME LOCAL 2962).**
  Kelly Garcia, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez, AFSCME Representative appeared on behalf of AFSCME Local 2962. The Board and the parties agreed to schedule this case for merits hearing on September 15, 2017. Ms. Garcia advised the Board that the City will be filing a Motion for Clarification prior to the merits hearing for clarification as to which party has the burden of proof. Ms. Garcia and Mr. Gutierrez asked the Board to decide on the Motion prior to the merits hearing. There was brief discussion regarding deadlines for filing the Motion and Response. Chairman Baca stated that the City's Motion for Clarification is due by August 18, 2017 and the Union's Response is due by August 28, 2017. The Motions Hearing will be scheduled for September 5, 2017.

VIII. MOTIONS HEARING:

- **LB 15-33, CITY'S MOTION TO DISMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS AND MOTION TO CONSOLIDATE WITH LB 15-13. (AFSCME 624)**
  Ian Stoker, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME Local 624. Mr. Stoker presented the City's Motion to Dismiss and stated that the City does not oppose consolidating the case only for Mr. Turrieta but not consolidate Mr. Torres's case in LB 15-13. Mr. Gutierrez presented the Union's Response to the City's Motion to Dismiss and their Motion to Consolidate LB 15-33 with LB 15-13.

  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.

  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. Montoya seconded. A roll call vote was taken and the Motion passed 3-0. Mr. Montoya stated that the Board was in closed session to discuss LB 15-33 and LB 15-13 and no other cases were discussed.

  Mr. Montoya moved to deny the City's Motion to Dismiss. Mr. Wartell seconded. Vote taken and passed unanimously.

  Mr. Montoya moved to grant in part the Motion to Consolidate Mr. Torrieta's claim in LB 15-13 with LB 15-33 but sever out Torres's claim in LB 15-13. Mr. Wartell seconded. Vote taken and passed 3-0. This matter will be scheduled for merits hearing in October.

- **LB 15-35, CITY'S MOTION TO DISMISS AND AFSCME'S RESPONSE TO CITY'S MOTION TO DISMISS. (AFSCME 2962)**
  Kellie Garcia, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME Local 2962. Ms. Garcia presented the City's Motion to Dismiss. Mr. Gutierrez presented the Union's Response to Motion to Dismiss and asked the Board to deny the Motion to Dismiss and schedule this matter for merits hearing.

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 the Motion 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. The Board was in closed session to discuss LB 15-35 and no other cases were discussed.

Mr. Montoya moved to deny the City's Motion to Dismiss. Mr. Wartell seconded. Vote taken and passed unanimously. This matter will be scheduled for merits hearing on September 5, 2017.

IX. ADJOURNMENT.

Chairman Baca made a motion to adjourn the meeting. Mr. Montoya seconded. Passed 3-0 and the meeting adjourned at 10:25 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