LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, October 24, 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	*Samantha Hults*	*Rocky Gutierrez*
Michael Wartell	*Kellie Garcia*	*James Montalbano*
	Melissa Kountz	*Andrew Jaramillo*
	Doug Chaplin	
	Bobby Griego	

Minutes

I. CALL TO ORDER.
Chairman Ted Baca called the meeting to order at 9:00 a.m. Members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR TUESDAY, OCTOBER 24, 2017.
Mr. Montoya moved to approve the agenda for Tuesday, October 24, 2017. Mr. Wartell seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR SEPTEMBER 5, 2017.
Mr. Montoya moved to approve the minutes for September 5, 2017. Mr. Wartell seconded. Voted and passed 3-0.

IV. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR SEPTEMBER 18, 2017.
Mr. Wartell moved to approve the minutes for September 18, 2017. Mr. Montoya seconded. Voted and passed 3-0.

V. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.
No public comments.

VI. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.
Chairman Baca presented a Stipulated Order to Dismiss for LB 09-13, LB 11-03. LB 11-04, LB 12-19, LB 15-10, LB 17-04 and LB 17-09. The Order was approved and signed by the Board members.

VII. PRESENTMENT OF ORDERS.

LB 17-29, Order Granting Motion for Discovery and Extension of Dispositive Motions Deadline was submitted by Assistant City Attorney Ian Stoker but not stipulated by the other party. Kellie Garcia, Assistant City Attorney stated that Mr. Stoker submitted the Order to Robert Rivera and he did not respond. Chairman moved to approve the Order. Mr. Montoya seconded and passed 3-0.

LB 15-33, Order on Motion to Dismiss and Motion to Consolidate was approved and signed by the Board members.

LB 15-15, Stipulated Order of Dismissal as to Count 1 was approved and signed by the Board members. Attorney John D'Amato appeared on behalf of APOA and requested a hearing to be scheduled for December 2017.

LB 11-01, LB 11-02, LB 15-22 and LB 17-07, Order on Motion to Dismiss PPC's for Failure to Comply with Order of April 25, 2017 on Briefing Schedule. Order was signed and approved by the Board members.

LB 14-20, Order on City's Motion to Clarify Burden of Proof for Merits Hearing was signed and approved by the Board members.

LB 17-24, Order Granting Second Joint Motion to Stay Proceedings. Chairman Baca clarified the date certain for the sixty days of staying proceedings began on October 24, 2017. Order was approved and signed by the Board members.

LB 17-32, Order Granting Motion for Discovery and Extension of Dispositive Motions Deadline. Samantha Hults, Assistant City Attorney appeared on behalf of the City and stated that discovery has already been served to the Petitioner. Chairman Baca stated that November 15, 2017 is the deadline for Petitioner to file their response and the City's deadline to file dispositive motions is extended to November 29, 2017.

VIII. SCHEDULING OF MOTIONS HEARING IN LB 11-01, LB 11-02 AND LB 17-07. (*JAMES MONTALBANO, YOUTZ AND VALDEZ FOR AFSCME)*

Melissa Kountz, Assistant City Attorney appeared on behalf of the City for LB 11-01 and stated that this case is similar to LB 11-11 in that they have similar issues. She asked the Board to allow her to submit a supplemental briefing by November 7, 2017 then the Board could give the Union a response time and schedule a merits hearing. Chairman Baca granted her request and stated that the Union has until November 22, 2017 to file a response and this matter will be set for a motions hearing on November 27, 2017 and LB 17-07 will also be scheduled for hearing.

Kellie Garcia, Assistant City Attorney appeared for LB 11-02 and stated that she has filed a Notice of Unavailability and asked the Board to hold off on scheduling any of her cases until she returns from leave in February 2018. Chairman Baca stated that LB 11-02 will be scheduled sometime next year.

IX. SCHEDULING OF MERITS HEARING IN LB 15-33. (*AFSCME LOCAL 624)*

Kellie Garcia, Assistant City Attorney appeared on behalf of the City and stated that Ian Stoker is the City Attorney handling this case and he will return from leave in November. She requested that this matter item be rescheduled to November or December when Mr. Stoker could be present. Rocky Gutierrez appeared on behalf of AFSCME and requested that this matter be scheduled for merits hearing in November or December. Chairman Baca stated that this matter will be scheduled for merits hearing on November 29, 2017.

Chairman Baca stated that the next scheduled meetings are November 20, 2017, November 27, 2017 and November 29, 2017.

X. BOARD'S REVIEW AND DECISION IN LB 15-15, UNOPPOSED MOTION TO DISMISS COUNT 1 OF COMPLAINT AND STIPULATED ORDER OF DISMISSAL. (*JOHN D'AMATO).*

See item VII.

XI. MERITS HEARING:

- **RESCHEDULED-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. (*ROCKY GUTIERREZ, AFSCME LOCAL 2962).***

  Kellie Garcia, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME and on behalf of Stacey Valverde who was also present. Ms. Garcia stated that the parties have reached a settlement and once the settlement agreement is finalized then the parties will submit a Motion to Dismiss with Prejudice. Chairman Baca stated that the motion should be submitted to the Board by the next Labor Board meeting on November 20, 2017.

XII. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Mr. Wartell seconded. Vote taken and passed 3-0. The meeting was adjourned at 10:31 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