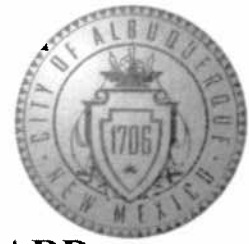


CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD

Monday, June 29, 2015

600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

*Patrick Halter
Susan Chappell
Juan Montoya*

OTHERS PRESENT:

*Nick Bullock Fred Mowrer
Kellie Garcia Brittany Lopez
Melissa Kountz Michael Dorin
Irma Gonzalez Tomas Romero
Samantha Hults Jessica Enriquez*

MINUTES

PO Box 1293

I. CALL TO ORDER.

Chairman Patrick Halter called the meeting to order at 9:00 a.m. All members were present.

Albuquerque

II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, JUNE 29, 2015.

Chairman Halter made a motion to approve the agenda for June 29, 2015. Susan Chappell seconded. Motion passed 3-0.

New Mexico 87103

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 15, 2015.

Chairman Halter made a motion to approve the minutes for June 15, 2015. Juan Montoya seconded. Motion passed 3-0.

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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.

Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated that the city drafted an Order in LB 11-26 and Rocky Gutierrez agreed to the Order. Chairman Halter made a motion to that the Board sign the Order in LB 11-26. Mr. Montoya seconded. Motion passed 3-0.

VI. LB 13-11, REVIEW OF THE NOTICE OF PRESENTMENT OF SETTLEMENT AGREEMENT. (Fred Mowrer, APOA)

Fred Mowrer appeared on behalf of APOA and stated that the signatures on the agreement have not been completed. Samantha Hults, Assistant City Attorney appeared on behalf of the city and stated that Kathy Levy will be leaving the city so she will work with Mr. Mowrer to make sure the agreement gets done. The parties requested a continuance on this matter.

VII. MOTIONS AND ORDERS:

- **LB 13-04 ORDER OF DISMISSAL. (Rocky Gutierrez, AFSCME)**

Kellie Garcia, Assistant City Attorney appeared on behalf of the city and stated that the city drafted an Order of Dismissal but Rocky Gutierrez has not provided any approval on the Order. Chairman Halter stated that since the Board made a decision to dismiss the matter previously, he made a motion to sign and approve the Order of Dismissal. Ms. Chappell seconded. Motion passed 3-0.

- **LB 15-09 CITY'S MOTION FOR SUMMARY JUDGMENT. (Tomas Romero, AFSCME)**

Kellie Garcia, Assistant City Attorney appeared on behalf of the city and briefed the prohibited practice complaint and stated that the union alleges the city violated section 7.2.2 of the collective bargaining agreement and DMD officer Adrian Montoya alleges that he should have been paid holiday pay at time and a half for January 1, 2015. The city submitted a Motion for Summary Judgment on May 15, 2015 and she stated that there is no genuine issue of material facts. On December 23rd officer Montoya accepted to work December 30th and December 31st but Mr. Montoya called in sick and said he would be out through January 1st. The city department got another employee to cover his shift and Mr. Montoya showed up on January 1st stating it was his holiday to work. The city alleges that there is no genuine dispute of the collective bargaining agreement section 7.2.2 and he was paid regular time for January 1st but not time in a half.

Tomas Romero appeared on behalf of AFSCME and on behalf of Mr. Montoya and stated that the union disputes what the city claims and Mr. Montoya called his supervisor and said he would be returning to work on January 1st. He stated that Mr. Montoya has a doctor's note to support that he could go back to work on January 1st so the city should not have taken him off the schedule and request that the Board schedule this matter for a hearing.

Board members agreed that there is factual dispute to schedule this matter for a hearing. Chairman Halter made a motion to deny the city's Motion for Summary Judgment and schedule this matter for a hearing. Juan Montoya seconded. Motion passed 3-0.

VIII. STATUS OR SCHEDULING OF CASES:

- **LB 07-12 STEP III GRIEVANCE ON BEHALF OF ANNETTE MATA FOR VIOLATIONS OF THE CBA SECTION 34, QUALIFICATION FOR PROMOTION AND SECTION 35, OFFICIAL JOB DESCRIPTION. (Rocky Gutierrez, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated that this case is a water authority case and is no longer a part of the city of Albuquerque and the Board does not have jurisdiction to hear this matter. The city believes this matter is mute and submitted a Motion and Order for Dismissal to Mr. Gutierrez and the Board and Mr. Gutierrez has not responded.

Michael Dorin appeared on behalf of AFSCME and stated that the union requests to move to schedule a hearing.

Susan Chappell made a motion for the union to submit a response to the city's Motion to Dismiss. Chairman Halter seconded. Motion passed 3-0.

Chairman Halter made a motion that AFSCME file a written response by July 9, 2015. Chappell seconded. Motion passed 3-0.

- **LB 07-29 PROHIBITED PRACTICE COMPLAINT FOR VIOLATIONS OF THE LABOR MANAGEMENT RELATIONS ORDINANCE SECTIONS 3-2-9 A (4) AND SECTION 3-2-13 C (1) THROUGH (3). (Rocky Gutierrez, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated this was a complaint filed by all AFSCME locals to dispute the substance abuse policy of 2006 which

since then has been struck down by the District Court and there has been several enactments of the policy and multiple contract negotiations since. The city feels that this matter is mute and there is no meaningful relief and submitted a proposed Order to AFSCME but received no response.

Michael Dorin appeared on behalf of AFSCME and stated that the union moves to request a hearing on this matter.

Chairman Halter made a motion to grant the Order to Dismiss. Ms. Chappell seconded. Motion passed 3-0.

- **LB 07-27, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF GWEN TRANCOSA REGARDING THE VIOLATIONS OF THE CBA WORKPLACE CONDUCT AND THE LMRO SECTION 3-2-9 A(1) A(2) A(4). (Rocky Gutierrez, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city and stated that there was a hearing held and the Board moved to dismiss the complaint. The city filed a Motion and proposed Order to Dismiss.

Michael Dorin appeared on behalf of AFSCME and was not aware of this matter so he asked the Board to reschedule.

Chairman Halter made a motion to administratively close the case. Ms. Chappell seconded. Motion passed 3-0.

- **LB 14-18, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE TAFOYA FOR DENYING HER DUE PROCESS AT A DISCIPLINARY HEARING AND FOR VIOLATION OF THE CONTRACT INCLUDING ARTICLE 24.1.3 AND 24.2.1. (Michael Dorin, AFSCME)**

Samantha Hults, Assistant City Attorney appeared on behalf of the city. Michael Dorin appeared on behalf of AFSCME. The parties stated that they are ready to proceed in scheduling for a hearing.

Date of hearing to be determined and announced at a future meeting.

- **LB 14-19, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF NOAH FLORES, TELECOMMUNICATOR II FOR VIOLATION OF THE CONTRACT AND FOR DENYING HIS DUE PROCESS BY REFUSING HIM SICK LEAVE AND BENEFITS FOR THE DAY. (Michael Dorin, AFSCME LOCAL 2962)**

Samantha Hults, Assistant City Attorney appeared on behalf of the city. Michael Dorin appeared on behalf of AFSCME. The parties stated that they are ready to proceed in scheduling for a hearing.

Date of hearing to be determined and announced at a future meeting.

- **LB 15-14 PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT AND PAST PRACTICE BY STOPPING DUES PAID TO THE UNION THROUGH WAGE DEDUCTION UNILATERALLY WITHOUT NEGOTIATING. (Fred Mowrer, APOA)**

Fred Mowrer appeared on behalf of APOA and Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Mr. Mowrer stated that the parties are working to settle but if not resolved will request to reschedule this matter.

IX. NEW BUSINESS:

- **LB 15-10 PROHIBITED PRACTICE COMPLAINT ON BEHALF OF BLUE COLLAR EMPLOYEES WITHIN THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (Steven Griego, AFSCME)**

Kellie Garcia, Assistant City Attorney appeared on behalf of the city and stated that the city submitted a Motion for Summary Judgment on June 11, 2015 and she asked that the Motion be scheduled to be heard.

Chairman Halter requested a written response from AFSCME within thirty days and matter will be scheduled addressed after the response is received.

- **LB 15-11 STEP III GRIEVANCE ON BEHALF OF VALERIE BARELA EMPLOYEE WITH APD FOR HER 160 HOUR SUSPENSION AND VIOLATION TO INCLUDE BUT NOT LIMITED TO JUST CAUSE. (Rocky Gutierrez, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Michael Dorin appeared on behalf of AFSCME. The parties stated that they are ready to proceed in scheduling this matter for a hearing.

Date of hearing to be determined and announced at a future meeting.

- **LB 15-12 STEP III GRIEVANCE ON BEHALF OF CHRISTINE MONTOYA EMPLOYED WITH THE DEPARTMENT OF FAMILY AND COMMUNITY SERVICES FOR HER THREE DAY SUSPENSION. (Michael Dorin, AFSCME)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the city. Michael Dorin appeared on behalf of AFSCME. The parties stated that they are ready to proceed in scheduling this matter for a hearing.

Date of hearing to be determined and announced at a future meeting.

X. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Susan Chappell seconded. Motion passed 3-0 and the meeting was adjourned at 9:31 a.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

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