

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD

Monday, July 13, 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 Rocky Gutierrez
Brittany Lopez Logan Radcliff
Fred Mowrer James Montellbano
Benjamin Guevara Darlene Herrera
Jessica Enriquez Casey Padilla
Jason Burnette*

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, JULY 13, 2015.**

Chairman Halter made a motion to approve the agenda. Susan Chappell seconded. Motion passed 3-0.

New Mexico 87103

III. **REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 29, 2015.**

Chairman Halter made a motion to approve the minutes. Susan Chappell seconded. Motion passed 3-0.

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

James Montalbano appeared on behalf of Youtz and Valdez and AFSCME. He asked to place LB 14-11 on the next agenda. Chairman Halter stated that this matter will be scheduled for July 27, 2015.

V. **CONTINUANCE OF MERITS HEARING:**

- **LB 11-11, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE HUMAN RESOURCES DEPARTMENT ON BEHALF OF AFSCME LOCAL 624, BLUE COLLAR EMPLOYEES OF THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT BY INITIATING THE LEAD DRIVER CLASIFICATION WITHOUT NEGOTIATING. (Rocky Gutierrez, AFSCME)**

Chairman Halter briefed the history of this matter and stated that this hearing is a continuance from the March 30, 2015 hearing. Jason Burnette, Attorney appeared on behalf of the City of Albuquerque. Rocky Gutierrez appeared on behalf of AFSCME and stated that the union rests their case with no further witnesses to call. The hearing proceeded with city witnesses. The city first called to testify James Mora, Associate Director for the City of Albuquerque, solid waste department. Mr. Mora testified to the creation of the B31 position that was created and discussed the difference between residential and commercial drivers, the equipment and the

training for these positions. Robert Griego, Senior Employee Relations Coordinator for the Human Resources Division was called as a city witness and testified to his knowledge of the creation and negotiation of the B31 position. He stated that he was not involved in the meeting that took place regarding the creation of the B31 position but AFSCME never reached out to him for their input with the creation of the position. Darlene Herrera, Classification and Compensation Manager for the city was called by the city to testify. She stated that the B31 classification was created due to business needs in the solid waste department and that the creation of the position did not require negotiation with the union because the city creates all classifications of positions. Next the city called Ismael Montanez, retired city employee to testify regarding what he recalled from the time he was employed with solid waste and regarding the creation of the B31 position. He stated that he was involved with the decision to create the position along with Mr. Soladay because the department did not have enough employees to cover all routes necessary to meet the citizen's needs. He stated that he recalls more than one meeting with the union to discuss the creation of the position and the union never filed a grievance to dispute the creation of the classification of B31. He also stated that the department followed the contract and the creation of a position is not required to be negotiated. Last, the city recalled witness John Soladay, Director of the solid waste department and he explained seniority in drivers defined in the collective bargaining agreement. Chairman Halter requested closing briefs by the parties due by July 31, 2015.


VI. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Susan Chappell seconded. Motion passed 3-0.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board



DATE

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