

CITY OF ALBUQUERQUE



LABOR-MANAGEMENT RELATIONS BOARD
Monday, August 10 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 *Michael Dorin*
Samantha Hults *Patty French*
Melissa Kountz *James Montalbano*
Kellie Garcia *Fred Mowrer*
Irma Gonzalez *Rocky Gutierrez*
Brittany Lopez

PO Box 1293

MINUTES

Albuquerque

New Mexico 87103

www.cabq.gov

- I. CALL TO ORDER.**
Chairman Patrick Halter called the meeting to order at 9:00 a.m. All members present.
- II. REVIEW AND APPROVAL OF AGENDA FOR MONDAY, AUGUST 10, 2015.**
Chairman Halter made a motion to amend the agenda to move LB 13-11, item VII into item V. Susan Chappell seconded. Motion passed 3-0.
- III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JULY 27, 2015.**
Chairman Halter made a motion to approve the minutes for July 27, 2015. Ms. Chappell seconded. Motion passed 3-0.
- IV. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.**
Chairman Halter announced that he is resigning from the Board and his last meeting will be August 24, 2015.
- V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**
Samantha Hults, Assistant City Attorney appeared on behalf of the city and stated that the parties have come to an agreement in LB 13-11. The parties submitted a Stipulated Order of Dismissal. Chairman Halter made a motion to approve the Order. Juan Montoya seconded. Motion passed 3-0.

VI. CONSOLIDATED MATTERS LB 14-11, LB 12-32 AND LB 13-12:

- **AFSCME'S POST HEARING BRIEF AND FINDINGS OF FACTS AND CONCLUSIONS OF LAW AND THE. (James Montalbano, AFSCME)**
- **CITY'S CLOSING ARGUMENT AND BRIEF IN SUPPORT THEREOF IN THE MATTERS CONSOLIDATED LB 14-11, LB 12-32 AND LB 13-12.**

Chairman Halter made a motion for the Board to enter closed session for discussion of LB 14-11, LB 12-32 and LB 13-12 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 as well as another provision from the Open Meetings Act with respect to the threat of litigation as a basis for closed session. Mr. Montoya seconded. A roll call vote was taken and the motion passed 3-0.

Chairman Halter 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. Ms. Chappell seconded. Motion passed 3-0.

Chairman Halter made a motion to approve the Board's Findings of Facts and Order. Mr. Montoya seconded. Motion passed 3-0.

VII. MOTIONS AND ORDERS:

- **LB 13-11, STIPULATED MOTION AND ORDER FOR DISMISSAL. (Fred Mowrer, APOA)**
See item V.
- **LB 07-12, CITY'S SECOND MOTION TO DISMISS AND ORDER OF DISMISSAL. (Rocky Gutierrez, AFSCME)**
Rocky Gutierrez appeared on behalf of AFSCME Local 624. Melissa Kountz, Assistant City Attorney appeared on behalf of the city. The parties stated that they will submit a Joint Motion and Order to Dismiss because this matter has become mute due to involving water authority employees.

VIII. NEW BUSINESS:

- **LB 15-17, STEP III GRIEVANCE ON BEHALF OF SOLID WASTE EMPLOYEE JEROME LOVATO FOR CONTRACT VIOLATION SECTION 0.1, PREAMBLE, 24., INVESTIGATION AND DISCIPLINE, 17.1.2.1. (Patricia French)**
- **LB 15-18, STEP III GRIEVANCE, AFSCME LOCAL 2962 ON BEHALF OF CLERICAL AND TECHNICAL EMPLOYEES WITH THE RECORD/UCR DIVISION OF THE ALBUQUERQUE POLICE DEPARTMENT. (Michael Dorin, AFSCME)**
- **LB 15-19, STEP III GRIEVANCE, AFSCME LOCAL 3022 ON BEHALF OF NICK MANOLE FOR DENYING HIM OVERTIME AND NOT FOLLOWING THE CONTRACT CONCERNING EMPLOYEE'S WORK WEEK, PREAMBLE 0.1, WORK WEEK 11.1.1 AND OVERTIME 2.3. (Patricia French, AFSCME)**
- **LB 15-20, STEP III GRIEVANCE FILED BY AFSCME LOCAL 3022 ON BEHALF OF LORIANN BACA AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICE DEPARTMENT FOR DENYING HER FLEX TIME LEAVE, 0.1, PREAMBLE, 12, WORK HOURS TO INCLUDE 12.1.2 AND 12.1.5. (Patricia French, AFSCME)**

Chairman Halter stated that these matters will be rescheduled for the new Board to handle.

IX. OLD BUSINESS:

- **LB 08- 10, PROHIBITED PRACTICE COMPLAINT FILED BY AFSMCE LOCALS 624, 3022, 1888 AND 2962. (Shane Youtz)**
- **LB 08-15 VIOLATION OF CONTRACTUAL OBLIGATIONS ON BEHALF OF APOA. (Fred Mowrer)**
- **LB 08-17, PROHIBITED PRACTICE COMPLAINT VIOALTIONS OF THE LABOR-MANAGEMENT RELATION ORDINANCE 3-2-9 (A) 1 AND 2. (Rocky Gutierrez, AFSCME)**
- **LB 08-21, JULIA MOYA, STEP III GRIEVANCE, SECTION 35 OFFICIAL JOB DESCRIPTION, PERFORMING DUTIES OUTSIDE THEIR CLASIFICATIONS. (Deb Rainaldi, AFSCME)**

Chairman Halter stated that these matters will be rescheduled for the new Board to handle.

X. MERITS HEARING:

- **LB 15-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 1888 ON BEHALF OF JOSHUA DELGADO, ANIMAL WELFARE DEPARTMENT EMPLOYEE AGAINST THE CITY OF ALBUQUERQUE, ANIMAL WELFARE DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT 24.2.4, 24.2.6 AND OF THE LMRO 3-2-9. (Tomas Romero, AFSCME)**

Kellie Garcia, Assistant City Attorney appeared on behalf of the city. Rocky Gutierrez appeared on behalf of AFSCME. Chairman Halter stated that there would probably not be enough time to hear all witness testimony and for the parties to submit closing briefs by the date of his last meeting which is August 24th. This matter will be rescheduled for the new Board to hear.

XI. ADJOURNMENT.

Chairman Halter made a motion to adjourn. Mr. Montoya seconded. Motion passed 3-0 and the meeting was adjourned at 10:11 a.m.

APPROVED:



PATRICK HALTER, CHAIR
City Labor Board

8.24.2015
DATE

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