

LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, August 21, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>Rocky Gutierrez</i>
<i>Ian Stoker</i>	<i>Shane Youtz</i>
<i>Melissa Kountz</i>	<i>Fred Mowrer</i>
<i>Devon Moody</i>	<i>Victor Lovato</i>
<i>Jessica Enriquez</i>	<i>Michael Dorin</i>

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Ryan Harrigan were also present.

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR WEDNESDAY, AUGUST 21, 2019.

The City submitted a Motion to Dismiss LB 11-39, merits hearing listed as item XI. Mr. Harrigan moved to approve the amended agenda. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR AUGUST 7, 2019 AND AUGUST 9, 2019.

Mr. Montoya moved to approve the minutes for August 7, 2019. Mr. Harrigan seconded. Voted and passed 3-0.

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.

• **LB 19-20, STIPULATED ORDER OF DISMISSAL.**

Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

• **LB 19-06, ORDER GRANTING JOINT MOTION AND VACATE MERITS HEARING.**

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the parties have been in settlement discussion and agree to vacate the merits hearing. The Order was approved and signed by the Board and this matter is rescheduled to September 23, 2019.

- **LB 19-10, SCHEDULING ORDER.**
Approved and signed by the Board.
- **LB 19-15, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on January 22, 2020.
- **LB 19-16, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on December 16, 2019.
- **LB 19-17, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on January 22, 2020.

VII. LB 19-19, CITY’S MOTION TO STAY.

Melisa Koutz, Assistant City Attorney appeared on behalf of the City and presented the City’s Motion to Stay. She stated that there is an active investigation for allegations of harassment and discrimination and the City request to stay this matter until the investigation is completed. She also stated that the City cannot submit an answer to the complaint until the investigation is over. Shane Youtz, Attorney for AFSCME appeared and presented the Union’s Response to City’s Motion to Stay and stated that they oppose the Motion to Stay and the City was already given an extension to file their answer and they asked the Board to enforce an order for the City to file its answer.

Mr. 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. Mr. Harrigan seconded. A roll call vote was taken and the Motion passed 3-0.

Mr. Harrigan 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 19-19 and no other matters were discussed.

Chairman Baca moved to grant the City’s Motion to Stay and scheduled a status conference for sixty days. Mr. Harrigan seconded. Voted and passed 3-0.

VIII. SCHEDULING OF MERITS HEARING:

- **LB 17-07, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE FOR UNILATERALLY CHANGING TERMS AND CONDITIONS ELIMINATED THE SHIFT DIFFERENTIAL PAY WITHOUT NEGOTIATING WITH THE UNION AND REQUIRING EMPLOYEES TO BACK PAY ANY SHIFT DIFFERENTIAL PAY THEY RECEIVED. (PATTY FRENCH, AFSCME 3022)**

Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that this matter is ready for merits hearing. Patty French, AFSCME Representative was not present. Chairman Baca scheduled this matter for merits hearing on December 16, 2019.

IX. SCHEDULING OF MOTIONS HEARING:

- **LB 16-15, CITY’S MOTION FOR SUMMARY JUDGMENT AND PETITIONER’S RESPONSE TO CITY’S MOTION FOR SUMMARY JUDGMENT. (FRED MOWRER, ATTORNEY FOR APOA)**

Mr. Stoker appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. The parties stated that they are in settlement discussion but prepared for motions hearing. Chairman Baca scheduled this matter for motions hearing on October 7, 2019.

- **LB 18-27, CITY'S MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Ms. Kountz appeared on behalf of the City and James Montalbano was not present. Chairman Baca scheduled this matter for motions hearing for September 9, 2019.

X. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR PAST PRACTICE BY NOT HIRING A CIVILIAN TO FILL THE COURT SERVICES SUPERVISOR POSITION AND PLACING A SWORN OFFICER IN THE POSITION. (PATRICIA FRENCH, AFSCME 3022)** See item VI.
- **LB 19-16, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE LMRO AND THE COLLECTIVE BARGAINING UNIT 7.1.3 AND 7.2.1. (MICHAEL DORIN, AFSCME 2962)** See item VI.
- **LB 19-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF JOSE PADILLA AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9 A(6) AND THE CBA 24.1.7 AND 24.1.5.1 WHEN ISSUED MR. PADILLA A THREE DAY SUSPENSION.** See item VI.
- **LB 19-19, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ANGIE CASIAS, FRANCISCA GARCIA, SHANE LAM, NADINE NIETO, MICHELLE ROMERO AND ELIZABETH MARTINEZ, APD COURT SECURITY SPECIALIST AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-4; 3-2-9(A)(1)-THROUGH 6 AND THE CBA 39.1.** See item VII.
- **LB 19-20, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF JULIE JAMISON AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(A6) AND THE CBA 0.1 (23) (24).** See item V.

XI. MERITS HEARING:

- **LB 11-39, PROHIBITED PRACTICE COMPLAINT AGAINST THE AFSCME FOR TRANSFER AND SENORITY ISSUES WITH ANIMAL WELFARE DEPARTMENT. (ROCKY GUTIERREZ)** See item II.
- **LB 18-26, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF DAVID VAN WAGNER AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATION TO THE CBA 24.1.7 AND 24.1.5.1 AND THE LMRO 3-2-9A(6).**

Assistant City Attorneys Devon Moody and Mr. Stoker appeared on behalf of the City. AFSCME Representatives, Rocky Gutierrez and Casey Padilla appeared on behalf of David Van Wagner. Exhibits were entered and the following witnesses were called to testify; Brian Phelps, Bernie Toon, Victor Lovato, Casey Padilla and David Van Wagner.

Mr. 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. Mr. Harrigan seconded. A roll call vote was taken and the Motion passed 3-0.

Mr. Harrigan 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 deliberate on LB 18-26 and no other matters were discussed.

Chairman Baca stated that the Board did not render a decision and rescheduled the continuance of their deliberation in LB 18-26 on September 6, 2019.

XII. ADJOURNMENT.

Mr. Montoya moved to adjourn. Chairman Baca seconded. Voted and passed 3-0.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk