

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Monday, August 26, 2019*  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

*Chairman Ted Baca*  
*Juan Montoya*  
*Ryan Harrigan*

OTHERS PRESENT:

*Leigh Brunner*      *Rocky Gutierrez*  
*Ian Stoker*         *Patty French*  
*Melissa Kountz*     *Jessica Enriquez*

**Minutes**

**I. CALL TO ORDER.**

Chairman Ted Baca called the meeting to order. Board members Juan Montoya and Ryan Harrigan were also present.

**II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, AUGUST 26, 2019.**

Mr. Montoya moved approval of the agenda for August 26, 2019. Chairman Baca seconded. Voted and passed 3-0.

**III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR AUGUST 21, 2019.**

Mr. Montoya moved approval of the minutes for August 21, 2019. Chairman Baca 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 16-05, ORDER VACATING HEARING.**  
Approved and signed by the Board.
- **LB 19-03, ORDER VACATING MERITS HEARING.**  
Approved and signed by the Board.

**VI. PRESENTMENT OF ORDERS.**

None.

**VII. OLD BUSINESS AND ENTERING OF SCHEDULING ORDERS:**

- **LB 14-10, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S AVIATION DEPARTMENT FOR FAILURE TO NEGOTIATE TERMS AND CONDITIONS OF EMPLOYMENT. (CASEY PADILLA, AFSCME 624)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. The parties provided the Board with a stipulated Scheduling Order and Mr. Gutierrez stated that the Union will be filing a more definite statement. The Scheduling Order was approved and signed by the Board and this matter is scheduled for merits hearing on February 21, 2020.

- **LB 14-17, STEP III GRIEVANCE-COLLECTIVE ACTION GRIEVANCE FOR ALL AFFECTED SECURITY OFFICERS WITHIN THE ABQ RIDE DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**

Ms. Kountz stated that the Union agreed to withdrawal this matter and the City will submit the closing documents.

- **LB 15-11, STEP III GRIEVANCE ON BEHALF OF VALERIE BARELA'S 160 HOUR SUSPENSION AND VIOLATION TO INCLUDE BUT NOT LIMITED TO JUST CAUSE. (ROCKY GUTIERREZ, AFSCME)**

Ms. Kountz stated that the parties have settled this matter and closing documents will be submitted.

- **LB 15-17, STEP III GRIEVANCE FILED BY AFSCME LOCAL 3022 ON BEHALF OF SOLID WASTE EMPLOYEE JEROME LOVATO AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE'S SOLID WASTE DEPARTMENT FOR VIOLATION OF SECTION 0.1, PREAMBLE, 24., INVESTIGATION & DISCIPLINE 17.1.2.1 OF THE COLLECTIVE BARGAINING AGREEMENT. (PATRICIA FRENCH, AFSCME 3022)**

Ms. Kountz stated that this matter was dismissed in May 2017 because the Union withdrew it.

- **LB 15-18, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF THE CLERICAL AND TECHNICAL EMPLOYEES WITH THE RECORDS/UCR DIVISION AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE CONTRACT SECTIONS 6.1.1 AND 6.1.3. (MICHAEL DORIN, AFSCME)**

Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that he was not able to get an agreed upon scheduling order with Michael Dorin. This matter is scheduled for merits hearing on November 22, 2019.

- **LB 15-26, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF TECHNICAL AND CLERICAL EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE FOR VIOLATION OF THE CONTRACT AGREEMENT FOR BILINGUAL PAY DIFFERENTIAL. (MICHAEL DORIN, AFSCME 2962)**

Ms. Kountz stated that the parties have settled this matter and closing documents will be submitted.

- **LB 15-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624, 1888, 2962 AND 3022 AGAINST THE CITY OF ALBUQUERQUE FOR FAILING TO NEGOTIATE ITS PROPOSED CHANGES TO THE SAP AND VIOLATING 3-2-9 (A)(4) OF THE LMRO ('74 CODE, 2-2-9)(ORD. 153-1971); AM. ORD. 4-1977; AM. ORD. 4-2001). (ROCKY GUTIERREZ AFSCME)**

Ms. Kountz presented a proposed Scheduling Order and it was signed and approved by the Board and the merits hearing is scheduled for February 21, 2020.

- **LB 15-32, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF RICARDO VALENCIA AGAINST THE CITY OF ALBUQUERQUE MUNICIPAL DEVELOPMENT DEPARTMENT. (CASEY PADILLA, AFSCME 624)**

The parties submitted a Scheduling Order and it was approved a signed by the Board and the merits hearing is scheduled for February 10, 2020.

- **LB 16-05, PROHIBITED PRACTICE COMPLAINT FILE BY AFSCME LOCAL 3022 ON BEHALF OF NICK MANOLE AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DENIED USE OF DONATED LEAVE. (PATRICIA FRENCH, AFSCME 3022)**

See item V.

- **LB 16-12, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF TRANSIT SUPERVISOR BILL M. MARQUEZ AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF THE LMRO 3-2-9A5 & 3-2-9A6, 25.1.2, GRIEVANCE PROCEDURE 17.1.2., SAFE AND HEALTH WORKING CONDITIONS, 7-22, ADMINISTRATIVE INSTRUCTIONS, VIOLANCE IN WORKPLACE. (PATRICIA FRENCH, AFSCME 3022)**

Mr. Stoker stated that a proposed Scheduling Order was submitted to the Union but has not been entered. Patty French appeared on behalf of AFSCME. Chairman Baca rescheduled this matter for September 6, 2019.

- **LB 16-16, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF TRANSIT EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT BY REQUIRING MEMBERS TO SCHEDULE VACATION LEAVE MONTHS IN ADVANCE.**

The parties submitted a Scheduling Order and it was approved and signed by the Board and scheduled for merits hearing on January 13, 2020.

**VIII. MERITS HEARING:**

- **RESCHEDULED FROM AUGUST 5, 2019 - LB 19-03, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ANTHONY SILVA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DEMOTING HIM WITHOUT JUST CAUSE.**

See item V.

- **LB 19-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF SOLID WASTE SUPERVISORS, AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 2.3 OVERTIME, 15.1 SHIFT BIDDING. (LAWRENCE MORA, AFSCME 3022)**

An Order to Vacate and Continue Merits Hearing was approved and signed by the Board on August 21, 2019 and the merits hearing is rescheduled for September 23, 2019.

**IX. ADJOURNMENT.**

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

**APPROVED:**

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**TED BACA, CHAIR**  
 City Labor Management Relations Board

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**DATE**

cc: Tim Keller, Mayor      Katy Duhigg, City Clerk