

LABOR-MANAGEMENT RELATIONS BOARD
Friday, January 10, 2020
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Bruce Perlman

OTHERS PRESENT:

Leigh Brunner *Casey Padilla*
Justin Pennington *Rocky Gutierrez*
Devon Moody *Jessica Enriquez*
Ian Stoker

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:05 a.m. Board members Juan Montoya and Bruce Perlman were also present.

II. REVIEW AND APPROVAL OF THE AGENDA FOR FRIDAY, JANUARY 10, 2020.

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the parties filed a Joint Motion to Continue and Order for item VIII, LB 19-21 scheduled for merits hearing.

Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that the parties reached a settlement in LB 19-22 scheduled for merits hearing under item VIII. An Order of Dismissal was presented to the Board and approved. See item V.

Mr. Montoya moved to approve the agenda with changes for January 10, 2020. Chairman Baca seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 16, 2019.

Mr. Perlman moved to approve the minutes for December 16, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

Justin Pennington, Assistant City Attorney appeared on behalf of the City for LB 16-16 and stated that the parties settled this matter and the merits hearing on January 13, 2020 is cancelled

Mr. Stoker appeared on behalf of the City for LB 16-12 and stated that the parties have resolved this matter and the merits hearing for January 13, 2020 is cancelled.

Chairman Baca discussed the Findings of Facts and Conclusions of Law that were submitted by the Union in LB 16-20 and asked if they were stipulated. Mr. Stoker stated that the findings were submitted also as form of an Order and the City approves as to the form. This matter will be placed on a future agenda for entering of the decision.

Chairman Baca asked for the status of LB 17-01. Mr. Pennington stated that there are two pending motions filed by the City and that is a Motion to Dismiss for Mootness and Motion to Dismiss. Chairman Baca scheduled this matter for motions hearing on January 24, 2020. Rocky Gutierrez appeared on behalf of AFSCME and stated that the Union has responded to the first Motion to Dismiss and will submit a response for the second Motion to Dismiss for Mootness.

Mr. Pennington stated that the parties are discussing a possible resolution for LB 17-17 which is scheduled for status conference on January 13, 2020. He also asked to schedule a hearing pending the resolution. Chairman Baca scheduled this matter for merits hearing on February 10, 2020.

V. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.

- **LB 16-03, ORDER OF DISMISSAL WITH PREJUDICE.**
Approved and signed by the Board.
- **LB 17-08, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 17-35, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 19-22, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 19-39, STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **LB 13-24, SCHEDULING ORDER.**
Approved and signed by the Board and this matter is scheduled for merits hearing on May 4, 2020.
- **LB 19-12, JOINT MOTION TO VACATE MERITS HEARING ON JANUARY 24, 2020.** Approved and signed by the Board and this matter is rescheduled for April 3, 2020.
- **LB 19-21, ORDER GRANTING JOINT MOTION TO VACATE MERITS HEARING.**
Approved and signed by the Board and this matter is rescheduled for April 3, 2020.
- **LB 19-25, ORDER EXTENDING DUE DATE FOR FINDINGS OF FACTS AND CONCLUSION OF LAW.**
Approved and signed by the Board and this matter has been withdrawn by the Union.

VII. OLD BUSINESS STATUS CONFERENCE:

- **LB 17-01, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT. (TOMAS ROMERO, AFSCME 1888)**
See item IV.
- **LB 17-08, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS ASSOCIATION ON BEHALF OF PRISONER TRANSPORT OFFICERS AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT BY FAILING TO HONOR THE CITY POLICE REGARDING PROMOTIONAL PRACTICES CONDUCTED BY THE CITY. (FRED MOWRER, APOA)**
See item V.
- **LB 17-11, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE THE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATING THE LABOR**

MANAGEMENT RELATIONS ORDINANCE 3-2-9A(4) AND THE COLLECTIVE BARGAINING AGREEMENT 0.3.3. (CASEY PADILLA, AFSCME 624) Mr. Stoker appeared on behalf of the City and Casey Padilla appeared on behalf of AFSCME. The parties stated that this matter is being resolved. Chairman Baca rescheduled this matter for status on February 3, 2020.

- **LB 17-13, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF EMPLOYEE NICK MANOLE AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DENIED OVERTIME; LMRO 3-2-9A5 & 3-2-9A6, INCLUDING BUT LIMITED TO 0.1 PREAMBLE, 11.1.1 WORK WEEK, 2.3., OVERTIME. (PATRICIA FRENCH, AFSCME 3022)** Mr. Stoker stated that this matter is still pending and the City filed a dispositive motion. Chairman Baca scheduled this matter for motions hearing on February 3, 2020 and the Union must respond by January 24, 2020.
- **LB 17-14, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF EMPLOYEES JEFFREY WENKER AND VERONICA PAIZ AGAINST THE CITY OF ALBUQUERQUE AVIATION DEPARTMENT FOR NOT RECEIVING EQUAL PAY WHEN THEY WERE PROMOTED; LMRO 3-2-9A1, 3-2-9A3, 3-2-9A4, CBA 0.1 PREAMBLE, 2. SALARY, PERSONNEL RULES & REGULATIONS, 700, COMPENSATION. (PATRICIA FRENCH, AFSCME 3022)**
Mr. Stoker stated that this matter has been dismissed and was consolidated with LB 17-06.
- **RESCHEDULED FROM NOVEMBER 18, 2019-LB 18-25, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ROBERT RIVERA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, LMRO 3-2-9, SECTION (5) AND (6). (ROCKY GUTIERREZ, AFSCME)** Rocky Gutierrez, appeared on behalf of AFSCME and asked to reschedule this matter to give the grievant proper notice to sign agreement or the Union will submit an Order to Dismiss. This matter is rescheduled for January 24, 2020.

VIII. MERITS HEARING:

- **LB 19-21, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(5)(6) AND THE CBA 23.1.2. (MICHAEL DORIN, AFSCME 2962)**
See item VI.
- **LB 19-22, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF CLERICAL AND TECHNICAL EMPLOYEES OF THE AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT RECORDS DIVISION FOR CHANGING AND REFUSING TO NEGOTIATE WORK HOURS. (MICHAEL DORIN, AFSCME 2962)**
See item V.

IX. 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
Ethan Watson, Interim City Clerk