

LABOR-MANAGEMENT RELATIONS BOARD
Monday, January 13, 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 *Rocky Gutierrez*
Juan Martinez *Patricia French*
Devon Moody *Ian Stoker*

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:04 a.m. Board members Juan Montoya and Bruce Perlman were also present.

II. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, JANUARY 13, 2020.

Chairman Baca stated that item VII is removed from the agenda based on the parties request to cancel hearings as discussed on January 10, 2020. Mr. Montoya moved to approve the agenda. Mr. Perlman seconded. Voted and passed 3-0.

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

No public comments.

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

- **LB 15-01, ORDER OF DISMISSAL.** Approved and signed by the Board.
- **LB 17-11, STIPULATED ORDER OF DISMISSAL.** Approved and signed by the Board.

V. PRESENTMENT OF ORDERS.

- **LB 17-13, ORDER SETTING RESPONSE DEADLONE AND MOTION HEARING.** Approved and signed by the Board.
- **LB 19-44, ORDER GRANTING UNOPPOSED MOTION TO STAY.** Approved and signed by the Board.

VI. OLD BUSINESS STATUS CONFERENCE:

- **LB 17-16, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF BILL MARQUEZ AGAINST THE CITY OF ALBUQUEURQUE TRANSIT DEPARTMENT FOR LMRO 3-2-9A6, CBA 17.12.1 SAFE AND HEALTHY WORKING CONDITIONS, PERSONNEL RULES & REGULATIONS, 301.2 PROFESSIONAL EXCELLENCE, 301.3 STANDARDS OF CONDUCT ADMINISTRATIVE INSTRUCTIONS 7-18 HARRASSMENT POLICY. (PATRICIA FRENCH, AFSCME LOCAL 3022)** Ian Stoker, Assistant City Attorney stated that this matter has been resolved along with LB 16-12 and LB 16-25 which involve the same employee.
- **LB 17-17, STEP III GRIEVANCE FILED BY AFSCME LOCAL 1888 AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL**

DEVELOPMENT FOR VIOLATING THE LABOR MANAGEMENT RELATIONS ORDINANCE AND THE COLLECTIVE BARGAINING AGREEMENT. (TOMAS ROMERO, AFSCME 1888) This matter was discussed at the January 10, 2020 board meeting and is scheduled for merits hearing on February 10, 2020.

- **LB 17-18, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 FOR RAY MAYNES AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR DENIAL OF INFORMATION NECESSARY FOR EMPLOYEES TO PREPARE AND TO RESPOND TO ALLEGATIONS MADE.** Devon Moody, Assistant City Attorney stated that the City filed a Motion for Summary Judgment and the Union has not filed a response. Chairman Baca stated that the Union's deadline to file a response is January 31, 2020 and the motions hearing is scheduled for February 10, 2020.
- **LB 17-22, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF RICHARD RODRIGUEZ AGAINST THE CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT FOR GIVING MR. RODRIGUEZ A THREE (3) DAY SUSPENSION WITHOUT JUST CAUSE.** Juan Martinez, Assistant City Attorney appeared on behalf of the City and Patricia French appeared on behalf of AFSCME. The parties both stated that the employee named on this complaint is no longer a city employee and therefore the parties will discuss this matter and possibly file a stipulated order of dismissal. Chairman Baca rescheduled this matter for status conference on January 24, 2020.
- **LB 17-23, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATING THE LMRO SECTIONS 3-2-9-A (1)(2)(4). (ROCKY GUTIERREZ, AFSCME 624)** Ms. Moody appeared on behalf of the City and Rocky Gutierrez appeared on behalf of AFSCME. Ms. Moody stated that this matter is similar to LB 14-28 and the parties are discussing if to proceed with this matter separately or consolidate with LB 14-28 and therefore requested a continuance. Chairman Baca reschedule this matter for status conference on February 21, 2020.

VII. MERITS HEARING:

- **LB 16-12, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 FOR TRANSIT SUPERVISOR BILL M. MARQUEZ AGAINST CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (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 WORK PLACE).** See item II.
- **LB 16-16, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT BY REQUIRING MEMBERS TO SCHEDULE VACATION LEAVE MONTHS IN ADVANCE.)** See item II.

VIII. 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