

LABOR-MANAGEMENT RELATIONS BOARD
Monday, July 8, 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>Stephen Curtice</i>
<i>Ian Stoker</i>	<i>Fred Mowrer</i>
<i>Melissa Kountz</i>	<i>Nicholas Hart</i>
<i>Nick Nunez</i>	<i>Jessica Enriquez</i>

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order and Board members Juan Montoya and Ryan Harrigan were also present. Former Board member Nicholas Hart also appeared for item III, the deliberation of LB 15-28

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, JULY 8, 2019.

Mr. Montoya moved to approve the agenda for July 8, 2019. Mr. Harrigan seconded. Voted and passed 3-0.

III. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DELIBERATE ON LB 15-28. (ROCKY GUTIERREZ, AFSCME LOCAL 624)

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

Mr. Montoya 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. Hart seconded. A roll call vote was taken and the Motion passed 3-0. Chairman Baca stated that the Board was in closed session to deliberate on LB 15-28 and no other matters were discussed.

Mr. Hart moved to adopt the City's Findings of Facts and Conclusions of Law as submitted except to strike conclusion number four in the conclusion section. Mr. Montoya seconded. Voted and passed unanimously 3-0.

IV. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 24, 2019.

Chairman Baca moved to approve the minutes for June 24, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

No public comments.

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

- **LB 17-21, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**

Approved and signed by the Board.

- **LB 14-18, LB 16-29, LB 17-02 AND LB 17-28, ORDER OF DISMISSAL.**

Approved and signed by the Board.

VII. PRESENTMENT OF ORDERS.

- **LB 19-08, SECOND AMENDED SCHEDULING ORDER.**

Approved and signed by the Board.

- **LB 15-30, SCHEDULING ORDER.**

Approved and signed by the Board.

VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDER:

- **LB 19-14, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, ATTORNEY FOR APOA)**

The Scheduling Order was approved and signed by the Board and Chairman Baca scheduled this matter for merits hearing on November 18, 2019.

IX. STATUS CONFERENCE:

- **LB 15-34, PROHIBITED PRACTICE COMPLAINT FILED BY AFSMCE LOCAL 3022 ON BEHALF OF CHANDELLE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT.**

- **LB 16-11, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF CHANDELLE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE FAMILY AND COMMUNITY SERVICES DEPARTMENT FOR THE FIVE DAY SUSPENSION OF MS. CHAVEZ.**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and Patricia French was not present on behalf of the Union. Ms. Kountz stated that both LB 15-34 and LB 16-11 involve former employee Chandelle Chavez who also has an individual lawsuit with the City that has been settled and the settlement has been sent to Ms. French. She stated that because of the settlement agreement she believes these two matters should be dismissed. Attorney Stephen Curtice appeared on behalf of the Union but not as a party to this case and stated that he will reach out to Ms. French because he does not believe that Ms. French will agree to a dismissal. Chairman Baca scheduled LB 15-34 and LB 16-11 for merits hearing on August 9, 2019 and the Motions Hearing for LB 15-34 is scheduled for August 5, 2019.

X. MOTIONS HEARING:

- **LB 16-25, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (JAMES MONTALBANO, ATTORNEY FOR AFSCME)**

Ian Stoker, Assistant City Attorney appeared on behalf of the City and presented the City's Motion for Summary Judgment. Mr. Curtice appears on behalf of AFSCME and presented Petitioner's Response to City's Motion for Summary Judgment.

Mr. Harrigan 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. Montoya 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. Chairman Baca stated that the Board was in closed session to deliberate on LB 16-25 and no other matters were discussed.

Mr. Harrigan moved to deny the City's Motion for Summary Judgment. Mr. Montoya seconded. Voted and passed unanimously 3-0.

- **LB 16-27, CITY'S MOTION FOR SUMMARY JUDGMENT AND AFSCME LOCAL 2962'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (STEPHEN CURTICE, ATTORNEY FOR AFSCME)**

Ms. Kountz appeared on behalf of the City and corrected the wording of the motion to City's Partial Motion for Summary Judgment. Mr. Curtice appeared on behalf of the Union and presented the Union's Response to City's Partial Motion for Summary Judgment.

Chairman Baca 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. Montoya seconded. A roll call vote was taken and the Motion passed 3-0.

Chairman Baca 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. Chairman Baca stated that the Board was in closed session to deliberate on LB 16-27 and no other matters were discussed.

Mr. Montoya moved to deny the City's Partial Motion for Summary Judgment because there are facts that could only be determined through a hearing on the merits. Chairman Baca seconded. Voted and passed unanimously 3-0.

- **LB 16-28, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION FOR SUMMARY JUDGMENT. (MICHAEL DORIN, AFSCME LOCAL 2962)**

Mr. Stoker appeared on behalf of the City and Mr. Curtice appeared on behalf of the Union. Mr. Stoker stated that the City and Union Representative, Michael Dorin have reached a tentative agreement to resolve the matter and because Mr. Curtice was not aware of the settlement agreement, the parties asked for a continuance. Chairman Baca rescheduled this matter for August 5, 2019.

XI. ADJOURNMENT.

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

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk