

LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, April 24, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Nicholas Hart

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>James Montalbano</i>
<i>Samantha Hults</i>	<i>Rocky Gutierrez</i>
<i>Nick Nunez</i>	<i>Fred Mowrer</i>
<i>Melissa Kountz</i>	<i>Shane Youtz</i>
<i>Devon Moody</i>	<i>Casey Padilla</i>
	<i>Jessica Enriquez</i>

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, APRIL 24, 2019.

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the parties have agreed to vacate the merits hearing scheduled for LB 15-31 listed as item XI. She also presented an Order Granting Joint Motion to Vacate Merits Hearing and Proposed Briefing Schedule and the Order was signed and approved by the Board.

Rocky Gutierrez appeared on behalf of AFSCME and stated that LB 18-23 for item X. has been settled by the parties and therefore will not require going forward with the motions hearing or the merits hearing scheduled on May 1, 2019.

Mr. Hart moved to approve the amended agenda. Mr. Montoya seconded. Voted and approved 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR APRIL 12, 2019.

Mr. Montoya moved approval of the minutes for April 12, 2019. Mr. Hart seconded. Voted and passed 3-0.

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

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that her key witness is not available for the merits hearing in LB 18-16 scheduled for May 22, 2019.

Fred Mowrer, Attorney for APOA stated that the same witnesses will be called to testify for LB 18-13 also set for merits hearing on May 22, 2019.

The Board rescheduled LB 18-13 and LB 18-16 for merits hearing on May 10, 2019 and will continue on May 22, 2019.

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

None.

VI. PRESENTMENT OF ORDERS.

- **LB 18-19, ORDER OR DISMISSAL.**
Approved and signed by the Board.
- **LB 19-08, SCHEDULING ORDER.**
Approved and signed by the Board and this matter was scheduled for motions hearing on July 12, 2019.

VII. RESCHEDULED FROM APRIL 12, 2019-STATUS ON ALL PENDING CASES.

Ms. Kountz appeared on behalf of the City; Mr. Mowrer appeared on behalf of APOA and IAFF, and Mr. Gutierrez appeared on behalf of AFSCME. Ms. Kountz presented a list of open and pending cases from 2010 to 2016. After discussion of each case the Board scheduled the following cases:

May 22, 2019 motions hearing for LB 16-02;

June 3, 2019 status conference for LB 10-06, LB 13-23, LB 14-02, LB 14-09, LB 15-08, LB 15-28 and motions hearing for LB 16-35;

June 10, 2019 status conference for LB 15-38;

June 24, 2019 status conference for LB 15-30, LB 16-03, LB 16-14, LB 16-15, LB 16-18, LB 16-20 and motions hearing for LB 11-39 and LB 15-07;

June 28, 2019 motions hearing for LB 16-04, LB 16-22, LB 16-24 and LB 16-30;

July 15, 2019 motions hearing for LB 16-25, LB 16-27, LB 16-28 and LB 16-29.

The Board also gave a deadline for the parties to meet and confer and submit scheduling orders by August 26, 2019 for the following cases: LB 13-17, LB 14-10, LB 14-17, LB 15-11, LB 15-18, LB 15-26, LB 15-27, LB 15-32, LB 16-05, LB 16-12 and LB 16-16.

VIII. STATUS CONFERENCE:

- **LB 14-28, PARTIES CLOSING BRIEFS AND FINDINGS OF FACTS AND CONCLUSIONS OF LAW.**

Ms. Moody appeared on behalf of the City and Samantha Hults, Assistant City Attorney was also present on behalf of the City Administration. Attorney Shane Youtz appeared on behalf of AFSCME and with him was Mr. Gutierrez. Both parties filed Closing Briefs and Proposed Findings of Fact and Conclusions of Law; however Ms. Moody stated that the petitioner did not comply with the Board's deadline. She also stated that the City reserves the right to file a Motion to Reconsider. Mr. Youtz stated that he did file his Brief timely and after realizing he left out the Proposed Findings and Conclusions of Law, he submitted them to the parties and the Board.

Board member Mr. Hart stated that he was contacted by two City employees from the Mayor's office regarding his decision in LB 14-28 and the Board agrees the phone calls were inappropriate and a violation of ex-parte rules. Ms. Hults stated that her client's recollection is different than what Mr. Hart has stated as to having a discussion regarding any specific case and her client only contacted Mr. Hart to discuss his role as a member on the Board. Mr. Hart stated that he can continue on the Board and be impartial. After discussion regarding this matter, Chairman Baca stated that this matter will be concluded at a later date.

- **LB 18-12, ORDER GRANTING SECOND JOINT MOTION TO STAY PROCEEDINGS.**

Ms. Kountz appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. Mr. Mowrer stated that the parties stipulated to reschedule this matter to allow more time to review final documents for resolution. Chairman Baca rescheduled this matter for status conference on May 22, 2019.

IX. NEW BUSINESS AND ENTERING OF SCHEDULING ORDER:

- **LB 19-07, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF CARLOS MONTOYA AGAINST THE CITY OF ALBUQUERQUE FIRE RESCUE DEPARTMENT FOR VIOLATING THE CBA BY UNILATERALLY CHANGING THE METHOD OF PROMOTING EMPLOYEES TO DEPUTY CHIEF.**

Ms. Kountz appeared on behalf of the City and presented a stipulated Scheduling Order and it was approved and signed by the Board.

- **LB 19-08, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF CLERICAL AND TECHNICAL EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE LMRO AND CBA.**

See item VI.

- **LB 19-09, PROHIBITED PRACTICE COMPLAINT FILED ON BEHALF APOA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT.**

Ms. Kountz appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA and the parties requested a continuance. This matter was rescheduled for May 10, 2019.

X. MOTIONS HEARING:

- **LB 18-19, UNION'S MOTION TO WITHDRAW AND DISMISS PROHIBITED PRACTICE COMPLAINT AND HEARING.**

See item VI.

- **LB 18-23, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF TRANSIT EMPLOYEE CARLOS HERCULES AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE TRANSIT DEPARTMENT.**

See item II.

XI. MERITS HEARING:

- **LB 15-31, PROHIBITED PRACTICE COMPLAINT FILED BY YOUTZ AND VALDEZ ON BEHALF OF AFSCME LOCAL 3022 AND CITY OF ALBUQUERQUE EMPLOYEES IN THE BEHAVIORAL HEALTH PROGRAM.**

See item II.

XII. ADJOURNMENT.

Mr. Hart moved to adjourn. 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