

LABOR-MANAGEMENT RELATIONS BOARD
Monday, June 10, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

Leigh Brunner *Tomas Romero*
Ian Stoker *Rocky Gutierrez*
Melissa Kountz *Fred Mowrer*
Michael Wartell *Jessica Enriquez*

Minutes

I. THE BOARD WILL CONVENE AT 8:30 A.M. FOR THE SOLE PURPOSE TO VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DELIBERATE ON LB 13-06. (ROCKY GUTIERREZ, AFSCME 1888)

Chairman Ted Baca called the meeting to order at 8:30 a.m. Board member Juan Montoya and former Board member Michael Wartell were both present for the deliberation of LB 13-06.

Mr. Wartell 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. 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. Wartell seconded. A roll call vote was taken and the Motion passed 3-0. Chairman Baca stated that the Board was in closed session to discuss their decision for LB 13-06 and no other matters were discussed.

Mr. Montoya moved to find that the City violated the contract and committed a prohibited practice and on the issue of issue preclusion cited by the City of the prior case that was dismissed and not heard on the merits and therefore not fitting the criteria of issue preclusion and the removal of graveyard shift from the bidding process is a violation of the contract and therefore a prohibited practice. Chairman Baca seconded. Voted and passed unanimously 3-0.

II. THE MEETING WILL THEN CONVENE AND BE CALLED TO ORDER AT 9:00 A.M. FOR THE REST OF THE AGENDA ITEMS.

The meeting was convened and Board member Ryan Harrigan was present.

III. REVIEW AND APPROVAL OF THE AGENDA FOR MONDAY, JUNE 10, 2019.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the parties have settled LB 17-15 and LB 17-19 and will not proceed with motions or merits hearing listed as item X. and XI. Mr. Montoya moved to amend the agenda to remove items X and XI. Mr. Harrigan seconded. Voted and passed 3-0.

IV. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JUNE 3, 2019.

Mr. Montoya moved to approve the minutes for June 3, 2019. Mr. Harrigan 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 16-22 STIPULATED ORDER OF DISMISSAL.**
Approved and signed by the Board.
- VII. **PRESENTMENT OF ORDERS:**
- **LB 19-05, SCHEDULING ORDER.**
Approved and signed by the Board.
- VIII. **STATUS CONFERENCE:**
- **LB 15-38, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF EMPLOYEE RALPH VAROS FOR HIS FIVE DAY SUSPENSION. (PATRICIA FRENCH, AFSCME 3022)**
Ian Stoker, Assistant City Attorney appeared on behalf of the City and Patty French appeared on behalf of AFSCME 3022. Mr. Stoker stated that this matter has been settled and the parties will submit closing documents.
- IX. **SCHEDULING OF MOTIONS HEARING:**
- **LB 18-27, RESPONDENT’S MOTION FOR SUMMARY JUDGMENT.**
Ms. Kountz appeared on behalf of the City. James Montalbano was not present for the Union. Ms. Kountz stated that the Union has responded to the City’s Motion. Chairman Baca scheduled the motions hearing for August 9, 2019.
- X. **MOTIONS HEARING:**
- **LB 17-15 CONSOLIDATED WITH LB 17-19, CITY’S MOTION FOR SUMMARY JUDGMENT.**
See item III.
- XI. **MERITS HEARING:**
- **LB 17-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ELIZABETH MAESTAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE CBA AND LMRO WHEN THEY ISSUED HER A SIX DAY SUSPENSION. (CASEY PADILLA, AFSCME 624)** See item III.
 - **LB 17-19, PROHIBITED PRACTICE COMPLAINT AND MOTION TO CONSOLIDATE WITH LB 17-15 FILED BY AFSCME LOCAL 624 ON BEHALF OF ELIZABETH MAESTAS AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE LABOR MANAGEMENT RELATIONS ORDINANCE 3-2-9a(6) AND THE COLLECTIVE BARGAINING AGREEMENT REGARDING 24.1.7 AND 12.3.3. (CASEY PADILLA, AFSCME 624)** See item III.
- XII. **ADJOURNMENT.**
Mr. Harrigan moved to adjourn the meeting. Mr. Montoya seconded. Voted and passed 3-0. And the meeting was adjourned at 9:15 a.m.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk