

LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, May 22, 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 Devon Moody
Ian Stoker Shane Youtz
Melissa Kountz Fred Mowrer
Samantha Hults Jazerai Gallegos

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, MAY 22, 2019.

Devon Moody, Assistant City Attorney stated the Union filed a Motion to Voluntarily Dismiss LB 16-02 and will not go forward with the motions hearing scheduled for item x.

Mr. Harrigan moved to approve the agenda for May 22, 2019. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 10, 2019.

Mr. Montoya moved to approve the minutes for May 10, 2019. Mr. Harrigan seconded. Voted and passed 3-0.

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

Ms. Moody appeared on behalf of the City and stated that LB 15-31 is scheduled for briefing but the parties have reached a settlement agreement.

Melissa Kountz, Assistant City Attorney stated that the Board asked for feedback on the new rules and regulations and requested to place this as an item on a future agenda to discuss and revisit the rules.

James Montalbano appeared on behalf of AFSCME regarding LB 18-27 and stated that the City has recently filed a Motion for Summary Judgment when this matter is scheduled for merits hearing on June 3, 2019 and asked for more time to file a response. Ms. Kountz appeared on behalf of the City and requested that the motions hearing be scheduled prior to a merits hearing and verbally made a motion to vacate the merits hearing for June 3, 2019. The Board agreed unanimously to grant the motion to vacate and the Union must file a response by June 3, 2019. Chairman Baca stated that on June 3, 2019 the parties and the Board will discuss scheduling of the motions hearing.

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

- **LB 16-02, ORDER OF DISMISSAL WITH PREJUDICE.**
Approved and signed by the Board members.
- **LB 19-09, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**
Approved and signed by the Board members.

VI. PRESENTMENT OF ORDERS.

None.

VII. SCHEDULING OF MOTIONS HEARING:

- **LB 19-07, CITY'S MOTION TO DISMISS. (ATTORNEY THOMAS GROVER)**
Attorney Fred Mowrer appeared on behalf of IAFF 244, Ms. Kountz appeared on behalf of the City and Attorney Thomas Grover was not present. Mr. Mowrer stated that the Union filed a Motion to Dismiss Prohibited Practice Complaint and Mr. Grover has filed a Response. Chairman Baca scheduled a motions hearing for this matter on June 11, 2019.

VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-10, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEVEN HERRERA AGAINST THE CITY OF ALBUQUERQUE FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT FOR VIOLATIONS OF THE COLLECTIVE BARGAINING AGREEMENT AND LABOR RELATIONS MANAGEMENT ORDINANCE. (MICHAEL DORIN, AFSCME 2962)**
Ms. Moody appeared on behalf of the City and Union Representative Michael Dorin was not present. Ms. Moody stated that the parties have agreed to extend the deadline to meet and confer to June 19, 2019. Chairman Baca scheduled this matter for merits hearing on September 23, 2019.
- **LB 19-11, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING AND FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**
Ian Stoker, Assistant City Attorney appeared on behalf of the City and Fred Mowrer appeared on behalf of APOA. The parties stated that they are currently discussing settlement negotiations and have agreed to extend the deadline to meet and confer. Chairman Baca scheduled this matter for a status conference on August 7, 2019.

IX. STATUS CONFERENCE:

- **LB 14-28, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF SOLID WASTE EMPLOYEE (S) AGAINST THE CITY OF ALBUQUERQUE'S SOLID WASTE MANAGEMENT DEPARTMENT FOR FAILING TO NEGOTIATE IN GOOD FAITH WITH THE ROUTE COMMITTEE.**
Ms. Moody appeared on behalf of the City and Shane Youtz appeared on behalf of AFSCME. Ms. Moody stated that the City will file a Motion to reconsider once the Board submits their Findings of Facts and Conclusions of Law. Chairman Baca stated that this matter will be placed on a future agenda for the Board to enter into closed session to deliberate on their Findings of Facts and Conclusions of Law but previous Board member, Nicholas Hart will need to be contacted for his availability to be present for the deliberation.

Samantha Hults, Assistant City Attorney appeared on behalf of the City and on behalf of the Mayor's office to discuss the issue with the ex-parte communication between Nicholas Hart and the Mayor's office. She stated that the Mayor's office has met with the Union and both parties have reached an agreement. Mr. Youtz provided the Board with a letter the Union created that states that going forward the parties will copy each other on all communication made to the Board and the staff to avoid ex-parte communication. This agreement involves both Labor Board and Personnel Board matters. After a brief discussion the Board stated that the agreement satisfies the issue and will not pursue this issue further.

- **LB 18-10, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT IN PLACE BY HIRING PRIVATE CONTRACT CIVILIAN EMPLOYEES AND NOT ATTEMPTING TO DETERMINE WHETHER THE POSITIONS COULD BE FILLED BY CERTIFIED POLICE OFFICERS. (FRED MOWRER, APOA)**

Mr. Stoker appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. The parties stated that they are in settlement negotiations but agree to schedule a merits hearing. This matter will be scheduled for merits hearing in September 2019.

- **LB 18-12, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT. (FRED MOWRER, APOA)**

Ms. Kountz appeared on behalf of the City and Mr. Mowrer appeared on behalf of APOA. Mr. Mowrer stated that this matter is still pending and asked for additional time. Chairman Baca stated that this matter will be rescheduled for a status conference in September 2019.

X. MOTIONS HEARING:

- **LB 16-02, CITY'S MOTION FOR SUMMARY JUDGMENT AND PETITIONER'S RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (JAMES MONTALBANO, YOUTZ & VALDEZ)**
See item II and V.

XI. ADJOURNMENT.

Mr. Harrigan 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