



LABOR-MANAGEMENT RELATIONS BOARD
Thursday, April 5, 2018
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Michael Wartell

OTHERS PRESENT:

Melissa Kountz
Jessica Enriquez
John D'Amato
Rocky Gutierrez
Patty French
Ian Stoker

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Michael Wartell were also present.

II. REVIEW AND APPROVAL OF AGENDA FOR THURSDAY, APRIL 5, 2018.

Mr. Wartell moved to approve the agenda for April 5, 2018. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 23, 2018.

Mr. Montoya moved to approve the minutes for March 23, 2018. Mr. Wartell seconded. Voted and passed 3-0.

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

The Board members scheduled future meeting dates for May 2, 2018; May 29, 2018 and July 13, 2018.

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

None.

VI. PRESENTMENT OF ORDERS.

None.

VII. STATUS ON VACATED MOTIONS HEARING:

- **LB 15-01, CITY'S MOTION TO DISMISS AND PETITIONER'S RESPONSE TO CITY'S MOTION TO DISMISS. (ROBERT MONTOYA, AFSCME LOCAL 624)**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The parties stated that they are still working on finalizing a settlement agreement in this matter and once finalized will submit it to the Chief Administrative Officer, Sarita Nair for her review and approval.

VIII. SCHEDULING OF MOTIONS HEARING:

- **LB 15-28, PETITIONER'S SECOND RESPONSE TO CITY'S MOTION FOR MORE DEFINATE STATEMENT AND CITY'S MOTION FOR PARTIAL SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME 624)**
- **LB 17-32, CITY'S MOTION FOR SANCTIONS. (ROCKY GUTIERREZ AND ROBERT MONTOYA,AFSCME LOCAL 624)**
- **LB 17-35, CITY'S MOTION FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME LOCAL 1888)**

Ms. Kountz and Ian Stoker, Assistant City Attorneys appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME and stated that the Union will file responses to the City's Motions in LB 15-28 and LB 17-35. Chairman Baca ordered the responses to be submitted by April 20, 2018. After a brief discussion between the parties and the Board members, LB 15-28, LB 17-32 and LB 17-35 were scheduled for motions hearings on May 2, 2018.

IX. OLD BUSINESS:

- **SCHEDULING OF MERITS HEARING FOR LB 09-15 CONSOLIDATED WITH LB 10-15 AND LB 10-18. (ROCKY GUTIERREZ, AFSCME LOCAL 2962)**
- **SCHEDULING OF MERITS HEARING IN LB 15-29. (ROCKY GUTIERREZ, AFSCME 624)**

Ms. Kountz appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME. There was a verbal scheduling order discussed by the parties and the Board members. Chairman Baca scheduled a status conference for this matter on May 2, 2018 and the merits hearing will be May 29, 2018. The Union was ordered to submit their witness and exhibit list by May 14, 2018 and the City must submit their witness and exhibit list by May 21, 2018. Chairman Baca asked the parties to submit a scheduling order for review and approval to the Board at the May 2, 2018 meeting.

Ms. Kountz appeared on behalf of the City and provided dates that the City is available for merits hearing. After a brief discussion the Board scheduled this matter for merits hearing on July 13, 2018.

X. NEW BUSINESS:

- **LB-18-01, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT.**

Mr. Stoker appeared on behalf of the City and stated that the City has filed a dispositive Motion and no response has been received. John D'Amato, Attorney for APOA appeared and stated that this matter will possibly be resolved soon. Chairman Baca scheduled this matter for motions hearing on May 29, 2018.

- **LB 18-02, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF RICHARD ZITA AGAINST THE CITY OF ALBUQUERQUE MUNICIPAL DEVELOPMENT DEPARTMENT.**

Mr. Stoker appeared on behalf of the City and stated that the City has filed a dispositive Motion and no response has been received by the petitioner. Chairman Baca scheduled this matter for motions hearing on May 29, 2018.

- **LB 18-03, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE POLIC DEPARTMENT.**

Ms. Kountz appeared on behalf of the City and stated that the City has a pending Motion for Summary Judgment. Mr. Gutierrez stated that he will contact the Union representative assigned to this case and make sure they file a response. Chairman Baca scheduled this matter for motions hearing on May 2, 2018.

- **LB 18-04, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF ANTHONY VARGAS AGAINST THE CITY OF ALBUQUERQUE CULTURAL SERVICES DEPARTMENT.**

Ms. Kountz appeared on behalf of the City and stated that there is a pending settlement agreement for this matter.

XI. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Mr. Wartell seconded. Voted and passed 3-0. The meeting was adjourned at 9:36 a.m.

APPROVED:



TED BACA, CHAIR
City Labor Management Relations Board


DATE

cc: Tim Keller, Mayor
Trina Gurule, Interim City Clerk