



**LABOR-MANAGEMENT RELATIONS BOARD**  
**Monday, August 27, 2018**  
**600 2<sup>nd</sup> Street NW, 7<sup>th</sup> Floor, Albuquerque, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

Chairman Ted Baca  
Juan Montoya  
Michael Wartell

OTHERS PRESENT:

Melissa Kountz      Rocky Gutierrez  
Devon Moody        James Montalbano  
Nick Nunez          Jessica Enriquez

## 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 THE AGENDA FOR MONDAY, AUGUST 27, 2018.**

Mr. Wartell moved to approve the agenda for August 27, 2018. Mr. Montoya seconded. Vote taken and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR JULY 30, 2018, JULY 31, 2018.**

Mr. Montoya moved to approve the two agendas for July 30, 2018 and July 31, 2018. Mr. Wartell seconded. Vote taken and passed 3-0.

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

Melissa Kountz, Assistant City Attorney introduced new Assistant City Attorney, Nick Nunez.

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

- **LB 14-20, ORDER OF DISMISSAL.**  
Approved and signed by the Board members.
- **LB 08-21, ORDER OF DISMISSAL.**  
Approved and Signed by the Board members.

**VI. PRESENTMENT OF ORDERS.**

- **LB 11-12, LB 11-36 AND LB 12-03, ORDER ON UNOPPOSED MOTION TO VACATE MERITS HEARING.**

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the parties stipulated to vacating this matter and asked the Board to reschedule this matter for September or October. After a brief discussion the Board members rescheduled this matter for merits hearing to September 24, 2018.

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- **LB 17-10, ORDER ON MOTION FOR SUMMARY JUDGMENT.**  
Approved and signed by the Board members.

- **LB 10-06, ORDER ON UNOPPOSED MOTION TO VACATE MERITS HEARING.**

Ms. Moody appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The parties stated that they are currently in discussion and negotiation to try to resolve this matter. Chairman Baca rescheduled this matter for status conference on September 24, 2018.

**VII. SCHEDULING OF MOTIONS HEARING:**

- **LB 12-02, JOINT MOTION FOR CLARIFICATION. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Ms. Kountz appeared on behalf of the City. James Montalbano, Attorney from Youtz and Valdez appeared on behalf of AFSCME. Ms. Kountz stated that the parties agreed in discussion to ask the Board to set a deadline for the parties to submit proposed findings of facts and conclusions. Chairman Baca stated that the deadline for the parties to submit their proposed findings of facts and conclusions of law are due September 17, 2018 and the Board will announce their decision on September 24, 2018.

**VIII. SCHEDULING OF MERITS HEARING:**

- **LB 12-20, UNION'S RESPONSE TO CITY'S MOTION FOR MORE DEFINITE STATEMENT AND AMENDED GRIEVANCE (MICHAEL DORIN, AFSCME)**

Ms. Moody appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME. After a brief discussion on scheduling the parties and the Board agreed to schedule this matter for merits hearing on October 9, 2018.

**IX. RESCHEDULING OF VACATED MERITS HEARING FOR LB 11-12, LB 11-36 AND LB 12-03. (ROCKY GUTIERREZ, AFSCME)**

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the parties stipulated to vacating this matter and asked the Board to reschedule this matter for September or October. After a brief discussion the Board members rescheduled this matter for merits hearing to September 24, 2018. See item VI.

**X. MOTIONS HEARING:**

- **LB 08-21, CITY'S MOTION FOR SUMMARY JUDGMENT. (ROCKY GUTIERREZ, AFSCME)**

Order of Dismissal was approved and signed by the Board members. See item V.

**XI. MERITS HEARING:**

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE TRANSIT EMPLOYEES OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**

Ms. Moody appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. The parties stated that they are currently in discussion and negotiation to try to resolve this matter. Chairman Baca rescheduled this matter for status conference on September 24, 2018.

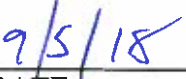
Chairman Baca asked the parties of the status for the merits hearing scheduled on August 28, 2018 in LB ARB 11-01, ARB 11-02, ARB 11-03, LB 11-15 and LB 12-30. After a brief recess Ms. Kountz and Mr. Gutierrez stated that the parties have agreed to a Stipulated Order of Dismissal and will present it to the Board on August 28, 2018.

**XII. ADJOURNMENT.**

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

**APPROVED:**

  
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**TED BACA, CHAIR**  
**City Labor Management Relations Board**

  
\_\_\_\_\_  
**DATE**

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