



LABOR-MANAGEMENT RELATIONS BOARD
Monday, December 03, 2018
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Michael Wartell

OTHERS PRESENT:

Kathleen Ahghar *Tomas Romero*
Ian Stoker *Rocky Gutierrez*
Devon Moody *Victor Lovato*
Nick Nunez *Clearance Decker*
Melissa Kountz *Annette Paez*
Bruce Rizzieri *Judy Luebbers*
Jessica Enriquez *Jose Lujan*

Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

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 MONDAY, DECEMBER 3, 2018,
Nick Nunez, Assistant City Attorney appeared on behalf of the City and stated that the parties stipulated to a dismissal for LB 18-18.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that the parties have settled LB 13-27, listed for merits hearing on item IX. She stated that the parties will soon submit closing documents to the Board.

Mr. Wartell moved to approve the amended agenda. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR NOVEMBER 16, 2018.

Mr. Montoya moved to approve the minutes for November 16, 2018. Mr. Wartell seconded. Voted and passed 3-0.

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

Devon Moody, Assistant City Attorney appeared on behalf of the City and stated that the LB 13-20, scheduled for merits hearing on December 5, 2018 has been settled by the parties. See item V.

Mr. Nunez appeared on behalf of the City and stated that the parties are in settlement discussion for LB 18-13 and the motions hearing scheduled for January 9, 2019 has been vacated. The parties also submitted an Order Granting Request to Stay Proceedings.

See item VI and this matter was rescheduled to January 16, 2019 for entering of a scheduling order.

The Board moved to reschedule the January 14, 2019 meeting to January 16, 2019.

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

- **LB 13-20, ORDER OF DISMISSAL.**
Approved and signed by the Board members.
- **LB 18-18, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**
Approved and signed by the Board members.

VI. PRESENTMENT OF ORDERS.

- **LB 18-12, ORDER ON MOTION TO AMEND COMPLAINT.**
Approved and signed by the Board members.
- **LB 18-13 ORDER GRANTING REQUEST TO STAY PROCEEDINGS.**
Approved and signed by the Board members.

VII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 18-17, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LAWRENCE MORA FOR LMRO 3-2-9(A6), CBA 24.1.1, INVESTIGATIONS AND DISCIPLINE.**
Ms. Moody appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME. After a brief discussion the parties and the Board agreed to schedule this matter for merits hearing on February 6, 2019. The deadline to submit a stipulated scheduling order is January 3, 2019.
- **LB 18-18, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT BY FAILING TO PROPERLY PAY AN EMPLOYEE OF THE DEPARTMENT HIS INCENTIVE PAY FOR EARNING A COLLEGE DEGREE UPON OBTAINING HIS PIC CLASSIFICATION.**
See item II and V.

VIII. STATUS ON OLD BUSINESS:

- **LB 13-05, PHROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S SOLID WASTE DEPARTMENT FOR VIOLATION OF COLLECTIVE BARGAINING AGREEMENT. (Local 624)**
Ms. Moody appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME. After a brief discussion the parties and the Board agreed to schedule this matter for merits hearing on February 6, 2019. The deadline to submit a stipulated scheduling order is January 3, 2019.

IX. MERITS HEARING:

- **LB 13-06, STEP III GRIEVANCE AGAINST THE CITY OF ALBUQUERQUE'S TRANSIT SECURITY DEPARTMENT FOR DENIAL OF OPPORTUNITY TO WORK OVERTIME (Local 1888)**

Assistant City Attorney's Ian Stoker and Ms. Moody appeared on behalf of the City. Mr. Gutierrez appeared on behalf of AFSCME. Exhibits were admitted by the parties and the following witnesses were called to testify; Annett e Paez, Judy Lubbers, Clearance Decker and Bruce Rizzieri.

Chairman Baca 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. Wartell seconded. A roll call vote was taken and passed 3-0.

Chairman Baca 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. Montoya seconded. A roll call vote was taken and the Motion passed 3-0. The Board was in closed session to discuss the implications of the withdrawal with prejudice in LB 12-19.

The Board ordered the parties to submit briefs and the hearing was continued to December 5, 2018 at 9:00 a.m.

- **LB 13-27, AFSCME COUNCIL 18 AND LOCAL 1888'S STEP III GRIEVANCE ON BEHALF OF ANDY FITZGERALD AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATION TO INCLUDE BUT NOT LIMITED TO "JUST CAUSE" (ROCKY E. GUTIERREZ, AFSCME Council 18).**

See item II.

X. ADJOURNMENT.

The Board moved to adjourn the meeting at 2:10 p.m.

APPROVED:



TED BACA, CHAIR
City Labor Management Relations Board

12/5/18
DATE

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