



LABOR-MANAGEMENT RELATIONS BOARD

Monday, June 4, 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
Melissa Kountz John D'Amato
Devon Moody Shawn Casaus
Shane Youtz Jude Lujan
Jessica Enriquez*

Minutes

PO Box 1293

I. CALL TO ORDER.

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

Albuquerque

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR MONDAY, JUNE 4, 2018.

Chairman Baca stated that LB 12-25 is listed in item X as status on old business but this matter has an Order of Dismissal that was signed by the Board in June 2017. Mr. Wartell moved to approve the amended agenda for June 4, 2018. Mr. Montoya seconded. Vote taken and passed 3-0.

NM 87103

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MAY 29, 2018.

Mr. Montoya moved to approve the minutes for May 29, 2018. Mr. Wartell seconded. Vote taken and passed 3-0.

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IV. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DISCUSS THEIR DECISION IN LB 15-25.

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 passed ~~3-0~~ 2-1

Mr. Wartell 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 LB 15-25 and no other cases were discussed.

- V. THE BOARD WILL ANNOUNCE THEIR DECISION IN LB 15-25.**
Mr. Montoya moved for the Board to find in favor of the Union and stated that the Board finds two provisions in the contract and the City has the right to reassign personal temporary for a justifiable cause but when it does so the City must do so pursuant to the seniority rule in the contract. Chairman Baca seconded. Vote taken and passed 3-0.
- VI. PUBLIC COMMENTS *Limited to three (3) minutes total time per person.**
No public comments.
- VII. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**
None.
- VIII. PRESENTMENT OF ORDERS.**
None.
- IX. SCHEDULING CONFERENCE:**
- **LB 15-15, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND ALBUQUERQUE POLICE DEPARTMENT FOR REFUSING TO HONOR THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT AND PAST PRACTICE OF THE BIDDING PROCESS FOR SERGEANTS.**
John D'Amato, Attorney for APOA appeared on behalf of Shawn Casaus and Jude Lujan who were also present. Shane Youtz, Attorney appeared on behalf of the City. Both parties stated that this case is ready to proceed with scheduling two separate merits hearing for Mr. Lujan and Mr. Casaus. The Board and the parties agreed to schedule Jude Lujans' hearing for July 30, 2018 and Shawn Casaus' hearing will be on July 31, 2018.
- X. STATUS ON OLD BUSINESS:**
- **LB 00-12, PROHIBITED PRACTICE COMPLAINT FILED BY NMTU.**
 - **LB 07-01, PROHIBITED PRACTICE COMPLAINT FILED BY NMTU.**
 - **LB 07-31, PROHIBITED PRACTICE COMPLAINT FILED BY NMTU.**
 - **LB 10-20, PROHIBITED PRACTICE COMPLAINT FILED BY NMTU. TRANSIT. (PAUL LIVINGSTON)**
Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that LB 00-12, LB 07-01, LB 07-31 and LB 10-20 were cases that were filed by Paul Livingston who was the NMTU Representative but he is now deceased. She also stated that NMTU may currently not be an entity and AFSCME Local 624 is now representing Transit but there would be no standing anymore for these cases and moved to dismiss. Chairman Baca moved to approve the City's Motion to Dismiss. Mr. Wartell seconded. Voted and passed 3-0. The City provided an Order of Dismissal that was approved and signed by the Board.
 - **LB 11-44, PROHIBITED PRACTICES COMPLAINT AGAINST THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT REGARDING CHANGING ADMINISTRATIVE LEAVE POLICIES. (FRED MOWRER)**

- **LB 12-04, COMPLAINT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS AGAINST THE CITY OF ALBUQUERQUE, CITY OF ALBUQUERQUE FIRE DEPARTMENT AND MAYOR BERRY ON BEHALF OF MEMBERS OF IAFF 244 REGARDING RELEASE OF CONFIDENTIAL DISCIPLINARY PROCEEDINGS. (FRED MOWRER, IAFF 244)**
- **LB 12-15, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE FIRE DEPARTMENT FOR UNFAIR TESTING PROCESS AND WORKERS COMPENSATION INSURANCE NOT BEING PROVIDED WHILE ATTENDING TRAINING DURING OFF DUTY HOURS. (FREDERICK MOWRER, IAFF 244)**

Ms. Kountz appeared on behalf of the City and stated that the parties have agreed to dismiss LB 11-44, LB 12-04 and LB 12-15 and the parties will be submitting Joint Motions to Dismiss and Orders of Dismissals.

- **LB 12-25, PROHIBITED PRACTICE COMPLAINT AGAINST THE CITY OF ALBUQUERQUE'S POLICE DEPARTMENT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS (FREDERICK M. MOWRER, APOA).**
See item II.


XI. ADJOURNMENT.

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

APPROVED:



TED BACA, CHAIR
City Labor Management Relations Board



DATE

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