

LABOR-MANAGEMENT RELATIONS BOARD
Wednesday, March 20, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Nicholas Hart

OTHERS PRESENT:

<i>Kathleen Ahghar</i>	<i>Casey Padilla</i>
<i>Ian Stoker</i>	<i>Rocky Gutierrez</i>
<i>Nick Nunez</i>	<i>Fred Mowrer</i>
<i>Jessica Enriquez</i>	<i>Darren Sanchez</i>

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:05 a.m. Board members Juan Montoya and Nicholas Hart were also present.

II. REVIEW AND APPROVAL OF THE AGENDA FOR WEDNESDAY, MARCH 20, 2019,

Mr. Montoya moved to amend the agenda to remove item IX, merits hearing for LB 17-06 because the parties submitted a Stipulated Motion to Consolidate and Vacate Hearing. Mr. Hart seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR MARCH 5, 2019.

Mr. Hart moved to approve the minutes for March 5, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

Nick Nunez, Assistant City Attorney appeared on behalf of the City and asked the Board for clarification as to the deadline to respond to discovery request. He stated that AFSCME Local 624 has raised issues and stated that the Union believes that the City must follow the collective bargaining agreement. Chairman Baca stated that when a case is filed with the Labor-Management Relations Board then the Board's rules should be followed and govern discovery dates.

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

- **LB 12-20, ORDER OF DISMISSAL.**
Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS.

- **ORDER CONSOLIDATING LB 17-06, LB 17-14 AND 18-20.**

Ian Stoker, Assistant City Attorney appeared on behalf of the City and stated that the parties have agreed to consolidate the three matters because they have similar issues and facts. The Order was approved and signed by the Board and this matter is rescheduled for merits hearing for May 6, 2019.

- **LB 18-23, AMENDED SCHEDULING ORDER.**

Approved and signed by the Board.

Mr. Hart stated that he will not be available for the August 19, 2019 Labor Board meeting. Mr. Stoker and Mr. Gutierrez appeared on behalf of LB 18-26 and stated that they do not oppose rescheduling the merits hearing that was previously scheduled for August 19th. After discussion the Board agreed to reschedule the meeting and merits hearing in LB 18-26 for August 23, 2019.

VII. STATUS CONFERENCE RESCHEDULED FROM MARCH 5, 2019:

- **LB 18-12, ORDER GRANTING SECOND JOINT MOTION TO STAY PROCEEDINGS.**

Fred Mowrer appeared on behalf of APOA and stated that there has been discussion between the parties but they need more time to finalize their agreement and asked the Board to continue this matter. Chairman Baca rescheduled this matter for status conference on April 24, 2019.

VIII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-02, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF MARY ANN CASTILLO AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DEMOTING HER WITHOUT JUST CAUSE.**

Mr. Nunez appeared on behalf of the City and stated that the parties have agreed to extend the deadline to meet and confer to March 29, 2019 and requested a scheduling of merits hearing for August or September. After discussion the Board scheduled this matter for merits hearing on August 7, 2019.

- **LB 19-03, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ANTHONY SILVA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR DEMOTING HIM WITHOUT JUST CAUSE.**

Mr. Stoker appeared on behalf of the City and stated that this matter can be consolidated with LB 19-05 because they involve the same employee. The Board scheduled the two cases for merits hearing on July 12, 2019.

- **LB 19-04, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF JOELLE MARTINEZ AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING THE COLLECTIVE BARGAINING AGREEMENT AND DISCIPLINING MS. MARTINEZ WITHOUT JUST CAUSE.**

Mr. Gutierrez appeared on behalf of AFSCME 624 and stated that the parties are working on a scheduling order. The Board scheduled this matter for merits hearing on August 23, 2019.

- **LB 19-05, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF ANTHONY SILVA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATING LMRO 3-2-9A6, CBA 24.2, DISCIPLINARY ACTIONS, PERSONNEL RULES & REGULATIONS 301.2 PROFESSIONAL EXCELLENCE, 301.3 STANDARDS OF CONDUCT ADMINISTRATIVE INSTRUCTIONS 7-18 HARASSMENT POLICY.**

Mr. Stoker appeared on behalf of the City and stated that this matter can be consolidated with LB 19-03 because they involve the same employee. The Board scheduled the two cases for merits hearing on July 12, 2019.

- **LB 19-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF SOLID WASTE SUPERVISORS, AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR LMRO 3-2-9A6, INCLUDING BUT NOT LIMITED TO CBA 2.3 OVERTIME, 15.1 SHIFT BIDDING.**

Mr. Nunez appeared on behalf of the City and requested this matter be scheduled for merits hearing in August or September. The Board agreed to schedule this matter for merits hearing on August 26, 2019.

Mr. Gutierrez asked the Board to schedule merits hearing for two old cases, LB 17-15 and LB 17-19 and requested they both be scheduled the same day because they involve the same employee. The Board scheduled these two cases for merits hearing on June 10, 2019.

Chairman Baca stated that the meeting on March 27, 2019 is canceled because he will not be available and asked the City and Union representatives to submit a list of all pending cases at the April 12, 2019 meeting.

Chairman Baca scheduled LB 13-06 for April 12, 2019, for the Board to enter into closed session to deliberate, but only if previous Board member Michael Wartell is available to attend.

IX. MERITS HEARING:

- **RESCHEDULED FROM MARCH 5, 2019- LB 17-06, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF JUAN MAES AND PATSY GALLEGOS AGAINST THE CITY OF ALBUQUERQUE FOR NOT RECEIVING EQUAL PAY WHEN BEING PROMOTED TO A PARK SUPERVISOR. (LMRO 3-2-9A1, 3-2-9A3, 3-2-9A4, CBA 0.1 PREAMBLE, 2. SALARY, PERSONNEL RULES AND REGULATIONS, 700, COMPENSATION).**

See item II and VI.

X. ADJOURNMENT.

Mr. Hart moved to adjourn. Mr. Montoya seconded. Voted and passed 3-0 and the meeting was adjourned at 10:10 a.m.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk