

**LABOR-MANAGEMENT RELATIONS BOARD**  
*Friday, December 21, 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*  
*Nicholas Hart*

OTHERS PRESENT:

*Kathleen Ahghar*      *Michael Dorin*  
*Devon Moody*        *Stephanie Chavez*  
*Nick Nunez*

**Minutes**

**I. CALL TO ORDER.**

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

**II. REVIEW AND APPROVAL OF THE AGENDA FOR FRIDAY, DECEMBER 21, 2018,**

Nick Nunez, Assistant City Attorney appeared on behalf of the City and stated that the parties have agreed to reschedule the merits hearing for LB 17-06 because witnesses were not available to attend. He asked the Board to reschedule. Mr. Hart moved to approve the amended agenda and strike out item X. Mr. Montoya seconded. A vote was taken and passed 3-0.

**III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR DECEMBER 10, 2018.**

Mr. Montoya moved to approve the minutes for December 10, 2018. Mr. Hart seconded. Vote taken and passed 3-0.

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

Mr. Nunez asked the Board for clarification on the submission of proposed findings of facts and conclusions of law. Chairman Baca suggested that the parties submit proposed findings of facts and conclusion of law prior to a merits hearing and then after the hearing, supplemental findings of facts may be submitted.

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

- **LB 14-25, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.**

Approved and signed by the Board members.

- **LB 17-25, ORDER ON PETITIONER’S STIPULATED MOTION FOR DISMISSAL.**  
Approved and signed by the Board members.
- **LB 18-06 ORDER OF DISMISSAL.**  
Approved and signed by the Board.

**VI. PRESENTMENT OF ORDERS.**

- **LB 11-38, SCHEDULING ORDER.**  
Approved and signed by the Board.
- **LB 13-05, ORDER STAYING MERITS HEARING AND PENDING DEADLINES.**  
Approved and signed by the Board.
- **LB 15-31, ORDER DENYING CITY’S MOTION TO DISMISS PPC.**  
Approved and signed by the Board.
- **LB 17-06, ORDER.**  
After a brief discussion on scheduling of dates, the Board rescheduled the merits hearing to March 5, 2019 and the Order was approved and signed by the Board.
- **LB 18-11, ORDER.**  
Approved and signed by the Board.
- **LB 18-15, ORDER ON SECOND JOINT MOTION TO VACATE MERITS HEARING AND AMENDED SCHEDULING ORDER.**  
Mr. Nunez appeared on behalf of the City and requested that this matter be rescheduled to March of 2019. Michael Dorin appeared on behalf of AFSCME Local 2962. The Order was approved and signed by the Board and this matter is rescheduled for merits hearing on March 5, 2019.
- **LB 18-16, SCHEDULING ORDER.**  
After a brief discussion for scheduling, the Board scheduled this matter for merits hearing on May 22, 2019. The Scheduling Order was approved and signed by the Board.

**VII. STATUS CONFERENCE FOR LB 18-09 AND LB 18-13. (FRED MOWRER, APOA) and (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Devon Moody, Assistant City Attorney appeared on behalf of the City for LB 18-09 and Patty French appeared on behalf of the Union. Ms. French stated that the Union has agreed to dismiss this matter as previously stated by James Montalbano. Mr. Hart moved to dismiss with prejudice LB 18-09. Mr. Montoya seconded. Vote taken and passed 3-0.

Mr. Nunez appeared on behalf of the City for LB 18-13 and stated that the parties are in possible negotiation agreement. He also stated that the City filed a Motion for Summary Judgment but the Union has not filed a response. Chairman Baca stated that the Union’s deadline to file a response is January 18, 2019 and scheduled this matter for motions hearing on February 13, 2019 and the merits hearing will be on May 22, 2019.

**VIII. 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 on the City and stated that this matter is scheduled for merits hearing on February 6, 2019 and the deadline to submit a scheduling order is January 3, 2019.
- **LB 18-19, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF VINCENT CORDOVA AGAINST THE CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT FOR VIOLATION OF THE LMRO 3-2-9(A) 6 AND CBA 24.1.4.**

Mr. Nunez appeared on behalf of the City. Michael Dorin appeared on behalf of AFSCME Local 2962. The parties entered a Scheduling Order and it was approved and signed by the Board members. Then Chairman Baca scheduled this matter for merits hearing on March 27, 2019.

**IX. MOTION HEARINGS:**

- **LB 18-08, CITY’S MOTION FOR SUMMARY JUDGMENT AND UNION’S RESPONSE TO CITY’S MOTION FOR SUMMARY JUDGMENT. (MICHAEL DORIN, AFSCME)**

Ms. Moody appeared on behalf of the City and presented the City’s Motion for Summary Judgment. Mr. Dorin appeared on behalf of AFSCME and presented the Union’s Response to the City’s Motion to Dismiss.

Mr. Hart 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.

Mr. Hart 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 City’s Motion for Summary Judgment in LB 18-08 and no other matters were discussed.

Mr. Hart moved to deny the City’s Motion for Summary Judgment. Mr. Montoya seconded. Vote taken and passed 3-0. Chairman Baca scheduled this matter for merits hearing on March 20, 2019 and the scheduling order is due by February 6, 2019.

**X. MERITS HEARING:**

- **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. This matter is rescheduled for March 5, 2019.

**XI. ADJOURNMENT.**

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

**APPROVED:**

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

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**DATE**

cc: Tim Keller, Mayor      Katy Duhigg, City Clerk