

LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, March 5, 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>Devon Moody</i>	<i>Fred Mowrer</i>
<i>Nick Nunez</i>	<i>Patty French</i>
<i>Jessica Enriquez</i>	

Minutes

I. CALL TO ORDER.

Chairman Ted Baca called the meeting to order at 9:00 a.m. Board members Juan Montoya and Nicholas Hart were also present.

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR TUESDAY, MARCH 5, 2019.

Nick Nunez, Assistant City Attorney appeared on behalf of the City and stated that he has prepared an Order on City's Motion for Summary Judgment in LB 18-15 and asked the Board to remove this matter from item VIII.

Ian Stoker, Assistant City Attorney appeared on behalf of the City and presented to the Board a Joint Request to Vacate Merits Hearing in LB 17-06 listed under item VIII. He also stated that counsel for petitioner could not be present due to a family emergency and also stated that the parties are discussing resolution.

Mr. Hart moved to amend the agenda to add presentment of orders to item V, and moved to approve the agenda with amendments. Mr. Montoya seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR FEBRUARY 22, 2019.

Mr. Montoya moved to approve the minutes for February 22, 2019. Mr. Hart seconded. Voted and passed 3-0.

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

Melissa Kountz, Assistant City Attorney appeared on behalf of the City and stated that she will not be available to attend the meeting on March 20th or March 27th and requested to vacate LB 19-07 scheduled on March 20th for entering of scheduling order and the merits hearing for LB 15-31. Chairman Baca rescheduled both matters to April 24, 2019.

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

- **LB 17-06, STIPULATED ORDER VACATING MERITS HEARING.**
Approved and signed by the Board.

- **LB 18-08, ORDER ON STIPULATED MOTION TO VACATE MARCH 20, 2019 MERITS HEARING.**
Approved and signed by the Board.
- **LB 18-19, AMENDED SCHEDULING ORDER.**
Approved and signed by the Board.
- **LB 18-15, ORDER ON CITY'S MOTION FOR SUMMARY JUDGMENT.**
Approved and signed by the Board.

VI. STATUS CONFERENCE:

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

Ms. Kountz appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. There was brief discussion regarding the Motion to Stay Proceedings for parties to go to arbitration in this matter. Mr. Mowrer also requested to continue this matter to the next Board meeting to allow the parties more time to discuss arbitration. Chairman Baca granted the request to continue and rescheduled this matter for March 20, 2019.

VII. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO REVIEW AND DISCUSS THE PARTIES CLOSING BRIEFS IN LB 14-28.

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 the Motion 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. Chairman Baca stated that the Board was in closed session to discuss LB 14-28 and no other matters were discussed.

Mr. Hart moved to grant the Union's Prohibited Practice Complaint and asked the Union to file proposed findings of facts and conclusions of law and the Board will prepare detailed findings and conclusions at the next meeting. Mr. Montoya seconded. Voted and passed 3-0.

VIII. MERITS HEARING:

- **CONTINUANCE FROM FEBRUARY 22, 2019, LB 15-28 PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 624 ON BEHALF OF DAVID MENDOZA, TERMINATED FROM DMD AGAINST THE CITY OF ALBUQUERQUE AND CITY'S DEPARTMENT OF MUNICIPAL DEVELOPMENT AND FOR VIOLATIONS OF THE LMRO 3-2-9 (A)(5) AND (A)(6) AND OF THE COLLECTIVE BARGAINING AGREEMENT 0.1.1 AND 24.1.5 WH.**

Mr. Stoker appeared on behalf of the City. Rocky Gutierrez appeared on behalf of AFSCME Local 624 and on behalf of David Mendoza, who was also present and called to testify. Parties gave a brief closing statement and the Board ordered the parties to submit proposed findings and conclusions of law by April 12, 2019.

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. Chairman Baca seconded. A roll call vote was taken and the Motion 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. Chairman Baca stated that the Board was in closed session to discuss LB 15-28 and no other matters were discussed.

The Board scheduled this matter for April 12, 2019, and they will vote to enter into closed session to deliberate on LB 15-28.

- **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 item V.
- **LB 18-15, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF VANESSA MONTANO AND EVANGELINE ABEYTA, AGAINST THE CITY OF ALBUQUERQUE DEPARTMENT OF FAMILY AND COMMUNITY SERVICES.**
See item II and item V.

IX. ADJOURNMENT.

Mr. Hart 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 Katy Duhigg, City Clerk