



LABOR-MANAGEMENT RELATIONS BOARD
Tuesday, October 9, 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 *James Montalbano*
Melissa Kountz *Michael Dorin*
Devon Moody *Stephanie Chavez*
Ian Stoker *Jessica Enriquez*
Nick Nunez

Minutes

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.

PO Box 1293

II. REVIEW AND APPROVAL OF AGENDA FOR TUESDAY, OCTOBER 9, 2018.

Devon Moody, Assistant City Attorney appeared on behalf of the city and stated that the parties have reached a settlement agreement for LB 12-20 and will not proceed with the scheduled merits hearing as listed on the agenda for item XI.

Albuquerque

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

NM 87103

III. REVIEW AND APPROVAL OF LABOR BOARD MINUTES FOR SEPTEMBER 24, 2018.

Mr. Wartell moved to approve the Minutes for September 24, 2018. Mr. Montoya seconded. Vote taken and passed 3-0.

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

No public comments.

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

- LB 08-17, LB 09-15, LB 10-15, LB 10-18, LB 13-01, LB 18-07, Order of Dismissal was approved and signed by the Board members.
- LB 14-21, Order of Dismissal was approved and signed by the Board members.
- LB 17-12, Order of Dismissal was approved and signed by the Board members.
- LB 17-20, Order of Dismissal was approved and signed by the Board members.
- LB 17-31, Order of Dismissal was approved and signed by the Board members.
- LB 18-05, Order on Petitioner's Stipulated Motion for Dismissal was approved and signed by the Board members.

VI. PRESENTMENT OF ORDERS.

- LB 18-12, Order Granting Joint Motion to Stay Proceedings was approved and signed by the Board members.
- LB 18-03, City's Final Order on Step Three Grievance and Union's Final Order on Step Three Grievance.

Mr. Montoya 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 the Motion passed 3-0.

Mr. Montoya 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. Wartell seconded. A roll call vote was taken and the Motion passed 3-0. Chairman Baca stated that the Board had been in closed session to discuss what Order to enter in LB 18-03 and no other matters were discussed.

Mr. Montoya moved to adopt the Final Order submitted by the city but with an amendment made by the Board. Mr. Wartell seconded. Vote taken and passed 3-0.

VII. RESCHEDULED STATUS CONFERENCE ON VACATED MERITS HEARING:

- **LB 10-06, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE TRANSIT EMPLOYEES OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. (ROCKY GUTIERREZ, AFSCME)**

Ms. Moody appeared on behalf of the city and no one was present for the union. Ms. Moody stated that the parties are requesting to reschedule this matter for January 2019 and the parties will be meeting before then to implement different ideas and changes that will possibly resolve the matter without going to a merits hearing.

After a brief discussion on scheduling of meetings for November, the Board agreed to schedule meetings for November 2, 2018 and November 19, 2018.

Chairman Baca stated that this matter will be scheduled on the November 2, 2018 agenda for scheduling of merits hearing in January 2019.

VIII. SCHEDULE OF MERITS HEARING FOR LB 14-28. (ROCKY GUTIERREZ)

Ms. Moody appeared on behalf of the city and no one was present for the union. Ms. Moody stated that the union and the department have met for discussion and asked the Board to allow the city more time to file dispositive motions. Ms. Kountz stated that Mr. Gutierrez apologized for not being present but he had a scheduling conference and could not attend the meeting. Chairman Baca scheduled this matter for merits hearing on November 16, 2018.

IX. STATUS OF OLD CASES.

Ms. Kountz appeared on behalf of the city and stated that the city has met with the AFSCME to discuss old pending cases and the union agreed to dismiss the following cases for each local: Local 2962, the union agreed to dismiss LB 12-18, LB 14-19, LB 15-12 and LB 17-38 and twenty-one cases remain open; Local 1888, the union agreed to dismiss LB 16-23 and LB 17-33 and sixteen cases remain open; Local 624, the union agreed to dismiss LB 11-12, LB 11-36, LB 12-03, LB 12-29, LB 13-26, LB 15-13, LB 15-29, LB 16-26 and LB 18-04 and twenty-three cases remain open; Local 3022, the union agreed to dismiss LB 15-22, LB 15-34, LB 15-38, LB 16-14, LB 17-12 and LB 17-20 and twenty-one cases remain open.

Ian Stoker, Assistant City Attorney stated that the city is prepared to go forward with scheduling a merits hearing in LB 17-06. Chairman Baca scheduled LB 17-06 on November 2, 2018 for scheduling of merits hearing.

Chairman Baca stated that LB 11-38 and LB 12-14 will be put on the November 16, 2018 agenda for scheduling of merits hearing and LB 13-02, LB 13-06, LB 13-20, LB 13-27, LB 15-31 will be placed on the agenda for November 2, 2018 for scheduling of merits hearing for December 2018. He also stated that LB 15-28 will be placed on the November 2, 2018 agenda for scheduling of merits hearing.

Nick Nunez, Assistant City Attorney stated that the city has two pending Motions to Dismiss in LB 15-37. Chairman Baca scheduled this matter for motions hearing on November 2, 2018.

X. FINAL REVIEW OF THE PROPOSED AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS BOARD RULES AND REGULATIONS.

- See attached, Proposed Amendments to Labor-Management Relations Board Rules and Regulations or online at:
<http://www.cabq.gov/clerk/administrative-hearings/labor-management-relations-board>

Kathleen Ahghar, Assistant City Attorney and council for the Board presented the Rules and Regulations with the changes from the April 11, 2018 meeting. There was discussion and comments from the public and the Board members. After comments and discussion, Mr. Wartell moved to adopt the Labor Management Relations Board Rules and Regulations. Mr. Montoya seconded. Vote taken and passed unanimously 3-0. Ms. Ahghar stated that she will make the final changes and submit for finalizing.

XI. MERITS HEARING:

- **LB 12-20, STEP III GRIEVANCE FILED BY AFSCME LOCAL 2962 ON BEHALF OF BIANCA CORDOVA AGAINST THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR BEING DENIED COMPENSATION FOR WORK SHE PERFORMED OUTSIDE HER CLASIFICATION. (MICHAEL DORIN, AFSCME 2962)**
See item II.

XII. ADJOURNMENT.

Mr. Montoya moved to adjourn the meeting. Chairman Baca seconded. Vote taken and passed 3-0. The meeting was adjourned at 10:24 a.m.

APPROVED:



TED BACA, CHAIR
City Labor Management Relations Board

11/2/18
DATE

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