

LABOR-MANAGEMENT RELATIONS BOARD
Friday, September 6, 2019
600 2nd Street NW, 7th Floor, Albuquerque, NM 87102
HEARING ROOM 1

MEMBERS PRESENT:

Chairman Ted Baca
Juan Montoya
Ryan Harrigan

OTHERS PRESENT:

<i>Leigh Brunner</i>	<i>Rocky Gutierrez</i>
<i>Ian Stoker</i>	<i>Casey Padilla</i>
<i>Devon Moody</i>	<i>Fred Mowrer</i>
<i>Diane Kimberle</i>	<i>Mike Dorin</i>
<i>Jessica Enriquez</i>	<i>Patty French</i>

Minutes

I. CALL TO ORDER.

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

II. REVIEW AND APPROVAL OF THE AMENDED AGENDA FOR FRIDAY, SEPTEMBER 6, 2019. Mr. Montoya moved approval of the amended agenda for September 6, 2019. Chairman Baca seconded. Voted and passed 3-0.

III. REVIEW AND APPROVAL OF THE LABOR BOARD MINUTES FOR AUGUST 26, 2019. Mr. Harrigan moved approval of the minutes for August 26, 2019. Chairman Baca seconded. Voted and passed 3-0.

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

Assistant City Attorney Ian Stoker introduced Diane Kimberle, Manager of Employee Relations with the Human Resources department and stated that she is present to discuss a question the Board raised at a previous meeting regarding Ms. Kimberle having the authority to toll the filing of a complaint. Ms. Kimberle stated that she has been appointed the designee by the new administration to work with the unions to try and settle grievances that are at a lower level.

Chairman Baca stated that the meeting for September 9, 2019 will begin at 9:00 a.m. and recess until 11:30 a.m. because Mr. Harrigan had to leave to appear for a court matter. Mr. Stoker stated that the merits hearing scheduled for LB 19-08 scheduled for September 9, 2019 has been resolved and an Order of Dismissal has been submitted.

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

- **LB 14-17, ORDER OF DISMISSAL.**
Approved and signed by the Board.

- **LB 19-08, ORDER ON CITY'S MOTION TO STRIKE PETITIONER'S RESPONSES TO CITY'S DISPOSITIVE MOTIONS.**
Approved and signed by the Board and see item IV.
- **LB 19-08, ORDER OF DISMISSAL.**
Approved and signed by the Board.
- **LB 19-11, ORDER ON PETITIONER'S STIPULATED MOTION FOR DISMISSAL.** Approved and signed by the Board.

VI. PRESENTMENT OF ORDERS:

- **LB 19-02, ORDER GRANTING JOINT MOTION TO VACATE MERITS HEARING.** Approved and signed by the Board.
- **LB. 19-10, ORDER GRANTING JOINT MOTION TO VACATE AND CONTINUE MERITS HEARING.** Assistant City Attorney Devon Moody appeared on behalf of the City and stated that she request to vacate the merits hearing on September 23,2019 but schedule the City's Motion for Partial Summary Judgment on that date and the merits hearing at a later date. The Order was approved and signed by the Board and this matter is scheduled for motions hearing on September 23, 2019. This matter is rescheduled for October 18, 2019.

VII. ENTERING OF SCHEDULING ORDERS:

- **LB 16-12, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF TRANSIT SUPERVISOR BILL M. MARQUEZ AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE TRANSIT DEPARTMENT FOR VIOLATIONS OF THE LMRO 3-2-9A5 & 3-2-9A6, 25.1.2, GRIEVANCE PROCEDURE 17.1.2., SAFE AND HEALTH WORKING CONDITIONS, 7-22, ADMINISTRATIVE INSTRUCTIONS, VIOLANCE IN WORKPLACE. (PATRICIA FRENCH, AFSCME 3022)**
Parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on January 13, 2020.
- **LB 19-21, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF STEPHANIE CHAVEZ AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO 3-2-9(5)(6) AND THE CBA 23.1.2. (MICHAEL DORIN, AFSCME LOCAL 2962)**
Ms. Moody appeared on behalf of the City and stated that the parties have a mutual extension to meet and confer and submit documents. Chairman Baca scheduled this matter for merits hearing on January 10, 2020.
- **LB 19-22, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF CLERICAL AND TECHNICAL EMPLOYEES OF THE AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT RECORDS DIVISION FOR CHANGING AND REFUSING TO NEGOTIATE WORK HOURS. (MICHAEL DORIN, AFSCME LOCAL 2962)**
Parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on January 10, 2020.
- **LB 19-23, PROHIBITED PRACTICE COMPLAINT FILED BY THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION ON BEHALF OF TODD WOOLDRIDGE AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING CONTRACTUAL OBLIGATIONS WHEN MR. WOOLDRIDGE WAS REMOVED FROM HIS K-9 UNIT POSITION PRIOR TO HIS PRE-DETERMINATION HEARING. (JOHN D'AMATO, ATTORNEY FOR APOA)**
Ms. Moody appeared on behalf of the City and stated that the parties have a mutual extension to meet and confer and submit documents. Chairman Baca scheduled this matter for merits hearing on February 10, 2020.

- **LB 19-24, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF FALSE ALARM REDUCTION UNIT EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATING THE LMRO AND CBA BY ATTEMPTING TO REORGANIZE THE UNIT WITHOUT NEGOTIATING IN GOOD FAITH. (MICHAEL DORIN, AFSCME LOCAL 2962)**

Parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on March 2, 2020.

- **LB 19-25, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 3022 ON BEHALF OF LISA JOHNSON AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT-LMRO 3-2-9 (A6), CBA 0.1, 23 CONDITIONS OF EMPLOYEE, 24 INVESTIGATION AND DISCIPLINE. (PATRICIA FRENCH, AFSCME LOCAL 3022)**

Parties submitted a Scheduling Order and it was approved and signed by the Board. This matter is scheduled for merits hearing on March 2, 2020.

VIII. THE BOARD WILL VOTE TO ENTER INTO CLOSED EXECUTIVE SESSION PURSUANT TO SECTION 10.15.1.H.3 OF THE OPEN MEETINGS ACT TO DELIBERATE ON LB 18-26. (ROCKY GUTIERREZ, AFSCME 624)

Chairman Baca 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. Harrigan seconded. A roll call vote was taken and the motion passed 3-0.

Mr. Harrigan 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 their decision for LB 18-26 and no other matters were discussed.

Chairman Baca moved to uphold the termination. Mr. Harrigan seconded. Voted and passed 2-1.

IX. MERITS HEARING:

- **RESCHEDULED FROM AUGUST 7, 2019-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. (STEPHEN CURTICE, ATTORNEY FOR AFSCME LOCAL 3022)**

See item VI.

X. ADJOURNMENT.

Chairman Baca moved to adjourn. 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