

LABOR-MANAGEMENT RELATIONS BOARD
Monday, September 9, 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>Melissa Kountz</i>	<i>James Montalbano</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 MONDAY, SEPTEMBER 9, 2019.

Chairman Baca moved to approve the amended agenda for September 9, 2019. Mr. Montoya seconded. Voted and passed 3-0.

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

No public comments.

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

None.

V. PRESENTMENT OF ORDERS.

None.

VI. SCHEDULING OF MERITS HEARING:

- **LB 18-10, PROHIBITED PRACTICE COMPLAINT FILED BY ALBUQUERQUE POLICE OFFICERS' ASSOCIATION AGAINST THE CITY OF ALBUQUERQUE AND CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR FAILING TO HONOR THE COLLECTIVE BARGAINING AGREEMENT IN PLACE BY HIRING PRIVATE CONTRACT CIVILIAN EMPLOYEES AND NOT ATTEMPTING TO DETERMINE WHETHER THE POSITIONS COULD BE FILLED BY CERTIFIED POLICE OFFICERS. (FRED MOWRER, APOA)**

Assistant City Attorney Ian Stoker appeared on behalf of the City. Attorney Fred Mowrer appeared on behalf of APOA. Chairman Baca scheduled for merits hearing on February 21, 2020

VII. NEW BUSINESS AND ENTERING OF SCHEDULING ORDERS:

- **LB 19-26, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF REBECCA McCLELAND AGAINST THE CITY OF ALBUQUERQUE CULTURAL SERVICES DEPARTMENT FOR VIOLATIONS OF THE LMRO AND CBA BY CHANGING MS. MCCLELAND'S WORK SCHEDULE. (MICHAEL DORIN, AFSCME 2962)**

Assistant City Attorney Devon Moody appeared on behalf of the City. Michael Dorin was not present for AFSCME. Ms. Moody stated that a proposed scheduling order has been sent to Mr. Dorin but there has not been an agreement by the parties. Chairman Baca scheduled this matter for merits hearing on March 2, 2020.

- **LB 19-27, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF OF MARIE FRANCIA AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE LMRO AND CBA BY TERMINATING MS. FRANCIA WITHOUT JUST CAUSE. (MICHAEL DORIN, AFSCME LOCAL 2962)**

Assistant City Attorney Melissa Kountz appeared on behalf of the City and stated that she has met with Mr. Dorin and collaboratively came up with dates. A Scheduling Order was submitted, approved and signed by the Board. This matter is scheduled for merits hearing on March 9, 2020.

VIII. MOTIONS HEARING:

- **LB 15-24, CITY'S MOTION TO DISMISS. (PATRICIA FRENCH, AFSCME LOCAL 3022)**

Mr. Stoker stated that the Union submitted a Motion to Withdrawal this matter on May 8, 2017.

Mr. Harrigan moved to recess the meeting until 11:30 a.m.as discussed at the September 6, 2019 meeting because he was called into court. Mr. Montoya seconded. Voted and passed 3-0.

Mr. Harrigan moved the meeting to return to open session. Mr. Montoya seconded. Voted and passed 3-0.

- **LB 18-27, CITY'S MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO CITY'S MOTION FOR SUMMARY JUDGMENT. (JAMES MONTALBANO, YOUTZ & VALDEZ)**

Ms. Kountz appeared on behalf of the City and presented the City's Motion for Summary Judgment. Attorney James Montalbano appeared on behalf of AFSCME and with him appeared Patty French. Mr. Montalbano presented the Response to City's Motion for Summary Judgment and stated that there are several facts to be disputed and request to deny City's Motion for Summary Judgment and schedule a merits hearing.

Mr. Harrigan 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. 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. Harrigan 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 the LB 18-27 and no other matters were discussed.

Chairman Baca moved to deny the City's Motion for Summary Judgment. Mr. Montoya seconded. Voted and passed 3-0.

IX. MERITS HEARING:

- **LB 19-08, PROHIBITED PRACTICE COMPLAINT FILED BY AFSCME LOCAL 2962 ON BEHALF CLERICAL AND TECHNICAL EMPLOYEES AGAINST THE CITY OF ALBUQUERQUE POLICE DEPARTMENT FOR VIOLATIONS OF THE LMRO AND CBA. (MICHAEL DORIN, AFSCME 2962)**

The parties submitted an Order of Dismissal and it was approved and signed by the Board on September 6, 2019.

X. ADJOURNMENT.

Mr. Montoya moved to adjourn. Mr. Harrigan seconded. Voted and passed 3-0.

APPROVED:

TED BACA, CHAIR
City Labor Management Relations Board

DATE

cc: Tim Keller, Mayor Katy Duhigg, City Clerk