

CITY OF ALBUQUERQUE



CITY LABOR - MANAGEMENT RELATIONS BOARD

BARBARA G. STEPHENSON
GEORGE BACH
JUSTIN LESKY

TUESDAY, APRIL 19, 2011

8:00 A.M. TO 12:00 P.M.

GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735, HEARING ROOM 1

AGENDA

- I. CALL TO ORDER
- II. REVIEW AND APPROVAL OF AGENDA FOR TUESDAY, APRIL 19, 2011
- III. INTRODUCTION AND APPOINTMENT OF BOARD MEMBERS
- IV. RESOLUTIONS AND RULES
- V. NEW BUSINESS
 - LB-09-42, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF ANDREW JAMES BACA-SOLID WASTE (JERRY SANCHEZ, LOCAL 624)
 - LB-09-43, PROHIBITED PRACTICES COMPLAINT ON BEHALFOF MOTOR COACH OPERATORS AND PAUL FROONJAN (STEVE GRIEGO, LOCAL 624)
 - LB-09-44, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF ELISABETH RAMIREZ (STEVE GRIEGO, LOCAL 624)
 - LB-09-45, PRHOBITED PRACTICES COMPLAINT ON BEHALF OF CELINA SEDILLO (STEVE GRIEGO, LOCAL 624)
 - LB-09-46, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF JOHNNY AGUILAR (STEVE GRIEGO, LOCAL 624)
 - LB-10-01, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF DANIEL ARMIJO (STEVE GRIEGO, LOCAL 624)
 - LB-10-02, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF CHRISTOPHER COMPTON, GREG ENDZEL, KELLY ENYART, RICHARD EVANS, ART GAMBOA, BRETT LAMPIRIS-TREMB, DAVID PARSONS, AND STEVE POWERS V. THE CITY OF ALBUQUERQUE AND THE CITY OF ALBUQUERQUE POLICE DEPARTMENT (MARCUS E. GARCIA, ESQ.)
 - LB-10-03, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF JULIE MARTINEZ (ROCKY GUTIERREZ, LOCAL 2962)

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- LB-10-04, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (FRED M. MOWRER, ESQ., IAFF 244)
- LB-10-05, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION (FREDERICK M. MOWRER, ESQ., APOA)
- LB-10-06, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF THE TRANSIT EMPLOYEES OF THE CITY OF ALBUQUERQUE WITHIN THE TRANSIT DEPARTMENT (STEVE GRIEGO, LOCAL 624)
- LB-10-07, COMPLAINT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS ON BEHALF OF THE CITY OF ALBUQUERQUE FIRE DEPARTMENT, WILLIAM REED (FRED M. MOWRER, ESQ., IAFF 244)
- LB-10-08, PROHIBITED PRACTICES COMPLAINT VIOLATION TO INCLUDE BUT NOT LIMITED TO CONSTRUCTIVE DISCHARGE AND FOR NO JUST CAUSE ON BEHALF OF STEPHANIE MONTOYA (DEB RAINALDI, LOCAL 2962)
- LB-10-09, COMPLAINT FOR VIOLATION OF CONTRATUAL OBLIGATIONS ON BEHALF OF DAVID SAAVEDRA (FRED M. MOWERER, ESQ., IAFF 244)
- LB-10-10, COMPLAINT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS ON BEHALF OF MARTIN SALAZAR (FRED M. MOWRER, ESQ., IAFF 244)
- LB-10-11, COMPLAITN FOR VIOLATION OF CONTRACUAL OBLIGATIONS ON BEHALF OF DAVID SAAVEDRA (FRED M. MOWRER, ESQ., IAFF 244)
- LB-10-12, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF ANITA TAVASCI (DEB RAINALDI, LOCAL 2962)
- LB-10-13, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF GINO SEDILLO AND AFSCME LOCAL 624 (LAWRENCE MORA, LOCAL 624)
- LB-10-14, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF EDWARD JARAMILLO (RICK WALKER/ROCKY GUTIERREZ, LOCAL 1888)
- LB-10-15, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF ANTOINETTE CANDELARIA (ROCKY GUTIERREZ, LOCAL 2962)
- LB-10-16, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF THE ALBUQUERQUE POLICE OFFICERS' ASSOCIATION (FRED M. MOWRER, ESQ., APOA)
- LB-10-17, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF BECK WEGNER (STEVE GRIEGO, LOCAL 624)
- LB-10-18, STEPH II GRIEVANCE ON BEHAL OF ANTIONETTE CANDELARIA (ROCKY GUTIERREZ, LOCAL 2962)

- LB-10-19, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF SOLID WASTE EMPLOYEES AND AFSCME LOCAL 624 (LAWRENCE MORA, LOCAL 624)
 - LB-10-20, COMPLAINT OF PROHIBITED PRACTICES AND BREACH OF CONTRACT ON BEHALF OF JOHN BAZAN, CURTIS CHAVEZ, RAY DIMAS, LEROY GARCIA, DAVID HERRERA, ERNIE LUCERO, JAMES MARTINEZ, ALEX MONTOYA, CHUCK OSMAN AND THE NEW MEXICO TRANSPORTATION UNION (PAUL LIVINGSTON, ESQ.)
 - LB-10-21, PROHIBITED PRACTICES COMPLAINT VIOLATION REFERING TO SECTION 3-2-9 (A) (1) (2) (4), SECTION 3-2-2 (B) AND SECTION 3-2-7 (ANDREW PADILLA, LOCAL 3022)
 - LB-10-22, PROHIBITED PRACTICES GRIEVANCE OF SWMD SUPERVISORS (PAUL LIVINGSTON, ESQ.)
 - LB-10-23, PROHIBITED PRACTICE GRIEVANCE REGARDING LIGHT DUTY, THE CITY EMPLOYEES ASSISTANCE PROGRAM, EMPLOYEES PLACED ON PLACED ON ADMINISTRATIVE LEAVE, COLLECTION OF BENEFITS FROM EMPLOYEES PLACED ON ADMINISTRATIVE LEAVE (FRED M. MOWRER, ESQ.)
 - LB-11-01, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE BLUE COLLAR EMPLOYEES OF THE CITY OF ALBUQUERQUE (COA) WITHIN ALL CITY DEPARTMENTS, MECHANIC III JOB SPECIFICATION (STEVE GRIEGO, LOCAL 624)
 - LB-11-02, PROHIBITED PRACTICE COMPLAINT ON BEHALF OF THE BLUE COLLAR EMPLOYEES OF THE CITY OF ALBUQUERQUE (COA) WITHIN ALL CITY DEPARTMENTS, ELECTRICIAN II JOB DISCRPTION (STEVE GRIEGO, LOCAL 624)
- VI. RESCHEDULING OF PREVIOUS CASES
- LB-03-31, NMTU VIOLATION OF THE COLLECTIVE BARGINING AGREEMENT (PAUL LIVINGSTON, ESQ.)
 - LB-07-35, PROHIBITED PRACTICES COMPLAINT VIOLATIONS INCLUDED BUT ARE NOT LIMITED TO: LABOR-MANAGEMENT RELATIONS ORDINANCE SECTION 3-2-9 (A) 6, 2 (C), 29, 35 AND 37 OF CBA BETWEEN THE CITY OF ALBUQUERQUE AND AFSCME LOCAL 3022, ALBUQUERQUE M-SERIES EMPLOYEES (LOCAL 2962)
 - LB-08-17, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 § 3-2-9 ON BEHALF OF RON AND JOANN OTERO (LOCAL 18)

- LB-08-25, THE CITY VIOLATED ORDINANCE 3-2-9; CITY EMPLOYEES HAVE THE RIGHT TO FORM, JOIN AND OTHERWISE PARTICIPATE IN THE ACTIVITIES OF AN EMPLOYEE ORGANIZATION OF THEIR OWN CHOOSING.' (LMRO 3-2-4) THE CITY'S ACTIONS HAVE INTERFERED WITH THE EMPLOYEES RIGHT TO MAKE THAT CHOICE AND ALSO CONTINUES A SEPARATE VIOLATION OF INTERFERING WITH, RESTRAINING OR COERCING CITY EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS." (LMRO 3-2-9) FURTHER, THE CITY IS PROHIBITED FROM INTERFERING WITH THE FORMATION OF A UNION, IT IS ALSO PROHIBITED FROM INTERFERING WITH EMPLOYEES' SELECTION OF AN AGENT, AND ALSO FROM DISCRIMINATING AGAINST EMPLOYEES FOR THE PURPOSE OF ENCOURAGING OR DISCOURAGING MEMBERSHIP IN ANY EMPLOYEE ORGANIZATION (LMRO 3-2-9) (SHAYNE YOUTZ)
- LB-08-35, STEP 3 GRIEVANCE PROCEDURES IN ACCORDANCE WITH THE CBA BETWEEN THE CITY OF ALBUQUERQUE AND LOCAL 1888, ARTICLES 25.25, 25.2.6 AND 25.2.7 (LOCAL 1888)
- LB-08-36, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 § 3-2-9 ON BEHALF OF DORTHEA MONTANO (LOCAL 624)
- LB-08-37, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 § 3-2-9 ON BEHALF OF JUDY GARCIA (LOCAL 1888)
- LB-08-38, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 § 3-2-9 ON BEHALF OF RON AND JOANN OTERO (LOCAL 624)
- LB-08-46, PROHIBITED PRACTICES COMPLAINT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS (FRED M. MOWRER, ESQ.)
- LB-09-03, PROHIBITED PRACTICES COMPLAINT SECTION 3-2-9 (6) ARTICLE 2 OF THE LMRO, AFSCME LOCAL 624, CITY OF ALBUQUERQUE TRANSIT EMPLOYEE KATHRYN CERAMI (LOCAL 624)
- LB-09-06, PROHIBITED PRACTICES § 3-2-9 (6), ARTICLE 2 OF THE LMRO ON BEHALF OF THE CITY OF ALBUQUERQUE PARKS & RECREATION, OPEN SPACE EMPLOYEES (LOCAL 624)
- LB-09-08, LB-09-11, LB-08-42, LB-08-43 **CONSOLIDATED CASES: LB-09-08**, PROHIBITED PRACTICES §3-2-9 (A), 1, 3, 5 AND 6 OF THE LABOR MANAGEMENT ORDINANCE AND 0.1, 0.3 AND 23.1.1 AND 23.1.2 OF THE CLERICAL AND TECHNICAL CONTRACT PERSONNEL RULES AND REGULATIONS 301 CODE OF CONDUCT, 301.2, 301.3, 301.5, 301.8 AND 301.9 (AFSCME 2962) **LB-09-11** STEP 3 GRIEVANCE, CONTRACT VIOLATIONS, PREAMBLE 0.1, SCOPE OF AGREEMENT 0.3, CONDITIONS OF EMPLOYMENT, 23.1 WORKPLACE CONDUCT CODE OF CONDUCT, PERSONNEL RULES AND REGULATIONS CODE OF CONDUCT 301, 301.2, 301.17 (PAUL WILLEMS) (AFSCME LOCAL 2962) **LB-08-42**, PROHIBITED PRACTICES SECTION 3-2-9 (A) 1, 3, 5, AND 6 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE AND 0.1, 0.3 AND 23.1.1 AND 23.1.2 OF THE CLERICAL AND TECHNICAL CONTRACT (AFSCME LOCAL 2962) **LB-08-33**, STEP 1

GRIEVANCE-BRENDA MOLINA, *LB-08-32*, STEP 3 GRIEVANCE-RITA BIBIANO
(LOCAL 2962)

- LB-09-09, PROHIBITED PRACTICES § 3-2-9 ARTICLE 2 OF THE LABOR MANAGEMENT ORDINANCE ON BEHALF OF PAUL FROONJIAN (LOCAL 624)
- LB-09-10, PROHIBITED PRACTICE § 3-2-9 (A) NUMBERS (6) VIOLATING A CONTRACT IN FORCE., WORKING OUT OF CLASS IN A VIOLATION OF THE CBA SECTIONS 13.1 RELATING TO MICHAEL CARROLL (LOCAL 3022)
- LB-09-12, PROHIBITED PRACTICE LABOR ORDINANCE SECTION 3-2-9 (A) NUMBERS (6) VIOLATING A CONTRACT IN FORCE., WORKING OUT OF CLASS IS A VIOLATION OF THE CBA SECTIONS 0.1 PREAMBLE, 0.3 AGREEMENT CONTROL-MERIT SYSTEM ORDINANCE, 0.4 RECOGNITION AND 20 PROMOTIONAL PROCEDURES POLICIES, 40.1 NON-DISCRIMINATION (LOCAL 3022)
- LB-09-13, MERIT SYSTEM ORDINANCE 3-2-9 PROHIBITED PRACTICES SECTION (A) FIRST, SUBSECTION 6, VIOLATING A WRITTEN AGREEMENT IN FORCE WHICH WAS NEGOTIATED UNDER THE PROVISIONS OF THIS ARTICLE WITH SECOND SUBSECTION 5, DISCHARGING OR DISCRIMINATING AGAINST A CITY EMPLOYEE BECAUSE HE/SHE HAS FILED CHARGES OR GIVEN TESTIMONY UNDER THE PROVISIONS OF THIS ARTICLE (ROCKY GUTIERREZ)
- LB-09-15, , PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR-MANAGEMENT RELATIONS ORDINANCE § 3-2-9 ON BEHALF OF ANTOINETTE CANDELARIA (ROCKY GUTIERREZ)
- LB-09-16, STEP 3 GRIEVANCE FOR ANDRES SANDOVAL, BETTY SANCHEZ-NEWLAND, MICHELLE RODARTE-PAYNE & JAMES MARQUEZ, CITY CONTRACT VIOLATION 12.3, 13 AND 23 (LOCAL 2962)
- LB-09-17, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF MIKE CHAVEZ, AN EMPLOYEE OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (LOCAL 624)
- LB-09-18, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) §3-2-9 ON BEHALF OF DAVID ORTIZ, AN EMPLOYEE OF THE CITY OF ALBUQUERQUE PARKS DEPARTMENT (LOCAL 624)
- LB-09-19, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF MARGARET SCHILLER, AN EMPLOYEE OF THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (LOCAL 624)
- LB-09-20, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF LOCAL 624 OFFICERS AND TRANSIT EMPLOYEES (LOCAL 624)

- LB-09-22, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF VICTORIA DURAN (LOCAL 624)
- LB-09-23, PROHIBITED PRACTICES COMPLAINT, ARTICLE 2 OF THE LABOR MANAGEMENT ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF NORMA J. GARZA (LOCAL 624)
- LB-09-24, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) §3-2-9 ON BEHALF OF ARIO LUJAN (LOCAL 624)
- LB-09-25, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF ANTHONY VALERIO (LOCAL 624)
- LB-09-26, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) ROA 1994. THE ALLEGATIONS CONTAINED IN THIS COMPLAINT ARE AGAINST AFSCME LOCAL 624 AND IT'S PRESIDENT STEVE GRIEGO (TRANSIT)
- LB-09-27, STEP 3 GRIEVANCE FOR ANNTINETTE APODACA, PROGRAM ASSISTANT, MMMC, 0.1 PREAMBLE, 19 POSITION DESCRIPTIONS & SPECIFICATIONS 23.1 WORKPLACE CONDUCT, PERSONNEL RULES AND REGULATIONS 301.2 PROFESSIONAL EXCELLENCE, 301.3 STANDARDS OF CONDUCT, 301.5 VIOLENCE IN THE WORKPLACE (LOCAL 2962)
- LB-09-28, PROHIBITED PRACTICES COMPLAINT ARTICLE 2 OF THE LABOR MANAGEMENT RELATIONS ORDINANCE (LMRO) § 3-2-9 ON BEHALF OF STEVEN G. GRIEGO (LOCAL 2962)
- LB-09-29, STEP 3 GRIEVANCE RE: RICK WALKER (ROCKY GUTIERREZ)
- LB-09-30, COMPLAINT FOR VIOLATION OF CONTRACTUAL OBLIGATIONS APOA VS. CITY OF ALBUQUERQUE (FRED M. MOWRER)
- LB-09-31, MS. DARLA MCCANN-STEP III GRIEVANCE-UPGRADE (ROCKY GUTIERREZ)
- LB-09-32, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF IPF EMPLOYEES FOR THE CITY OF ALBUQUERQUE (COA) AND THE SOLID WASTE DEPARTMENT (LOCAL 624)
- LB-09-33, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF GARRY SANCHEZ, MOTOR COACH OPERATOR FOR THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (LOCAL 624)
- LB-09-34, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF VICTORIA DURAN, MOTOR COACH OPERATOR FOR THE CITY OF ALBUQUERQUE

TRANSIT DEPARTMENT (LOCAL 624)

- LB-09-35, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF JULIA MOYA, EMPLOYEE FOR THE CITY OF ALBUQUERQUE ABQ RIDE TRANSIT DEPARTMENT (LOCAL 2962)
- LB-09-36, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF RANDY SNYDER, EMPLOYEE FOR THE CITY OF ALBUQUERQUE SOLID WASTE MANAGEMENT DEPARTMENT (LOCAL 624)
- LB-09-37, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF CATHERINE JARAMILLO, MOTOR COACH OPERATOR FOR THE CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (LOCAL 624)
- LB-09-38, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF TRANSIT DRIVERS EMPLOYEES (LOCAL 624)
- LB-09-39, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF THERESA HERNANDEZ (LOCAL 624)
- LB-09-40, PROHIBITED PRACTICES COMPLAINT ON BEHALF OF RICK WALKER, ET AL. (LOCAL 18)

VII. PUBLIC COMMENT

VIII. OTHER MATTERS

IX. ADJOURNMENT

Notice is hereby given that the City Labor-Management Relations Board has scheduled a meeting for Tuesday, April 19, 2011 at 8:00 a.m. to 12:00 p.m. in the Galleria, North Tower, 7th Floor, Suite 735, Hearing Room 1, 200 3rd St., NW, Albuquerque, NM 87102.

Except for any portion of the meeting that may be closed by the City Labor-Management Relations Board pursuant to the provision of the New Mexico Open Meetings Act, the meeting will be open to the public.

Any disabled member of the public who wishes to attend the meeting and needs accommodations to attend or participate (such as sign language, interpretation, an amplifier, a reader or other form of accommodations), may contact Vanessa F. Zamora at 768-4503 at least 5 days prior to the meeting. Also, disabled persons who need public documents such as meeting agendas, etc., in accessible format, may contact Vanessa F. Zamora.

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DATE POSTED: MARCH 23, 2011