

## CITY PERSONNEL BOARD

Wednesday, September 8, 2010  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall     Julian Sanchez  
Linda Myers

### OTHERS PRESENT:

Bobby Griego     Shelley Mund  
Suprice Sanchez     Doris Duhigg

## Minutes

- I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, SEPTEMBER 8, 2010**  
Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, September 8, 2010. Motion was seconded by Julian Sanchez. Motion passed 3-0
- II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR AUGUST 11, 2010**  
Motion was made by Julian Sanchez to approve the Personnel Board Minutes for August 11, 2010. Motion was seconded by Linda Myers. Motion passed 3-0
- III. PB 10-07, DEIANNA ROJAS (FINANCE AND ADMINISTRATIVE SERVICES) - TERMINATION**  
The Board heard from Shelley Mund, Assistant City Attorney. Deianna Rojas was not present. Ms. Mund requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.  
  
Motion was made by Julian Sanchez to uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Motion was seconded by Linda Myers. Motion passed 3-0
- IV. PUBLIC COMMENT**  
No public Comment.
- V. OTHER MATTERS**  
No other matters.
- VI. ADJOURNMENT**  
With no other matters before the Board, member of the Board moved to adjourn. Motion was seconded. Motion passed 3-0. The Board adjourned at 2:45 p.m.

PO Box 1293

Albuquerque

NM 87103

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APPROVED:

*Ry-Randall*

*1/12/2011*

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RYAN RANDALL, CHAIR  
City Personnel Board

DATE

cc: *Richard Berry, Mayor*  
*Amy Bailey, City Clerk*



## CITY PERSONNEL BOARD

Wednesday, August 11, 2010

GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall      Kim Kloeppe  
Linda Myers      Julian Sanchez  
Marybeth Vigil

### OTHERS PRESENT:

Ismael Montenez      Craig Sadberry  
Gene Moser      Rocky Gutierrez  
Doris Duhigg      Shelley Mund  
Mary Scott      Suprice Sanchez

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, AUGUST 11, 2010**

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, August 11, 2010. Motion was seconded by Julian Sanchez. Motion passed 4-0

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JULY 14, 2010**

Motion was made by Linda Myers to approve the Personnel Board Minutes for July 14, 2010. Motion was seconded by Ryan Randall. Motion passed 4-0

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### **III. PB 10-01, RITO FLORES (ANIMAL WELFARE) - 10 DAY SUSPENSION**

The Board heard from Shelley Mund, Attorney for the City and Rocky Gutierrez, AFSCME Representative for Mr. Flores. There was a discussion between the parties and Board Members. Ms. Mund agreed with the recommendation and requested the Board uphold the Hearing Officer's recommendation. Mr. Gutierrez did not agree with the Hearing Officer's recommendation and requested Mr. Flores should receive a lesser suspension. Motion was made to vote on the matter.

NM 87103

Motion was made by Marybeth Vigil to uphold the recommendation made by Zane Reeves, Hearing Officer; grievance to be dismissed as lacking merit. Suspension to be upheld. Motion was seconded by Julian Sanchez. Motion passed 5-0

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### **IV. PB 10-04, PATRICK MCCLAIN (SOLID WASTE)- TERMINATION**

The Board heard from Shelley Mund, Attorney for the City and Rocky Gutierrez, AFSCME Representative for Mr. McClain. There was a discussion between the parties and Board Members. Ms. Mund did not agree with the recommendation and requested the Board not uphold the Hearing Officer's recommendation. Mr. Gutierrez did agree with the Hearing Officer's recommendation. Motion was made to vote on the matter.

Motion was made to by Linda Myers to uphold the recommendation made by the Hearing Officer; the City did not meet its burden of proof. Termination to be reversed and the matter be remanded back to the Solid Waste Department to assess the appropriate level of disciplinary action to be taken under the substance abuse policy in effect prior to the City's implementation of the zero tolerance policy. Motion was seconded by Kim Kloeppe. Motion passed 5-0

V. **PUBLIC COMMENT**

Rocky Gutierrez, AFSCME Representative asked the Board, if the Board would like to receive the closing briefs from the Personnel Board hearings. Ryan Randall, Chairman explained it is not necessary. The Board will receive exceptions and can review any part the personnel hearing records. Doris Duhigg, Legal Council to the Board, refers to Article 3, Section 8 of the Personnel Board Rules, explaining the Board can review any part the hearing records.

VI. **OTHER MATTERS**

Ryan Randall, Chairman questioned Gene Moser, Human Recourses Director (member of the audience) about the status of the Substance Abuse Policy. Mr. Moser informed the Board they just finished contract negotiations, budget cuts and will be looking into the Substance Abuse Policy. Mr. Moser also informed the Board the HR Department is finishing up revising the Personnel Rules and Regulation.

VII. **ADJOURNMENT**

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Julian Sanchez. Motion passed 5-0. The Board adjourned at 3:47 p.m.

**APPROVED:**

  
\_\_\_\_\_  
RYAN RANDALL, CHAIR  
City Personnel Board

  
\_\_\_\_\_  
DATE

cc: *Richard Berry, Mayor*  
*Amy Bailey, City Clerk*



## CITY PERSONNEL BOARD

Wednesday, July 14, 2010

GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall     Kim Kloeppe  
Linda Myers     Julian Sanchez  
Marybeth Vigil

OTHERS PRESENT:

Ismael Montenez     Craig Sadberry  
Paula Forney     Rocky Gutierrez  
Doris Duhigg     Shelley Mund  
David Odegard     Suprice Sanchez

### Minutes

**I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 14, 2010**

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, July 14, 2010. Motion was seconded by Linda Myers. Motion passed 4-0

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JUNE 9, 2010**

Motion was made by Linda Myers to approve the Personnel Board Minutes for June 9, 2010. Motion was seconded by Marybeth Vigil. Motion passed 4-0

**III. PB 09-38, PETER HESS (FIRE) - TERMINATION**

The Board heard from Shelley Mund, Assistant City Attorney. Brian Hess, Mr. Hess's Attorney was not present. Mr. Hess did email a Motion to continue the matter for next month. Ms. Mund requested the matter no longer be delayed and the Board uphold the Hearing Officer's recommendation. Motion was made by Ryan Randall to deny the motion to continue. Motion was seconded Kim Kloeppe. Motion passed 4-0. Marybeth Vigil recused herself from the Hess matter. Motion was made to vote on the matter.

Motion was made by Kim Kloeppe to uphold the recommendation made by Judith Durzo, Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Motion was seconded by Linda Myers. Motion passed 4-0

**IV. PB 09-05, JERRY RODRIGUEZ (TRANSIT)- TERMINATION**

The Board heard from Paula Forney, Attorney for the City and Rocky Gutierrez, AFSCME Representative for Mr. Rodriguez. There was a discussion between the parties and Board Members. Ms. Forney agreed with the recommendation and requested the Board uphold the Hearing Officer's recommendation. Mr. Gutierrez did not agree with the Hearing Officer's recommendation and requested Mr. Rodriguez be able to resign instead of being terminated. Motion was made to vote on the matter.

Motion was made by Ryan Randall to uphold the recommendation made by Rita Seigel, Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Motion was seconded by Marybeth Vigil. Motion passed 5-0

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V. **ADOPT THE RULES OF PROCEDURE**

Motion was made by Julian Sanchez to adopt the Rules of Procedure. Motion was seconded by Marybeth Vigil. Motion passed 5-0

VI. **SELECTION OF VICE CHAIR FOR THE PERSONNEL BOARD**

Linda Myers, Senior Board Member was nominated by Ryan Randall to be Vice Chairman of the Personnel Board. Motion was also made by Ryan Randall to elect Linda Myers for Vice Chairman. Motion was seconded by Kim Kloeppel. Motion passed 5-0

VII. **PUBLIC COMMENT**

No public comments.


VIII. **OTHER MATTERS**

Suprice Sanchez, Hearing Monitor and Clerk to the Personnel Board informed the Board that Kim Kloeppel's term as a board member will be expiring September, 2010. A replacement has been selected by the City employees by a City election. Her name is Sarah Beasley and she will join the Board in November, 2010.

IX. **ADJOURNMENT**

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Kim Kloeppel. Motion passed 5-0. The Board adjourned at 3:13 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**RYAN RANDALL, CHAIR**  
City Personnel Board



\_\_\_\_\_  
**DATE**

cc: *Richard Berry, Mayor*  
*Amy Bailey, City Clerk*



## CITY PERSONNEL BOARD

Wednesday, June 9, 2010  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall  
Linda Myers  
Marybeth Vigil

### OTHERS PRESENT:

Mary Scott  
Paula Forney  
Doris Duhigg  
Paul Livingston  
Lorie Berman  
Andrew Garcia  
Rocky Gutierrez  
Shelley Mund  
Sara Navarette  
David Odegard  
Suprice Sanchez

## Minutes

**I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 9, 2010**

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, June 9, 2010. Motion was seconded Marybeth Vigil. Motion passed 3-0

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**II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR MAY 12, 2010**

Motion was made by Linda Myers approve the Personnel Board Minutes for May 12, 2010. Motion was seconded by Marybeth Vigil. Motion passed 3-0

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**III. PB-09-06, EDWARD PADILLA (MUNICIPAL DEVELOPMENT) -TERMINATION**

The Board heard from Shelley Mund, Assistant City Attorney. Gilbert Vigil, Mr. Padilla's Attorney was not present. Ms. Mund requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

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Motion was made by Linda Myers to uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Motion was seconded by Marybeth Vigil. Motion passed 3-0

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**IV. PB 09-32, VIDAL GARZA (TRANSIT) - TERMINATION**

The Board heard from Paula Forney, Attorney for the City and Rocky Gutierrez, AFSCME Representative for Mr. Garza. There was discussion between the parties and Board Members. Ms. Forney did not agree with the recommendation and requested the Board not uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

Motion was made by Marybeth Vigil to uphold the recommendation made by the Hearing Officer; the City did not meet its burden of proof. Termination to be reversed. Motion was seconded by Linda Myers. Motion passed 3-0.

**V. PB 09-38, PETER HESS (FIRE) - TERMINATION**

The Board heard from Shelley Mund, Assistant City Attorney. Brian Hess, Mr. Hess's Attorney was not present. Ms. Mund requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

Marybeth Vigil, Board Member recused herself and was unable to vote on the matter. The Matter will be move to next month's agenda when all Board Members will be present to complete a quorum.

**VI. PAUL LIVINGSTON - TERMINATION OF 311 OPERATOR**

The Board heard from Shelley Mund, Assistant City Attorney and Paul Livingston, Attorney. There was discussion between the parties and Board Members. Mr. Livingston informed the Board of a 311 operator that was terminated; he attempted to appeal the matter and never received a response from the CAO. Mr. Livingston requested to appeal the matter through the Personnel Board. Ms. Mund informed the Board that the 311 operator was an unclassified at-will employee per the City Ordinance. Motion was made to vote on the matter.

Motion was made by Ryan Randall to deny Mr. Livingston request. Motion was seconded by Linda Myers. Motion passed 3-0.

**VII. PUBLIC COMMENT**

No public comments.

**VIII. OTHER MATTERS**


Doris Duhigg, Assistant City Attorney informed the Chairman Ryan Randall the Rules of Procedure have been completed. This Matter will be put on next month's agenda.

Chairman Ryan Randall informed the Board on next month's agenda the Board will vote on Vice Chair for the Personnel Board.

**IX. ADJOURNMENT**

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Linda. Motion passed 3-0. The Board adjourned at 3:20 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**RYAN RANDALL, CHAIR**  
City Personnel Board

  
\_\_\_\_\_  
**DATE**

cc: *Richard Berry, Mayor*  
*Amy Bailey, City Clerk*





## CITY PERSONNEL BOARD

Wednesday, May 12, 2010  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall     Julian Sanchez  
Kim Kloeppe     Linda Myers  
Marybeth Vigil

### OTHERS PRESENT:

Mary Scott     Selinda Guerrero  
Paula Forney     Rocky Gutierrez  
Doris Duligg     Shelley Mund  
Paul Livingston     Roberto Albertorio  
Suprice Sanchez

## Minutes

**I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MAY 12, 2010**

Motion was made to approve the Personnel Board Agenda for Wednesday, May 12, 2010. Motion was seconded. Motion passed 5-0

**II. REVIEW AND APPROVAL OF AMENDED PERSONNEL BOARD MINUTES FOR ~~FEBRUARY~~ MARCH 10, 2010**

Motion was made to approve the Personnel Board Minutes for February 10, 2010. Motion was seconded. Motion passed 5-0

**III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR APRIL 14, 2010**

Motion was made to approve the Personnel Board Minutes for April 14, 2010. Motion was seconded. Motion passed 5-0

**IV. PB 09-11, NICK RAMIREZ (TRANSIT) - TERMINATION**

The Board heard from Paula Forney, attorney for the City. Raul Lopez Mr. Ramirez's attorney was not present. Prior to the meeting Ms. Forney submitted objections regarding the Hearing Officer's recommendation. There was discussion between Ms. Forney and the Board Members about the objections. Ms. Forney informed the Board Mr. Ramirez should no longer be in a driving position for the City and requested the Board reverse the Hearing Officer's recommendation. Motion was made to vote on the matter.

The Board made the decision to uphold the recommendation made by the Hearing Officer; with the modification to the recommendation. The Board added " to an appropriately classified non-driving position" to the recommendation. The City did not meet its burden of proof. Mr. Ramirez to be reinstated. Motion was seconded. Motion passed 5-0

**V. PB 09-19, RAUL GARCIA (FAMILY AND COMMUNITY SERVICES- ORDER- REVERSING THE RECOMMENDATION OF THE HEARING OFFICER**

The Board heard from Paul Livingston, attorney for Raul Garcia. Mr. Livingston objected to the form of the Order because it was drafted by Paul Forney, with the direction from the Board.

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Albuquerque

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## CITY PERSONNEL BOARD

Wednesday, April 14, 2010

GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall     Julian Sanchez  
Kim Kloepfel     Linda Myers  
Marybeth Vigil

### OTHERS PRESENT:

Mary Scott     Craig Sadberry  
Paula Forney     Rocky Gutierrez  
Doris Duligg     Shelley Mund  
Paul Livingston     Bob Curtis  
Anita Triviso     Lawrence Baca  
Brian Thomas     Suprice Sanchez

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 14, 2010**

Motion was made to approve the Personnel Board Agenda for Wednesday, April 14, 2010. Motion was seconded. Motion passed 5-0

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR FEBRUARY 10, 2010**

Motion was made to amend the Personnel Board Minutes for February 10, 2010. Correction is to be made to item number five, reflecting Mr. Livingston opposed the Hearing Officer's recommendation. Motion was seconded. Motion passed 5-0

### **III. PB 09-08, LAWRENCE BACA (FIRE) - TERMINATION**

The Board heard from Shelley Mund, Assistant City Attorney and Brian Thomas, Mr. Baca's Attorney. There was discussion between the parties and Board Members. Ms. Mund requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

The Board made the decision to uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Motion was seconded. Motion passed 5-0

### **IV. PB 09-19, RAUL GARCIA (HOUSING) - TERMINATION**

The Board heard from Paula Forney, Assistant City Attorney and Paul Livingston, Mr. Garcia's Attorney. There was discussion between the parties and Board Members. Ms. Forney submitted objections to the Hearing Officer's recommendation. Mr. Livingston agreed with the recommendation. Motion was made to vote on the matter.

The Board made the decision to not uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Ms. Forney is to draft an order reflecting the Board's decision. Motion was seconded. Motion passed 5-0

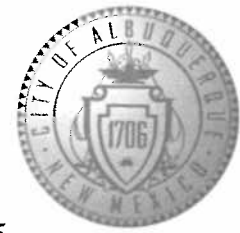
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**CITY PERSONNEL BOARD**  
**Wednesday, February 10, 2010**  
**GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735**  
**HEARING ROOM 1**

MEMBERS PRESENT:

Ryan Randall     Julian Sanchez  
Kim Kloepfel

OTHERS PRESENT:

Mary Scott                     Carmen Ortiz  
Paula Forney                 Rocky Gutierrez  
Doris Duhigg                 Shelley Mund  
Paul Livingston               Selinda Guerrero  
Rita Siegel                     David Palmer  
   Suprice Sanchez

## *Amended Minutes*

**I.     REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY 10, 2010**

Motion was made to approve the Personnel Board Agenda for Wednesday, February 10, 2010. Board members, Marybeth Vigil and Linda Myers were not present for this months meeting. Motion was seconded. Motion passed 3-0

PO Box 1293

**II.    REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR DECEMBER 9, 2009**

Motion was made to approve the Personnel Board Minutes for December 9, 2009. Motion was seconded. Motion passed 3-0

Albuquerque

**III.   PB 09-31, VIDAL GARZA (TRANSIT) - FIFTEEN (15) DAY SUSPENSION**

The Board heard from David Palmer, Representative for the City and Rocky Gutierrez, AFSCME Union Representative for Mr. Garza. Mr. Palmer requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

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The Board made the decision to uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Suspension to be upheld. Motion was seconded. Motion passed 3-0

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**IV.    PB 08-15, PB 08-16, PB 08-26, PB 08-27, PB 09-13, PB 09-14, PB 09-15, PB 09-16  
KATHERINE CERAMI (TRANSIT) - DISMISSAL ORDER**

The Board signed and accepted the stipulated Order from Paula Forney and Rocky Gutierrez, to settle all Katherine Cerami's matters that were before the Personnel Board.

**V.     PB 09-20, ANSELMO SMITH (TRANSIT)- TERMINATION**

The Board heard from Paula Forney, Attorney for the City and Paul Livingston, Attorney for Mr. Smith. Mr. Livingston opposed the Hearing Officer's recommendation and requested no discipline imposed. Motion was made to vote on the matter.

The Board made the decision to uphold the recommendation made by the Hearing Officer; the City did not meet its burden of proof. Termination to be reversed and the matter be remanded back to the Transit department to assess the appropriate level of disciplinary action to be taken under the substance abuse policy in effect prior to the

City's implementation of the zero tolerance policy. Motion was seconded. Motion passed 3-0

**VI. OPEN MEETINGS ACT RESOLUTION**

The Board reviewed and signed an updated Open Meetings Act Policy for 2010. The policy will be filed with the City Clerk's Office.

**VII. PUBLIC COMMENT**

Paul Livingston informs the Board of media attention regarding Paul Salazar. Mr. Salazar has not been reinstated to former position that was decided by the Personnel Board and District Court.

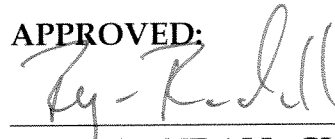
**VIII. OTHER MATTERS**

Rocky Gutierrez, ASCME Union Representative, informs the Board that the AFSCME Union wants to work with the City on the drug policy.

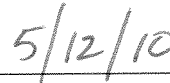
**IX. ADJOURNMENT**

With no other matters before the Board, member of the Board moved to adjourn. Motion was seconded. Motion passed 3-0. The Board adjourned at 3:32 p.m.

**APPROVED:**



\_\_\_\_\_  
**RYAN RANDALL, CHAIR**  
City Personnel Board



\_\_\_\_\_  
**DATE**

cc: *Richard Berry, Mayor*  
*Randy M. Autio, Interim City Clerk*