

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

**K. LEE PEIFER, CHAIRMAN
CHRISTOPHER HOLLAND
THOMAS MANNING
MARIE JULIENNE
T. ZANE REEVES**

**WEDNESDAY, JUNE 8, 2016
2:30 P.M.**

600 2ND STREET NW, 7TH FLOOR, ALBUQUERQUE, NM 87102

MEMBERS PRESENT:

*K. Lee Peifer-Chairman
Thomas Manning
Christopher Holland
Marie Julienne
T. Zane Reeves*

OTHERS PRESENT:

*John D'Amato
Nick Bullock
Philomena Hausler
Ian Stoker
Victor Lovato
Melissa Kountz
Kellie Garcia
David Lovato
Fred Mowrer
Adrian Montes*

PO Box 1293

Minutes

- Albuquerque I. **CALL TO ORDER.**
Meeting was called to order at 2:30 p.m., by Chairman K. Lee Peifer. Members Thomas Manning, Marie Julienne, Christopher Holland and T. Zane Reeves were present.
- New Mexico 87163 **REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 8, 2016.**
Chairman Peifer moved to approve the agenda for June 8, 2016. Mr. Reeves, seconded. Agenda approved. Passed 5-0.
- www.cabq.gov III. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 11, 2016.**
Chairman Peifer, moves to approve the minutes for May 11, 2016. Mr. Manning, seconded. Passed 5-0
- IV. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MARCH 9, 2016.**
Chairman Peifer moves to approve the corrected minutes for March 9, 2016.
- V. **PB-15-18 DOMINIQUE PEREZ, TERMINATION-ALBUQUERQUE POLICE DEPARTMENT. RECOMMENDATION OF THE HEARING OFFICER BARBARA ALBIN.**
Melissa Kountz, Assistant City Attorney for the City of Albuquerque. Hearing officer Albin stated that the city didn't move in hast. There was nineteen month's between the act and the

termination. The city waited throughout the entirety of the criminal investigation. Can't stress enough that this was a fully considered decision based on a very thorough evidentiary in the criminal matter. This is a very different case. A couple of things to consider here is the criminal burden of proof is beyond reasonable doubt. In this administrative hearing the city's burden of proof is preponderance of the evidence. City has the Preponderance of evidence at this point and using this as a prima facie case and asking the grievant to come forward with anything to rebut this.

Fredrick Mowrer, Attorney for Grievant Dominique Perez. Mr. Mowrer states that Mr. Perez will have his trial in September and that this is a well-publicized case. Mr. Perez has rights under the contract, personnel rules and also the grievant process. This case has not been proved yet. The argument is that Officer Perez has a right to a meaningful opportunity to respond to such allegations and a right to a full grievance hearing. He began his admin leave in March 2015 and then was terminated in October 2015.

VI. PB-16-08 GREG MONTOYA, FIFTY ONE (51) HOUR SUSPENSION-ALBUQUERQUE TRANSIT DEPARTMENT. ORDER RECOMMENDING DISMISSAL, HEARING OFFICER WILLARD H. DAVIS.

Philomena Hausler, Assistant City Attorney for the City of Albuquerque. Hearing Officer Davis resent his order asking for dismissal and asked the parties to advise him when they could be available for a hearing on jurisdiction only.

Chairman Peifer, let the record reflect that the hearing officer resent his prior order recommending dismissal.

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

PB-15-13 Cedric Greer, Termination- Albuquerque Police Department, Stipulated Order of Dismissal with Prejudice.

Chairman Peifer, moves to approve. Mr. Manning seconded.

Passed 5-0

PB-16-01, Kelly Trujillo, Demotion- Albuquerque Department of Senior Affairs, Stipulated Order of Dismissal.

Chairman Peifer, moves to approve. Mr. Holland seconded.

Passed 5-0

PB-15-22, Steve Hindi-Termination-Albuquerque Police Department, Stipulated Order for Dismissal.

Chairman Peifer, moves to approve. Mr. Manning seconded.

Passed 5-0

VIII. VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) (LIMITED PERSONNEL MATTERS) AND 10-15-1(H)(7) (THREATENED OR PENDING LITIGATION) OF THE NM OPEN MEETINGS ACT.

Chairman Peifer entertains a motion to close the meeting. Mr. Holland seconded

Passed 5-0

Chairman Peifer, Let the record reflect nothing else was discussed in closed session other than Dominique Perez

Chairman Peifer moves to open session. Mr. Manning seconded.

Passed 5-0

PB-15-18 Dominique Perez, Termination-Albuquerque Police Department. Recommendation of the Hearing Officer, Barbara Albin.
Mr. Holland moves to uphold the hearing officers recommendation that the summary judgment motion be denied. Mr. Manning seconded.
Passed 5-0

IX. VACANCIES AND ORGANIZATIONAL MATTERS

None

X. PUBLIC COMMENTS.

None

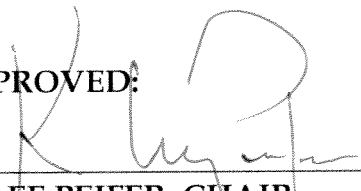
XI. OTHER MATTERS.

None

XII. ADJOURNMENT.

Chairman Peifer moves to adjourn. Mr. Holland, seconded.
Meeting was adjourned at 4:19p.m
Passed 5-0

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

08/10/2016

DATE

cc: Richard J. Berry, Mayor
Natalie Y. Howard, City Clerk

as amended