



## CITY PERSONNEL BOARD

Wednesday, December 9, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Linda Myers      Sean Olivas  
Kim Kloeppe     Marybeth Vigil  
Julian Sanchez

### OTHERS PRESENT:

Cindy Jaramillo      Elizabeth Ramirez  
Mike Garcia          Rocky Gutierrez  
Doris Duhigg         Katherine Cerami  
Herman Padilla      Ryan Randall  
Paula Forney         Selinda Guerrero  
Mary Scott            Suprice Martinez  
Eugene Moser         Patrick Bingham  
Barbara Albin         Judith Durzo  
Paul Froomjian        Suprice Martinez

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, DECEMBER 9, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, December 9, 2009. Motion was seconded. Motion passed 5-0

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR NOVEMBER 18, 2009**

Motion was made to approve the Personnel Board Minutes for November 18, 2009. Motion was seconded. Motion passed 5-0

### **III. PB 08-20, HERMAN PADILLA (APD) - TERMINATION**

A written Motion from Kathy Levy, Deputy City Attorney, was presented to the Board to continue the matter. Cindy Jaramillo, Attorney for Mr. Padilla was prepared to go forward. The Motion made by Ms. Levy was denied by the Board. Mike Garcia, Assistant City Attorney agreed to represent the City in this matter for Ms. Levy. There was discussion between the parties and board members. Motion was made to vote on the matter.

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 09-24, CHRISTOPHER GARCIA (TRANSIT) - TERMINATION**

The Board heard from Paula Forney, Assistant City Attorney. Paul Livingston, Mr. Garcia's attorney was not present. Mr. Forney 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

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V. **PB 09-25, ELIZABETH RAMIREZ (TRANSIT) - EIGHT (8) DAY SUSPENSION**  
The Board heard from David Palmer, Representative for the City and Rocky Gutierrez, AFSCME Union Representative for Ms. Ramirez. Mr. Palmer requested the Board uphold the Hearing Officer's recommendation. Mr. Gutierrez requested case be remanded back to the Hearing Officer to submit written briefs, even though oral briefs were made at the hearing. Mr. Gutierrez's request was denied by the Board. A 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. Suspension to be upheld. Motion was seconded. Motion passed 5-0

VI. **PB 09-17, REGINALD ADOLPH (TRANSIT) - TEN (10) DAY SUSPENSION**  
The Board heard from Paula Forney, Assistant City Attorney and Rocky Gutierrez, AFSCME Union Representative for Mr. Adolph. Ms. Forney withdrew the discipline of the 10 day suspension. Mr. Gutierrez requested the Board adopt 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; the City did not meet its burden of proof. Suspension to be reversed. Motion was seconded. Motion passed 4-0. Marybeth Vigil, Board member did not vote on this matter.


VII. **PERSONNEL BOARD CHAIRMAN NOMINEE- RYAN RANDALL**  
Ryan Randall is currently a practicing attorney and gave his work history in Human Resources and Employment & Labor Law. Mr. Randall did disclose, he had worked with the City in 2001 regarding a labor issue. Motion was made to vote Mr. Randall as new Personnel Board Chairman. Motion passed 5-0.

VIII. **PUBLIC COMMENT**  
Eugene Moser, new Director of Human Resources introduced himself to the Board.

IX. **OTHER MATTERS**  
No other matters.

X. **ADJOURNMENT**  
With no other matters before the Board, member of the Board moved to adjourn. Motion was seconded. Motion passed 5-0. 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*



## CITY PERSONNEL BOARD

Wednesday, November 18, 2009

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

### MEMBERS PRESENT:

Linda Myers      Sean Olivas  
Kim Kloeppe

### OTHERS PRESENT:

Fred Mowrer      Paul Livingston  
Mike Garcia      Rocky Gutierrez  
Doris Duhigg      Katherine Cerami  
Herman Padilla      Ryan Randall  
Paula Forney      Selinda Guerrero  
Suprice Martinez

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, NOVEMBER 18, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, November 18, 2009. Board members, Marybeth Vigil and Julian Sanchez were not present for this months meeting. Motion was seconded. Motion passed 3-0

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

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

### **III. PB 08-27, KATHERINE CERAMI (TRANSIT) - THIRTYFIVE (35) DAY SUSPENSION**

The Board heard from Mike Garcia, Assistant City Attorney and Rocky Gutierrez, AFSCME, Union Representative for Ms. Cerami. There was discussion between the parties and Board Members. Mr. Garcia did not oppose the Hearing Officer's recommendation. Motion was made to vote on the matter.

Board made the decision to uphold recommendation made by the Hearing Officer; the City did not meet its burden of proof. Suspension to be overturned. Motion was seconded. Motion passed 3-0

### **IV. PB 08-20, HERMAN PADILLA (APD) - TERMINATION**

The Board heard from Fred Mowrer, Attorney for Mr. Padilla. Kathy Levy, Deputy City Attorney was not present. Mr. Mowrer requested this matter be moved to next month's agenda due to Ms. Levy being unavailable due to court matters. Motion was made to vote on the matter.

The Board decided to move matter to next month's agenda. Motion was seconded. Motion passed 3-0

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V. **PB 09-23, DOLORES LOVATO (TRANSIT) - TEN (10) DAY SUSPENSION**  
The Board heard from David Palmer, Representative for the City. Steve Griego, AFSCME Union Representative for Ms. Lovato was not present. Mr. Palmer requested the Board uphold the Hearing Officer's recommendation. Motion was made to vote on the matter.

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

VI. **PB 09-25, ROBERT WARD-HERSEE (SOLID WASTE) - TERMINATION**  
The Board heard from Paul Livingston, Attorney for Mr. Ward-Hersee and Mike Garcia, Assistant City Attorney. There was discussion between the parties and Board Members. Mr. Livingston agreed with the recommendation, with the exception of 90 workdays to be changed to 90 calendar days, per City Rules and Regulations. Mr. Garcia did not agree with the recommendation. Motion was made for the Board to discuss in closed session.

The Board made the decision to uphold the recommendation made by the Hearing Officer, with the exception of changing 90 workdays to 90 calendar days. The City did not meet its burden of proof. The termination to be overturned and Mr. Ward- Hersee to serve a 90 calendar day suspension, and enter the City's substance abuse program. Motion was seconded. Motion passed 3-0

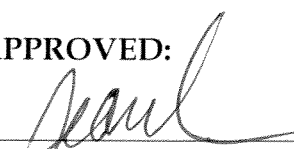
VII. **NOMINATION OF PERSONNEL BOARD CHAIRMAN**  
Motion was made by Sean Olivas to nominate Ryan Randall for Chairman of the Personnel Board. Motion was seconded. Motion passed 3-0.  
Matter will be on next months agenda.

VIII. **PUBLIC COMMENT**  
Paul Livingston commented on the loss of Gene Franchini, former Supreme Court Chief Justice, and 1st Chairman of the Personnel Board.

IX. **OTHER MATTERS**  
Fred Mowrer agreed with the Order from the Board reflecting the District Court Order to reinstate Tim Chavez to his employment.

X. **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 3:30 p.m.

APPROVED:

  
\_\_\_\_\_  
SEAN OLIVAS, CHAIR  
City Personnel Board

  
\_\_\_\_\_  
DATE



## CITY PERSONNEL BOARD

Wednesday, September 9, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Julian Sanchez Marybeth Vigil  
Kim Kloeppe

### OTHERS PRESENT:

Tanda Meadors Paul Livingston  
Shelley Mund Rocky Gutierrez  
Doris Duhigg Kathy Levy  
Sam Bregman Fred Mowrer  
Paula Forney Tim Chavez  
Pat Bingham Selinda Guerrero  
David Hill Suprice Martinez  
George Woodard

## Minutes

**I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, SEPTEMBER 9, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, September 9, 2009. Motion was seconded. Motion passed 3-0.

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR AUGUST 12, 2009**

Motion was made to approve the Personnel Board Minutes for August 12, 2009. Motion passed 3-0

**III. PB 08-39, SAMI WOLF (TRANSIT) - TERMINATION**

The Board heard arguments from Paul Forney, Assistant City Attorney and Paul Livingston, Attorney for Ms. Wolf. There was discussion between the parties and Board Members about Ms. Wolf's assigned job duties and not reporting to work. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Passed 3-0

**IV. PB 06-40, GEORGE WOODWARD (FINANCE AND ADMINISTRATION) - GRIEVABILITY**

The Board heard arguments from Shelley Mund, Assistant City Attorney, Rocky Gutierrez, AFSCME Union Representative for Mr. Woodard and Patrick Bingham, City Hearing Officer. There was discussion between the parties and Board Members about the timeliness of the appeal. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Passed 3-0

**V. PB 08-42, DAVID HILL (APD) -TERMINATION**

The Board heard arguments from Kathy Levy, Deputy City Attorney and Sam Bregman Attorney for Mr. Hill. There was discussion between the parties and Board Members about Mr. Hill's criminal acts and Garrity Rights. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Passed 3-0

**VI. PB 05-15, TIMOTHY CHAVEZ (APD)- TERMINATION (DISTRICT COURT ORDER, MOTION TO ENFORCE)**

The Board heard arguments from Kathy Levy, Deputy City Attorney and Fred Mowrer Attorney for Mr. Chavez. Parties tried to settle the matter and were unsuccessful. The Board discussed the Court Order and reinstatement of Mr. Chavez to his former position as police officer. Motion was made for the Board to discuss in closed session.

The Board signed the Order to Enforce, as directed by District Court. Mr. Chavez is to be reinstated with back pay and benefits.

**VII. NOMINATION OF PERSONNEL BOARD CHAIRMAN**

The Board is currently looking for a replacement. Julian Sanchez will follow up with Chris Salsido a possible nomination for position of the Chairman. Kim Kloepfel encourages more nominations. Until a replacement is found, Mr. Olivas will continue chairing the Personnel Board.

**VIII. PUBLIC COMMENT**


The Board heard comments from Paul Livingston, he did not agree with the Personnel Board Members meeting in a closed session from the public to discuss recommendations and their decisions. The Board also heard comments from George Woodard; he felt the quorum of the Board and hearing process was unfair. Board member advised Mr. Woodard that he had the right to appeal to District Court.

**IX. OTHER MATTERS**

**X. 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 4:20 p.m.

APPROVED:

  
\_\_\_\_\_  
**SEAN OLIVAS, CHAIR**  
**City Personnel Board**

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

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*



## CITY PERSONNEL BOARD

Wednesday, August 12, 2009

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

### MEMBERS PRESENT:

Sean Olivas      Marybeth Vigil  
Kim Kloeppe     Linda Myers  
Julian Sanchez

### OTHERS PRESENT:

Judy Durzo                      Paul Livingston  
Shelley Mund                 Rocky Gutierrez  
Doris Duhigg                 Kathy Levy  
Mike Garcia                 Fred Mowere  
Paula Forney                 David Palmer  
Zane Revees                 Laural Hager  
Selinda Guerrero             Suprice Martinez  
Tim Chavez

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, AUGUST 12, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, August 12 2009. Julian Sanchez was present via telephone. Motion was seconded. Motion passed 5-0.

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JULY 8, 2009**

Motion was made to approve the Personnel Board Minutes for July 8, 2009 with the correction of the spelling Linda Myers name. Motion passed 5-0

### **III. PB 07-08, PAUL SALAZAR (TRANSIT) - TERMINATION (DISTRICT COURT REMAND)**

The Board heard arguments from Shelley Mund, Assistant City Attorney and Paul Livingston, Attorney for Mr. Salazar. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold the clarification of the Recommendation made by the Hearing Officer. Mr. Salazar to be reinstated to former position. Passed 5-0

### **IV. PB 08-38, CRYSTAL GRIEGO (TRANSIT) - TERMINATION**

The Board heard arguments from Shelley Mund, Assistant City Attorney and Paul Livingston, Attorney for Ms. Griego. Mr. Livingston made a motion to vacate due to related pending Metro Court matter. Ms. Mund requested matter be heard, court matters will not change the Recommendation. Motion was made by Kim Kloeppe to vacate. Vote was 4-0. The Motion was denied. Discussion continued between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold the Recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Passed 5-0

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- V. ***PB 08-26, KATHERYN CERAMI (TRANSIT) -THIRTY (30) DAY SUSPENSION***  
The Board heard arguments from Mike Garcia, Assistant City Attorney and Rocky Gutierrez, AFSCME Union Representative for Ms. Cerami. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.
- Board made decision to uphold the Recommendation made by the Hearing Officer; the City did not meet its burden of proof. Suspension to be overturned. Passed 4-0
- VI. ***PB 09-06, KELLY BRUCE (TRANSIT) - SIXTEEN (16) DAY SUSPENSION***  
The Board heard from David Palmer, representative for the City Attorneys Office, and Rocky Gutierrez, AFSCME Union representative for Ms. Bruce. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.
- Board made decision to uphold recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Suspension to be upheld. Passed 5-0
- VII. ***PB 08-31, PAUL MARRUJO (TRANSIT)- TERMINATION***  
The Board heard from Shelley Mund, Assistant City Attorney. Paul Marrujo represented himself and was not present. Ms. Mund agreed with the Hearing Officer's recommendation. Motion was made for the Board to discuss in closed session.
- Board made decision to uphold the Recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Termination to be upheld. Passed 5-0
- VIII. ***PB 05-15, TIMOTHY CHAVEZ (APD)- TERMINATION (REMAND FROM DISTRICT COURT)***  
The Board was presented with an Order from Fred Mowrer, Attorney for Mr. Chavez. Order was a decision made by William Lang, District Court Judge to reinstate Mr. Chavez to his former position with benefits.
- IX. ***PUBLIC COMMENT***  
No public comments.
- X. ***OTHER MATTERS***  
Chairman, Sean Olivas term will be up in September 2009. The Board is currently looking for a replacement. Until a replacement is found, Mr. Olivas will continue chairing the Personnel Board.
- Linda Myers has been re-elected this month by the city employees. Ms. Myers will remain on the Personnel Board.
- XI. ***ADJOURNMENT***  
With no other matters before the Board, member of the Board moved to adjourn. Motion was seconded. Motion passed 5-0. The Board adjourned at 4:04 p.m.



APPROVED:

  
SEAN OLIVAS, CHAIR  
City Personnel Board

9/9/09

DATE

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*

# CITY OF ALBUQUERQUE



## CITY PERSONNEL BOARD

Wednesday, July 8, 2009

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

### MEMBERS PRESENT:

Linda Myers      Marybeth Vigil  
Kim Kloeppel

### OTHERS PRESENT:

Patrick Bingham      David Nava  
Shelley Mund      Rocky Gutierrez  
Doris Duhigg      Paul Livingston  
Heather Garcia      Bertha Lechuga  
Paula Forney      Ron Johnson  
Zane Revees      Laural Hager  
Selinda Guerrero      Suprice Martinez

## *Amended Minutes*

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 8, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, July 8, 2009. Sean Olivas and Julian Sanchez were absent. Linda Myers was Acting Chair. Motion was seconded. Motion passed 3-0.

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JUNE 10, 2009**

Motion was made to approve the Personnel Board Minutes for June 10, 2009. Motion passed 3-0.

### **III. PB 09-03, BERTHA LECHUGA (TRANSIT) - TERMINATION**

The Board heard arguments from Paula Forney, Assistant City Attorney and Steve Griego, AFSCME Union Representative for Ms. Lechuga. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer; the City did not meet its burden of proof. Ms. Lechuga to be reinstated. Passed 3-0

### **IV. PB 09-02, MICHAEL FROONJIAN (TRANSIT) - FIFTEEN (15) DAY SUSPENSION**

The Board heard arguments from David Palmer, Representative for the City Attorney's Office and Rocky Gutierrez, AFSCME Union Representative for Mr. Froonjian. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer, grievance to be dismissed as lacking merit. Suspension to be upheld. Passed 3-0

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V. **09-07, TODD BARTLETT (SOLID WASTE) -THIRTY(30) WORKDAY DAY SUSPENSION**

The Board heard from David Nava, Assistant City Attorney, Nava agreed with Hearing Officer's recommendation. Gilbert Vigi, Attorney for Mr. Barlett was not present. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer, grievance to be dismissed as lacking merit. Suspension to be reduced to a 15 day work suspension. Passed 3-0

VI. **PB 08-04, ANTHONY ROMERO (TRANSIT) - TERMINATION**

The Board heard from Shelley Mund, Assistant City Attorney, Anthony Romero represented himself and was not present. There was discussion between Ms. Mund and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer, grievance to be dismissed as lacking merit. Termination to be upheld. Passed 3-0

VII. **PUBLIC COMMENT**

No public comments.

VIII. **OTHER MATTERS**

The Board heard from Shelley Mund, Assistant City Attorney, and Paul Livingston, Attorney for Paul Salazar (PB -07-08). There was discussion between the parties and Board Members. Ms. Mund requested recommendation needed more clarification per the District Court Order. The Board requested the Hearing Officer, Zane Reeves clarify the recommendation. Matter will be moved to next months agenda.

The Michael McGrath (PB 08-09) Remand Order was signed by the Board and remanded to the Hearing Officer, Patrick Bingham, due to an unresolved Labor Board issue. Paul Livingston and Shelley Mund agreed with the Order.

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 3:50 p.m.

APPROVED:

  
\_\_\_\_\_  
SEAN OLIVAS, CHAIR  
City Personnel Board

8/5 8/14/09  
\_\_\_\_\_  
DATE

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*

# CITY OF ALBUQUERQUE



## CITY PERSONNEL BOARD

Wednesday, June 10, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Lindsay Myers    Marybeth Vigil  
Sean Olivas

### OTHERS PRESENT:

Diane Kimberle	Kathy Levy
Shelley Mund	Rocky Gutierrez
Doris Duhigg	Heather Garcia
David Nava	Mike Garcia
Paula Forney	Sam Bregman
Diego Arencó	Alena Apodaca
Barbara Albin	Craig Sadberry
Chief Robert Ortega	Bill Marquez
Selinda Guerrero	Laural Hager
Katherine Cerami	Lisa Vigil
Laural Hager	Suprice Martinez

## Minutes

PO Box 1293

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 10, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, June 10, 2009. Motion was seconded. Motion passed 3-0.

Albuquerque

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR MAY 13, 2009**

Motion was made to approve the Personnel Board Minutes for May 13, 2009. Motion passed 3-0.

NM 87103

### **III. PB 08-24, ALENA APODACA (FIRE) - TERMINATION**

The Board heard arguments from John D'Amato, attorney for Ms. Apodaca and Shelley Mund, Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

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Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 3-0.

### **IV. PB 08-34, DANIEL GUZMAN (POLICE) - TERMINATION**

The Board heard arguments from Sam Bregman, attorney for Mr. Guzman and Kathy Levy, Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 3-0.

### **V. PB 08-16, KATHERYN CERAMI (TRANSIT) - 30 DAY SUSPENSION**

The Board heard arguments from Rocky Gutierrez, AFSCME Union Representative for Katherine Cerami and Mike Garcia, Assistant City Attorney. There was discussion

between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the hearing officer; the City did not meet its burden of proof. Passed 3-0.

**VI. PB 08-18, TIM JONES (MUNICIPAL DEVELOPMENT) - TERMINATION**

The Board heard arguments from Rocky Gutierrez, AFSCME Union Representative for Mr. Jones and David Nava, Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 3-0.

**VII. PB 07-25, CYNTHIA PEREA (TRANSIT) - TERMINATION**

The Board heard arguments from Lisa Vigil, representative for Ms. Perea and Paula Forney Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 3-0.

**VIII. PUBLIC COMMENT**

**IX. OTHER MATTERS**

Finding of Fact upholding the termination for Ron Otero, signed by the Chair.

**X. 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 3:30 p.m.

**APPROVED:**

*for* *Seán Olivás* *7-8-09*  
**SEAN OLIVAS, CHAIR** **DATE**  
**City Personnel Board**

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*



## CITY PERSONNEL BOARD

Wednesday, May 13, 2009

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

### MEMBERS PRESENT:

Lindsay Myers     Marybeth Vigil  
Kim Kloeppe     Sean Olivas

### OTHERS PRESENT:

Ron Johnson     Suprice Martinez  
Shelley Mund     Rocky Gutierrez  
Doris Duhigg     Paul Livingston  
Heather Garcia     Ron Otero  
Paula Forney     Rita Siegel  
Diego Arencó     Alena Apodaca  
Barbara Albin     Craig Sadberry  
Chief Robert Ortega     Lawrence Torres  
David Palmer     Selinda Guerrero  
Katherine Cerami     Joann Otero  
Tim Archuleta     Suprice Martinez  
Laural Hager

## Minutes

PO Box 1293

**I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MAY 13, 2009**

Albuquerque

Motion was made to approve the Personnel Board Agenda for Wednesday, May 13, 2009. Motion was seconded. Motion passed 4-0.

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR APRIL 8, 2009**

NM 87103

Motion was made to approve the Personnel Board Minutes for April 9, 2009. Motion passed 4-0.

**III. PB 08-36, RON OTERO (TRANSIT) - TERMINATION**

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The Board heard from Rocky Gutierrez, AFSCME Union Representative and Shelley Mund, Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for the Board to discuss in closed session.

Board made decision to reverse the recommendation made by the Hearing Officer, termination to be upheld. Passed 3-1. Ms. Mund will submit Findings of Fact.

**IV. PB 08-37, JOANN OTERO (TRANSIT) - TERMINATION**

The Board heard from Rocky Gutierrez, AFSCME Union Representative and Shelley Mund, Assistant City Attorney. There was discussion between the parties and Board Members. Motion was made for board to discuss in closed session.

Board made decision to uphold recommendation made by the Hearing Officer, grievance to be dismissed as lacking merit. Passed 3-1.

**V. PB 08-24, ALENA APODACA (FIRE) - TERMINATION**

The Board heard from Diego Arecon, Local 224 Union President and Shelley Mund, Assistant City Attorney. Mr. Arecon requested matter be move to next months Personnel Board, due to Ms. Apodaca's attorney not present. Ms. Mund did not oppose. Motion was made for the Board to move matter to next month. Motion passes 4-0.

**VI. PB 08-41, EUTIMIO ARCHULETA (TRANSIT) - TERMINATION**

The Board heard from Rocky Gutierrez, AFSCME Union Representative, David Palmer, Representative for the City and Ron Johnson, City Hearing Officer. There was discussion between the parties and Board Members. Motion was made for Board to discuss in closed session.

Board made decision to uphold Recommendation A made by the Hearing Officer. Recommendation B was addressed by the Chair; the Board has no jurisdiction over managerial issues within City Departments. Grievant's suspension to be reversed. Passed 4-0.

**VII. PB 08-30, DOMINIC GALLEGOS (TRANSIT) - TERMINATION**

The Board heard from David Palmer, Representative for the City. Mr. Gallegos did not respond or attend the hearing. Motion was made to uphold recommendation made by the Hearing Officer, grievance to be dismissed as lacking merit. Passed 4-0.

**VIII. PUBLIC COMMENT**

**IX. OTHER MATTERS**

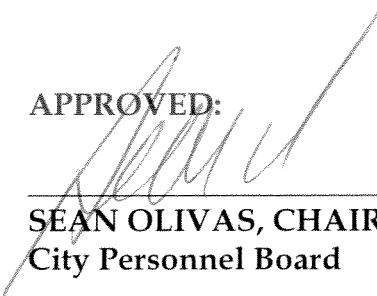
A Subcommittee of the Personnel Board is currently working on drafting new Personnel Board Rules.

Paul Livingston presented the Order for the Paul Salazar Matter. Regarding the remand to the Hearing Officer.

**X. ADJOURNMENT**

With no other matters before the Board, member of the board moved to adjourn. Motion was seconded. Motion passed 4-0. The Board adjourned at 3:49 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**SEAN OLIVAS, CHAIR**  
**City Personnel Board**

6/10/09  
\_\_\_\_\_  
**DATE**

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*

# CITY OF ALBUQUERQUE



## CITY PERSONNEL BOARD

Wednesday, April 8, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Julian Sanchez  
Sean Olivas  
Marybeth Vigil

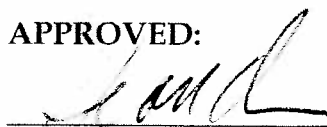
### OTHERS PRESENT:

Doris Duhigg  
Suprice Martinez

### Minutes

- I. **REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 8, 2009**  
Motion was made to approve the Personnel Board Agenda for Wednesday, April 8, 2009. Motion was seconded. Motion passed 3-0.
- II. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR FEBRUARY 11, 2009**  
Motion was made to approve the Personnel Board Minutes for February 11, 2009. Motion passed 3-0.
- III. **PUBLIC COMMENT**  
No public comments.
- IV. **OTHER MATTERS**  
Board members and Doris Duhigg, Assistant City Attorney had a discussion about updating the current Personnel Board Rules and replacing the Chairman of the Board. A subcommittee will meet at 1:30 on Wednesday, May 13, 2009 to update the rules.
- V. **ADJOURNMENT**  
With no other matters before the Board, Chair of the Board moved to adjourn. Motion was seconded. Motion passed 3-0. The board adjourned at 3:15 p.m.

APPROVED:

  
SEAN OLIVAS, CHAIR  
City Personnel Board

5/13/09  
DATE

cc: Martin Chavez, Mayor  
Randy M. Autio, Interim City Clerk



# CITY OF ALBUQUERQUE



## CITY PERSONNEL BOARD

Wednesday, March 11, 2009

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

HEARING ROOM 1

### MEMBERS PRESENT:

Lindsay Myers     Julian Sanchez  
Kim Kloepffel     Sean Olivas  
Marybeth Vigil

### OTHERS PRESENT:

Ron Johnson             Suprice Martinez  
Shelley Mund             Rocky Gutierrez  
Doris Duhigg             Sam Bregman  
Gil Santistevan           Chief Robert Ortega  
Sam Bregman

## Minutes

### **I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MARCH 11, 2009**

Motion was made to approve the Personnel Board Agenda for Wednesday, March 11, 2009. Motion was seconded. Motion passed 4-0.

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR FEBRUARY 11, 2009**

Motion was made to approve the Personnel Board Minutes for February 11, 2009. With corrections on items III and V, change wording of grievant to grievance. Motion passed 5-0.

Albuquerque

### **III. PB-08-28, GIL SANTISTEVAN (FIRE DEPARTMENT) - DEMOTION**

The board heard from Shelley Mund, Assistant City Attorney and Sam Bregman, Attorney for Gil Santistevan. There was discussion between the parties and board members. Ms. Mund agreed with the hearing officer's recommendation.

NM 87103

Board made decision to uphold recommendation made by the hearing officer, grievant to be reinstated as rank of Deputy Chief. Passed 5-0.

www.cabq.gov

### **IV. OPEN MEETINGS ACT POLICY**

The board reviewed and signed an updated Open Meetings Act Policy for 2009. The policy will be filed with the City Clerks Office.

### **V. PUBLIC COMMENT**

No public comments.


### **VI. OTHER MATTERS**

Doris Duhigg, Assistant City Attorney and the board members had a discussion about updating the current rules of the Personnel Board. Also, there was a discussion about the process of replacing the chair of the board. Sean Olivas will have served two terms. Second term will end in September 2009.

### **VII. ADJOURNMENT**

With no other matters before the board, member of the board moved to adjourn. Motion was seconded. Motion passed 4-0. The board adjourned at 3:20 p.m.

APPROVED:

  
SEAN OLIVAS, CHAIR  
City Personnel Board

4/8/09

DATE

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*



## CITY PERSONNEL BOARD

Wednesday, February 11, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Lindsay Myers     Julian Sanchez  
Kim Kloepfel     Sean Olivas

### OTHERS PRESENT:

Patrick Bingham     Suprice Martinez  
Shelley Mund     Lawrence Torres  
Doris Duhigg     Paula Forney  
Paul Livingston     Mike Garcia  
Heather Garcia     Rocky Gutierrez

### *Amended Minutes*

- I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY, 11 2009**  
Robert Sanchez not present. Motion was made to approve the Personnel Board Agenda for Wednesday, February 11, 2009. Motion was seconded. Motion passed 4-0.

PO Box 1293

- II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JANUARY 14, 2009**  
Motion was made to approve the Personnel Board Minutes for January 14, 2009. Motion passed 4-0.

Albuquerque

- III. PB-08-15, KATHERYN CERAMI (TRANSIT) - 20 DAY SUSPENSION**  
The board heard arguments from Rocky Gutierrez, AFSCME Union Representative for Katherine Cerami and Shelley Mund, Assistant City Attorney. There was discussion between the parties and board members. Gutierrez argued denial of outside work form was invalid. Mund argued Cerami was insubordinate and continued working outside employment without approval from the City. Motion was made for board to discuss in closed session.

NM 87103

Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 4-0.

www.cabq.gov

- IV. PB-08-09, MICHAEL MCGRATH (TRANSIT) - TERMINATION**  
The board heard arguments from Paul Livingston, Attorney for Michael McGrath, Shelley Mund, Assistant City Attorney and Patrick Bingham, City Hearing Officer. Livingston argued to vacate matter due to pending matters and evidence from the Labor Board that are pertinent to the Michael McGrath case. Mund argues to dismiss and uphold termination due to last months meeting which ended in a tie vote. There was discussion between the parties and board members. Motion was made for board to discuss in closed session.

Motion and Order was made to remand matter back to hearing officer to review new evidence from the Labor Board. 4-0.

V. **PB-07-2, CARLOS MARQUEZ (TRANSIT) - TERMINATION**

Carlos Marquez represents self and was absent. Marquez requested the matter be rescheduled for March. The request was taken into consideration and a motion was made to keep on the agenda. The board heard arguments from Shelley Mund, Assistant City Attorney and Patrick Bingham, City Hearing Officer. There was discussion between the parties and board members. Motion was made for board to discuss in closed session.

Board made decision to uphold recommendation made by the hearing officer, grievance to be dismissed as lacking merit. Passed 4-0.

VI. **PB-08-02, RICARDO GONZALES (TRANSIT)- 30 DAY SUSPENSION**

Mike Garcia, Assistant City Attorney and Jason Burnett, Attorney for Ricardo Gonzales who was not present, did give Garcia consent to dismiss matter before the Board. Matter has been settled.

VII. **PB-07-08, PAUL SALAZAR (TRANSIT) - DISTRICT COURT - OPINION AND ORDER**

The board heard arguments from Paul Livingston, Attorney for Paul Salazar, and Shelley Mund, Assistant City Attorney. There was discussion between the parties and board members regarding the Opinion and Order from District Court. Motion was made for board to discuss in closed session

Motion and Order was made to remand matter back to hearing officer to review and clarification of recommendation previously made to reinstate employment. 4-0.

VIII. **PUBLIC COMMENT**

Doris Duhigg, Appointed City Attorney to the Board informs to renew and review the Open Meetings Act.

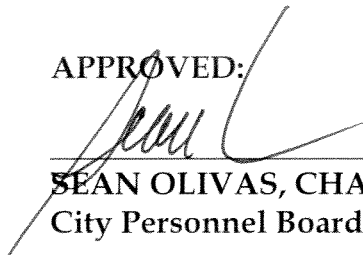
IX. **OTHER MATTERS**

Board Member Robert Sanchez's term has expired. New Appointed Board Member Marybeth Vigil will replace vacant position next month.

X. **ADJOURNMENT**

With no other matters before the board, member of the board moved to adjourn. Motion was seconded. Motion passed 4-0. The board adjourned at 4:43 p.m.

APPROVED:

  
SEAN OLIVAS, CHAIR  
City Personnel Board

  
DATE

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*



## CITY PERSONNEL BOARD

Wednesday, January 14, 2009  
GALLERIA, NORTH TOWER, 7<sup>TH</sup> FLOOR, SUITE 735  
HEARING ROOM 1

### MEMBERS PRESENT:

Lindsay Myers     Julian Sanchez  
Kim Kloeppe     Robert Sanchez

### OTHERS PRESENT:

Patrick Bingham     Suprice Martinez  
Shelley Mund     John Wells  
Doris Duhigg     Bonnie Fetch  
Paul Livingston     Beatrice Brickhouse  
Judith Durzo     Michael McGrath  
Robert Montoya     Zane Reeves  
Bernadette Chavez     Heather Garcia  
Paula Forney

## Minutes

- I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JANUARY 14, 2009**  
Chairman Sean Olivas not present. Robert Sanchez resumed as acting chairman. Motion was made to approve the Personnel Board Agenda for Wednesday, January 14, 2009. Motion was seconded. Motion passed 4-0.
- II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR NOVEMBER 12, 2009**  
Motion was made to approve the Personnel Board Minutes for November 12, 2008. Motion passed 4-0.
- III. PB-07-24, ROBERT MONTOYA (TRANSIT) - 20 DAY SUSPENSION**  
Parties jointly agreed to dismiss matter.
- IV. PB-08-15, KATHERYN CERAMI (TRANSIT) - 20 DAY SUSPENSION**  
Request was made by Rocky Gutierrez, AFSCME Union, Representative to move to next months agenda due to illness. All parties agreed.
- V. PB-07-22, BERNADETTE CHAVEZ (APD) - DEMOTION**  
The board heard arguments from John Wells, Attorney for Bernadette Chavez, Kathy Levy, Assistant City Attorney and Judith Durzo, City Hearing Officer. There was discussion between the parties and board members. Motion was made for board to discuss in closed session.
- Board made decision to uphold recommendation made by hearing officer, grievant to be reinstated to classification position. The City did not meet its burden of proof. Motion passed 4-0.
- VI. PB-08-09, MICHAEL MCGRATH (TRANSIT) - TERMINATION**  
The board heard arguments from Paul Livingston, Attorney for Michael McGrath and Beatrice Brickhouse, Assistant City Attorney and Patrick Bingham, City Hearing Officer. There was discussion between the parties and board members. Motion was made for board to discuss in closed session.

Item will be put on next months agenda, quorum vote was a tie.  
Tie was 2-2

**VII. PUBLIC COMMENT**

No public comments.

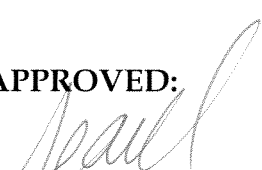
**VIII. OTHER MATTERS**

No other matters

**IX. ADJOURNMENT**

With no other matters before the board, member of the board moved to adjourn. Motion was seconded. Motion passed 4-0. The board adjourned at 4:00 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**SEAN OLIVAS, CHAIR**  
**City Personnel Board**

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

cc: *Martin Chavez, Mayor*  
*Randy M. Autio, Interim City Clerk*