CITY PERSONNEL BOARD
Wednesday, September 8, 2010
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:
Ryan Randall
Julian Sanchez
Linda Myers

OTHERS PRESENT:
Bobby Griego
Shelley Mund
Suprize Sanchez
Doris Duñugg

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.
APPROVED:

By: [Signature]

RYAN RANDALL, CHAIR
City Personnel Board

DATE:

11/12/2011

cc: Richard Berry, Mayor
Amy Bailey, City Clerk
CITY OF ALBUQUERQUE

CITY PERSONNEL BOARD
Wednesday, August 11, 2010
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:
Ryan Randall       Kim Kloeppel
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

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

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.

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

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 Kloepel. 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.

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**APPROVED:**

Ryan Randall, Chair
City Personnel Board

DATE

CC: Richard Berry, Mayor
    Amy Bailey, City Clerk
MINUTES OF CITY PERSONNEL BOARD MEETING

Wednesday, July 14, 2010
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:
Ryan Randall
Linda Myers
Marybeth Vigil

OTHERS PRESENT:
Ismail Montenez
Paula Forney
Doris Duhigg
David Odegard

Craig Sadberry
Rocky Gutierrez
Shelley Mund
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 Kloeppel. Motion passed 4-0. Marybeth Vigil recused herself from the Hess matter. Motion was made to vote on the matter.

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 Kloeppe. 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 Kloeppe’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 Beasly 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 Kloeppe. Motion passed 5-0. The Board adjourned at 3:13 p.m.

APPROVED:

[Signature]

RYAN RANDALL, CHAIR
City Personnel Board

DATE

8/11/10

cc: Richard Berry, Mayor
Amy Bailey, City Clerk
CITY PERSONNEL BOARD
Wednesday, June 9, 2010
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:
Ryan Randall
Linda Myers
Marybeth Vigil

OTHERS PRESENT:
Mary Scott
Paula Forney
Doris Dulagg
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

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

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.

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

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

**cc:** Richard Berry, Mayor  
Amy Bailey, City Clerk
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 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 that 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.
Motion was made to accept the Order, reversing the Hearing Officers recommendation. Termination to be upheld. Motion was seconded. Motion passed 5-0

VI. ADOPTING PROPOSED RULES AND REGULATIONS FOR THE PERSONNEL BOARD
Motion was made to adopt the revised Personnel Board Rules with minor spelling corrections and a language change on the last page. Motion was seconded. Motion passed 5-0

VII. PUBLIC COMMENT
Mr. Livingston questions the Board on the eligibility for a Board Member and the duration of time a candidate to live in Albuquerque.

Mr. Roberto Alberto, Chief Hearing Officer for the Office of Administrative Hearings requested the Hearing Officers not be present during the Board meeting due to budget constraints. Board Members agreed to notify Hearing Officers in advance to be present at the meetings if additional information is required from them.

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 5-0. The Board adjourned at 3:30 p.m.

APPROVED:

Ryan Randall, Chair
City Personnel Board

DATE

Richard Berry, Mayor
Randy M. Autio, Interim City Clerk
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
V. 
**PUBLIC COMMENT**
Rocky Gutierrez, AFSCME Union Representative, informed the Board he has attempted to communicate with the City on issues of the Drug Policy. Mr. Gutierrez said he was told there were talks about the policy and no settlement has been offered. Shelley Mund, informed the Board that the City is working on the Drug Policy and there is a process to resolve the issue. Mr. Livingston informed the Board he also has made attempts to communicate with the City on this issue.

Paul Livingston, Attorney for Raul Garcia does not agree with the Board’s decision to uphold Mr. Garcia’s termination. He informs the Board he will appeal matter to District Court.

VI. 
**OTHER MATTERS**
No other matters.

VII. 
**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 3:28 p.m.

APPROVED:

RYAN RANDALL, CHAIR
City Personnel Board

cc: Richard Berry, Mayor
Randy M. Autio, Interim City Clerk
MEMBERS PRESENT:
Ryan Randall    Julian Sanchez
Kim KloeppeI

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 AGREEMENT 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 month’s meeting. Motion was seconded. Motion passed 3-0

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

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.

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

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:

\[Signature\]
Ryan Randall, Chair
City Personnel Board

DATE
5/12/10

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