



CITY PERSONNEL BOARD

Wednesday, December 14, 2011

GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Marybeth Vigil
Linda Myers Sarah Beasley
Julian Sanchez

OTHERS PRESENT:

Vanessa Zamora Paula Forney
Suprice Sanchez Mary Scott
Samantha Hultz Rachael Trafican
Doris Duhigg Steve Griego
Paul Livingston Ernest Lucero
Anthony Romero Jessica Tapia
Jessica Enriquez Mike Garcia
Roberto Albertorio David Mendoza
Sonja Contreras Rocky Gutierrez
Lucinda Montoya Bobby Griego
Aaron Martinez Reginald Adolph
April Jojola Selinda Guerrero

Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, DECEMBER 14, 2011

Motion was made by Ryan Randall to approve the Amended Personnel Board Agenda for Wednesday, December 14, 2011. Motion was seconded by Marybeth Vigil. Motion passed 5-0

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, NOVEMBER 9, 2011

Motion was made by Marybeth Vigil to approve the Personnel Board Minutes for November 9, 2011. Motion was seconded by Julian Sanchez. Motion passed 5-0

III. PB 11-04, AARON MARTINEZ (SENIOR AFFAIRS)- TERMINATION

The Board heard from Rocky Gutierrez, AFSCME Representative, and Mike Garcia, Assistant City Attorney. There was a discussion between Mr. Gutierrez, Mr. Garcia and the Board Members. Mr. Garcia agreed with the Hearing Officer's Recommendation. Mr. Gutierrez opposed it.

Motion was made by Sarah Beasley to uphold the Recommendation made by the Hearing Officer. The grievance is to be dismissed as lacking merit. Mr. Martinez's termination is to be upheld. Motion was seconded by Julian Sanchez. Motion passed 5-0

IV. PB 11-19, PAUL SALAZAR (TRANSIT)- TERMINATION

The Board heard from Paul Livingston, Attorney for Salazar. Mr. Livingston did not agree with the Board regarding the previous matters listed on the agenda. Ryan Randall ordered Paul Forney, Attorney for the City to prepare an amended order reflecting the reinstatement of Mr. Salazar to his position with the Transit Department as a bus driver.

- V. **PB 11-15, JESSICA TAPIA (TRANSIT)- TERMINATION- MOTION TO DISMISS**
The Board heard from Paula Forney, Attorney for the City, and Paul Livingston, Attorney for NMTU. There was a discussion between Ms. Forney, Mr. Livingston and the Board Members. Ms Forney had no objection to the Hearing Officer's Finding of Fact and Conclusions of Law dismissing the grievance. Mr. Livingston did not agree and had submitted a Motion for Sanction against the City just prior to the meeting. Ryan Randall informed Mr. Livingston his motion will be placed on next months agenda.

Motion was made by Marybeth Vigil to uphold the Hearing Officer's Finding of Fact and Conclusions of Law dismissing the grievance. The grievance is to be dismissed. Motion was seconded by Sarah Beasley. Motion passed 5-0

- VI. **PB 10-13, REGINALD ADOLPH (TRANSIT)- TERMINATION- REMAND FROM DISTRICT COURT**
The Board heard from Paula Forney, Attorney for the City, and Rocky Gutierrez, AFSCME Representative. There was a discussion between Ms. Forney, Mr. Gutierrez and the Board Members. Ms. Forney agreed with the District Court Order from Judge Beatrice Brickhouse, remanding this matter back to the Board to terminate Mr. Adolph. Mr. Gutierrez did not agree with the Order from Judge Brickhouse.


Motion was made by Julian Sanchez to accept the Proposed Order reflecting the District Court Order to terminate Mr. Adolph. Ms. Forney is to submit the final Order to the Board. Motion was seconded by Sarah Beasley. Motion passed 5-0

- VII. **PUBLIC COMMENT**
No public comments

- VIII. **OTHER MATTERS**
The Board heard from Roberto Albertorio and Ryan Randall informing the Board that Suprice Sanchez has accepted another position and will no longer be serving the Personnel Board. Roberto and Ryan both thanked Suprice for her service to the Board.

- IX. **ADJOURNMENT**
Meeting was adjourned at 3:43 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

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



CITY PERSONNEL BOARD

Wednesday, November 9, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Marybeth Vigil
Linda Myers Sarah Beasley

OTHERS PRESENT:

Vanessa Aragon Paula Forney
Suprice Sanchez Ted Harris
Samantha Jarrett Rachael Trafican
Doris Duhigg Steve Griego
Paul Livingston Ernest Lucero
Jose Chavez Jessica Tapia
Paul Froonjian

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, NOVEMBER 9, 2011

Motion was made by Marybeth Vigil to approve the Personnel Board Agenda for Wednesday, November 9, 2011. Motion was seconded by Linda Myers. Motion passed 4-0

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, OCTOBER 12, 2011

Motion was made by Marybeth Vigil to approve the Personnel Board Minutes for October 12, 2011. Motion was seconded by Ryan Randall. Motion passed 4-0

III. PB 11-19, PAUL SALAZAR (TRANSIT)- TERMINATION

The Board heard from Paula Forney, Attorney for the City, and Paul Livingston, Attorney for Paul Salazar. There was a discussion between Ms. Forney, Mr. Livingston and the Board Members. Ms. Forney agreed with the Hearing Officer's Recommendation with the exception of attorney's fees being awarded to Mr. Livingston. Mr. Livingston agreed with the Hearing Officer's Recommendation.

Motion was made by Ryan Randall to uphold the Recommendation by the Hearing Officer. Mr. Salazar is to be reinstated as a Transit bus driver with back pay and benefits with the modification to the Recommendation of not awarding attorneys fees. Motion was seconded by Marybeth Vigil. Motion passed 4-0

IV. PB11-11, ANTHONY WITTNER (TRANSIT)- 6 DAY SUSPENSION

The Board heard from Steve Griego, AFSCME Representative, and Rachael Trafican, Assistant City Attorney. There was a discussion between Mr. Griego, Ms. Trafican and the Board Members. Ms. Trafican agreed with the Hearing Officer's Recommendation. Mr. Griego opposed it.

Motion was made by Marybeth Vigil to uphold the Recommendation made by the Hearing Officer. The grievance is to be dismissed as lacking merit. Mr. Wittner's suspension is to be upheld. Motion was seconded by Linda Myers. Motion passed 4-0

- V. ***PB 11-16, VANESSA ARAGON (TRANSIT)- TERMINATION-MOTION TO DISMISS***
The Board heard from Joe Chavez, Ernest Lucero, NMTU Representatives for Vanessa Aragon, and Rachael Trafican, Assistant City Attorney. There was a discussion between Mr. Chavez, Mr. Lucero, Ms. Trafican and the Board Members. Ms. Trafican agreed with the Hearing Officer's Motion to Dismiss. Mr. Chavez and Mr. Lucero opposed it.

Motion was made by Linda Myers to uphold the Motion to Dismiss by the Hearing Officer. The grievance is to be dismissed. Ms. Aragon's termination is to be upheld. Motion was seconded by Sarah Beasley. Motion passed 4-0

- VI. ***PB 11-15, JESSICA TAPIA (TRANSIT)- TERMINATION- MOTION TO DISMISS***
The Board heard from Joe Chavez, Ernest Lucero, NMTU Representatives for Jessica Tapia, and Paula Forney, Attorney for the City. There was a discussion between Mr. Chavez, Mr. Lucero, Ms. Forney and the Board Members. Ms. Forney agreed with the Hearing Officer's Motion to Dismiss. Mr. Chavez and Mr. Lucero opposed it.

Motion was made by Ryan Randall to remand the dismissal order to the Hearing Officer for Finding of Fact and Conclusions of Law. Motion was seconded by Sarah Beasley. Motion passed 4-0 This matter will be heard on next month's agenda.

- VII. ***PB 09-19, RAUL GARCIA (FAMILY AND COMMUNITY)- OPINION AND ORDER OF REMAND***

The Board heard from Paula Forney, Attorney for the City, and Paul Livingston, Attorney for Raul Garcia. There was a discussion between Ms. Forney, Mr. Livingston and the Board Members. Ms. Forney submitted proposed Finding of Fact and Conclusions of Law to the Board. Mr. Livingston opposed it.

Motion was made by Marybeth Vigil to accept the proposed Finding of Fact and Conclusions of Law. Motion was seconded by Linda Myers. Motion passed 4-0

- VIII. ***PUBLIC COMMENT***

No public comments

- IX. ***OTHER MATTERS***

No other matters

- X. ***ADJOURNMENT***

Meeting was adjourned at 4:03 p.m.

APPROVED:

Ry. Randall

12/14/11

RYAN RANDALL, CHAIR
City Personnel Board

DATE

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



CITY PERSONNEL BOARD

Wednesday, October 12, 2011

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

MEMBERS PRESENT:

Ryan Randall Marybeth Vigil
Linda Myers Sarah Beasley

OTHERS PRESENT:

Rocky Gutierrez Roberto Albertorio
Suprice Sanchez Bobby Griego
Ray Twohig Demetrio Chavez
Doris Duhigg Steve Griego
Janice Curley Shenandoah Sanchez
Shelley Mund Andrew Garcia
Ted Harris Samantha Jarrett
Rebecca Wardlaw Mike Garcia

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, OCTOBER 12, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, October 12, 2011. Motion was seconded by Linda Myers. Motion passed 4-0

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 10, 2011 AND AMENDED MINUTES FOR WEDNESDAY, JULY 13, 2011

Motion was made by Ryan Randall to approve the Personnel Board Minutes for August 10, 2011. Motion was seconded by Linda Myers. Motion passed 4-0

Motion was made by Ryan Randall to approve the Amended Personnel Board Minutes for July 13, 2011. Motion was seconded by Marybeth Vigil. Motion passed 4-0

III. PB 11-13, DEMETRIO CHAVEZ (AVIATION)- CITY'S MOTION TO DISMISS

The Board heard from Rebecca Wardlaw, Assistant City Attorney, and Ray Twohig, Attorney for Demetrio Chavez. There was a lengthy discussion between Ms. Wardlaw, Mr. Twohig and the Board Members. Ms. Wardlaw motioned for this matter to be dismissed because the appeal was not timely filed. Mr. Twohig disagreed with Ms. Wardlaw and reviewed exhibits including a judgment of acquittal dated August 29, 2011.

Motion was made by Ryan Randall to deny the City's Motion to Dismiss. This matter will be forwarded to a Personnel Hearing Officer. Motion was seconded by Sarah Beasley. Motion passed 4-0

IV. PB 11-08, JANICE CURLEY (TRANSIT)- FIFTEEN (15) DAY SUSPENSION

The Board heard from Rachel Trafican, Assistant City Attorney, and Steve Griego, AFSCME Representative for Janice Curley. There was a discussion between Ms. Trafican, Mr. Griego and the Board Members. Ms. Trafican agreed with the Hearing Officer's Recommendation. Mr. Griego opposed it.

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Motion was made by Linda Myers to uphold the recommendation by the Hearing Officer. The grievance is to be dismissed as lacking merit. Ms. Curley's suspension is to be upheld. Motion was seconded by Ryan Randall. Motion passed 4-0

V. **PB 11-12, SHENANDOAH SANCHEZ (ANIMAL WELFARE)- THIRTY (30) DAY SUSPENSION**

The Board heard from Mike Garcia, Assistant City Attorney, and Rocky Gutierrez, AFSCME Representative for Shenandoah Sanchez. There was a discussion between Mr. Garcia, Mr. Gutierrez and the Board Members. Mr. Garcia agreed with the Hearing Officer's Recommendation. Mr. Gutierrez opposed it.

Motion was made by Marybeth Vigil to uphold the recommendation by the Hearing Officer. The grievance is to be dismissed as lacking merit. Mr. Sanchez's suspension is to be upheld. Motion was seconded by Linda Myers. Motion passed 4-0

VI. **PUBLIC COMMENT**

No public comments

VII. **OTHER MATTERS**

Suprice Sanchez, Monitor for the Personnel Board will check with the City Clerk's Office as to when the Personnel Board Election will take place. Linda Myers is to continue serving until this election takes place.

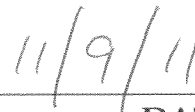
VIII. **ADJOURNMENT**

Meeting was adjourned at 3:45 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

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



CITY PERSONNEL BOARD

Wednesday, August 10, 2011

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

MEMBERS PRESENT:

Ryan Randall Marybeth Vigil
Linda Myers Julian Sanchez

OTHERS PRESENT:

Rocky Gutierrez Roberto Albertorio
Suprice Sanchez Vincent Yermal
Lorie Cruz Antoinette Montoya
Doris Duhigg

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, AUGUST 10, 2011

Motion was made by Julian Sanchez to approve the Personnel Board Agenda for Wednesday, August 10, 2011. Motion was seconded by Ryan Randall. Motion passed 4-0

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JULY 13, 2011

Ryan Randall did not approve the Personnel Board Agenda for Wednesday, July 13, 2011; Corrections are to be made to items III IV and VI by Suprice Sanchez.

Albuquerque

III. PRESENTATION BY VINCE YERMAL, HUMAN RESOURCES DIRECTOR SUBSTANCE ABUSE POLICY REVIEW AND APPEAL BOARD (SAPRAB)

The Board heard from Vince Yermal, Human Resources Director, Rocky Gutierrez, AFSCME Representative and Lorie Cruz, Substance Abuse Manager with the City. Mr. Yermal presented to the Board the Substance Abuse Policy Review and Appeal Board (SAPRAB). Mr. Yermal proposed to the Board the Personnel Board's make up of board members is similar to that of the SAPRAB and asked the Board if they would consider taking on the task of also being the SAPRAB. Mr. Gutierrez did not agree with Mr. Yermal and explained to the Board why he felt this would be a conflict for the Personnel Board. The Board heard additional information from Ms. Cruz as to what the SAPRAB entails. The Board agreed if approved by City Council they would also act as the SAPRAB.

NM 87103

IV. ELECTION OF PERSONNEL BOARD CHAIRMAN

The meeting was turned over to Linda Myers, Vice Chair. Mary Beth Vigil nominated Ryan Randall, Chair to serve another year. The nomination was seconded by Linda Myers and passed 4-0

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V. PUBLIC COMMENT


VI. OTHER MATTERS

Linda Myers term has expired and she will serve on the Board until there is an elected replacement

VII. ADJOURNMENT

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Julian Sanchez. Motion passed 4-0. The Board adjourned at 3:25 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board

10/12/11

DATE

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



CITY PERSONNEL BOARD

Wednesday, July 13, 2011

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

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Julian Sanchez
Marybeth Vigil (phone)

OTHERS PRESENT:

Rocky Gutierrez Sam Bregman
Suprice Sanchez Vincent Yermal
Anita Reina Mike Garcia
Marie Miranda Rachel Trafican
Tiffany Stevenson Lucrecia Bustillos
Megan Holcomb Bobby Griego
Doris Duhigg Ladio Canales

Amended Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 13, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, July 13, 2011 with the consolidation of items V and VI because the matters are related. Motion was seconded by Linda Myers. Motion passed 5-0

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 11, 2011

Motion was made by Ryan Randall to approve the Personnel Board Minutes for May 11, 2011. Motion was seconded by Linda Myers. Motion passed 5-0

Albuquerque

NM 87103

III. PB 10-18, LADIO CANALES (APD)- TERMINATION

The Board heard from Mike Garcia, Assistant City Attorney, and Sam Bregman, Attorney for Ladio Canales. There was lengthy discussion between Mr. Garcia, Mr. Bregman and the Board Members. Mr. Garcia did not agree with the Hearing Officer's recommendation and played a 911 recording of Mr. Ladio's wife requesting police assistance in a domestic violence situation.

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Motion was made by Linda Myers to uphold the recommendation by the Hearing Officer. The City did not meet its burden of proof. Mr. Canales is to be reinstated to his former position as a police officer. Motion was seconded by Sarah Beasley. Motion passed 5-0

IV. PB 11-03, KRISTIN CASHMAN (APD)- TERMINATION

The Board heard from Rocky Gutierrez, AFSCME Union Representative for Kristin Cashman and Rebecca Wardlaw, Assistant City Attorney. There was a discussion between Mr. Gutierrez, Ms. Wardlaw and the Board Members. Mr. Gutierrez did not agree with the Hearing Officer's recommendation.

Motion was made by Julian Sanchez to uphold the recommendation by the Hearing Officer. The grievance is to be dismissed as lacking merit. Ms. Cashman's termination is to be upheld. Motion was seconded by Sarah Beasley. Motion passed 5-0

V. *V. and VI.*

ZANE REEVES, HEARING OFFICER- REQUEST- WITNESSES WHO MAY BE CALLED TO TESTIFY

VI. *PROPOSED AMENDMENT TO THE RULES OF THE PERSONNEL BOARD FOR THE BOARD'S CONSIDERATION- WITNESSES WHO MAY BE CALLED TO TESTIFY*

The Board reviewed a written request from Zane Reeves, Personnel Board Hearing Officer requesting the Board make a ruling in this matter binding all Personnel Hearing Officers regarding whether employees such as the Mayor, CAO and Director of HR may be required to testify.

The Board had a discussion with input from Paula Forney and Rebecca Wardlaw, Assistant City Attorneys on this matter. The Board reviewed City Ordinances and Ryan Randall made a motion to bind all Hearing Officers to Ordinances 3-1-25 (H) and 3-1-6 (A). There will be no further rule making regarding this matter. Motion was seconded by Julian Sanchez. Motion passes 4-0

VII. *PB 08-09,PB 10-14, MICHAEL MCGRATH (TRANSIT)- ORDER*

Ryan Randall made a motion to accept the order drafted by Paul Livingston, Attorney for McGrath on behalf of the Board. Michael McGrath is to be reinstated to a non-safety sensitive position. Rebecca Wardlaw, Assistant City Attorney on behalf of Paul Forney did not agree with the order drafted by Mr. Livingston. Motion was seconded by Linda Myers. Motion passed 4-0

VIII. *PRESENTATION BY VINCE YERMAL, HUMAN RESOURCES DIRECTOR*

Vince Yermal, Human Resources Director made a presentation to the Board about the Substance Abuse Policy Review and Appeal Board (SAPRAB). The SAPRAB reviews and evaluates job positions and determines if they are safety sensitive positions and would require drug testing. Mr. Yermal proposed to the Personnel Board if they would review and consider also acting as the SAPRAB. The Board agreed to review the SAPRAB policy. This item will be put on next month's agenda.

IX. *PUBLIC COMMENT*

Rocky Gutierrez, AFSCME Representative commented that he would like to give input on the SAPRAB matter at next month's meeting.

X. *OTHER MATTERS*

Ryan Randall's term as Chair of the Personnel Board expires September 1, 2011. This is Mr. Randall's first term and if elected he will be willing to server another term. Also, Linda Myers term expires September 1, 2011. This will be her second term and she will no longer be able to serve on the Personnel Board. The City Clerks Office will be holding a City employee election in August, 2011 to replace Ms. Myers.

XI. *ADJOURNMENT*

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Julian Sanchez. Motion passed 4-0. The Board adjourned at 4:31 p.m.

APPROVED:

Ryan Randall

10/12/11

RYAN RANDALL, CHAIR
City Personnel Board

DATE

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

Not official
CITY PERSONNEL BOARD

Wednesday, July 13, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1



MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Julian Sanchez
Marybeth Vigil (phone)

OTHERS PRESENT:

Rocky Gutierrez Sam Bregman
Suprice Sanchez Vincent Yermal
Anita Reina Mike Garcia
Marie Miranda Rachel Trafican
Tiffany Stevenson Lucrecia Bustillos
Megan Holcomb Bobby Griego
Doris Duhigg Ladio Canales

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 13, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, July 13, 2011 with the consolidation of items V and VI because the matters are related. Motion was seconded by Linda Myers. Motion passed 5-0

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 11, 2011

Motion was made by Ryan Randall to approve the Personnel Board Minutes for May 11, 2011. Motion was seconded by Linda Myers. Motion passed 5-0

Albuquerque

NM 87103

III. PB 10-18, LADIO CANALES (APD)- TERMINATION

The Board heard from Mike Garcia, Assistant City Attorney, and Sam Bregman, Attorney for Ladio Canales. There was lengthy discussion between Mr. Garcia, Mr. Bregman and the Board Members. Mr. Garcia did not agree with the Hearing Officer's recommendation and played a 911 recording of Mr. Ladio's wife requesting police assistance in a domestic violence situation.

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Motion was made by Ryan Randall to uphold the recommendation by the Hearing Officer. The City did not meet its burden of proof. Mr. Canales is to be reinstated to his former position as a police officer. Motion was seconded by Linda Myers. Motion passed 5-0

IV. PB 11-03, KRISTIN CASHMAN (APD)- TERMINATION

The Board heard from Rocky Gutierrez, AFSCME Union Representative for Kristin Cashman and Rebecca Wardlaw, Assistant City Attorney. There was a discussion between Mr. Gutierrez, Ms. Wardlaw and the Board Members. Mr. Gutierrez did not agree with the Hearing Officer's recommendation.

Motion was made by Ryan Randall to uphold the recommendation by the Hearing Officer. The grievance is to be dismissed as lacking merit. Ms. Cashman's termination is to be upheld. Motion was seconded by Julian Sanchez. Motion passed 5-0

V. *V. and VI.*

ZANE REEVES, HEARING OFFICER- REQUEST- WITNESSES WHO MAY BE CALLED TO TESTIFY

VI. *PROPOSED AMENDMENT TO THE RULES OF THE PERSONNEL BOARD FOR THE BOARD'S CONSIDERATION- WITNESSES WHO MAY BE CALLED TO TESTIFY*

The Board reviewed a written request from Zane Reeves, Personnel Board Hearing Officer not allowing the Union to call employees such as the Mayor, CAO and Director of Human Resources and requested the Board make a ruling in this matter binding all Personnel Hearing Officers to the same rule.

The Board had a discussion with input from Paula Forney and Rebecca Wardlaw, Assistant City Attorneys on this matter. The Board reviewed City Ordinances and Ryan Randall made a motion to bind all Hearing Officers to Ordinances 3-1-25 (H) and 3-1-6 (A). There will be no further rule making regarding this matter. Motion was seconded by Julian Sanchez. Motion passes 4-0

VII. *PB 08-09,PB 10-14, MICHAEL MCGRATH (TRANSIT)- ORDER*

Ryan Randall made a motion to accept the order drafted by Paul Livingston, Attorney for McGrath on behalf of the Board. Michael McGrath is to be reinstated to a non-safety sensitive position. Rebecca Wardlaw, Assistant City Attorney on behalf of Paul Forney did not agree with the order drafted by Mr. Livingston. Motion was seconded by Linda Myers. Motion passed 4-0

VIII. *PRESENTATION BY VINCE YERMAL, HUMAN RESOURCES DIRECTOR*

Vince Yermal, Human Resources Director made a presentation to the Board about the Substance Abuse Policy Review and Appeal Board (SAPRAB). The SAPRAB reviews and evaluates job positions and determines if they are safety sensitive positions and would require drug testing. Mr. Yermal proposed to the Personnel Board if they would review and consider also acting as the SAPRAB. The Board agreed to review the SAPRAB policy. This item will be put on next month's agenda.

IX. *PUBLIC COMMENT*

Rocky Gutierrez, AFSCME Representative commented that he would like to give input on the SAPRAB matter at next month's meeting.

X. *OTHER MATTERS*

Ryan Randall's term as Chair of the Personnel Board expires September 1, 2011. This is Mr. Randall's first term and if elected he will be willing to server another term. Also, Linda Myers term expires September 1, 2011. This will be her second term and she will no longer be able to serve on the Personnel Board. The City Clerks Office will be holding a City employee election in August, 2011 to replace Ms. Myers.

XI. *ADJOURNMENT*

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Julian Sanchez. Motion passed 4-0. The Board adjourned at 4:31 p.m.

APPROVED:

RYAN RANDALL, CHAIR
City Personnel Board

DATE

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





CITY PERSONNEL BOARD

Wednesday, May 11, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Julian Sanchez

OTHERS PRESENT:

Rocky Gutierrez Paula Forney
Suprice Sanchez Vincent Yermal
Anita Miller Rebecca Wardlaw
Mary Scott Roberto Albertorio
Reginald Adolph Vince Yermal
Alfred Walck Brian Thomas
Fred Mowrer Felipe Garcia
Joey Sigala Bruce Rizzeri
Antoinette Montoya Lori Cruz
Ray Sandoval Paul Livingston

Minutes

PO Box 1293

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MAY 11, 2011

Motion was made by Ryan Randall to take item VII and VI out of sequence, making them items III and IV, with the following items getting numbered accordingly. Motion was seconded by Julian Sanchez. Motion passed 4-0

Albuquerque

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR APRIL 13, 2011

Motion was made by Linda Myers to approve the Personnel Board Minutes for April 13, 2011. Motion was seconded by Ryan Randall. Motion passed 4-0

NM 87103

III. PB 10-13, PB 09-18, REGINALD ADOLPH (TRANSIT)

PB 10-14, PB 08-09, MICHAEL MCGRATH (TRANSIT)

PB 10-15, PB 09-20, ANSELMO SMITH (TRANSIT) - MOTION TO CONSOLIDATE

The Board heard from Paula Forney, Attorney for the City of Albuquerque and Rocky Gutierrez, Union AFSCME representative. There was discussion between Ms. Forney, Mr. Gutierrez and the Board. Ms. Forney informed the Board the cases were similar, involving the Drug Policy, and there have been ~~inconstancies~~ *inconsistencies* with recommendations. Mr. Gutierrez opposed the motion to consolidate. *RMR*

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Motion was made by Ryan Randall to not consolidate PB 10-13, PB 10-14 and PB 10-15 because there are differences in the cases. Motion was seconded by Sarah Beasley. Motion passed 4-0

IV. PB 10-13, REGINALD ADOLPH (TRANSIT)- MOTION TO RECONSIDER

The Board heard from Paula Forney, Attorney for the City of Albuquerque, Bruce Rizzeri, Transit Director, and Rocky Gutierrez, Union AFSCME representative for Mr. Adolph. There was lengthy discussion between Ms. Forney, Mr. Rizzeri and Mr. Gutierrez and the Board Members. Mr. Rizzeri disagreed with the Boards decision and felt the Board was too compassionate to the employee. Julian Sanchez, Board Member

informed Mr. Rizzeri the Board did not make their decision based on compassion and the City has an unclear drug policy.

Motion was made by Ryan Randall to deny Motion to Reconsider. Motion was seconded by Sarah Beasley. Motion passed 4-0

Motion was also made by Ryan Randall to approve and sign the Order drafted by Rocky Gutierrez, reinstating Reginal Adolph to a non- safety sensitive position. Motion was seconded by Julian Sanchez. Motion passed 4-0

V. PB 10-08, ALFRED WALCK (APD) - FORTY-EIGHT (48) HOUR SUSPENION

The Board heard from Rebecca Wardlaw, Assistant City Attorney for the City of Albuquerque filling in for Kathy Levy, and Brain Thomas, Attorney for Mr. Walck. There was discussion between Ms. Wardlaw and Mr. Thomas and the Board Members. Mr. Thomas informed the Board the City did not follow the contract regarding due process and did not agree with the Hearing Officer's recommendation.

Motion was made by Linda Myers to uphold the recommendation made by the Hearing Officer; grievance to be dismissed as lacking merit. Suspension to be upheld. Motion was seconded by Julian Sanchez. Motion passed 4-0

VI. PB 10-14, MICHAEL MCGRATH (TRANSIT) - TERMINATION

The Board heard from Paula Forney, Attorney for the City of Albuquerque, Rebecca Wardlaw, Assistant City Attorney and Paul Livingston, Attorney for Mr. McGrath. There was lengthy discussion between Ms. Forney, Mr. Livingston and the Board Members. Ms. Forney did not agree with the Hearing Officer's recommendation and informed the Board the Hearing Officer has been inconsistent in his recommendations.

Motion was made by Ryan Randall to uphold the recommendation by the Hearing Officer with the modification of Mr. McGrath be reinstated in a non-safety sensitive position with back pay, minus 20 days (due to 20 day suspension). Mr. Livingston is to prepare an Order reflecting the Board's decision. Motion was seconded by Linda Myers. Motion passed 4-0

VII. REQUEST FROM THE BOARD TO THE CITY RECOMMENDING A CHANGE TO THE DRUG POLICY (REFERENCE PB 10-11, ORDER)

The Board heard from Vince Yermal, Human Resources for the City of Albuquerque. Mr. Yermal informed the Board that the City does not agree with the Board decision in PB 10-11, Tim Jaramillo. An inadequate urine sample is a refusal per federal guidelines. On May 18, 2011 the City is holding an open meeting regarding the drug policy to do away with the confusion of the drug policy. Mr. Yermal invited the Board to attend. Ryan Randall thanked Mr. Yermal on behalf of the Board for working on a solution for the drug policy. Also, Mr. Randall would like the City to consider the policy of a refusal to give a urine sample, may not always be the classic refusal or insubordination. There may be circumstance for people who are trying and cooperating to give a urine sample.

VIII. PUBLIC COMMENT

No Public Comment.


IX. OTHER MATTERS

No Other Matters.

X. ADJOURNMENT

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Linda Myers seconded. Motion passed 4-0. The Board adjourned at 4:47 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board

7/13/11

DATE

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



CITY PERSONNEL BOARD

Wednesday, April 13, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Julian Sanchez

OTHERS PRESENT:

Rocky Gutierrez Paula Forney
Suprice Sanchez Vincent Yermal
Doris Duhigg Rebecca Wardlaw
Mary Scott David Odegard
Reginald Adolph Regina Price

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 13, 2011

Motion was made by Julian Sanchez to approve the Personnel Board Agenda for Wednesday, April 13, 2011. Motion was seconded by Linda Myers. Motion passed 4-0

PO Box 1293

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR MARCH 9, 2011

Motion was made by Linda Myers to approve the Personnel Board Minutes for March 9, 2011. Motion was seconded by Ryan Randall. Motion passed 4-0

Albuquerque

III. PB 10-13, REGINALD ADOLPH (TRANSIT) - TERMINATION

The Board heard from Paula Forney, Attorney for the City of Albuquerque, and Rocky Gutierrez, Union AFSCME representative for Mr. Adolph. There was lengthy discussion between Ms. Forney, Mr. Gutierrez and the Board Members. Ms. Forney did not agree with the Hearing Officer's recommendation.

NM 87103

Motion was made by Ryan Randall to uphold the recommendation by the Hearing Officer with the modification of Mr. Adolph be reinstated in a non-safety sensitive position. Rocky Gutierrez is to prepare an Order reflecting the Board's decision. Motion was seconded by Julian Sanchez.

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Motion passed 4-0

IV. PUBLIC COMMENT

Suprice Sanchez, City Hearing Monitor to the Personnel Board asked the Board if a split votes should be documented in the minutes by identifying the Board Members by name and which way they voted. There was a discussion, and the Board decided the current way the votes and minutes are documented is fine and the procedure is to stay the same.


V. **OTHER MATTERS**

The Order drafted by Paula Forney regarding Tim Jaramillo was approved and signed with a modification. The modification is a request from the Board to the City recommending a change in the Drug Policy. This matter will be on the May agenda.

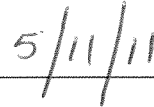
VI. **ADJOURNMENT**

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Linda Myers seconded. Motion passed 4-0. The Board adjourned at 3:53 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

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



CITY PERSONNEL BOARD

Wednesday, March 9, 2011

GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Marybeth Vigil
Julian Sanchez

OTHERS PRESENT:

Rocky Gutierrez Paula Forney
Suprice Sanchez Tim Jaramillo
Carolyn Fudge

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MARCH 9, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, March 9, 2011. Motion was seconded by Marybeth Vigil. Motion passed 5-0

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR FEBRUARY 9, 2011

Motion was made by Ryan Randall to approve the Personnel Board Minutes for February 9, 2011. Motion was seconded by Linda Myers. Motion passed 5-0

III. PB 10-11, TIMOTHY JARAMILLO (TRANSIT) - TERMINATION

The Board heard from Paula Forney, Attorney for the City of Albuquerque, and Rocky Gutierrez, Union AFSCME representative for Mr. Jaramillo. There was discussion between Ms. Forney, Mr. Gutierrez and the Board Members. Ms. Forney did not agree with the Hearing Officers recommendation.

Motion was made by Ryan Randall to order Paula Forney to draft an Order, rejecting the Hearing Officer's recommendation and upholding the termination of Mr. Jaramillo. The Order should also include, that the City's Substance Abuse Policy is flawed. Termination to be upheld. Motion was seconded by Julian Sanchez. Motion passed 3-2

IV. OPEN MEETINGS ACT- RENEWAL

Motion was made by Julian Sanchez for the approval of the Open Meeting Act. Motion was seconded by Marybeth Vigil. Motion passed 5-0

V. PUBLIC COMMENT

No public comment.

VI. OTHER MATTERS

Correction is to be made to the February 9, 2011 minutes; Julian Sanchez's name is to be added. Julian was present for February's meeting.

VII. ADJOURNMENT

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded. Motion passed 5-0. The Board adjourned at 3:46 p.m.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

APPROVED:

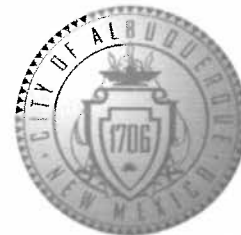
Ry-Randall

4/13/11

RYAN RANDALL, CHAIR
City Personnel Board

DATE

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



CITY PERSONNEL BOARD
Wednesday, February 9, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Marybeth Vigil
Julian Sanchez

OTHERS PRESENT:

Kathy Levy Fred Mowrer
Suprice Sanchez Doris Duhigg
Carolyn Fudge

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY 9, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, February 9, 2011. Motion was seconded by Marybeth Vigil. Motion passed 5-0

II. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR JANUARY 12, 2011

Motion was made by Julian Sanchez to approve the Personnel Board Minutes for January 12, 2011. Motion was seconded by Marybeth Vigil. Motion passed 5-0

III. PB 10-10, KEVIN FITZGERALD (APD) - TERMINATION

The Board heard from Kathy Levy, Deputy City Attorney for the City of Albuquerque, and Fred Mowrer, Attorney for Kevin Fitzgerald. There was discussion between Ms. Levy, Mr. Mowrer and the Board Members. Mr. Mowrer did not agree with the Hearing Officer's Recommendation and requested a lesser discipline be given by the Board. Ms. Levy agreed with the Hearing Officer's recommendation to uphold the termination.

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 Sarah Beasley. Motion passed 5-0

IV. PUBLIC COMMENT

No public comment.

V. OTHER MATTERS

The Board signed the Order of Nick Ramirez PB 09-11. The Order is to reinstate Mr. Ramirez to a driving position at Solid Waste. Mr. Ramirez will receive pay comparable to his prior transit position.

The Board will be renewing the Open Meetings Act next month.

VI. ADJOURNMENT

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded. Motion passed 5-0. The Board adjourned at 2:57 p.m.

PO Box 1293

Albuquerque

NM 87103

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APPROVED:

Ry - Randall

3/9/11

RYAN RANDALL, CHAIR
City Personnel Board

DATE

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



CITY PERSONNEL BOARD

Wednesday, January 12, 2011
GALLERIA, NORTH TOWER, 7TH FLOOR, SUITE 735
HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall Sarah Beasley
Linda Myers Marybeth Vigil

OTHERS PRESENT:

Paula Forney Nick Ramirez
Suprice Sanchez Doris Duhigg
Raul Lopez Mary Scott
Carolyn Fudge

Minutes

I. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JANUARY 12, 2011

Motion was made by Ryan Randall to approve the Personnel Board Agenda for Wednesday, January 12, 2011. Motion was seconded. Motion passed 4-0

REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR SEPTEMBER 8, 2010

Motion was made by Ryan Randall to approve the Personnel Board Minutes for September 8, 2010. Motion was seconded. Motion passed 4-0

II. PB 09-11 NICK RAMIREZ (TRANSIT) - MOTION TO MODIFY THE ORDER OF THE PERSONNEL BOARD

The Board heard from Mary Scott, Deputy Director for Human Resources, Paula Forney, Attorney for the City of Albuquerque and Raul Lopez, Attorney for Nick Ramirez. There was discussion between Ms. Forney, Ms. Scott and the Board Members. Ms. Forney motioned the Board to reinstate Mr. Ramirez to a driving position at Solid Waste. Mr. Ramirez will receive pay comparable to his prior transit position; He will not have contact with the public. Mr. Lopez concurred with the Motion.

Motion was made by Marybeth Vigil to uphold the Motion made by Ms. Forney; Mr. Ramirez is to be reinstated as a commercial collections driver for the Solid Waste Department. Ms. Forney is to draft an Order, granting the Motion to modify the prior Order of the Personnel Board. Motion was seconded by Sarah Beasley. Motion passed 4-0

III. PUBLIC COMMENT

No other matters

IV. OTHER MATTERS

Doris Duhigg, Assistant City Attorney informed the board members she will no longer be serving as appointed attorney to the Personnel Board. Ms. Duhigg will be replaced by Carolyn Fudge, Assistant City Attorney. Ms. Duhigg will still be attending the meeting for a few months.

PO Box 1293

Albuquerque

NM 87103

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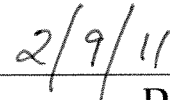
V. **ADJOURNMENT**

With no other matters before the Board, Ryan Randall moved to adjourn. Motion was seconded by Linda Myers. Motion passed 4-0. The Board adjourned at 2:55 p.m.

APPROVED:



RYAN RANDALL, CHAIR
City Personnel Board



DATE

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