



## CITY PERSONNEL BOARD

Wednesday, November 13, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall

Carol Adler

Sarah Beasley

Thomas Manning

### OTHERS PRESENT:

Doris Duhigg

Rebecca Wardlaw

Annette Paez

Jessica Enriquez

## *Minutes*

### **I. CALL TO ORDER**

The meeting was called to order at 2:34 p.m. by Chairman Ryan Randall. All members were present.

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, NOVEMBER 13, 2013**

Chairman Randall made a Motion to approve. Sarah Beasley seconded. Passed 4-0.

Albuquerque

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, OCTOBER 9, 2013**

Chairman Randall made a Motion to approve. Carol Adler seconded. Passed 4-0.

NM 87103

### **IV. PB 12-15, ROBERTY MONTOYA, EIGHT DAY SUSPENSION, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW OF THE HEARING OFFICER'S DECISION AND RECOMMENDATION.**

Rebecca Wardlaw, Assistant City Attorney, stated Mr. Montoya was given a six day suspension and not an eight day suspension as he filed on his appeal. Ms. Wardlaw stated the the City disagrees with the Hearing Officer's recommendation to reduce the six day suspension to a four day suspension. She stated that Mr. Montoya, a Motor Coach Operator did not give a day advance notice which if required for a substitute, which was the reason for his suspension. Ms. Wardlaw stated that Mr. Montoya has multiple disciplines in his file.

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Chairman Randall made a Motion that the Board go into executive session. Thomas Manning seconded. Passed 4-0.

Executive session concluded. Sarah Beasley made a Motion to uphold the Hearing Officer's recommendation. Carol Adler seconded. Passed 4-0.



IX. **PUBLIC COMMENTS.**  
None.

X. **OTHER MATTERS.**  
Chairman Randall stated that because of his residency, Ira Bolnick did not meet the requirements to become Chairman.

XI. **ADJOURNMENT.**  
Chairman Randall made a Motion to adjourn. Ms. Adler seconded. Passed 4-0.

APPROVED:

RYAN RANDALL, CHAIR  
City Personnel Board

2/12/2014  
DATE

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

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)



**CITY PERSONNEL BOARD**  
**Wednesday, October 9, 2013**  
**600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Sarah Beasley  
Thomas Manning

OTHERS PRESENT:

Doris Duhigg      Ira Bolnick  
Rebecca Wardlaw      Jessica Enriquez  
Melissa Kountz  
Mary Scott

## *Minutes*

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

- I. CALL TO ORDER**  
The meeting was called to order at 2:33 p.m. by Chairman Ryan Randall. All members were present.
- II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, OCTOBER 9, 2013**  
Chairman Randall made a Motion to approve. Carol Adler seconded. Passed 4-0.
- III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 14, 2013**  
Chairman Randall made a Motion to approve. Thomas Manning seconded. Passed 4-0.
- IV. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, SEPTEMBER 11, 2013.**  
Chairman Randall made a Motion to approve. Mr. Manning seconded. Passed 4-0.
- V. PB-13-01, JEANETTE CASAUS, ALBUQUERQUE TRANSIT DEPARTMENT, ENTRY OF THE BOARD'S ORDER REMANDING THE GRIEVANCE TO THE HEARING OFFICER FOR A HEARING ON THE MERITS AND RESUBMISSION OF FINDINGS OF FACT AND CONCLUSION OF LAW.**  
Chairman Randall made a Motion to adopt the Order. Sarah Beasley seconded. Passed 4-0.
- VI. PB-13-11, PATRICK MCCLAIN, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, ENTRY OF THE BOARD'S ORDER REMANDING THE GRIEVANCE TO THE HEARING OFFICER FOR FURTHER PROCEEDINGS.**  
Ms. Beasley abstained from this matter. Chairman Randall made a Motion to accept the Order. Mr. Manning seconded. Passed 3-0.

**VII. ADOPTION OF THE UPDATED PERSONNEL BOARD RULES AND REGULATIONS.**  
Chairman Randall presented the final red line drafts of Personnel Board Rules and Regulations. Chairman Randall made a Motion to adopt the new Personnel Board Rules and Regulations. Ms. Adler seconded. Passed 4-0.

Chairman Randall presented the final draft of the Personnel Board Rules and Procedures. Chairman Randall made a Motion to adopt. Mr. Manning seconded. Passed 4-0.

Doris Duhigg stated that the new Personnel Board Rules and Regulations and Procedures will be published on the website

**VIII. CONSIDERATION OF IRA BOLNICKAS PROSPECTIVE NOMINEE FOR CHAIRMAN.**

Ira Bolnick was introduced by Chairman Randall. There was a brief introduction of Ira Bolnick. Mr. Bolnick's resume was available and there was a brief presentation of his back ground and knowledge of the Personnel Board.

Ms. Beasley made a Motion to elect Ira Bolnick as Chairman contingent upon him being eligible to serve based on his residence. Ms. Adler seconded. Passed 3-0.

There was discussion on the process of electing Mr. Bolnick as the new Chairman. Doris Duhigg stated that the ordinance reads that the elected person has to live in the city. Ms. Duhigg stated she will discuss with City Attorney and City Council to get clarification on electing Ira Bolnick., because he is not sure if his address is in the city.

This matter will be placed on next month's agenda.

**IX. PUBLIC COMMENTS.**

None.

**X. OTHER MATTERS.**

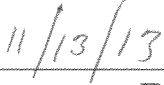
None.

**XI. ADJOURNMENT.**

Chairman Randall made a Motion to adjourn. Ms. Adler seconded. Passed 4-0.

**APPROVED:**

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

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

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



**CITY PERSONNEL BOARD**  
**Wednesday, September 11, 2013**  
**600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning  
Sarah Beasley

OTHERS PRESENT:

Samantha Hults      Doris Duhigg  
Stevie Nichols      Antionette Sena  
Vincent Yermal      Lori Cruz  
Melissa Kountz      Diane Kimberle  
Jessica Enriquez

## *Minutes*

PO Box 1293

**I. CALL TO ORDER.**

The meeting was called to order at 2:33 p.m. by Chairman Ryan Randall. Members present were Sarah Beasley, Carol Adler and Thomas Manning.

Albuquerque

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, SEPTEMBER 11, 2013.**

Chairman Randall made a Motion that the Agenda for September 11, 2013 be approved. Board Member Beasley seconded. Approved 4-0.

NM 87103

**III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 14, 2013.**

Chairman Randall suggested adding Passed 3-0 to the ending result in Item V. Chairman Randall made a Motion to approve Minutes with pending changes. Board Member Adler seconded. Passed 3-0, Board Member Beasley was absent for last meeting so abstained from voting. Minutes will get signed at next meeting.

www.cabq.gov

Doris Duhigg, Assistant City Attorney stated that Paul Livingston sent an email before the meeting, stating he would not be present.

**IV. PB 13-01, JEANETTE CASAUS, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW RECOMMENDATION OF THE HEARING OFFICER TO GRANT CITY'S MOTION TO DISMISS.**

Chairman Randall made a Motion to go into confidential session. Board Member Manning seconded. Passed 4-0.

Closed confidential session concluded. Chairman Randall stated that the Board voted unanimously to remand the case to the hearing officer for a hearing and more complete recommendations be submitted to the Board. An order will be entered at the next meeting.

V. ***PB-13-11, PATRICK MCCLAIN, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW OF CITY'S CONCURRENCE OF THE HEARING OFFICER'S RECOMMENDATION WITH THE OBJECTION TO CONCLUSION OF LAW NO. 3 AND REVIEW OF THE HEARING OFFICER'S RECOMMENDATION.***

Chairman Randall stated Mr. Livingston sent an email before the meeting, elaborating on objections to Hearing Officer's Recommendation and did not state why he would not be present.

Stevie Nichols, appeared on behalf of the City of Albuquerque requested that the Board uphold the Hearing Officer's Recommendation and appeal be dismissed. Nichols stated that Ordinance 3-1-25H stated that by Mr. Livingston and Grievant not appearing, the Board has authority to dismiss the matter. She presented that Mr. McClain was terminated on March 19, 2013 and had until March 29, 2013 to appeal and he did not file his appeal until April 15, 2013, passed the deadline per the MSO.

Mr. Livingston has claimed that Grievance appeal was filed timely.

Nichols stated that the City's notice was properly made on March 19, 2013 and she referred to the Collective Bargaining Agreement section 19. Gave a brief presentation of events that took place when Mr. McClain was told to pick up notice on March 19, 2013 and he refused. Nichols states that under both Collective Bargaining Agreement and MSO, Mr. McClain still did not meet his deadline.

Discussion was made if deadline is from date of notice or date of receipt. Nichols stated that even if from date of receipt, Mr. McClain still did not meet his deadline.

Chairman Randall made a Motion to go into closed executive session. Board Member Manning seconded. Passed 4-0. Board Member Beasley disclosed she has prior knowledge of Mr. McClain and recused herself.

Chairman Randall made a Motion to reject the Hearing Officer's Recommendation. Board Member Adler seconded. Passed 3-0. An Order will be entered at next meeting.

VI. ***REVIEW OF THE REVISIONS TO THE PROPOSED PERSONNEL BOARD RULES AND REGULATIONS.***

Discussion was made on the revisions to the Proposed Personnel Board Rules and Regulations. Ms. Duhigg stated the changes will be made to the revisions and the Board will vote on them at the next meeting.

VII. ***PUBLIC COMMENTS.***

None

VIII. ***OTHER MATTERS.***

Discussion was made on new nominees for Chairman. Chairman Randall stated he will check if prospective nominee Ira Bolnick can be present for next meeting and review of his prospective candidacy will be an item on the next meeting Agenda.

X. ***ADJOURNMENT.***

Chairman Randall made a Motion to adjourn. All Board Members seconded. Passed 4-0.

**APPROVED:**

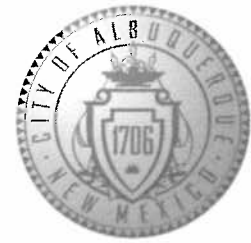
*Ry-Randall*

*10/9/13*

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

**DATE**

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



## CITY PERSONNEL BOARD

Wednesday, August 14, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning

### OTHERS PRESENT:

Samantha Hults      Doris Duhigg  
Rebecca Wardlaw      Amy B. Bailey  
Vincent Yermal      Stevie Nichols  
Melissa Kountz      Rocky Gutierrez  
Mary Scott

## Minutes

### **I. CALL TO ORDER.**

The meeting was called to order at 2:32 p.m. by Chairman Ryan Randall. Members present were Carol Adler and Thomas Manning. Sarah Beasley was excused.

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, AUGUST 14, 2013.**

Chairman Randall made a Motion that the Agenda for August 14, 2013 be approved. Board Member Manning seconded. Approved 3-0.

Albuquerque

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY JULY 10, 2013.**

Chairman Randall made a Motion to approve the July 10, 2013 Minutes. Board Member Adler seconded. Approved 3-0.

New Mexico 87103

### **IV. PB 12-02, RICHARD ROMERO, TERMINATION, ALBUQUERQUE FIRE DEPARTMENT, REVIEW & APPROVAL OF STIPULATED ORDER OF DISMISSAL.**

Stevie Nichols, Assistant City Attorneys, appeared on behalf of the City of Albuquerque. There was no one present on behalf of Mr. Romero.

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Chairman Randall made a Motion to approve and sign the Stipulated Order of Dismissal. Board Member Adler seconded. Passed 3-0.

### **V. PB-13-07, REBECCA MACIAS, 10-DAY SUSPENSION, ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, REVIEW AND APPROVAL OF HEARING OFFICER'S RECOMMENDATION.**

Melissa Kountz, appeared on behalf of the City of Albuquerque gave a brief presentation of the events that lead to Macias's termination. Ms. Kountz stated that Ms. Macias had nine prior disciplines prior to termination dated back from 2004. The City requested that the Board not accept the Hearing Officer's Recommendation.



Rocky Gutierrez appeared on behalf of AFSCME and Rebecca Macias. Mr. Gutierrez explains that Macias acted in good faith and did not violate any rules or regulations. Mr. Gutierrez stated that Ms. Macias did not receive nine disciplines and explained the disciplines and letters she did receive. Mr. Gutierrez asked the Board to uphold the Hearing Officer's Recommendation.

Ms. Kountz corrected her statement and read into the record Ms. Macias's disciplines and letters. Ms. Kountz stated that Ms. Macias acted unprofessionally when she decided to go home for break and not attend a call and left citizen waiting in parking lot.

Mr. Gutierrez stated that Ms. Macias was not called but was informed when she called in to report she was going on break.

Chairman Randall made a Motion to go into closed confidential session. Board Member Adler seconded. Passed 3-0.

Closed confidential session concluded. Doris Duhigg excused herself and was not present for the closed executive session. Board Member Adler made a Motion to uphold the Hearing Officer's decision. Board Member Manning seconded. Passed 3-0.

**VI. *PB 12-16, ANSELMO SMITH, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW AND APPROVAL OF HEARING OFFICER'S RECOMMENDATION (CLOSED CONFIDENTIAL SESSION).***

Chairman Randall made a Motion to go into closed confidential session. Board Member Adler seconded. Passed 3-0.

Closed confidential session concluded. Chairman Randall stated that the Board Members made a unanimous decision to accept the Hearing Officer's Recommendation.

**VII. *AMENDMENT TO THE PERSONNEL BOARD RULES AND REGULATIONS.***

Amy Bailey, City Clerk was present for the review and discussion of the Proposed Changes to the Personnel Board Rules and Regulations.

**VIII. *PUBLIC COMMENTS.***

Suggestions and comments were made and discussed regarding the Proposed Personnel Board Rules and Regulations.

**IX. *OTHER MATTERS.***

Chairman Randall stated that a new Chair has to be elected in the near future but he will stay on the Board until a new one is elected.

**X. *ADJOURNMENT.***

Chairman Randall made a Motion to adjourn. Board Member Adler seconded. Passed 3-0.

APPROVED:



RYAN RANDALL, CHAIR  
City Personnel Board

10/9/2013

DATE

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



## CITY PERSONNEL BOARD

Wednesday, July 10, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning

### OTHERS PRESENT:

Samantha Hults  
Vincent Yermal  
Jessica Enriquez  
Mary Scott  
Lucinda Montoya  
Diane Kimberle  
Rebecca Wardlaw  
Robert Griego  
Antionette Sena  
Lori Cruz

## Minutes

### **I. CALL TO ORDER.**

The meeting was called to order at 2:32 p.m. by Chairman Ryan Randall. Members present were Carol Adler and Thomas Manning. Sarah Beasley was excused.

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 10, 2013.**

Chairman Randall made a Motion that the Agenda for July 10, 2013 be approved. Board Member Manning seconded. Approved 3-0.

Albuquerque

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY JUNE 12, 2013.**

Chairman Randall made a Motion to approve the June 12, 2013 Minutes. Board Member Manning seconded. Approved 3-0.

New Mexico 87103

### **IV. PB-13-02, MICHAEL ANDERSON, TERMINATION, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION AND REVIEW & APPROVAL OF SUPPLEMENT TO HEARING OFFICER'S RECOMMENDATION.**

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Rebecca Wardlaw and Samantha Hults, Assistant City Attorneys, appeared on behalf of the City of Albuquerque. There was no one present on behalf of Mr. Anderson.

Samantha Hults, stipulated going into confidential session to discuss Mr. Anderson's test results.

At the suggestion of Chairman Randall, the Board went into closed/confidential session to discuss PB 13-12.

Chairman Randall stated that during the closed session the Board voted 3-0 to accept Hearing Officers Recommendation.

V. **PB-13-08, TINA TAWATTER, EXTENSION OF PROBATIONARY PERIOD, ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW AND APPROVAL OF HEARING OFFICER'S RECOMMENDATION.**

Rebecca Wardlaw, Assistant City Attorney, appeared on behalf of the City of Albuquerque. There was no one present on behalf of Tina Tawatter. Chairman Randall read a statement that was emailed to the Office of Administrative Hearings from Ms. Tawatter, which provided her thoughts as to why the Hearing Officers recommendation should be denied.

Chairman Randall, suggests written statement be accepted as oral presentation. Chairman Randall also suggested they move PB 13-08 to executive session. Board Member Adler seconded. Passed 3-0

Board Member Manning moves to uphold Hearing Officers Recommendation. Board Member Adler seconded. Passed 3-0

VI. **GENERAL DISCUSSION OF PROPOSED CHANGES TO THE PERSONNEL BOARD RULES AND REGULATIONS.**

There was a breif discussion regarding changes to the Personnel Board Rules and Regulations.

Draft rules will be published before the next meeting so public input can be received at the next meeting.

VII. **PUBLIC COMMENT.**

No public comments.

VIII. **OTHER MATTERS.**

Rocky Gutierrez questioned when there would be an election for a new Board Member. Chairman Randall advised him there would not be an election for a new Personnel Board Member until after the municipal election.

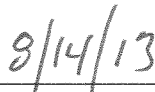
IX. **ADJOURNMENT.**

Chairman Randall moved to adjourn. Board Member Adler seconded. Approved 3-0. Meeting adjourned at 3:32 p.m.

APPROVED:



RYAN RANDALL, CHAIR  
City Personnel Board



DATE

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



## CITY PERSONNEL BOARD

Wednesday, June 12, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall  
Sarah Beasley  
Carol Adler  
Thomas Manning

### OTHERS PRESENT:

Samantha Hults  
Vincent Yermal  
Doris Duhigg  
Lucinda Montoya  
Fred Mowrer  
Jessica Enriquez  
Stephanie Apodaca

## Minutes

### **I. CALL TO ORDER.**

The meeting was called to order at 2:33 p.m. by Chairman Ryan Randall. All members were present.

PO Box 1293

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 12, 2013.**

Ryan Randall made a Motion that the Agenda for June 12, 2013 be approved. Thomas Manning seconded. Approved 4-0.

Albuquerque

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY MAY 8, 2013.**

Carol Adler made a Motion to approve the May 8, 2013 Minutes. Chairman Randall seconded. Approved 4-0.

NM 87103

### **IV. PB-12-03, DIEGO ARENCON, THIRTY (30) DAY SUSPENSION, ALBUQUERQUE FIRE DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION.**

Samantha Hults, Assistant City Attorney, is asking the Board to accept the Recommendation of the Hearing Officer.

www.cabq.gov

Fred Mowrer, who represents Mr. Arencon, stated no objection for a Motion to Dismiss.

Chairman Randall made a Motion to accept the Hearing Officer's recommendation. Manning seconded. Approved 4-0

### **V. REVIEW AND APPROVAL OF ORDER GRANTING CITY'S MOTION FOR PROTECTIVE ORDER PURSUANT TO 49 C.F.R. §40.323 IN PB 12-16.**

Paul Livingston was not present.

Ms. Hults, stated Mr. Livingston was present the day before for another matter, and requested the agenda for today's meeting; Mr. Livingston was provided a copy.

Chairman Randall , stated the Board has not received written objections from Mr. Livingston. Chairman Randall moved to accept Order granting the city's Motion. Ms. Adler seconded. Approved 4-0.

**VI. PUBLIC COMMENT.**

There was no public comment.

**VII. OTHER MATTERS**

Ms. Beasley informed the Board that she would not be present for next month's meeting. Ms. Adler and Mr. Manning will both be present.

Amy Bailey, City Clerk, gave a brief presentation regarding the proposed election process for new Personnel Board Members. Chairman Randall notified the Board that his term was up in September, 2013; however, would serve until replaced. Ms. Bailey requested the Board Members to provide the date each of their terms expired. Doris Duhigg, Assistant City Attorney, suggested the new Chair be an attorney.

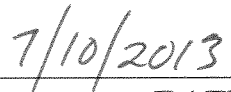
There was a brief discussion regarding changes to the Personnel Board Rules and Regulations and the process which needs to be followed to make such changes.

**VIII. ADJOURNMENT**

Chairman Randall moved to adjourn. Mr. Manning seconded. Approved 4-0. Meeting adjourned at 3:03 p.m.

**APPROVED:**

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

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

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



## CITY PERSONNEL BOARD

Wednesday, May 8, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall  
Sarah Beasley  
Carol Adler  
Thomas Manning

OTHERS PRESENT:

Kathryn Levy  
Vincent Yermal  
Melissa Kountz  
Stevie Nichols  
Samantha Hults  
Rocky Gutierrez  
Doris Duhigg  
Lucinda Montoya

UNEXCUSED:

Lisa Vigil

### Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**I. CALL TO ORDER.**

The meeting was called to order at 2:32 p.m. by Chairman Ryan Randall. Sarah Beasley, Carol Adler and Thomas Manning were present. Lisa Vigil was not present and did not inform the Board or the Office of Administrative Hearings of her absence.

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, MAY 8, 2013.**

Thomas Manning made a Motion that the Amended Agenda for May 8, 2013 be approved. Chairman Randall seconded. Approved 4-0.

**III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, APRIL 10, 2013.**

Chairman Randall made a Motion to approve the April 10, 2013 Minutes. Ms. Adler seconded. Approved 4-0.

**IV. PB-13-03, WILL ROUNSEVILLE, TERMINATION, ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION.**

There was no one present on behalf of Mr. Rounseville.

Stevie Nichols, Assistant City Attorney, presented a brief overview of the Personnel Hearing and responded to questions by Board Members. The City is asking the Board to accept the Recommendation of the Hearing Officer.

**V. PB-12-10, FILIBERTO SIGALA, TERMINATION, ALBUQUERQUE POLICE DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION.**

There was no one present on behalf of Mr. Sigala.

Kathryn Levy, Assistant City Attorney, presented a brief overview of the Personnel Hearing and responded to questions by Board Members. The City feels that there was just cause for termination and is asking the Board to uphold the Hearing Officer's Recommendations.

Chairman Randall moved the Board go into Executive Session for the sole purpose of considering PB 13-03 and PB 12-10. Carol Adler seconded. Approved 4-0. Board in Executive Session.

Chairman Randall stated the Board was back from Executive Session. The meeting had been in Executive Session for the sole purpose of discussing PB 13-03 and PB 12-10.

Ms. Adler moved to accept the Hearing Officer's Recommendation in PB 13-03. Sarah Beasley seconded. Motion passed 4-0.

Thomas Manning moved to accept the Hearing Officer's Recommendation in PB 12-10. Ms. Adler seconded. Motion passed 4-0.

**VI. DISCUSSION REGARDING THE AMENDMENT OF THE PERSONNEL BOARD RULES OF PROCEDURE FOR APPEALS & DISCIPLINARY ACTIONS.**

Doris Duhigg informed the Board that since the Ordinance has been updated, there is now conflicting information between the updated Ordinance and the Personnel Board Rules. Ms. Duhigg will work with the Office of Administrative Hearings to prepare a draft for Board review and public comment. When a draft is ready for review, it will be placed on the Agenda. Chairman Randall is asking Board Members to review the Personnel Board Rules and present any changes that may need to be made.

**VII. PROTECTIVE ORDERS REQUEST FOR PB 12-16 AND PB 13-02.**

Samantha Hults, Assistant City Attorney, explained that these cases involve employees who were terminated for testing positive for drug use when given a random drug test. There are conflicting decisions from two different Hearing Officers on City motions for a protective order. The City is asking for guidance from the Board on which procedure to follow.

Chairman Randall suggested the procedure also be made part of the Rules, in order for Hearing Officers to know how to deal with this type of matter. Chairman Randall is asking the parties to prepare an Order in PB 12-16 stating the CFR is applicable and protective steps need to be put in place in order to seal exhibits and confidential testimony that should not be made part of the public record. The Order and Minutes will be distributed to Hearing Officers upon approval from the Board. The initial step would be to ask employees for their consent to release the records.

**VIII. PUBLIC COMMENT**

There was no public comment.

**IX. OTHER MATTERS**

Chairman Randall informed the Board he attempted to contact Lisa Vigil after her absence at last month's Board Meeting; however, e-mails and voice mails were not responded to by Ms. Vigil. This is Ms. Vigil's fifth unexcused absence, and she has only attended two meetings.



Chairman Randall made a motion to remove Ms. Vigil from the Board. Ms. Adler seconded. Passed 4-0

Ms. Duhigg will work the City Clerk's Office to start the process of holding an election for a new Board Member.

**VIII. ADJOURNMENT**

Chairman Randall moved to adjourn. Mr. Manning seconded. Approved 4-0. Meeting adjourned at 3:43 p.m.

**APPROVED:**

*Ryan Randall*

*6/12/2013*

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

**DATE**

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



## CITY PERSONNEL BOARD

Wednesday, April 10, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

MEMBERS PRESENT:

Ryan Randall  
Sarah Beasley  
Carol Adler

OTHERS PRESENT:

Kathryn Levy            John D'Amato  
Rebecca Wardlaw      John Doyle  
Mary Scott              Matthew Conrad  
Mona Andrade-Miranda  
Eric Locher  
Lucinda Montoya

EXCUSED:

Thomas Manning

UNEXCUSED:

Lisa Vigil

### Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**I. CALL TO ORDER**

The meeting was called to order at 2:42 p.m. by Chairman Ryan Randall. Sarah Beasley and Carol Adler were present. Thomas Manning was not present, but advised the Board that he was unable to attend today's meeting; he is excused. Lisa Vigil was not present and has not been present for the past two meetings; these absences are unexcused, as Ms. Vigil has not informed the Board of her absences.

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 10, 2013**

Chairman Randall made a Motion that the Agenda for April 10, 2013 be approved. Carol Adler seconded. Approved 3-0.

**III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MARCH 13, 2013**

Chairman Randall made a Motion to approve the March 13, 2013 Minutes. Ms. Adler seconded. Approved 3-0.

**IV. PB-12-08, PHYLLIS VILLANUEVA, TERMINATION, ALBUQUERQUE PLANNING DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION**

There was no one present on behalf of Ms. Villanueva.

Rebecca Wardlaw, Assistant City Attorney, asked the Board to accept the Recommendation of the Hearing Officer.

**V. PB-11-22, JOHN DOYLE, TERMINATION, ALBUQUERQUE POLICE DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION**

John D'Amato, Attorney for John Doyle, asked the Board to amend the Hearing Officer's Recommendation based on several items that were ignored, misinterpreted or wrong, which he explained. Mr. D'Amato feels that the findings from the Hearing Officer were incomplete.

Kathryn Levy, Assistant City Attorney, responded to Mr. D'Amato's presentation. She explained that testimony during the 4 days of proceedings showed that excessive force was used by Mr. Doyle and expert witnesses testified that approved tactics & techniques could have been used. The City feels that there was just cause for termination and is asking the Board to uphold the Hearing Officer's Recommendations.

Chairman Randall moved the Board go into Executive Session for the sole purpose of considering PB 12-08 and PB 11-22. Sarah Beasley seconded. Approved 3-0. Board in Executive Session.

Chairman Randall stated the Board was back from Executive Session. The meeting had been in Executive Session for the sole purpose of discussing PB 12-08 and PB 11-22.

Chairman Randall moved to accept the Hearing Officer's Recommendation in PB 12-08. Ms. Adler seconded. Motion passed 3-0.

Ms. Adler moved to accept the Hearing Officer's Recommendation in PB 11-22. Ms. Beasley seconded. Motion passed 3-0.

**VI. PUBLIC COMMENT**

There was no public comment.

**VII. OTHER MATTERS**


There were no other matters.

**VIII. ADJOURNMENT**

Chairman Randall moved to adjourn. Ms. Adler seconded. Approved 3-0. Meeting adjourned at 3:25 p.m.

**APPROVED:**

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

  
\_\_\_\_\_  
DATE

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



## CITY PERSONNEL BOARD

Wednesday, March 13, 2013

600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102

HEARING ROOM 1

### MEMBERS PRESENT:

Ryan Randall Carol Adler  
Sarah Beasley  
Thomas Manning

### OTHERS PRESENT:

Samantha Hults Rocky Gutierrez  
Doris Duhigg Casey Padilla  
Stevie Nichols Melissa Kountz  
Lucinda Montoya

## *Minutes*

PO Box 1293

### **I. CALL TO ORDER**

The meeting was called to order at 2:38 p.m. by Ryan Randall. Sarah Beasley, Carol Adler and Thomas Manning were present. Lisa Vigil was not present.

Albuquerque

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MARCH 13, 2013**

Chairman Randall made a Motion the Agenda for March 13, 2013 be approved. Sarah Beasley seconded. Approved 4-0.

NM 87103

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JANUARY 9, 2013**

Carol Adler made a Motion to approve the January 9, 2013 Minutes. Chairman Randall seconded. Approved 4-0.

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### **IV. PB-12-11, DANIEL NOGALES, TERMINATION, ALBUQUERQUE PARKS & RECREATION DEPARTMENT, REVIEW & APPROVAL OF HEARING OFFICER'S RECOMMENDATION**

Rocky Gutierrez, explained this matter involved allegations of stolen parts from the Parks & Recreation Department; no proof that the parts were stolen was ever presented. He explained the incident that occurred and events that took place up to the time the parts were unable to be located. Mr. Gutierrez stated Mr. Nogales' rights were violated as he was denied Union Representation, which he asked for at the October 12, 2012 meeting that occurred. Mr. Gutierrez felt the meeting that took place on October 12, 2012 was part of the investigation that occurred; however, Mr. Nogales was not given notice of an investigation until October 20, 2012.

Thomas Manning questioned Mr. Nogales having representation during his Pre-Determination Hearing. Mr. Gutierrez stated Mr. Nogales did have representation at

that time; however, felt the questions and statements from the initial meeting, where Mr. Nogales had no representation, were used against him. Mr. Manning also questioned the different versions Mr. Nogales gave of what actually happened to the parts. Mr. Gutierrez explained that Mr. Nogales was recalling the events in reverse order and that was the reason for the different versions of what happened to the missing parts.

Stevie Nichols, Assistant City Attorney, stated Mr. Nogales took parts that should not have been taken and then was unable to account for those parts. The City does not feel the initial meeting which took place on October 12, 2012 was part of the investigation; it was a meeting to determine what had happened to the missing parts. The investigation did not begin until Mr. Nogales was unable to produce the missing parts. Mr. Nogales was able to have representation once the investigation began. Ms. Nichols stated the City met its burden of proof and there was just cause for termination of Mr. Nogales and is asking that the recommendation of the Hearing Officer be upheld.

Chairman Randall questioned the difference between the initial meeting which took place and an investigation. Ms. Nichols explained that the initial meeting was not part of the investigation, but only a meeting/conversation to find out where the missing parts were and also an opportunity for Mr. Nogales to return the parts. At that time, Mr. Nogales was not facing any disciplinary action.

Chairman Randall moved the Board go into Executive Session for the sole purpose of considering PB 12-11. Ms. Adler seconded. Approved 4-0. Board in Executive Session.

Ms. Adler moved to accept the Hearing Officer's recommendation in PB 12-11. Mr. Manning seconded. Motion passed 3-1.

V. **PUBLIC COMMENT**

There was no public comment.

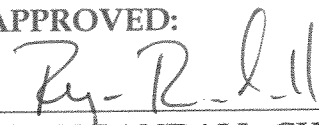
VI. **OTHER MATTERS**

Chairman Randall stated the Board had received a letter from Hearing Officer, Willard Davis questioning who assigns Personnel Appeals to the Hearing Officers. Doris Duhigg, Assistant City Attorney, explained the Ordinance 2012-024 is now in effect and the City Clerk assigns a Hearing Officer to new Personnel Matters. An e-mail to all City Employees explaining the new process of submitting appeals was discussed.

VII. **ADJOURNMENT**

Chairman Randall moved to adjourn. Mr. Manning seconded. Approved 4-0. Meeting adjourned at 4:01 p.m.

APPROVED:

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

4/10/13  
\_\_\_\_\_  
DATE

cc: Richard J. Berry, Mayor  
Amy Bailey, City Clerk



**CITY PERSONNEL BOARD**  
**Wednesday, January 9, 2013**  
**600 2<sup>nd</sup> STREET NW, ALBUQUERQUE, NM 87102**  
**HEARING ROOM 1**

MEMBERS PRESENT:

Ryan Randall      Carol Adler  
Sarah Beasley     Lisa Vigil  
Thomas Manning

OTHERS PRESENT:

Rebecca Wardlaw  
Doris Duhigg  
Stevie Nichols  
Lucinda Montoya

## *Minutes*

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

**I. CALL TO ORDER**

The meeting was called to order at 2:38 p.m. by Ryan Randall. Sarah Beasley, Carol Adler, Lisa Vigil and Thomas Manning were present.

**II. REVIEW AND APPROVAL OF PERSONNEL BOARD AMENDED AGENDA FOR WEDNESDAY, JANUARY 9, 2013**

Ms. Adler made a Motion the Agenda for January 9, 2013 be approved. Thomas Manning seconded. Approved 5-0.

**III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, NOVEMBER 14, 2012**

Chairman Randall made a Motion to approve the November 14, 2012 Minutes. Ms. Adler seconded. Approved 5-0.

**IV. PB-12-05, JERRY SANCHEZ, TERMINATION-ALBUQUERQUE TRANSIT DEPARTMENT, REVIEW & APPROVAL OF REVISED ORDER.**

Chairman Randall stated this matter was heard during the November 14, 2012 Personnel Board Meeting. At that time, they verbally announced their order. Today there is a written Order which memorializes what the Board verbally and announced and unanimously agreed upon. Chairman Randall moved that Board sign and enter this Order. Ms. Adler seconded. Approved 5-0.

**V. PUBLIC COMMENT**

There was no public comment.

**VI. OTHER MATTERS**

There were no other matters.

VII.. **ADJOURNMENT**

Chairman Randall moved to adjourn. Mr. Manning seconded. Approved 5-0. Meeting adjourned at 2:40 p.m.

**APPROVED:**

*Ry-Randall*

*3/13/2013*

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

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

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