

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

**K. LEE PEIFER, CHAIRMAN
CHRISTOPHER HOLLAND
THOMAS MANNING**

**WEDNESDAY, DECEMBER 10, 2014
2:30 P.M.**

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

MEMBERS PRESENT:

*K. Lee Peifer
Christopher Holland
Thomas Manning*

OTHERS PRESENT:

*Doris Duhigg
Samantha Hults
Melissa Kountz
Rocky Gutierrez*

*Vincent Yermal
Stephanie Apodaca
Earl Baca
Joe Baca*

Minutes

I. CALL TO ORDER.

Meeting was called to order at 2:30 p.m., by Chairman K. Lee Peifer. Members Christopher Holland and Thomas Manning were present.

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, DECEMBER 10, 2014.

Chairman Peifer moved to approve the agenda for December 10, 2014. Mr. Manning seconded. Agenda approved 3-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, NOVEMBER 12, 2014.

Chairman Peifer moved for the approval of the minutes. Mr. Holland seconded. Minutes for Wednesday, November 12, 2014 approved 3-0.

IV. PB-14-11, AKEEM POWDRELL, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, ORDER DISMISSING PROCEEDINGS, WILLARD DAVIS.

Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque. She stated that Mr. Powdrell did not participate in his appeal process, showed lack of communication with the Union and the City. Ms. Hults asked the Board to uphold the Hearing Officer's Dismissal.

Rocky Gutierrez, AFSCME Local 1888, appeared on behalf of Akeem Powdrell and discussed that the union had verbal communication with Powdrell with the intent that he would appear for his hearing, which he did not attend.

Manning moved to uphold the Dismissal, Mr. Holland seconded,
Passed 3-0

- V. ***PB-14-13, KEITH MOORE, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, ORDER DISMISSING APPEAL, RITA SIGEL***
Rocky Gutierrez, AFSCME Local 1888 appeared on behalf of Keith Moore and stated that the Union submitted a Motion to Withdraw and agreed to dismiss.

Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque stated that Keith Moore never participated. An order was granted giving Mr. Moore additional time to find new representation. Mr. Moore never complied with the order. Ms. Hults asks the board to uphold the order dismissing the appeal.

Manning moved to make a decision to uphold the termination. Mr. Holland seconded.
Motion Passed 3-0

- VI. ***PB-14-02 EARL BACA, TERMINATION-CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PATRICK BINGHAM.***

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque stated that Mr. Baca's termination was due to violence in the work place. The City is free to decline mediation and the department felt that mediation was not appropriate in this matter. Tapes were fully authenticated and complete recordings. Ms. Kountz asked the Board to uphold the recommendation of the Hearing Officer.

Mr. Thomas Kalm, Attorney appeared on behalf of Earl Baca stated that he asked the City if Mr. Baca could go to mediation. The City declined to mediate and just went straight into the termination of Mr. Baca. Stated that the firing of Earl Baca was the most inappropriate firing because Earl Baca is a good person and the city lost a good employee.

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

Mr. Manning moved for the Board to go into executive session. Mr. Holland seconded.
Passed 3-0

Executive session concluded. Board only discussed matters in pending litigation.
Pb-14-02 Earl Baca is to be reinstated to employment including all time between the date of termination and the date of reinstatement to be served as suspension without pay.

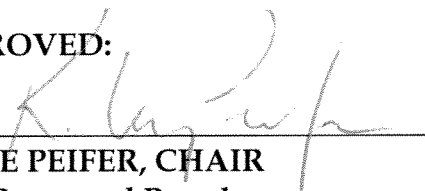
Chairman Peifer moved to make a motion on reinstating Baca. Mr. Holland seconded. Mr. Manning opposed. Motion Passed 2-1

- VIII. ***PUBLIC COMMENTS.***
No public comments.

- IX. ***OTHER MATTERS.***
Chairman Peifer stated that discussion on the Personnel Board Election (5th member) will be placed on the next agenda.

- X. ***ADJOURNMENT.***
Chairman Peifer moved to adjourn. Mr. Holland seconded. Meeting was adjourned at 4:02 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

1-14-2015

DATE

cc: *Richard J. Berry, Mayor*
Trina Gurule, Acting City Clerk