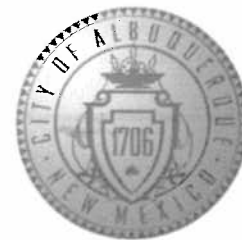


# CITY OF ALBUQUERQUE



## **CITY OF ALBUQUERQUE PERSONNEL BOARD**

**K. LEE PEIFER, CHAIRMAN  
CHRISTOPHER HOLLAND  
THOMAS MANNING  
MARIE JULIENNE  
T. ZANE REEVES**

**WEDNESDAY, OCTOBER 14, 2015  
2:30 P.M.**

**600 2<sup>ND</sup> STREET NW, 7<sup>TH</sup> FLOOR, ALBUQUERQUE, NM 87102**

### MEMBERS PRESENT:

*K. Lee Peifer  
Thomas Manning  
Christopher Holland  
T. Zane Reeves  
Marie Julienne*

### OTHERS PRESENT:

<i>Jeremy Dear</i>	<i>Irma Gonzalez</i>
<i>Nick Bullock</i>	<i>John D'Amato</i>
<i>Irma Gonzalez</i>	<i>Thomas Grover</i>
<i>Samantha Hults</i>	<i>Melissa Kountz</i>
<i>Diego Zamora</i>	<i>Bettina Dominguez</i>
<i>Curtis Keck</i>	<i>Casey Padilla</i>
<i>Justin Cheney</i>	<i>Angelique Dear</i>
<i>John Dear</i>	

PO Box 1293

Albuquerque

## *Minutes*

New Mexico 87103

### **CALL TO ORDER.**

Meeting was called to order at 2:32 p.m., by Chairman K. Lee Peifer. Members Thomas Manning, Christopher Holland, Marie Julienne and T. Zane Reeves were present.

www.cabq.gov

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, OCTOBER 14, 2015.**

Chair moves to approve the agenda for October 14, 2015. Mr. Manning seconded. Agenda approved 5-0.

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, AUGUST 12, 2015.**

Chairman Peifer moved to approve the minutes for August 12, 2015. Mr. Holland seconded. Minutes approved 5-0.

### **IV. DISCUSSION OF NEW CHAIRMAN FOR THE PERSONNEL BOARD**

Chairman Peifer reads article II section 1A of the rules. Read the selection of the Chairman for the Personnel Board. Would like to serve another term but don't know the process should he submit his name to the Mayor's office or have the Board select him again. Sought advice from

Assistant City Attorney, Nicholas Bullock. Chairman Peifer would also like to have the board elect a Vice Chair on the next agenda and possibly a New Chairman.

Assistant City Attorney Nicholas Bullock for the City of Albuquerque, Stated that Chairman Peifer could be nominated for another term.

**V. *PB-15-11 CURTIS KECK, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER RE CITY'S MOTION TO DISMISS DUE TO PERSONNEL BOARD'S LACK OF JURISDICTION OVER THE CAUSE, PATRICK BINGHAM.***

Mr. Keck went to NEO and was never told that he was not classified and it is news to him that he's has no rights.

Mr. Reeves explains to Mr. Keck of his appeal rights.

Irma Gonzalez, Assistant City Attorney for the City of Albuquerque, states that it is clear that there is no jurisdiction for unclassified employees. Has an affidavit from Darlene Herrera explaining that the lead crossing guard is a unclassified position.

**VI. *PB-15-10 BETTINA DOMINGUEZ, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMEDATION OF THE HEARING OFFICER, RITA SIEGEL.***

Mrs. Dominguez was treated wrongfully by APD. Was a City Employee for 13 year and has never been written up. Fighting for her job back.

Irma Gonzalez, Assistant City Attorney for the City of Albuquerque, states that Mrs. Dominguez had an opportunity to speak at a hearing. Also would just note that the hearing officer reached the same conclusion that there was no jurisdiction in this matter.

Ms. Julienne wanted to know if it is noted on the employee's paycheck that they are unclassified employees.

**VII. *PB-15-06 DIEGO ZAMORA, TERMINATION-ALBUQUERQUE FIRE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, RITA SIEGEL.***

Samantha Hults, Assistant City Attorney for the City of Albuquerque, Mr. D'Amato and Ms. Hults have decided to settle the matter and enter into a no fault agreement and Mr. Zamora will be reinstated as firefighter first class will receive sick pay eligibility, but not back pay, also won't be eligible for a promotional exam or process until 2018.

Mr. D'Amato, Attorney for the Grievant, it is the correct summary.

**VIII. *PB-14-24 JEREMY DEAR, TERMINATION-ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PATRICK BINGHAM.***

Thomas Grover, Attorney for the Grievant stated that there were deficiencies on the Hearing Officer's report. Hearing Officer Bingham disregarded testimony and documentary evidence. In this case it is a matter of he said she said. Lt. Aragon was given more creditability over the grievant (Dear). No notice of orders of consequences were given to Mr. Dear. Would like the board to have a conversation about this because on the face it seems like this is a clear case of Officer (A), who was given an order to use his camera and record every encounter. He failed to comply with the order in a way that was clearly insubordinate there for termination could be considered. They never even factored progressive discipline. They just went from a prior discipline matter of suspended hours to termination.

Samantha Hults, Assistant City Attorney for the City of Albuquerque, would like to talk about the IA investigation. Sgt. Norris stated in reviewing the video he was going to look at when Mr. Dear was on call. Norris looked at the CAD's. Sgt. Norris also looked at where there were traffic stops or arrests. Sgt. Norris threw out calls that didn't have a case number and kept the cases in that had citizen contacts, traffic stops and arrests. On evidence.com Sgt. Norris found that Dear was recording these at 45 percent and these were just traffic stops. Opposing council Mr. Grover stated himself that when there is a complaint they should always be recording. There was lack of time when Mr. Dear complied and that lowest time was when Mr. Dear was given the order. Forty One calls for service and only three videos were tagged into evidence. Mr. Dear's order was very specific, he was to record all citizens contacts. Mr. Dear was trained on the tazer camera by Mr. Wiggins.

Please see Item X.

**IX. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISMISSALS AND SETTLEMENTS.**  
None

**X. 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.**

Chairman Peifer moves for closed executive session. Mr. Manning seconded. Passed 5-0

Chairman Peifer moves to return back to open session. Mr. Manning seconded. Passed 5-0

PB-15-11 Curtis Keck, Termination-Albuquerque Police Department, Recommendation of the Hearing Officer, re City's motion to dismiss due to Personnel Board's lack of jurisdiction over the cause, Patrick Bingham.

Mr. Holland moves to uphold the recommendation of the Hearing Officer. Mr. Manning seconded. Passed 5-0

PB-15-10 Bettina Dominguez, Termination-Albuquerque Police Department.

Mr. Holland moves to uphold the recommendation of the Hearing Officer. Ms. Julienne seconded. Passed 5-0

PB-14-24 Jeremy Dear, Termination-Albuquerque Police Department.

The Board entertained lengthy argument from attorney Thomas Grover (for the Grievant) and Asst. City Attorney, Samantha Hults (for the City of Albuquerque Counsel for both parties recommended that the Board listen to portions of the testimony presented to the Hearing Officer "for itself." Following deliberation in executive session the Board returned to open session and announced that it would take this matter under advisement. Counsel for both parties were invited to direct the Board's attention to portions of the hearing testimony, not to exceed a total of forty-five minutes. Counsel's designations were to be submitted in writing to Stephanie Apodaca. The Board announced that it will deliberate further on this matter at its November meeting.

**XI. VACANCIES AND ORGANIZATIONAL MATTERS**

None

**XII. PUBLIC COMMENTS.**

Casey Padilla, AFSCME Local 624, would like the board to rule on a stay Matter on PB-15-12 Amanda McComb, which was denied by Hearing Officer Willard H. Davis. Asked the Board for this matter to be on the next agenda.

Irma Gonzalez, Assistant City Attorney for the City of Albuquerque, the Stay order was denied by Hearing Officer Davis. Amanda McComb has merits hearing on November 17<sup>th</sup>. The City is prepared to move forward with the merits hearing.

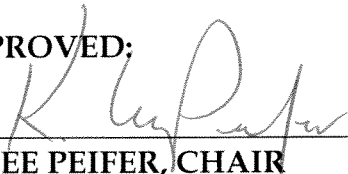
**XIII. OTHER MATTERS.**

Stephanie to see what will work for everyone to schedule next Personnel Board Meeting

**XIV. ADJOURNMENT.**

Chairman Peifer moves to adjourn. Mr. Holland seconded. Meeting was adjourned at 4.58 p.m. Passed 5-0

**APPROVED:**

  
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**K. LEE PEIFER, CHAIR**  
**City Personnel Board**

*11-12-2015*

**DATE**

cc: *Richard J. Berry, Mayor*  
*Natalie Y. Howard, City Clerk*