

**CITY OF ALBUQUERQUE  
PERSONNEL BOARD**

RYAN RANDALL, CHAIRMAN  
CAROL ADLER  
SARAH BEASLEY  
THOMAS MANNING

**NOTICE OF CANCELATION**

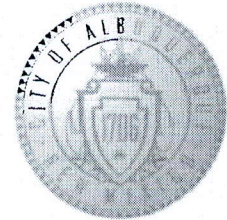
**THE CITY PERSONNEL BOARD  
MEETING  
HAS BEEN CANCELED FOR  
WEDNESDAY, JANUARY 8, 2014.**

*If you have any questions please contact Vanessa F. King at (505)768-4503.*

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: December 27, 2013

# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PERSONNEL BOARD

RYAN RANDALL, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING

WEDNESDAY, FEBRUARY 12, 2014  
2:30 P.M.

### MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning

### OTHERS PRESENT:

Stevie Nichols	Bobbie Griego
Melissa Kountz	Doris Duhigg
Linda Huckles	Pat Mezzancello
Victor Lovato	Cordero Montoya
Vanessa F. King	

PO Box 1293

## *Minutes*

Albuquerque

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

Meeting was called to order at 2:35 p.m., by Chairman Ryan Randall. Carol Adler and Thomas Manning were present. Sarah Beasley was not present due to illness.

NM 87103

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, FEBRUARY 12, 2014.**

Chairman Ryan Randall moved to approve the personnel board agenda for Wednesday, February 12, 2014. Thomas Manning seconded. Agenda approved 3-0.

www.cabq.gov

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

Chairman Ryan Randall moved to approve the personnel board minutes for Wednesday, November 13, 2014. Carol Adler seconded. Minutes approved 3-0.

### **IV. PB-13-11, PATRICK MCCLAIN, TERMINATION, TRANSIT DEPARTMENT – RECOMMENDATION OF THE HEARING OFFICER, PATRICK E. BINGHAM.**

Stevie Nichols appears on behalf of the City of Albuquerque. No representative or counsel for Patrick McClain appeared. Chairman Ryan Randall moved to go into executive session for the purposes of discussing PB-13-11 and PB-13-14, Recommendation of the Hearing Officer. Carol Adler seconded. Executive session approved 3-0. Back on the record, Thomas Manning moved to uphold the Hearing Officer's recommendation. Carol Adler seconded. Chairman Randall notes that three (3) dates and years were manually corrected to reflect 2013 and 2014. The numbers were transposed. Approved 3-0.

- V. **PB-13-14, DELILAH ORTEGA, 6 DAY SUSPENSION, TRANSIT DEPARTMENT – RECOMMENDATION OF THE HEARING OFFICER, WILLARD H. DAVIS.**  
Stevie Nichols appears on behalf of the City of Albuquerque. No representative or counsel for Delilah Ortega appeared. Chairman Ryan Randall moved to go into executive session for the purposes of discussing PB-13-11 and PB-13-14, Recommendation of the Hearing Officer. Carol Adler seconded. Executive session approved 3-0. Back on the record, Carol Adler moved to accept the Hearing Officer's recommendation. Thomas Manning seconded. Chairman Randall notes that there was a correction to #22 to reflect the name of Mr. Candelaria and not the grievant. Approved 3-0.
- VI. **PUBLIC COMMENTS.**  
None.
- VII. **CONSIDERATION OF NEW BOARD CHAIR.**  
Carol Adler and Thomas Manning consider the resumes of K. Lee Peifer and Barbara Stephenson as a new board chair. . Mr. Manning requests that Mrs. Beasley is present for consideration of new board chair and would like candidates to attend the next personnel board meeting. Matter to be scheduled for 3/12/14.
- VIII. **OTHER MATTERS.**  
Chairman Randall asks the status of the Personnel Board Election. Vanessa F. King discusses that the election will be held on April 29, 2014 to fill the vacant position for the personnel board. She also advises that an additional election will be held in August or September because Sarah Beasley's term will expire. Chairman Randall questions an email from Barbara Albin regarding contracts and pay. Vanessa F. King explains that two hearing officers are out of funds and \$15,000 has been added to all hearing officers' contracts.
- IX. **ADJOURNMENT.**  
Chairman Randall moves to adjourn meeting. Carol Adler seconds. Approved 3-0. Adjourned at 3:06 p.m.

APPROVED:

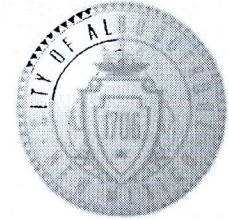
Ry-Randall  
RYAN RANDALL, CHAIR  
City Personnel Board

3/12/2014  
DATE

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



# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PERSONNEL BOARD

RYAN RANDALL, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING

WEDNESDAY, MARCH 12, 2014  
2:30 P.M.

### MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning

### OTHERS PRESENT:

Stevie Nichols	Bobbie Griego
Melissa Kountz	Doris Duhigg
Linda Huckles	Pat Mezzancello
Victor Lovato	Cordero Montoya
Vanessa F. King	

## Minutes

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

Meeting was called to order at 2:32 p.m., by Chairman Ryan Randall. Carol Adler and Thomas Manning were present. Sarah Beasley appeared telephonically.

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MARCH 12, 2014.**

Chairman Ryan Randall clarifies that there will be a two (2) public comment sections, public comment will take place during agenda Item IV. Consideration of Barbara Stephenson and K. Lee Peifer for Board Chairperson and during V. Public comments. Chairman Ryan Randall moved to approve the personnel board agenda for Wednesday, March 12, 2014. Thomas Manning seconded. Agenda approved 4-0.

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

Chairman Ryan Randall moved to approve the personnel board minutes for Wednesday, February 12, 2014. Sarah Beasley abstains from vote due to absence at last hearing. Carol Adler seconded. Minutes approved. 3 vote for, 1 abstained.

### **IV. CONSIDERATION OF BARBARA STEPHENSON AND K. LEE PEIFER FOR BOARD CHAIRPERSON.**

Rocky Gutierrez request that the Personnel Board Election process be finished before appointing a new board chairperson. Doris Duhigg, Chairman Randall believes there are no problems proceeding with appointing a chairperson before having election and worry about time constraints of City Council appointments and holding current chair in position. Carol Alder, Thomas Manning and Sarah Beasley request to proceed. Meeting is opened for questions and employee history of both Ms. Stephenson and Mr. Peifer. The Board openly discusses potential chair. Carol Adler asks for voting relating to Barbara Stephenson. Thomas Manning votes to accept her. Carol Adler asks for voting relating to K. Lee Peifer. Sarah Beasley and Carol Adler vote to accept him. New Chairperson is K. Lee Peifer 2-1. Mrs. Duhigg explains process for submitting to City Council.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov



V. **PUBLIC COMMENTS.**

Rocky Gutierrez thanks Board members for serving.

VI. **OTHER MATTERS.**

Doris Duhigg explains that a Personnel Board Election will take place on April 29, 2014 and that nominating petitions are due to the Office of the City Clerk are due March 14, 2014.

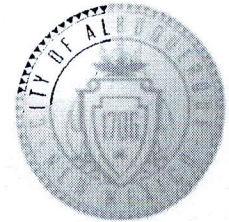
VII. **ADJOURNMENT.**

Chairman Randall moves to adjourn meeting. Carol Adler seconded. Approved 4-0. Adjourned at 3:36 p.m.

**APPROVED:**

	
_____ RYAN RANDALL, CHAIR City Personnel Board	_____ DATE

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



## CITY OF ALBUQUERQUE PERSONNEL BOARD

RYAN RANDALL, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING

WEDNESDAY, APRIL 9, 2014  
2:30 P.M.

### MEMBERS PRESENT:

Ryan Randall  
Carol Adler  
Thomas Manning  
Sarah Beasley

### OTHERS PRESENT:

Lisa Zamora	Jorge Valle
Doris Duligg	Sydne Lockwood
Kathy Levy	Yoki Maurx
Vanessa F. King	Vincent Yermal
Rebecca Wardlaw	John D'Amato
K. Lee Peifer	

## Minutes

PO Box 1293

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

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

Albuquerque

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 9, 2014.**

Chairman Ryan Randall moved to approve the personnel board agenda for Wednesday, April 9, 2014. Carol Adler seconded. Agenda approved 4-0.

NM 87103

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MARCH 12, 2014.**

Chairman Ryan Randall moved to approve the personnel board minutes for Wednesday, March 12, 2014. Thomas Manning seconded. Minutes approved 4-0.

www.cabq.gov

### **IV. PB-13-01, JEANETTE CASAUS, TERMINATION, CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN, ON REMAND FROM PERSONNEL BOARD.**

Rebecca Wardlaw appears for the City of Albuquerque. Chairman Ryan Randall move to go into confidential session due to drug result content. Carol Adler seconded. Confidential session approved 4-0.

During confidential session, Board voted unanimously to accept the Hearing Officer's recommendation.

### **V. PB-13-24, LAWRENCE LOPEZ, FIVE (5) DAY SUSPENSION, CITY OF ALBUQUERQUE AVIATION DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PATRICK BINGHAM.**

Rebecca Wardlaw appears for the City of Albuquerque. Mrs. Wardlaw believes that the Hearing Officer's recommendation is correct that the Personnel Board does not have jurisdiction in the matter because it was not more than 5 days and believes the appeal should have gone to the Grievance Review Committee.

Carol Adler moves to uphold the Hearing Officer's Decision. Motion passed 4-0.

VI. **PB-13-15, YOKI MAURX, TERMINATION, CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PATRICK BINGHAM.**

John D' Amato appears on behalf of Yoki Maurx. Kathy Levy appears on behalf of the City of Albuquerque. Mr. D'Amato discusses credibility of testimony, content of the record and lapel camera recordings. Mr. D'Amato asks the Board to reverse the recommendation or to remand case back for clarification. Kathy Levy explains investigation and video that shows Officer Maurx dragging inmate. Claims video supports just cause for termination. Mrs. Levy asks that just cause exists for termination and that the Board supports the Hearing Officer's recommendation.

Thomas Manning moves to accept the Hearing Officer's recommendation and uphold the termination, 3 in support, 1 in opposition.

VII. **PB-13-25, DEANA REYES, TERMINATION, CITY OF ALBUQUERQUE LEGAL DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, RITA SIEGEL.**

Rebecca Wardlaw appears for the City of Albuquerque. Mrs. Wardlaw gives short summary of case details.

Chair Ryan Randall moves to have K. Lee Peifer, Chair Elect to be allowed to watch executive session. Carol Adler seconded. Approved 4-0.

Chair Ryan Randall moves to go into executive session solely to consider PB-13-24, PB-13-15 and PB-13-25. Carol Adler seconded. Approved 4-0.

Chair Ryan Randall moves to uphold the Hearing Officer's recommendation. Thomas Manning seconded. Approved 4-0.

VIII. **PUBLIC COMMENTS.**

None.

IX. **OTHER MATTERS.**

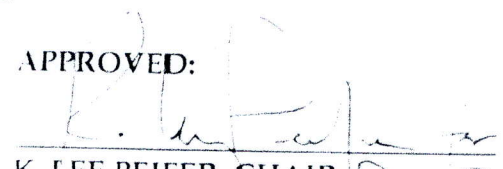
Sarah Beasley announces that she has accepted her opportunity to continue her education at Penn State University and gives notice that she will be leaving the Board in August. Vanessa F. King discusses the upcoming Personnel Board Election which will take place on April 29, 2014. Doris Duhigg says we will hold another election to replace Mrs. Beasley. Vanessa F. King says she will get second Personnel Board Election started.

Appointment of K. Lee Peifer is to go before City Council on April 23, 2014.

X. **ADJOURNMENT.**

Chair Ryan Randall moves to adjourn. Sarah Beasley seconded. Meeting adjourned at 3:53 p.m.

APPROVED:

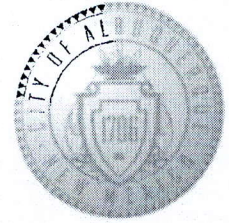
  
K. LEE PEIFER, CHAIR  
City Personnel Board

05/14/14  
DATE

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



# CITY OF ALBUQUERQUE



## **CITY OF ALBUQUERQUE PERSONNEL BOARD**

**K. LEE PEIFER, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING**

**WEDNESDAY, MAY 14, 2014  
2:30 P.M.**

### MEMBERS PRESENT:

*K. Lee Peifer  
Carol Adler  
Thomas Manning*

### OTHERS PRESENT:

<i>Melissa Kountz</i>	<i>Samantha Hults</i>
<i>Doris Duhigg</i>	<i>Stevie Nichols</i>
<i>Albert Marquez</i>	<i>Paula Forney</i>
<i>Vanessa F. King</i>	<i>Vincent Yermal</i>
<i>Rebecca Wardlaw</i>	<i>Robert Montoya</i>
<i>Victor Lovato</i>	<i>Nicole Moss</i>
<i>Susan Timmerman</i>	

## ***Minutes***

PO Box 1293

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

Meeting was called to order at 2:31 p.m., by Chairman K. Lee Peifer. Members Carol Adler and Thomas Manning were present. Sarah Beasley did not attend.

Albuquerque

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, MAY 14, 2014.**

Chairman Peifer requests that the Chairman of the Personnel Board heading be changed to reflect the change of Chairman Ryan Randall to Chairman K. Lee Peifer. Thomas Manning moved to approve the agenda for May 14, 2014. Carol Adler seconded. Agenda approved 3-0.

NM 87103

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, APRIL 12, 2014.**

Thomas Manning requested changes to the minutes which were reflected in final minutes presented at meeting. Thomas Manning moved for the approval of the proposed minutes. Carol Adler seconded. Minutes for Wednesday, April 12, 2014 approved 3-0.

www.cabq.gov

### **IV. PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, ORDER OF DISMISSAL AND REMAND TO PERSONNEL BOARD FROM DISTRICT COURT, JUDGE CARL BUTKUS.**

Paula Forney appears on behalf of the City of Albuquerque. Mr. McGrath or counsel did not appear. The City of Albuquerque filed a Notice of the City's Withdrawal of its Appeal and Notice of Compliance with the Board's Ruling on 5/12/14. Counsel for Mr. McGrath filed a Motion for Remand to Personnel Hearing Officer for Recommendations on Damages and Reinstatement on 5/14/14. Board will put items on June Agenda.

V. ***PB-13-22, ROBERT MONTOYA, 10 DAY SUSPENSION, CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF HEARING OFFICER, PATRICK BINGHAM.***

Robert Montoya appears pro se. Stevie Nichols appears on behalf of the City of Albuquerque. Mr. Montoya denies the allegations against him and claims that he did not receive any requested discovery. He asks that the Board reverse the Hearing Officer's decision. Mrs. Nichols explains that Mr. Montoya has been with the City for many years but has multiple disciplinary issues. Mrs. Nichols claims that Mr. Montoya was disciplined for insubordination, falsifying timesheets, failing to following directions and cell phone usage. Mrs. Nichols asks the Board to uphold the Hearing Officer's recommendation.

Thomas manning moves to uphold the Hearing Officer's decision. Carol Adler seconded. Chairman Peifer opposed. Mr. Peifer agrees that discipline is warranted but would have supported a six (6) day suspension in the alternative. Motion to uphold Hearing Officer's decision approved 2-1.

VI. ***PB-13-26, ALBERT MARQUEZ, 30 DAY SUSPENSION, CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF HEARING OFFICER PATRICK BINGHAM.***

Albert Marquez appeared with counsel, Nicole Moss. Melissa Kountz appeared on behalf of the City of Albuquerque. Doris Duhigg stated that she has worked with Mr. Marquez for the past six (6) years and thinks very highly of him. She recused herself for any matters relating to Mr. Marquez. Melissa Kountz claimed that the parties were finalizing settlement documents in the matter. Item placed on the June 2014 Personnel Board Agenda for pending finalization of settlement.

VII. ***PB-07-24, ROBERT MONTOYA, 20 DAY SUSPENSION, CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, CITY'S ALLEGED FAILURE TO AHERE TO SETTLEMENT AGREEMENT.***

Robert Montoya appeared pro se. Chairman Peifer informed Mr. Montoya that the matter should be heard by the City of Albuquerque's Labor Board. Matter transferred to Jessica Enriquez for Labor Board scheduling.

Mr. Manning moves to meet in executive session to consider PB-13-22. Carol Adler seconded. Approved 3-0.

Mr. Manning moves to open the meeting from executive session. Carol Adler seconded. Approved 3-0.

VIII. ***PUBLIC COMMENTS.***

None.

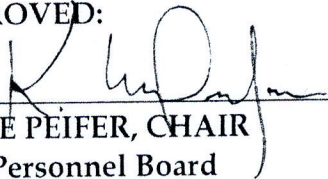
IX. ***OTHER MATTERS.***

None.

X. ***ADJOURNMENT.***

Chair K. Lee Peifer moves to adjourn. Carol Adler seconded. Meeting adjourned at 3:45 p.m.

APPROVED:

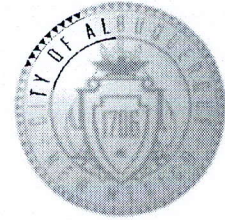
  
\_\_\_\_\_  
K. LEE PEIFER, CHAIR  
City Personnel Board

June 11, 2014  
DATE

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



# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PERSONNEL BOARD

K. LEE PEIFER, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING

WEDNESDAY, JUNE 11, 2014  
2:30 P.M.

### MEMBERS PRESENT:

K. Lee Peifer  
Carol Adler  
Thomas Manning  
Sarah Beasley

### OTHERS PRESENT:

Melissa Kountz	Samantha Hults
Brian Egan	Mary Scott
Paula Forney	Vanessa F. King
Vincent Yermal	Rebecca Wardlaw
Victor Lovato	Jessica Enriquez

## Minutes

- PO Box 1293
- Albuquerque
- NM 87103
- www.cabq.gov
- I. **CALL TO ORDER.**  
Meeting was called to order at 2:33 p.m., by Chairman K. Lee Peifer. Members Carol Adler, Sarah Beasley and Thomas Manning were present.
  - II. **REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 11, 2014.**  
Carol Adler moves to approve the agenda for June 11, 2014. Thomas Manning seconded. Agenda approved 4-0.
  - III. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 14, 2014.**  
Chairman K. Lee Peifer moved for the approval of the May 14, 2014 minutes. Thomas Manning seconded. Minutes for Wednesday, May 14, 2014 approved 4-0.
  - IV. **PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, NOTICE OF CITY'S WITHDRAWAL OF ITS APPEAL AND NOTICE OF COMPLIANCE WITH THE BOARD'S RULING.**  
Chairman Peifer notifies that Agenda Items IV and V will be heard together and moves to meet in confidential session to discuss PB-08-09 and PB-10-14. Carol Adler seconded. Approved 4-0. Matters were heard in executive session. Board reviewed and discussed only PB-08-09 and PB-10-14. Paula Forney appears on behalf of the City of Albuquerque. Mr. McGrath or counsel did not appear. Chairman Peifer makes a motion to acknowledge the Order of Dismissal and Remand from District Court, that the Board's prior order remain in full force and effect, for the back pay and reinstatement for the 20 day suspension, that the Motion for Remand to Personnel Hearing Officer on Damages and Reinstatement be denied and that the City draft a form of Order reflecting motion if passed which shall be circulated to Board within one week and after the Order is approved, it shall be circulated to Mr. McGrath and his counsel, Mr. Livingston. Carol Adler seconded. Roll call vote approved 4-0.

V. ***PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, GRIEVANT'S MOTION FOR REMAND TO PERSONNEL HEARING OFFICER FOR RECOMMENDATIONS ON DAMAGES AND REINSTATEMENT.***

Chairman Peifer notifies that Agenda Items IV and V will be heard together and moves to meet in confidential session to discuss PB-08-09 and PB-10-14. Carol Adler seconded. Approved 4-0. Matters were heard in executive session. Board reviewed and discussed only PB-08-09 and PB-10-14. Paula Forney appears on behalf of the City of Albuquerque. Mr. McGrath or counsel did not appear. Chairman Peifer makes a motion to acknowledge the Order of Dismissal and Remand from District Court, that the Board's prior order remain in full force and effect, for the back pay and reinstatement for the 20 day suspension, that the Motion for Remand to Personnel Hearing Officer on Damages and Reinstatement be denied and that the City draft a form of Order reflecting motion if passed which shall be circulated to Board within one week and after the Order is approved, it shall be circulated to Mr. McGrath and his counsel, Mr. Livingston. Carol Adler seconded. Roll call vote approved 4-0.

VI. ***PB-13-26, ALBERT MARQUEZ, 30 DAY SUSPENSION, CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, PENDING FINALIZATION OF SETTLEMENT AGREEMENT.***

Melissa Kountz appears on behalf of the City of Albuquerque. Mrs. Kountz states that a settlement agreement was reached and submitted to the Board on May 28, 2014. Thomas Manning moves to dismiss PB-13-26. Carol Adler seconded. Stipulated Order of Dismissal Approved 4-0.

VII. ***PB-14-01, STEVEN ABEYTA, DEMOTION-CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT, HEARING OFFICER'S RECOMMENDATION, RITA SIEGEL.***

Mr. Abeyta or a representative for Mr. Abeyta did not appear. Samantha Hults appears on behalf of the City of Albuquerque. Mrs. Beasley disclosed that Mr. Abeyta approached her husband, who was a Union Steward for Local 64 but did not represent him. She does recognize his name but has no information related to the case. Ms. Hults explains that Mr. Abeyta was previously employed at the City's Transit Department and had signed and acknowledge the job description but was not able to certify on both residential and commercial vehicles as required in the job description. He was demoted from a B31 to a B29. He is able to apply or certify for jobs that may become available. Ms. Hults is concerned about Item number 6 of the recommendation for future opportunities. Ms. Hults asks that the demotion be upheld.

VIII. ***VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) OF THE NM OPEN MEETINGS ACT (LIMITED PERSONNEL MATTERS).***

Chairman Peifer moves to go into closed session. Carol Adler seconded. Closed session passed 4-0.

Chairman Peifer moves to come back from closed session. Thomas Manning seconded. Roll call vote approved 4-0.

Thomas Manning moves to uphold the Hearing Officer's Recommendation in support. Carol Adler seconded. Approved 4-0.

IX. ***PUBLIC COMMENTS.***

Rebecca Wardlaw notifies Board of letter that was received from Paul Livingston claiming the Board does not have authority to be a Personnel Board.

Vince Yermal states he will not be present at the July 2014 Personnel Board Hearing and thanks Sarah Beasley for serving on Board.



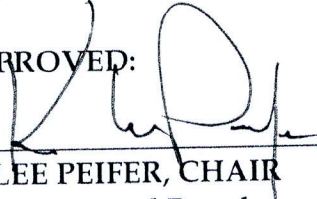
- X. **OTHER MATTERS.**  
Board's signing of documents.

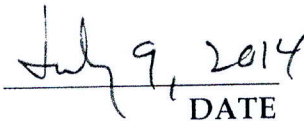
Board received three (3) items of correspondence from Paul Livingston. Board will review and discuss documents and decided if it shall be placed on next agenda. Vanessa F. King shall submit documents to Board.

Sarah Beasley discusses Personnel Board election with Vincent Yermal regarding outcome.

- XI. **ADJOURNMENT.**  
Thomas Manning moves to adjourn meeting. Carol Adler seconded. Adjourned at 3:49 p.m.

APPROVED:

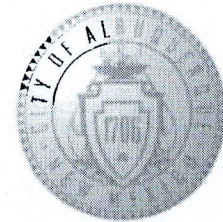
  
\_\_\_\_\_  
K. LEE PEIFER, CHAIR  
City Personnel Board

  
\_\_\_\_\_  
DATE

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



# CITY OF ALBUQUERQUE



## CITY OF ALBUQUERQUE PERSONNEL BOARD

K. LEE PEIFER, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING

WEDNESDAY, JULY 9, 2014  
2:30 P.M.

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

### MEMBERS PRESENT:

K. Lee Peifer  
Carol Adler  
Thomas Manning  
Sarah Beasley

### OTHERS PRESENT:

Melissa Kountz	Rebecca Wardlaw
Leland Churan	Dynette Cordova
Paula Forney	Vanessa F. King
Karl Isselhard	David Downey
Doris Duhigg	Nancy Laflin

## Minutes

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

Meeting was called to order at 2:37 p.m., by Chairman K. Lee Peifer. Members Carol Adler, Sarah Beasley and Thomas Manning were present.

### **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 9, 2014.**

Carol Adler moves to approve the agenda for June 11, 2014. Sarah Beasley seconded. Agenda approved 4-0.

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JUNE 11, 2014.**

Chairman K. Lee Peifer notes that there was a capitalization error to Thomas Manning's last name that should be fixed. Thomas Manning moved for the approval of the June 11, 2014 minutes. Carol Adler seconded. Minutes for Wednesday, June 11, 2014 approved 4-0.

### **IV. PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, ORDER**

Paula Forney appears on behalf of the City of Albuquerque. Mr. McGrath or counsel did not appear. Chairman Peifer notes that there is an error in paragraph 2; the word "and" should be deleted. Once it is deleted the order can be approved and circulated to the Mr. Livingston and the Board to sign at the August 13, 2014 meeting.

### **V. PB-13-05, BRAD TATE, TERMINATION-CITY OF ALBUQUERQUE FIRE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.**

Rebecca Wardlaw appears on behalf of the City of Albuquerque. Mr. Tate or his counsel did not appear. Mrs. Wardlaw gives brief description of case and history. Chairman Peifer moves to go into executive session. Carol Adler seconded. Approved 4-0. The Board came back from executive session after discussing only PB-13-05. Sarah Beasley moves to uphold the Recommendation of Hearing Officer, Barbara Albin. Carol Adler

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

seconded. Approved 4-0.

VI. **VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) OF THE NM OPEN MEETINGS ACT (LIMITED PERSONNEL MATTERS).**

VII. **PUBLIC COMMENTS.**  
None.

VIII. **OTHER MATTERS.**

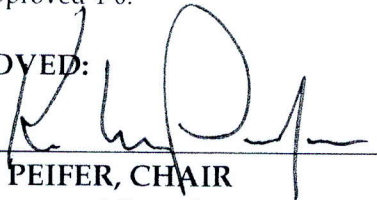
Chairman Peifer wishes Sarah Beasley the best on her journey to Pennsylvania and thanks her for serving on the Board. Mrs. Beasley states she may be able to return for the August 13, 2014 meeting if available.

Vanessa F. King discusses status of the April 29, 2014 Personnel Board Election and the upcoming election to fulfil the Labor vacancies.

IX. **ADJOURNMENT.**

Chairman Peifer moves to adjourn meeting. Sarah Beasley seconded. Adjourned at 3:44 p.m. Approved 4-0.

APPROVED:

  
\_\_\_\_\_  
K. LEE PEIFER, CHAIR  
City Personnel Board

09/10/2014  
DATE

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

**CITY OF ALBUQUERQUE  
PERSONNEL BOARD**

K. LEE PEIFER, CHAIRMAN  
CAROL ADLER  
SARAH BEASLEY  
THOMAS MANNING

**AMENDED  
NOTICE OF CANCELTION**

**THE CITY PERSONNEL BOARD  
MEETING  
HAS BEEN CANCELED FOR  
WEDNESDAY, AUGUST 13, 2014,  
DUE TO A MEDICAL EMERGENCY**

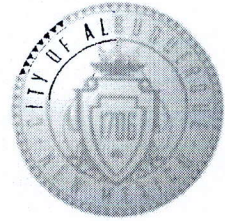
**THE NEXT SCHEDULED MEETING  
IS SEPTEMBER 10, 2014.**

*If you have any questions please contact Jessica Enriquez at (505)924-3918.*

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: August 13, 2014





## **CITY OF ALBUQUERQUE PERSONNEL BOARD**

**K. LEE PEIFER, CHAIRMAN  
SARAH BEASLEY  
CAROL ADLER  
THOMAS MANNING**

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

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

### **MEMBERS PRESENT:**

*K. Lee Peifer  
Carol Adler  
Thomas Manning*

### **OTHERS PRESENT:**

*Doris Duhigg      Mary Scott  
Samantha Hults      Jessica Enriquez  
Melissa Kountz      Mike McGrath*

## ***Minutes***

PO Box 1293

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

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

Albuquerque

### ***II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, SEPTEMBER 10, 2014.***

Chairman Peifer moved to approve the agenda for September 10, 2014. Ms. Adler seconded. Agenda approved 3-0.

NM 87103

### ***III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JULY 9, 2014.***

Chairman Peifer moved for the approval of the minutes. Ms. Adler seconded. Minutes for Wednesday, July 9, 2014 approved 3-0.

www.cabq.gov

### ***IV. PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, ORDER.***

Chairman Peifer moved to accept the Order. Ms. Adler seconded. Passed 3-0.

Michael McGrath appeared and asked the Board to explain the Order. Chairman Peifer read the Order into the record and explained the decision of the Board.

### ***V. PB-14-12, JOSEPH LUBBERS, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.***

Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that the parties have settled and Mr. Lubbers has resigned.

Chairman Peifer moved for the Board to go into closed executive session. Ms. Adler seconded. Passed 3-0.

Executive session concluded. Chairman Peifer moved to accept and approve the hearing officer's recommendation. Ms. Adler seconded. Passed 3-0.

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

Executive session concluded. Board only discussed matters in pending litigation.

**VII. PUBLIC COMMENTS.**

Paul Salazar appeared before the Board and stated that his situation is one similar to Mr. McGrath's case. Chairman Peifer advised him that because his case was not on the agenda they could not discuss his case and that the Board can only act on cases brought before them.

Doris Duhigg, Assistant City Attorney advised Mr. Salazar that the correct process is to file an appeal, have the matter heard before a hearing officer then the matter goes before the Personnel Board

Mr. McGrath asked if his attorney has been barred. Ms. Duhigg responded that yes he has but his matter could not be discussed because it was not on the agenda.

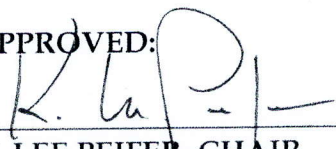
**VIII. OTHER MATTERS.**

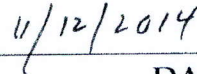
No other matters were heard.

**IX. ADJOURNMENT.**

Mr. Manning moved to adjourn. Ms. Adler seconded. Meeting was adjourned at 3:16 p.m.

APPROVED:

  
K. LEE PEIFER, CHAIR  
City Personnel Board



DATE

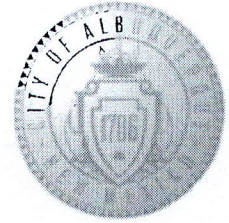
cc: Richard J. Berry, Mayor  
Trina Gurule, Acting City Clerk



# CITY OF ALBUQUERQUE

## CITY OF ALBUQUERQUE PERSONNEL BOARD

K. LEE PEIFER, CHAIRMAN  
CHRISTOPHER HOLLAND  
THOMAS MANNING



WEDNESDAY, NOVEMBER 12, 2014  
2:30 P.M.

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

### MEMBERS PRESENT:

K. Lee Peifer  
Christopher Holland  
Thomas Manning

### OTHERS PRESENT:

Doris Duhigg  
Samantha Hults  
Melissa Kountz  
Marie Legrand-Miller  
Vincent Yermal  
Stephanie Apodaca  
Paul Salazar  
Kim Ritchey  
John D'Amato

## *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, NOVEMBER 12, 2014.**

Chairman Peifer moved to approve the agenda for November 12, 2014. Mr. Manning seconded. Agenda approved 3-0.

### **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, SEPTEMBER 10, 2014.**

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

### **IV. PB-13-17, RON SURRAN, 120 HOUR SUSPENSION-ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.**

John D'Amato, Attorney, appeared on behalf of Ron Surran and discussed the written report policy for an officer. He stated that Mr. Surran wrote his report based on memory.

Marie Legrand-Miller, Assistant City Attorney appeared on behalf of the City of Albuquerque and asked the Board to adopt the Recommendation of the Hearing Officer.

Chairman Peifer moved to make a decision after returning from closed session. Manning moved to uphold, Mr. Holland seconded, Chairman Peifer Opposed  
Passed 2-1

### **V. PB-14-03, CECILIA CRESPI, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDED DECISION, WILLARD DAVIS**



Kim Ritchey, AFSCME Local 624 appeared on behalf of Cecilia Crespín and discussed that Crespín was terminated due to DUI. Crespín had hearing after 90 days and was never convicted for the DUI. Therefore, asked the board to overturn the termination.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque. Stated that in the COP policy an employee who gets a DUI must report it to their supervisor. She stated that Ms. Crespín was terminated due to the policy and asked the Board to uphold the termination.

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

**VI. PB-14-16 RANDY OTERO, TERMINATION-CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.**

Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque stated that Mr. Otero's termination was a jurisdiction issue. Union didn't respond to City's motion to dismiss. Ms. Hults asks the Board to uphold the recommendation of the Hearing Officer.

Chairman Peifer moved to adopt the recommendation of the Hearing Officer. Mr. Manning seconded. Passed 3-0

**VII. PB-14-15 DAN PFEL, 32 HOUR SUSPENSION- CITY OF ALBUQUERQUE POLICE DEPARTMENT, STIPULATED ORDER TO DISMISS.**

John D'Amato appeared on behalf of Dan Pfel stated it was a jurisdiction issue. He didn't know why the union appealed to the Personnel Board. D'Amato asked the board to adopt the order.

Chairman Peifer moved for the Board to go to closed executive session. Mr. Manning seconded. Passed 3-0

**VIII. PB-11-02 RITO FLORES, TERMINATION-CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION ON THE CITY'S MOTION TO DISMISS FROM HEARING OFFICER, PAT BINGHAM**

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that on May 1, 2013 District Court agreed with the City to reverse the remand and that State Labor Board had no jurisdiction.

Chairman Peifer states that when the Hearing Officer submits the Findings, Facts and Conclusions the Board will then review his decision.

**IX. PB-11-06 AKEEM POWDRELL, 10 SUSPENSION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, DECISION AND ORDER.**

Samantha Hults, Assistant City Attorney on behalf of the City of Albuquerque states that Mr. Powdrell never participated in any of the hearings. Mailed letter to his last known address and never showed up with his Union representative for the hearing, so the City motioned for a dismissal and the union did not disagree.

Chairman Peifer moved to make a motion to dismiss. Mr. Manning seconded. Passed 3-0

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

Executive session concluded. Board only discussed matters in pending litigation.

**XI. PUBLIC COMMENTS.**

Paul Salazar appeared before the Board and stated that he had been terminated from transit, represented by Paul Livingston who is now disbarred.

Chairman Peifer advised Salazar that his case can only be considered by the process outlined in the Ordinance, and the NM state bar was supposed to review Mr. Livingston's files and help his former clients find legal representation.

Doris Duhigg, Assistant City Attorney advised Mr. Salazar to wait because his case is still pending in appeal at District Court and also stated that here is nothing the Personnel Board can do.

**XII. OTHER MATTERS.**

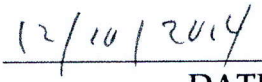
No other matters were heard.

**XIII. ADJOURNMENT.**

Chairman Peifer moved to adjourn. Mr. Holland seconded. Meeting was adjourned at 5:16 p.m.

**APPROVED:**

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

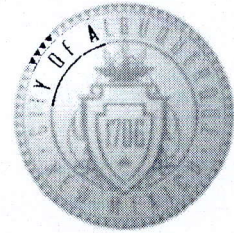
  
\_\_\_\_\_  
**DATE**

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

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

### MEMBERS PRESENT:

K. Lee Peifer  
Christopher Holland  
Thomas Manning

### OTHERS PRESENT:

Doris Duhigg	Vincent Yermal
Samantha Hults	Stephanie Apodaca
Melissa Kountz	Earl Baca
Rocky Gutierrez	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.

PO Box 1293

### **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.

Albuquerque

### **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.

New Mexico 87103

### **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.

www.cabq.gov

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.

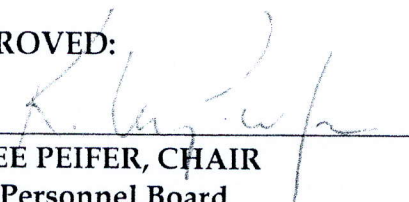
Chairman Peifer moved to make a motion on reinstating Baca. Mr. Holland seconded. Mr. Manning opposed. Motion Passed 2-1

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

- IX. ***OTHER MATTERS.***  
Chairman Peifer stated that discussion on the Personnel Board Election (5<sup>th</sup> 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