



**CITY OF ALBUQUERQUE
PERSONNEL BOARD**

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

NOTICE OF CANCELLATION

**THE CITY PERSONNEL
BOARD MEETING
HAS BEEN CANCELLED FOR
WEDNESDAY, DECEMBER 9, 2015.**

**THE NEXT SCHEDULED
MEETING IS
WEDNESDAY, JANUARY 13, 2016.**

PO Box 1293
PO Box 1293

Albuquerque
Albuquerque

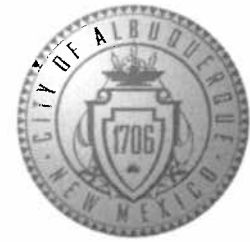
New Mexico 87103
New Mexico 87103

www.cabq.gov
www.cabq.gov

If you have any questions please contact Stephanie Apodaca at (505)924-3654.

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: November 30, 2015



CITY OF ALBUQUERQUE PERSONNEL BOARD

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

TUESDAY, NOVEMBER 10, 2015
2:30 P.M.

600 2ND STREET NW, 7TH 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>Mary Scott</i> | <i>Ian Stoker</i> |
| <i>Charles Arasin</i> | <i>Casey Padilla</i> |
| <i>Marissa Lucero</i> | <i>Janelle Rodriguez</i> |
| <i>John Dear</i> | <i>Megan Cruz</i> |
| <i>Ryan Bertel</i> | <i>Rene Thompson</i> |
| <i>Angelica Dear</i> | <i>Diane Kimberle</i> |

PO Box 1293

Albuquerque

Minutes

New Mexico 87103

CALL TO ORDER.

Meeting was called to order at 2:30 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, NOVEMBER 10 2015.

Chair moves to approve the agenda for November 10, 2015. Mr. Manning, seconded. Agenda approved. Passed 5-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, OCTOBER 14, 2015.

Chairman Peifer moved to approve the minutes for October 14, 2015. Mr. Reeves seconded. Minutes approved. Passed 5-0.

IV. BOARD MEMBERS TO ELECT A NEW CHAIR AND VICE CHAIR

Mr. Holland nominated Mr. T. Zane Reeves to be the New Vice Chair. Mr. Reeves accepted. Passed 4-0.

Mr. Reeves nominated Chairman K. Lee Peifer to stay the Chair. Mr. Peifer accepted. Passed 4-0.

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

Chairman Peifer stated that the board will make a recommendation today in executive session pertaining to Mr. Jeremy Dear.

Please see item X

VI. ***PB-14-14 BRENDA ALBERTS, TERMINATION-CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, CITY OF ALBUQUERQUE'S MOTION TO ENFORCE SETTLEMENT AGREEMENT.***

Melissa Kountz, Assistant City Attorney for the City of Albuquerque, states that Rocky Gutierrez AFSCME Representative and Brenda Alberts offered the city to settle in the amount sum for Thirty Five Thousand dollars (35,000.00) and to resign. Rocky Gutierrez contacted the city and stated that Alberts didn't understand the taxable agreement. It's the city's position under New Mexico law that it doesn't revoke the agreement. Ms. Kountz, asks the board to enter an order to allow Ms. Alberts (30) thirty days to execute the agreement or she has forfeited her rights.

Mr. Rocky Gutierrez, AFSCME Representative not present.

Chairman Peifer, asks Ms. Kountz how the Board is the correct venue to enforce the settlement. Will take this matter under advisement on the next board meeting.

Mr. Holland so moves. Mr. Reeves seconded
Passed 5-0

VII. ***BOARD REVIEW OF HEARING OFFICER WILLARD DAVIS'S DECISION ON A STAY ORDER IN PB-15-12.***

Irma Gonzalez , Assistant City Attorney for the City of Albuquerque, Clarified the motion to dismiss for the board. Mr. Rocky Gutierrez and Ms. Irma Gonzalez jointly agreed to file a stay proceedings. Hearing Officer, Willard Davis denied the order to Stay.

Casey Padilla, AFSCME Local 624, states that this policy was imposed upon the employees and not negotiated with the union. By the time district court decides on this, the union can settle these.

Mr. Holland moves to uphold the hearing officer's recommendation.
Mr. Reeves seconded. Passed 5-0.

VIII. ***RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.***
None

IX. ***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 entertains a motion to close the meeting.

Mr. Manning moves to close the meeting for closed executive session.

Mr. Holland seconded. Passed 5-0

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

Nothing was discussed in closed session other than PB-15-24 Jeremy Dear.

PB 14-24 Jeremy Dear, Termination-City of Albuquerque Police Department, Recommendation of the Hearing Officer Patrick Bingham. The chair will make a motion today, and the recommendation of the hearing officer be modified as follows: Finding of Fact #3, Conclusions of Law # 3,4,5,6,7. The board makes additional Findings and Conclusions of Law.

The Appropriate penalty is to reinstate Mr. Dear with a 90 day suspension without pay.

Mr. Reeves seconded.
Mr. Manning and Mr. Holland opposed.
Passed 3-2

X. **VACANCIES AND ORGANIZATIONAL MATTERS**
None

XI. **PUBLIC COMMENTS.**
None

XII. **OTHER MATTERS.**
None

XIII. **ADJOURNMENT.**
Chairman Peifer moves to adjourn. Mr. Holland seconded. Meeting was adjourned at 4:33 p.m. Passed 5-0

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

01/13/2016

DATE

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



**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 2ND STREET NW, 7TH 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 where 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 where traffic stop 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 45percent 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 DISSMALS 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 17th. The City is prepared to move forward with the merits hearing.

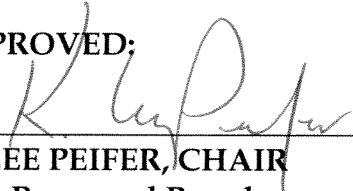
XIII. OTHER MATTERS.

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:

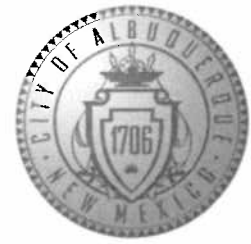


K. LEE PEIFER, CHAIR
City Personnel Board

11-12-2015

DATE

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



**CITY OF ALBUQUERQUE
PERSONNEL BOARD**

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

NOTICE OF CANCELLATION

**THE CITY PERSONNEL
BOARD MEETING
HAS BEEN CANCELLED FOR
WEDNESDAY, SEPTEMBER 9, 2015.**

**THE NEXT SCHEDULED
MEETING IS
WEDNESDAY, OCTOBER 14, 2015.**

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

If you have any questions please contact Stephanie Apodaca at (505)924-3654.

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: September 1, 2015



CITY OF ALBUQUERQUE PERSONNEL BOARD

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

**WEDNESDAY, AUGUST 12, 2015
2:30 P.M.**

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

| | |
|-----------------------|--------------------------|
| <i>Kellie Garcia</i> | <i>Stephanie Apodaca</i> |
| <i>Nick Bullock</i> | <i>Bobby Griego</i> |
| <i>Irma Gonzalez</i> | <i>Victor Lovato</i> |
| <i>Samantha Hults</i> | <i>Melissa Kountz</i> |

PO Box 1293

Minutes

- Albuquerque I. **CALL TO ORDER.**
Meeting was called to order at 2:34 p.m., by Chairman K. Lee Peifer. Members Christopher Holland, Marie Julienne and T. Zane Reeves were present, Member Thomas Manning was not present.
- New Mexico 87103 II. **REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, AUGUST 12, 2015.**
Mr. Holland moved to approve the agenda for August 12, 2015. Mr. Reeves seconded. Agenda approved 4-0.
- www.cabq.gov III. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JULY 8, 2015.**
Chairman Peifer moved to approve the minutes for July 8, 2015. Mr. Holland seconded. Minutes approved 4-0.
- IV. **INTRODUCTION OF NEW PERSONNEL BOARD MEMBER T. ZANE REEVES**
Mr. Reeves is happy to be back
- V. **DISCUSSION ON BOARD COMPOSITION AND MERIT SYSTEM ORDINANCE.**
We are fully staffed as a board and won't need this as an item on the agenda anymore.

VI. **PB-15-09 NATHANIEL KRANTZ, 7 DAY SUSPENSION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMEDATION OF THE HEARING OFFICER, BARBARA ALBIN.**

Mr. Krantz, was not present but withdrew his appeal.

The recommendation from the Hearing Officer states that she is asking the board to dismiss the appeal with prejudice.

Chairman Peifer moves the approval of Hearing Officers recommendation.
Mr. Holland Seconded. Passed 4-0

VII. **RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.**

VIII. **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.**

Nothing to discuss in closed session.

IX. **VACANCIES AND ORGANIZATIONAL MATTERS**

X. **PUBLIC COMMENTS.**

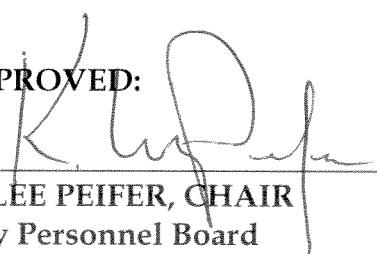
No public comments

XI. **OTHER MATTERS.**

XII. **ADJOURNMENT.**

Chairman Peifer moves to adjourn. Mr. Holland seconded. Meeting was adjourned at 2:40 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

10/14/2015

DATE

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



**CITY OF ALBUQUERQUE
PERSONNEL BOARD**

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

**WEDNESDAY, JULY 8, 2015
2:30 P.M.**

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

MEMBERS PRESENT:

*K. Lee Peifer
Christopher Holland
Thomas Manning
Marie Julienne*

OTHERS PRESENT:

*Kellie Garcia
Nick Bullock
Irma Gonzalez
Ron Gonzales
Stephanie Apodaca
Vanessa King
Victor Lovato
Robert Gutierrez*

PO Box 1293

Minutes

- Albuquerque
- I. **CALL TO ORDER.**
Meeting was called to order at 2:33 p.m., by Chairman K. Lee Peifer. Members Thomas Manning, Marie Julienne were present, Member Christopher Holland telephonically.
- New Mexico 87103
- II. **REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JULY 8, 2015.**
Chairman Peifer moved to approve the agenda for July 8, 2015. Mr. Manning seconded. Agenda approved 4-0.
- www.cabq.gov
- III. **REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JUNE 10, 2015.**
Chairman Peifer moved to approve the minutes for June 10, 2015. Mr. Manning seconded. Minutes approved 4-0.
- IV. **INTRODUCTION OF NEW PERSONNEL BOARD MEMBER MARIE JULIENNE**
Marie Julienne has been selected by the City Employees. Works for University of New Mexico. Here to support the City's vision and code of conducts.
- V. **DISCUSSION ON BOARD COMPOSITION AND MERIT SYSTEM ORDINANCE.**
Kellie Garcia, Assistant City Attorney for the City of Albuquerque, reported that Mr. Reeves appointment is now in litigation but his appointment is still moving forward. AFSCME filed a petition and is in District Court.

VI. PB-15-07 MELANIE GREENACRE, 120 HOUR SUSPENSION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, ORDER OF DISMISSAL WITH PREJUDICE HEARING OFFICER, PAT BINGHAM.

Chairman Peifer reviewed the Hearing Officers order and it appears to be a joint motion from both parties.

Chairman Peifer moves that the matter be dismissed by the board.
Mr. Manning Seconded. Passed 4-0

VII. PB-15-02 RON GONZALES, TERMINATION- CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, RITA SIEGEL.

Ron Gonzales appeared in person and was represented by Robert Gutierrez, in his individual capacity and not on behalf of any collective bargaining representative.

Mr. Gonzales maintained that there was not just cause for his termination because points for an August 2014 "miss out" should not have been included in his acclimated points total and because he should have had the benefit of additional credit point deductions under the contract. Mr. Gonzales also argued that he did not get timely notice that points for a September miss out were being assessed against him

Kellie Garcia, Assistant City Attorney on behalf of the City of Albuquerque, The City of Albuquerque maintained that Mr. Gonzales had the benefit of all point credits to which he was entitled, that Mr. Gonzales didn't provide written proof of a medical emergency to justify removing the August 2014 points from his accumulated total and that, even without those points he had the accumulated total of tardiness and miss out points to constitute just cause for his termination.

VIII. PB-11-02 RITO FLORES, TERMINATION-CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM.

Mr. Flores did not appear personally or through a representative.

Kellie Garcia, Assistant City Attorney on behalf of the City of Albuquerque, Mr. Flores went to Presbyterian Hospital's Emergency room and requested prescription pills. Mr. Milligan, a physicians' assistant didn't give him a prescription. Flores indicated to Mr. Milligan that he was an APD Officer. Milligan than contacted the Albuquerque Police Department and an investigation was done on Mr. Flores for impersonating an officer. The City did terminate Mr. Flores for violating Personnel Rules and Regulations.

IX. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.

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 4-0

Chairman Peifer moves to return back to open session. Mr. Manning seconded
Passed 4-0

PB-15-02 Ron Gonzales, Termination -City of Albuquerque Transit Department-
Recommendation of Hearing Officer Rita Siegel.

Mr. Holland moves that the Recommendation of the Hearing Officer be adopted. Manning seconded. Chairman Peifer opposed. Passed 3-1

PB-11-02 Rito Flores Termination- City of Albuquerque Animal Welfare Department, Recommendation of the Hearing Officer Pat Bingham.
Mr. Manning, moves to uphold the Recommendation and sustain the termination. Mr. Holland, seconded. Passed 4-0.

XI. VACANCIES AND ORGANIZATIONAL MATTERS

XII. PUBLIC COMMENTS.

No public comments

XIII. OTHER MATTERS.

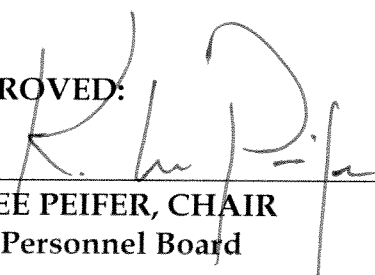
The Board Signed Brenda Albert's order from last month's Personnel Board Meeting.

Nick Bullock, Assistant City Attorney for the City of Albuquerque, in reading the Merits and Personnel Rules and Regulations there are some appellant's that do not fall under the jurisdiction to this Board. Bullock asks the Board if he can look at the merits ordinance. If changes are going to be made will submit to Stephanie Apodaca to put on the agenda for the board to hear.

XIV. ADJOURNMENT.

Chairman Peifer moves to adjourn. Mr. Manning seconded. Meeting was adjourned at 4:13 p.m.

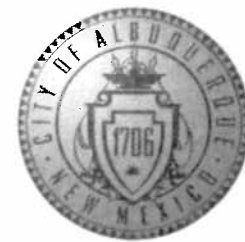
APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

08/12/2015
DATE

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



CITY OF ALBUQUERQUE PERSONNEL BOARD

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

**WEDNESDAY, JUNE 10, 2015
2:30 P.M.**

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

MEMBERS PRESENT:

*K. Lee Peifer
Christopher Holland
Thomas Manning*

OTHERS PRESENT:

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| <i>Melissa Kountz</i> | <i>Stephanie Apodaca</i> |
| <i>Nick Bullock</i> | <i>Rocky Gutierrez</i> |
| <i>Charles Arasim</i> | <i>Thomas Grover</i> |
| <i>Vincent Yermal</i> | <i>Janelle Rodriguez</i> |
| <i>Kathy Levy</i> | <i>Diane Goodman</i> |

Minutes

- PO Box 1293 **I. CALL TO ORDER.**
Meeting was called to order at 2:32 p.m., by Chairman K. Lee Peifer. Member Thomas Manning was present, Member Christopher Holland telephonically.
- Albuquerque **II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 10, 2015.**
Chairman Peifer moved to approve the agenda for June 10, 2015. Mr. Manning seconded. Agenda approved 3-0.
- New Mexico 87103 **III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 13, 2015.**
Holland stated that item X needed to be corrected. It should read Holland seconded and Manning Opposed. Passed, 2-1.

Chairman Peifer moved to approve the minutes for May 13, 2015 with Mr. Holland's correction. Mr. Manning seconded. Minutes approved 3-0.
- www.cabq.gov **IV. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MARCH 11, 2015.**
Chairman Peifer stated at the last meeting a minor correction needed be made in the minutes. It was reviewed and approved by the board at last meeting.
- V. PRESENTATION AND ACTIONS ON PROPOSED OPEN MEETINGS ACT RESOLUTION ALSO TO INCLUDE VIDEO RECORDING OF PERSONNEL BOARD PROCEEDINGS.**
Chairman Peifer already approved the resolution last meeting wanted Nick Bullock to correct

the date.

Nick Bullock, Assistant City Attorney on behalf of the City of Albuquerque changed the date and made the correction.

- VI. DISCUSSION ON BOARD COMPOSITION AND MERIT SYSTEM ORDINANCE.**
Vincent Yermal, Senior Labor Human Resources Department on behalf of the City of Albuquerque, The appointment board member Zane Reeves is still in process and the second board member has gone to City Council but was deferred.

- VII. PB-14-07 SCOTT MCMURROUGH, 56 HOUR SUSPENSION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM.**

No one appeared on behalf of Scott McMurrough.

Kathy Levy, Assistant City Attorney on behalf of the City of Albuquerque, This is a case on behalf of a 911 call received as an open line call. Dispatch heard a child crying in the back ground someone yelling at the child who was named Omari. Officers arrive at the location and a woman comes to the door. Officer McMurrough who was the back-up officer never took the children aside to check them. What the officers discussed was the house looked clean and they looked like a good family. No report was ever filed, no action taken. Officer's on call for approximately 13 minutes. Officer McMurrough and Officer Vigil went off air and went back on air 15 minutes before the shift ended. Officer's could not account for time off air. 56 hours is more than justified. Levy asks the board to uphold the Hearing Officer's recommendation.

- VIII. PB-14-22 REBECCA MACIAS 20 DAY SUSPENSION- CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM.**

Rocky Gutierrez, AFSCME on behalf of the grievant Ms. Rebecca Macias, Macias was disciplined for alleged altercation while on duty. Macias was having a conversation with another employee. The other employee asked Macias isn't that the person who is trying to get you fired Ms. Macias stated no it is Captain Marquez. Captain Marquez began to initiate the altercation with Macias saying that she was a problem and verbally attack Macias. Macias was suspended for 20 days with 10 days held abeyance. Captain Marquez who did the verbal attacking never got disciplined for the altercation. A notice went to the meditation coordinator on May 30, 2014. Macias got final action on September 2014. It took 6 months to discipline Ms. Macias. Would like the same discipline the other employee got which was a letter of instruction.

Melissa Kountz, Assistant City Attorney on behalf of the City of Albuquerque, Ms. Rebecca Macias and Captain Marquez did get into an altercation and make personal comments to one another. It was found that Macias was the instigator. Macias has had past discipline in her file and has had a three day suspension and the second was a five day suspension. The third was a twenty day suspension but ten days was held abeyance. Six months has past and the other 10 days was not imposed so she served ten days which was the discipline.

- IX. PB-11-23 ROBERT WOOLEVER, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM. "FINAL ACTION FOLLOWING CONTINUED DELIBERATION IN CLOSED SESSION"**

Chairman Peifer Members would like to deliberate in closed session and take an action after closed session.

X. *RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.*

XI. *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 3-0

Chairman Peifer moves to return back to open session. Mr. Holland seconded
Passed 3-0

PB-14-07 Scott McMurrough, Termination Albuquerque Police Department- Chairman Peifer moves that the Recommendation of the Hearing Officer be accepted and upheld. Manning seconded. Passed 3-0

PB-14-22 Rebecca Macias, 20 Day suspension Albuquerque Animal Welfare Department- Mr. Holland moves to accept the Recommendation of the Hearing Officer. Mr. Manning seconded. Chairman Peifer opposed. Passed 2-1.

PB-11-23 Robert Woolever, Termination Albuquerque Police Department- Mr. Manning moves to uphold the Hearing Officers recommendation to sustain the recommendation. Mr. Holland seconded. Chairman Peifer Opposed. Passed 2-1.

XII. *VACANCIES AND ORGANIZATIONAL MATTERS*

XIII. *PUBLIC COMMENTS.*

John Doyle, former APD Officer. Was the other officer in the video with Woolever. Trusted Woolever as a cop. Had to use physical force to keep to from taking someone's life and that is what happened that night. Did everything they could that night and didn't have to shoot Nicholas Bloom. Woolever was treated and told to change his story. Would like this to be looked further into. Disappointed in this decision.

Charles Arasim, a photo journalist. The appointment of the New Member to Personnel Board was deferred twice, and would like to know who has standing to challenge the election.

Melissa Kountz Assistant City Attorney on behalf of the City of Albuquerque wanted to know about the written order on Brenda Albert's.

XIV. *OTHER MATTERS.*

No other matters

XV. *ADJOURNMENT.*

Chairman Peifer moves to adjourn. Mr. Manning seconded. Meeting was adjourned at 4:10 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

07/08/2015

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, MAY 13, 2015
2:30 P.M.**

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

MEMBERS PRESENT:

*K. Lee Peifer
Christopher Holland
Thomas Manning*

OTHERS PRESENT:

*Samantha Hults
Nick Bullock
Charles Arasim
Vincent Yermal
Kathy Levy
Stephanie Apodaca
Rocky Gutierrez
Thomas Grover
Barbara Albin*

Minutes

I. CALL TO ORDER.

PO Box 1293

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, MAY 13, 2015.

Albuquerque

Chairman Peifer moved to approve the agenda for May 13, 2015. Mr. Manning seconded. Agenda approved 3-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MARCH 11, 2015.

New Mexico 87103

Manning had question on item VI reference should state closed session and not open session.

www.cabq.gov

Chairman Peifer moved to approve the minutes for March 11, 2015. Mr. Holland seconded with correction. Minutes approved 3-0.

IV. PRESENTATION AND ACTIONS ON PROPOSED OPEN MEETINGS ACT RESOLUTION ALSO TO INCLUDE VIDEO RECORDING OF PERSONNEL BOARD PROCEEDINGS.

Nick Bullock, Assistant City Attorney on behalf of the City of Albuquerque, every year the Personnel Board will adopt a Resolution, making sure the board is in compliance with the open meetings act. Make useful accommodations for audio and video.

Mr. Holland states that the date on page five is incorrect and needs to be corrected.

Chairman Peifer moves to adopt the Resolution with the correction by Mr. Holland and it be deemed in effect when corrected and signed at the next board meeting.

Mr. Manning, seconded. Passed 3-0

V. ***DISCUSSION ON BOARD COMPOSITION AND MERIT SYSTEM ORDINANCE.***

Stephanie Apodaca, City Hearing Monitor for the City of Albuquerque, Marie Julienne is the new Board Member who was elected on March 31, 2015 for the City's Personnel Board. Marie's status is she is waiting to be confirmed by City Council.

Vincent Yermal, Senior Labor Human Resources Department on behalf of the City of Albuquerque, The appointment on the Fifth Member for Mr. Zane Reeves will be going through City Council.

Rocky Gutierrez, AFSCME Council 18, Been waiting for Mr. Reeves to be appointed for over year and a half ago. Mr. Gutierrez would like to know if Mr. Reeves would be appointed for the next two years, since he has not been appointed yet by City Council.

Mr. Manning asks that Assistant City Attorney Nick Bullock respond to this matter.

Charles Arasim a Citizen states that there is a discrepancy in the Personnel Board Election. Questions the candidate's on the ballot

Chairman Peifer, would like the Board Composition to be on the next Agenda. Also Mr. Bullock is to respond to the question on who is the person Mr. Arasim goes to if he challenges the Personnel Board Election.

Chairman Peifer moves for a motion. Mr. Manning seconded. Passed 3-0

VI. ***PB-11-23 ROBERT WOOLEVER, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM.***

Thomas Grover, Attorney on behalf of Mr. Woolever, Mr. Grover's stated that Mr. Woolever was targeted with unrepresented scrutiny for an action he was supposed to do. Chase the bad guy who fled from him. The Facts in the report are in error and it is unjust. Mr. Grover urges the Board to reverse the decision.

Kathy Levy, Assistant City Attorney on behalf of the City of Albuquerque, Every officer has a constitutional obligation to stop another officer from using excessive or deadly force. This case is based on the evidence the Hearing Officer heard. The H/O was extremely detailed in each of his findings. There was a video tape involving the officers and Mr. Bloom (suspect). Levy asks the Board to uphold the termination of Mr. Woolever.

VII. ***PB-14-14 BRENDA ALBERTS, TERMINATION- CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER AND CITY'S OBJECTION TO THE RECOMMENDATION OF THE HEARING OFFICER, PAT BINGHAM.***

Samantha Hults, Assistant City Attorney on behalf of the City of Albuquerque, Ms. Brenda Albert's was a Senior Office Assistant, was temporary upgraded to a Supervisor when she began to bully, harassing and intimidating employees. Numerous complaints were made on Ms. Albert's. Ms. Flores stated she called her fat, made comments about her bumps on her arms. She called someone a greasy Mexican, she told another employee she was going to hell because of her sexual orientation. The Hearing Officer found that the discipline was too harsh

The City objects to the Hearing Officers Decision. Hults asks the Board to uphold the termination and overturn the Hearing Officer's Decision.

Rocky Gutierrez, AFSCME on behalf of the grievant Ms. Benda Albert's, Albert's was upgraded to a Supervisor because she knew her job. Don't know Ms. Flores would file complaints against Ms. Albert's. Flores contacted another employee and told them to make a complaint against Albert's. When Flores was asked she denied the allegation. Flores creditability is questionable. Flores was open about her condition. When Ms. Albert's was upgraded to the Supervisor position is when all the issues started. Allegations against Mr. Albert's are false. The only thing is question is the Christian cards given out to all the employees. In the Recommendation from the H/O it does not say that Ms. Albert's harassed anyone. The 60 day suspension is still too harsh. Gutierrez asks the board to bring back Ms. Albert's to the City with a much further reduced disciplinary action.

VIII. PB-13-06 ROBERT METZGAR, TERMINATION-CITY OF ALBUQUERQUE POLICE DEPARTMENT, ORDER DISMISSING THIS ACTION, WILLARD DAVIS.

Samantha Hults, Assistant City Attorney on behalf of the City of Albuquerque, ask the board to uphold the order

Chairman Peifer moves to uphold the order dismissing this action. Mr. Holland seconded. Passed 3-0

IX. RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.

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. Holland seconded. Passed 3-0

Chairman Peifer moves to return back to open session. Mr. Manning seconded Passed 3-0

PB-11-23 Robert Woolever, Termination Albuquerque Police Department- both Mr. Grover and Ms. Levy invited the board to review the record that is on file. Assistant City Attorney Kathy Levy suggested that the board also review the video. Chairman Peifer asked Ms. Hults to relay a message to Ms. Levy to get a video copy to Ms. Apodaca for the board to review. Mr. Grover asked the board to review the proposed finding.

Chairman Peifer moves to defer action on this item until the review is complete. Mr. Holland seconded. Mr. Manning Opposed. Passed 2-1

PB-14-14 Brenda Albert's, Termination Albuquerque Animal Welfare Department- Mr. Holland moves for the board to accept and adopt the recommendation of the hearing officers finding and conclusions subject to the following modification. Would like the board adopt proposed finding of fact 16 and 17 by the City of Albuquerque. Also propose to adopt additional conclusion of law. Mr. Holland would also like to adopt the alternative recommendation by the city which states in the event the grievant is reinstated (60 day suspension without pay).

Mr. Holland moves for the Board to adopt. Chairman Peifer seconded. Passed 3-0

XI. **VACANCIES AND ORGANIZATIONAL MATTERS**

XII. **PUBLIC COMMENTS.**

Charles Arasim, a photo journalist. Talks about being locked out of the Personnel Hearings, asks the Board to look into current contracts, RFP's on the Hearing Officers.

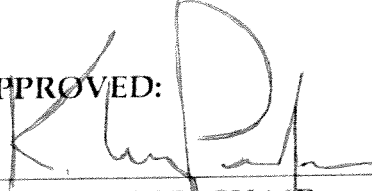
XIII. **OTHER MATTERS.**

No other matters

XIV. **ADJOURNMENT.**

Chairman Peifer moves to adjourn. Mr. Manning seconded. Meeting was adjourned at 5:01 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

07/08/2015

DATE

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

CITY OF ALBUQUERQUE

**CITY OF ALBUQUERQUE
PERSONNEL BOARD**

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



NOTICE OF CANCELATION

THE CITY PERSONNEL BOARD MEETING HAS BEEN CANCELED FOR WEDNESDAY, APRIL 8, 2015.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

If you have any questions please contact Stephanie Apodaca at (505)924-3654.

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: March 25, 2015

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

K. LEE PEIFER, CHAIRMAN
CHRISTOPHER HOLLAND
THOMAS MANNING

WEDNESDAY, MARCH 11, 2015
2:30 P.M.

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

MEMBERS PRESENT:

K. Lee Peifer
Christopher Holland
Thomas Manning

OTHERS PRESENT:

Kellie Garcia
Nick Bullock
Charles Arasim
Stephanie Apodaca

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, MARCH 11, 2015.

Chairman Peifer moved to approve the agenda for March 11, 2015. Mr. Manning seconded. Agenda approved 3-0.

Albuquerque

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, JANUARY 14, 2015.

Chairman Peifer moved to approve the minutes for January 14, 2015. Mr. Manning seconded. Minutes approved 3-0.

New Mexico 87103

IV. PB-14-21 AND PB-14-23, RICHARD HERNANDEZ, TERMINATION-CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT, ORDER OF DISMISSAL.

Kellie Garcia, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated the City sought concurrence from Rocky Gutierrez from AFSCME on behalf of Mr. Richard Hernandez in PB-14-21 and PB-14-23. The matter was settled and to include PB-14-21 and PB-14-23. The City simply sought the union concurrence to dismiss. Sent to Mr. Gutierrez for an approval and a call was made to Mr. Gutierrez no response was received, so the City filed a motion to dismiss as is. She spoke to Mr. Gutierrez today he is in court. He agrees with the City's motion to dismiss.

www.cabq.gov

Chairman Peifer moves the order of dismissal be approved by the Board. Mr. Holland, seconded. Passed 3-0

V. **RECEIPT, APPROVAL AND SIGNING OF STIPULATED DISSMALS AND SETTLEMENTS.**

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 moves to close the meeting. Mr. Manning seconded. Passed 3-0.

Chairman Peifer moves to return from closed session. Mr. Holland seconded. Passed 3-0

Chairman Peifer stated nothing was discussed in closed session.

VII. **VACANCIES AND ORGANIZATIONAL MATTERS**

VIII. **PUBLIC COMMENTS.**

No public comments.

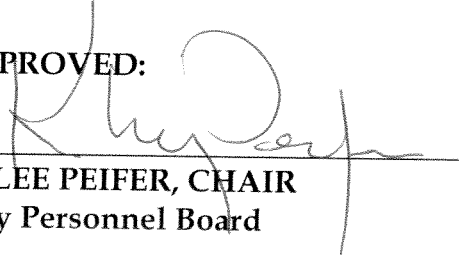
IX. **OTHER MATTERS.**

Chairman Peifer speaks to Assistant City Attorney Nick Bullock and would like if he can have a new resolution submitted by the next board meeting, so it can be approved by the board.

X. **ADJOURNMENT.**

Chairman Peifer moves to adjourn. Mr. Manning, seconded. Meeting was adjourned at 2:50 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

June 9, 2015

DATE

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



**CITY OF ALBUQUERQUE
PERSONNEL BOARD**

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

NOTICE OF CANCELLATION

**THE CITY PERSONNEL
BOARD MEETING
HAS BEEN CANCELLED FOR
WEDNESDAY, FEBRUARY 11, 2015.**

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

**THE NEXT SCHEDULED
MEETING IS
WEDNESDAY, MARCH 11, 2015.**

If you have any questions please contact Stephanie Apodaca at (505)924-3654.

POSTED AT CITY/COUNTY GOVERNMENT CENTER, ONE CIVIC PLAZA

DATE POSTED: January 28, 2015

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

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

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

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

MEMBERS PRESENT:

*K. Lee Peifer
Christopher Holland
Thomas Manning*

OTHERS PRESENT:

*Sam Bregman
Nick Bullock
Samantha Hults
Vanessa King
Stephanie Apodaca
Orlando Mora
Chief David Downy
Vincent Yermal*

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, JANUARY 14, 2015.

Chairman Peifer moved to approve the agenda for January 14, 2015. Mr. Manning seconded. Agenda approved 3-0.

Albuquerque

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, DECEMBER 10, 2014.

Chairman Peifer stated that a correction needed to be made in item VII of the agenda. The text should read that the Board only discussed limited personnel matters. There was no pending litigation.

New Mexico 87103

Chairman Peifer moved to approve the minutes with the correction. Mr. Holland seconded. Minutes for Wednesday, December 10, 2014. Minutes Approved 3-0.

www.cabq.gov

IV. PB-14-04, ORLANDO MORA, TERMINATION-CITY OF ALBUQUERQUE FIRE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.

Chairman Peifer stated that this matter should go into confidential session because it is pertaining to drug testing and SOP's. Would hear from the parties and their attorney's, would then go into executive session to deliberate then return to open session to take formal action.

Sam Bregman, Attorney for Orlando Mora agreed to go into Confidential session.

Chairman Peifer moves to go into confidential session. Mr. Manning seconded, Passed 3-0.

Confidential session concluded. Chairman Peifer moved for the Board to go into executive session. Mr. Holland seconded.
Passed 3-0.

Executive session concluded. Chairman Peifer stated that the Board only discussed matters that were limited to PB-14-04 Orlando Mora.

Mr. Manning moved to make a motion to accept the Recommendation of the Hearing Officer Mr. Holland seconded. Motion Passed 3-0.

V. **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.**

See item IV.

VI. **VACANCIES AND ORGANIZATIONAL MATTERS**

Chairman Peifer stated that the Board continues to have these meetings with only three members and it should have five. Stephanie Apodaca, City Hearing Monitor stated that she will be holding a Personnel Board Election on March 31, 2015 to fill one of the vacancies. The other vacancy is still pending approval of the elected Zane Reeves.

VII. **PUBLIC COMMENTS.**

No public comments.

VIII. **OTHER MATTERS.**

Chairman Peifer speaks on the Recommendation of the hearing Officer in the matter of Rito Flores and stated that Mr. Flores filed his appeal with two Boards, the Labor Board and the Personnel Board. The Recommendation of the Hearing Officer stated that this matter be put back on the hearing docket and heard before the Hearing Officer at the next available date.

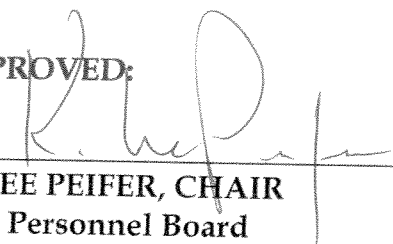
Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that a hearing has already been set in the matter of Rito Flores.

Holland made a motion to approve the Recommendation of the Hearing Officer.
Mr. Manning seconded. Passed 3-0

IX. **ADJOURNMENT.**

Mr. Holland moved to adjourn. Mr. Manning seconded. Meeting was adjourned at 3:55 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board

03/11/2015

DATE

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