

City of Albuquerque

Office of the City Clerk



Personnel Board General Rules and Regulations

**Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103**

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1. POWERS, DUTIES AND GENERAL ADMINISTRATION OF THE BOARD

1.1. Powers and Duties

- 1.1.1. The Personnel Board shall have the powers and duties as outlined in ROA 1994, § 3-1-5.

1.2. Complaints about Board Members

- 1.2.1. The Chair will meet at their discretion with any member to attempt to address concerns voiced by other members, the public, City representatives or grievants/their representatives regarding behavior during meetings, lack of attendance or participation and related matters. Matters involving the Chair will be addressed by the Mayor or the Mayor's representative.
- 1.2.2. The Board will not formally address complaints against a Board member or the Chair. All Complaints of this nature will be forwarded, in writing, to the Mayor's office.
- 1.2.3. If an objection relates to a possible conflict of interest, Board members will consider the objection and decide whether an appearance of a conflict of interest exists and act accordingly.

1.3. Indemnification of Board Members

- 1.3.1. See ROA 1994, §2-6-2-4.

2. ORGANIZATION OF THE BOARD

2.1. Appointment of Members of the Personnel Board

- 2.1.1. The Personnel Board shall have members appointed as outlined in ROA 1994, § 3-1-4.

2.2. Election of Chair and Vice Chair

- 2.2.1. The Board shall elect a Chair and another member to act as Vice Chair.
- 2.2.2. The Chair and Vice Chair may not serve more than two full consecutive terms respectively.
- 2.2.3. The Chair and Vice Chair shall serve for a term of one year.
- 2.2.4. The Chair and Vice Chair can be removed by a majority vote of the full Board.

2.3. Powers and Duties of the Chair and Vice Chair

- 2.3.1. The Chair shall call the Board meeting to order, and upon a quorum being present, shall proceed to business.
- 2.3.2. Having the following powers and responsibilities, the Chair:
 - 2.3.2.1. Shall preserve order and decorum and maintain the general direction of any and all Board meetings.
 - 2.3.2.2. Shall assign agenda items and have the responsibility for ensuring the preparation of the agenda and for proper dissemination of the agenda with the public notice for the meeting.
 - 2.3.2.3. Shall decide all questions of order.
 - 2.3.2.4. May speak, as other Board members, on general matters.
 - 2.3.2.5. Shall call for Executive Sessions in which the Board deliberates the recommendations of the hearing officer(s) and takes a "straw vote" which is formalized in open session.
 - 2.3.2.6. May make a motion in the same manner as other Board members.
 - 2.3.2.7. Shall vote upon all questions in the same manner as other

Board members.

- 2.3.2.8. Shall announce the result promptly on the completion of every vote.
- 2.3.2.9. Shall call for session closure following a duly executed motion, second and vote of the Board members.
- 2.3.2.10. Shall sign all letters in conjunction with the business of the Personnel Board.
- 2.3.3. In the absence of the Chair, upon the Chair's inability to act, or upon request of the Chair, the Vice Chair shall preside and shall have all the powers and authority of the Chair.
- 2.3.4. In the absence of the Chair and Vice Chair, the most Senior Member of the Board shall preside and shall have all the powers and authority of the Chair.

3. PROCEDURES

3.1. General Rules

- 3.1.1. In the absence of a procedural rule, the Board should look to the latest addition of Robert's Rules of Order to facilitate a well-organized meeting of the Board.

3.2. Order of Business

- 3.2.1. The Board shall consider business in the following order:
 - 3.2.1.1. Review and Approval of Meeting Agenda
 - 3.2.1.2. Review and Approval of the Minutes of Last Meeting
 - 3.2.1.3. Public Comment
 - 3.2.1.4. Presentation of Cases
 - 3.2.1.5. Executive Session
 - 3.2.1.6. Other Matters/New Business
 - 3.2.1.7. Adjournment
- 3.2.2. The Chair may, upon the vote of a majority of a quorum of the Board, proceed out of order to any order of business or return to any prior order of business.
- 3.2.3. A Board member shall withdraw from any matter in which he or she has a direct or indirect conflict of interest or when the Board member does not believe he or she can provide a fair and impartial hearing.
- 3.2.4. Board members should err on the side of caution and withdraw from any proceeding in which there is an appearance of a conflict of interest.

3.3. Motions

- 3.3.1. No motions shall be entertained or debated until announced by the Chair, and every motion shall be seconded. The Chair may make motions or second motions.

3.4. Presentation of Cases by the City, Greivants and/or their Representatives

- 3.4.1. The Chair shall recognize appropriate representatives from the City and grievant and/or their representatives in order that they may present their case.
- 3.4.2. Such representatives shall have five minutes to address the Board unless otherwise specified by the Chair following a motion to alter such time limits that has been made, seconded and approved by a vote of a quorum of the Board.
- 3.4.3. Questions from the Board extend the time for the presentation of a party's case.

3.4.4. The Federal Department of Transportation's (DOT) Office of Drug and Alcohol Policy and Compliance, 49 C.F. R. § 40.323(b), provides that information regarding drug and alcohol test results pertaining to safety sensitive employees, as designated by DOT Regulations, cannot be disclosed in an open meeting without first obtaining permission from a grievant to disclose the results.

3.4.4.1. In the event that such permission is not granted by a grievant, the drug or alcohol test results of a grievant shall be released only to the parties in the proceeding and to the hearing officer. The hearing officer shall review the test results *in-camera*.

3.4.4.2. Audio recordings and minutes taken during testimony pertaining to a grievant's drug or alcohol test shall be taken separately from the public record and subsequently sealed. Such recordings shall not be considered public record in accordance with the Inspection of Public Records Act, 1979 NMSA § 14-2-1(b)(12). The evidence containing test results shall be separated from the public record and shall be sealed. The test results shall remain sealed unless a court of proper jurisdiction orders otherwise.

3.5. Discussion

3.5.1. Any Board member wishing to speak, make a motion, submit a report, or conduct other business shall address the Chair and shall not proceed further until recognized by the Chair.

3.5.2. If two or more Board members seek recognition at the same time, the Chair shall name the one who shall speak first.

3.5.3. Any Board member may ask questions of grievants, their representatives, or hearing officers.

3.5.4. Board Members or other speakers shall confine their remarks to the question under discussion or debate, avoiding personalities. No Board member shall engage in private discourse or commit any other act tending to distract the attention of the Board from the business before it.

3.6. Voting by Members of the Board

3.6.1. The chair shall call for a vote on each motion that has been made and seconded by the Board.

3.6.2. A majority vote of a quorum of the Board will carry any and all motions. In the event of tie votes, the Appeal Motion fails.

3.6.3. Voting shall be in the form of "Yea" or "Nay". Every Board member who is within the room shall vote upon each question, except those who have disqualified themselves due to a conflict of interest or the appearance thereof.

3.7. Deliberating and Recording Case Decisions

3.7.1. Following the presentation of cases and discussion in open session, the Board shall deliberate in Executive Session following a motion to go into Executive Session, which is duly seconded and voted upon by a majority of a quorum of the Board.

3.7.2. Only Board members and the City Attorney advising the Board attend deliberations conducted in Executive Session.

3.7.3. During Executive Session, a "straw poll" is taken by the Chair regarding proposed decisions in each case.

- 3.7.4. In open session, a motion stating the decision of the Board will be made separately for each case and when duly seconded and passed by a vote of a majority of a quorum of the Board, such decision is formally entered into the record as final.

3.8. Decisions of the Board

- 3.8.1. The employee or the city may appeal the final decision of the Personnel Board to the District Court within thirty (30) days after the date of the decision voted on by a quorum of the Board, by following the Rules of Civil Procedure for the District Courts.
- 3.8.2. The Board may consider only the following in rendering a decision regarding a hearing officer's recommendation:
- 3.8.2.1. The hearing record
 - 3.8.2.2. The hearing officer's findings, proposed conclusions and recommendations
 - 3.8.2.3. The Board shall *not* consider matters not in the record before the hearing officer
 - 3.8.2.4. If the Board determines that the credibility of a witness is at issue, the Board may review at least as much of the record as is necessary to support its decision.
 - 3.8.2.5. A request to submit a brief by any party shall be presented to the Chair no less than five (5) working days prior to the scheduled hearing.
- 3.8.3. Final decisions of the Board are voted on in open session and recorded in the minutes by the hearing monitor. The Board may vote to:
- 3.8.3.1. Accept the recommendation of the hearing officer by accepting the hearing officer's Proposed Findings of Fact and entering conclusions of law consistent with the findings;
 - 3.8.3.2. Reverse or modify the recommendation of the hearing officer by making its own Findings of Fact consistent with the evidence and entering conclusions of law consistent with the findings; or
 - 3.8.3.3. Remand the matter to a hearing officer for further hearing.

3.9. Report of Decisions

- 3.9.1. When the Board renders a final decision in an appeal, the Board's decision including the hearing officer's recommended decision will be available to the public pursuant to the Inspection of Public Records Act, NMSA 1978, Section 14-2-1. The Orders and recommended decisions shall be available to the public when provided to the parties. All privileged and confidential information pursuant to state and federal law shall be redacted prior to release from any document requested pursuant to the Inspection of Public Records Act.

4. MEETINGS

4.1. Regular Meetings

- 4.1.1. Regular meetings of the Personnel Board take place at 2:00 p.m. on the fourth Wednesday of each month. Meetings will be held virtually. A link to the virtual meeting will be included on the agenda. Meetings can be held in person at the Office of Administrative Hearings, 7th floor, 600 2nd St. NW, Albuquerque, NM 87102 in special circumstances or by request of a majority of the members.
- 4.1.2. In January or as early as possible each calendar year, the Personnel Board Chair shall introduce a resolution in compliance with the Open Meetings Act, Section 10-

15-1 et seq., NMSA 1978, specifying the date and time for the regular meetings. If these meetings need to be changed, such action should be taken as soon as it becomes clear that a change is appropriate.

4.1.3. Regularly scheduled public meetings will be conducted with a prepared agenda that will be available at least 72 hours prior to the meeting from the City Hearing Monitor. Agendas will be posted on the City Council Notice Board in the lobby of the first floor, City Hall, and on the Notice Board on the seventh floor of Plaza del Sol. Written notice will also be mailed by the City Hearing Monitor to those broadcast stations licensed by the FCC and newspapers of general circulation that have requested such notice of public meetings.

4.1.4. Each Board meeting agenda will include an item entitled "public comment".

4.2. Special Meetings

4.2.1. Special meetings may be called by the Chair, or by a majority of members. A three (3) day notice shall be issued prior to any special meeting. Notice shall include an agenda or information on how members of the public may obtain copies of the agenda. The agenda shall be publicly available at least seventy-two (72) hours in advance.

4.3. Closed Sessions

4.3.1. The Personnel Board may have closed sessions or close an open meeting only if the subject matter of such discussion/action is exempted from the open meeting requirement under section 10-15-1 (H) of the Open Meetings Act. Such closed sessions shall be approved by a majority vote of a quorum of the Board taken during the open meeting. Authority for closing the meeting and subjects to be discussed shall be stated with sufficient clarity and a motion to close and the vote of each member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in closed session.

4.3.2. The minutes of an open meeting that was closed or the minutes of the next open meeting shall state whether matters discussed in closed session were limited only to those specified in the motion for closure.

4.3.3. Except as provided in section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the Board in open session.

4.4. Emergency Meetings

4.4.1. Emergency meetings will be called only under unforeseen circumstances that demand immediate action.

4.4.2. These meetings will include an agenda or information on how the public may obtain a copy of the agenda.

4.4.3. These meetings will comply with the New Mexico Open Meetings Act.

4.5. Quorum

4.5.1. A simple majority of Personnel Board members shall constitute a quorum thereof.

4.6. Records

4.6.1. Unless otherwise provided, the City Hearing Monitor shall serve as the clerk for the Board. The clerk shall keep the minutes of all Board proceedings; prepare and distribute the agenda; and keep all other records as necessary.

4.7. Records Retention

4.7.1. See 1.21.2 NMAC

4.8. Attendance

4.8.1. Board members are expected to attend all scheduled board meetings.

4.8.2. When an absence is necessary, members will endeavor to provide the Chair and City Hearing Monitor 24-hour notice of absence.

4.8.3. Board members shall advise the Board Clerk with reasonable advance notice of the need to arrive late or depart early from a scheduled Board meeting.

4.8.4. Board members must obtain pre-approval from the Board Chair or designee for any excused absence. Any Board member who has three unexcused absences from Board meetings may be removed from the Board.

4.8.5. Board members shall be removed pursuant to the Charter of the City of Albuquerque.

4.9. Disturbing Meetings

4.9.1. Order and decorum shall be observed and maintained during all Personnel Board meetings.

4.9.2. Any attendees who disturb meetings may be asked to leave at the request of the Board Chair for the remainder of that meeting.

5. AMENDMENT OF SUSPENSION OF THESE RULES AND REGULATIONS

5.1. Amendment of these Rules and Regulations

5.1.1. These Rules and regulations, or any part thereof, may be amended, repealed, altered or rescinded by a vote of a majority of the Board.

5.2. Suspension of these Rules and Regulations

5.2.1. Except for charter, statutory, or ordinance provisions, these rules and regulations, or any part thereof: may be temporarily suspended by a majority vote of the Board. When the suspension of a procedure is requested and no objection is offered, the Chair shall announce the procedure is suspended and the Board may proceed accordingly.

6. EFFECTIVE DATE AND FILING

6.1. Signature

6.1.1. Upon consensus a majority of a quorum of the members present the Board Chair shall sign these rules and regulations.

6.2. Publication

6.2.1. These rules and regulations shall be filed with the Office of the City Clerk by the Clerk of the Personnel Board.

6.2.2. These rules and regulations shall become effective on the date and time of posting by the Office of the City Clerk to its website.

ADOPTED:

Sonja Brown, Chair
City of Albuquerque Personnel Board

Date

COUNTER SIGNED:

Ethan Watson
City Clerk

Date

Last Revised	Comments
09/08/1993	Adopted by Personnel Board
01/10/1995	
05/23/1995	
07/14/2010	
11/13/2013	
05/11/2022	
04/23/2025	Updates, clerical fixes, reorder, removes incorporation from other R&R