

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

**SONJA BROWN, CHAIRPERSON
CHRISTOPHER HOLLAND
MARIE JULIENNE
JAMES PENDERGAST
T. ZANE REEVES**

**WEDNESDAY, APRIL 12, 2017
2:30 P.M.**

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

MEMBERS PRESENT:

*Sonja Brown-Chairman
Christopher Holland
Marie Julienne
James Pendergast
T. Zane Reeves*

OTHERS PRESENT:

*Mark Griego
Melissa Kountz
Thomas Grover
Diane Kimberle
Philomena Hausler
Rocky Gutierrez
Shaun Willoughby
Hess Yntema
John D'Amato
Victor Lovato*

Minutes

PO Box 1293

I. CALL TO ORDER.

Meeting was called to order at 2:35 p.m., by Vice-Chairman T. Zane Reeves. Members Chairperson Sonja Brown, Marie Julienne, Christopher Holland and James Pendergast were present.

Albuquerque

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, APRIL 12, 2017.

New Mexico 87103

Vice-Chairman Reeves motions to approve. Mr. Holland seconded.
Passed 5-0

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, FEBRUARY 8, 2017.

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Mr. Pendergast moves to approve. Mr. Holland seconded.
Passed 5-0

IV. INTRODUCTION OF THE NEW PERSONNEL BOARD CHAIRPERSON SONJA BROWN

V. PB-15-20 MARSHALL KATZ, 720 HOUR SUSPENSION-CITY OF ALBUQUERQUE AVIATION DEPARTMENT. RECOMMENDATION OF THE OFFICER, JUDITH DURZO.

Melissa Kountz, Assistant City Attorney for the City, Chief Katz was the Chief of the Aviation department as such served as the division manager for the aviation police of the entire sunport. This matter was brought to Director James Hinde's attention based on allegations of sexual harassment from Chief Katz administrative assistant. Those allegations weren't substantiated, but during the course of the investigation several troubling behaviors by Chief Katz were discovered. He allowed his daughter in-law to park in the E-8 parking

lot, something that was secured. He had his administrative assistant perform several personal tasks for him. Writing a letter disputing whether or not he will continue with a timeshare. Writing his band's play list, writing letters of recommendation for other people made personally. Finally and most troubling is that Mr. Katz was sending aviation police officers off the airport to take calls and write reports for his personal friends. These actions based on his position the expectations the city needs to have for the higher level of officials is appropriate.

John D'Amato, Attorney for the Grievant Marshall Katz, Chief Katz has served in the Chief's capacity in a stellar non-disciplinary way. The relationships he's formed with the federal agencies involved at the airport everyone speaks so glowingly about those relationships and his professionalism. There are no policies for taking aviation police officers off of aviation property. It was in the record that is the past pattern and practices that for many instances that require aviation police officers to conduct law enforcement activities within the scope of the City of Albuquerque.

VI. PB-15-17 VINCE MARTINES- 6 DAY SUSPENSION-CITY OF ALBUQUERQUE DEPARTMENT OF MUNICIPAL DEVELOPMENT. RECOMMENDATION OF THE HEARING OFFICER, WILLARD H. DAVIS

Kellie Garcia, Assistant City Attorney for the City, Mr. Martinez is a street maintenance worker for DMD. His supervisor at the time was Orlando Garcia, the essential issue in this hearing was whether or not Mr. Martines properly requested time off to be away from work on July 27, 2015 and if so he was given permission. Seconded issue is it at the pre-determination hearing if it was retaliatory, the city objects to the recommendations in three areas. Mr. Davis the hearing officer made multiple findings one of that is a city employee is not required to receive prior approval before taking leave. It is contrary to the City's personnel rules and regulations. The City has various personnel rules and regulations that address leave. Rule on vacation leave states that an employee must have their leave approved 24 hours in advance unless specified otherwise. The City requests that this board enter an order rejecting hearing officer's findings of fact and rejecting the recommendation and that the six day suspension be allowed to stand.

Rocky Gutierrez, AFSCME Representative for Grievant Vince Martines, this request was made about seven minutes before Mr. Martines was getting off work also before Mr. Garcia was getting off work on a Friday evening. The request he was making was for Monday which was way more than 24 hour notice. The policy doesn't say working days or weekends. Even so though testimony we proved that though the department's common practices that the supervisor always allowed for request to be made with less than 24 hour notice and granted those requests as well. In this case the conversation Mr. Martines had with Mr. Garcia was that he was going to a wedding out of town over the weekend and was not sure about the weather. So he told Mr. Garcia he may or may not need Monday off. Mr. Garcia said in so many words poop or get off the pot. Martines then said okay I'm talking it off. That was a formal request. At that point Mr. Garcia said put it Kronos. In the past prior requests were made though text and got a 10-4 (Okay) from Mr. Garcia.

VII. PB-16-13 MARK GRIEGO, 51 HOUR SUSPENSION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT. RECOMMENDATION OF THE HEARING OFFICER RITA SIEGEL.

Philomena Hausler, Assistant City Attorney for the City, Ms. Hausler is ready to proceed today.

Robert Montoya, Employee Representative for Grievant Mark Griego, Mr. Montoya was unable to be present and was asked to hear this matter at the next Personnel Board meeting.

Chairperson Brown moves to approve.
Passed 4-1. Reeves Opposed

VIII. PB-14-24 JEREMY DEAR- RESUMED DISCUSSION FROM CONTINUANCE. (NO ADDITIONAL ARGUMENTS TO BE PRESENTED).
Nothing discussed

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

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

Chairperson Brown, moves to close the meeting. Mr. Holland seconded.
Passed 5-0

Only matters discussed in closed session where matters:
PB-15-20 Marshall Katz
PB-15-17 Vince Martines
PB-14-25 Jeremy Dear

Chairperson Brown moves to open the meeting. Mr. Holland seconded.
Passed 5-0

PB-15-20 Marshall Katz
Mr. Pendergast moves to approve the Hearing Officers Recommendation. Mr. Reeves seconded.
Passed 3-2 Mr. Holland and Ms. Julianne opposed

PB-15-17 Vince Martines, Ms. Julianne moves to uphold the hearing officer's recommendation. Mr. Holland seconded.
Passed 5-0

PB-14-24 Jeremy Dear, Mr. Holland moves to defer this matter to a later meeting. Mr. Pendergast seconded.
Passed 4-1 Mr. Reeves opposed


XI. VACANCIES AND ORGANIZATIONAL MATTERS
None

XII. PUBLIC COMMENTS.
None

XIII. OTHER MATTERS.
None

XIV. ADJOURNMENT.
Meeting adjourned at 4:20p.m

APPROVED:



CHAIRPERSON (Sonja Brown)
City Personnel Board

5/10/17
DATE

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