

# CITY OF ALBUQUERQUE



## **CITY OF ALBUQUERQUE PERSONNEL BOARD**

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

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

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

### **MEMBERS PRESENT:**

*K. Lee Peifer  
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  
New Mexico 87103  
www.cabq.gov
- 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.
  - 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.
  - 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:

  
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K. LEE PEIFER, CHAIR  
City Personnel Board

08/12/2015  
\_\_\_\_\_  
DATE

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