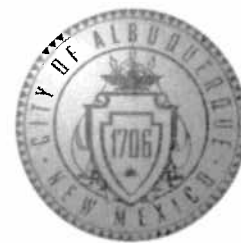


# CITY OF ALBUQUERQUE



## **CITY OF ALBUQUERQUE PERSONNEL BOARD**

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

**WEDNESDAY, JUNE 10, 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*

### OTHERS PRESENT:

<i>Melissa Kountz</i>	<i>Stephanie Apodaca</i>
<i>Nick Bullock</i>	<i>Rocky Gutierrez</i>
<i>Charles Arasin</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 McMurrugh, 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*