

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

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.

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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.

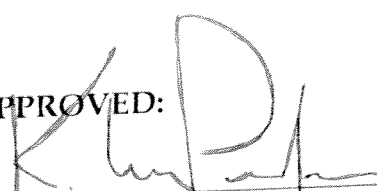
XIII. **OTHER MATTERS.**

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