

CITY OF ALBUQUERQUE

CITY OF ALBUQUERQUE PERSONNEL BOARD

K. LEE PEIFER, CHAIRMAN
CHRISTOPHER HOLLAND
THOMAS MANNING



WEDNESDAY, NOVEMBER 12, 2014
2:30 P.M.

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

MEMBERS PRESENT:

K. Lee Peifer
Christopher Holland
Thomas Manning

OTHERS PRESENT:

Doris Duhigg
Samantha Hults
Melissa Kountz
Marie Legrand-Miller
Vincent Yermal
Stephanie Apodaca
Paul Salazar
Kim Ritchey
John D'Amato

Minutes

I. CALL TO ORDER.

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, NOVEMBER 12, 2014.

Chairman Peifer moved to approve the agenda for November 12, 2014. Mr. Manning seconded. Agenda approved 3-0.

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, SEPTEMBER 10, 2014.

Chairman Peifer moved for the approval of the minutes. Mr. Holland seconded. Minutes for Wednesday, September 12, 2014 approved 3-0.

IV. PB-13-17, RON SURRAN, 120 HOUR SUSPENSION-ALBUQUERQUE POLICE DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.

John D'Amato, Attorney, appeared on behalf of Ron Surran and discussed the written report policy for an officer. He stated that Mr. Surran wrote his report based on memory.

Marie Legrand-Miller, Assistant City Attorney appeared on behalf of the City of Albuquerque and asked the Board to adopt the Recommendation of the Hearing Officer.

Chairman Peifer moved to make a decision after returning from closed session. Manning moved to uphold, Mr. Holland seconded, Chairman Peifer Opposed
Passed 2-1

V. PB-14-03, CECILIA CRESPIN, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDED DECISION, WILLARD DAVIS

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Kim Ritchey, AFSCME Local 624 appeared on behalf of Cecilia Crespín and discussed that Crespín was terminated due to DUI. Crespín had hearing after 90 days and was never convicted for the DUI. Therefore, asked the board to overturn the termination.

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque Stated that in the COP policy an employee who gets a DUI must report it to there supervisor. She stated that Ms. Crespín was terminated due to the policy and asked the Board to uphold the termination.

Manning moved to make a decision to uphold the termination. Mr. Holland seconded. Passed 3-0

VI. *PB-14-16 RANDY OTERO, TERMINATION-CITY OF ALBUQUERQUE PARKS AND RECREATION DEPARTMENT, RECOMMENDATION OF THE HEARING OFFICER, BARBARA ALBIN.*

Samantha Hults, Assistant City Attorney appeared on behalf of the City of Albuquerque stated that Mr. Otero's termination was a jurisdiction issue. Union didn't respond to City's motion to dismiss. Ms. Hults asks the Board to uphold the recommendation of the Hearing Officer.

Chairman Peifer moved to adopt the recommendation of the Hearing Officer. Mr. Manning seconded. Passed 3-0

VII. *PB-14-15 DAN PFEL, 32 HOUR SUSPENSION- CITY OF ALBUQUERQUE POLICE DEPARTMENT, STIPULATED ORDER TO DISMISS.*

John D'Amato appeared on behalf of Dan Pfel stated it was a jurisdiction issue. He didn't know why the union appealed to the Personnel Board. D'Amato asked the board to adopt the order.

Chairman Peifer moved for the Board to go to closed executive session. Mr. Manning seconded. Passed 3-0

VIII. *PB-11-02 RITO FLORES, TERMINATION-CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, RECOMMENDATION ON THE CITY'S MOTION TO DISMISS FROM HEARING OFFICER, PAT BINGHAM*

Melissa Kountz, Assistant City Attorney appeared on behalf of the City of Albuquerque and stated that on May 1, 2013 District Court agreed with the City to reverse the remand and that State Labor Board had no jurisdiction.

Chairman Peifer states that when the Hearing Officer submits the Findings, Facts and Conclusions the Board will then review his decision.

IX. *PB-11-06 AKEEM POWDRELL, 10 SUSPENSION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, DECISION AND ORDER.*

Samantha Hults, Assistant City Attorney on behalf of the City of Albuquerque states that Mr. Powdrell never participated in any of the hearings. Mailed letter to his last known address and never showed up with his Union representative for the hearing, so the City motioned for a dismissal and the union did not disagree.

Chairman Peifer moved to make a motion to dismiss. Mr. Manning seconded. Passed 3-0

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 moved for the Board to go into executive session. Mr. Manning seconded. Passed 3-0

Executive session concluded. Board only discussed matters in pending litigation.

XI. PUBLIC COMMENTS.

Paul Salazar appeared before the Board and stated that he had been terminated from transit, represented by Paul Livingston who is now disbarred.

Chairman Peifer advised Salazar that his case can only be considered by the process outlined in the Ordinance, and the NM state bar was supposed to review Mr. Livingston's files and help his former clients find legal representation.

Doris Duhigg, Assistant City Attorney advised Mr. Salazar to wait because his case is still pending in appeal at District Court and also stated that here is nothing the Personnel Board can do.

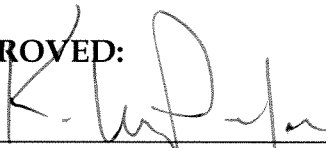
XII. OTHER MATTERS.

No other matters were heard.

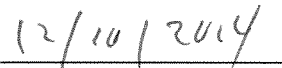
XIII. ADJOURNMENT.

Chairman Peifer moved to adjourn. Mr. Holland seconded. Meeting was adjourned at 5:16 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board



DATE

cc: *Richard J. Berry, Mayor*
Trina Gurule, Acting City Clerk