

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PERSONNEL BOARD

**K. LEE PEIFER, CHAIRMAN
SARAH BEASLEY
CAROL ADLER
THOMAS MANNING**

**WEDNESDAY, JUNE 11, 2014
2:30 P.M.**

MEMBERS PRESENT:

*K. Lee Peifer
Carol Adler
Thomas Manning
Sarah Beasley*

OTHERS PRESENT:

*Melissa Kountz Samantha Hults
Brian Egan Mary Scott
Paula Forney Vanessa F. King
Vincent Yermal Rebecca Wardlaw
Victor Lovato Jessica Enriquez*

Minutes

PO Box 1293

I. CALL TO ORDER.

Meeting was called to order at 2:33 p.m., by Chairman K. Lee Peifer. Members Carol Adler, Sarah Beasley and Thomas Manning were present.

Albuquerque

II. REVIEW AND APPROVAL OF PERSONNEL BOARD AGENDA FOR WEDNESDAY, JUNE 11, 2014.

Carol Adler moves to approve the agenda for June 11, 2014. Thomas Manning seconded. Agenda approved 4-0.

NM 87103

III. REVIEW AND APPROVAL OF PERSONNEL BOARD MINUTES FOR WEDNESDAY, MAY 14, 2014.

Chairman K. Lee Peifer moved for the approval of the May 14, 2014 minutes. Thomas Manning seconded. Minutes for Wednesday, May 14, 2014 approved 4-0.

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IV. PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, NOTICE OF CITY'S WITHDRAWAL OF ITS APPEAL AND NOTICE OF COMPLIANCE WITH THE BOARD'S RULING.

Chairman Peifer notifies that Agenda Items IV and V will be heard together and moves to meet in confidential session to discuss PB-08-09 and PB-10-14. Carol Adler seconded. Approved 4-0. Matters were heard in executive session. Board reviewed and discussed only PB-08-09 and PB-10-14. Paula Forney appears on behalf of the City of Albuquerque. Mr. McGrath or counsel did not appear. Chairman Peifer makes a motion to acknowledge the Order of Dismissal and Remand from District Court, that the Board's prior order remain in full force and effect, for the back pay and reinstatement for the 20 day suspension, that the Motion for Remand to Personnel Hearing Officer on Damages and Reinstatement be denied and that the City draft a form of Order reflecting motion if passed which shall be circulated to Board within one week and after the Order is approved, it shall be circulated to Mr. McGrath and his counsel, Mr. Livingston. Carol Adler seconded. Roll call vote approved 4-0.

V. ***PB-08-09, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT AND PB-10-14, MICHAEL MCGRATH, TERMINATION-CITY OF ALBUQUERQUE TRANSIT DEPARTMENT, GRIEVANT'S MOTION FOR REMAND TO PERSONNEL HEARING OFFICER FOR RECOMMENDATIONS ON DAMAGES AND REINSTATEMENT.***

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VI. ***PB-13-26, ALBERT MARQUEZ, 30 DAY SUSPENSION, CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT, PENDING FINALIZATION OF SETTLEMENT AGREEMENT.***

Melissa Kountz appears on behalf of the City of Albuquerque. Mrs. Kountz states that a settlement agreement was reached and submitted to the Board on May 28, 2014. Thomas Manning moves to dismiss PB-13-26. Carol Adler seconded. Stipulated Order of Dismissal Approved 4-0.

VII. ***PB-14-01, STEVEN ABEYTA, DEMOTION-CITY OF ALBUQUERQUE SOLID WASTE DEPARTMENT, HEARING OFFICER'S RECOMMENDATION, RITA SIEGEL.***

Mr. Abeyta or a representative for Mr. Abeyta did not appear. Samantha Hults appears on behalf of the City of Albuquerque. Mrs. Beasley disclosed that Mr. Abeyta approached her husband, who was a Union Steward for Local 64 but did not represent him. She does recognize his name but has no information related to the case. Ms. Hults explains that Mr. Abeyta was previously employed at the City's Transit Department and had signed and acknowledge the job description but was not able to certify on both residential and commercial vehicles as required in the job description. He was demoted from a B31 to a B29. He is able to apply or certify for jobs that may become available. Ms. Hults is concerned about Item number 6 of the recommendation for future opportunities. Ms. Hults asks that the demotion be upheld.

VIII. ***VOTE TO CLOSE THE MEETING PURSUANT TO SECTION 10-15-1(H)(2) OF THE NM OPEN MEETINGS ACT (LIMITED PERSONNEL MATTERS).***

Chairman Peifer moves to go into closed session. Carol Adler seconded. Closed session passed 4-0.

Chairman Peifer moves to come back from closed session. Thomas Manning seconded. Roll call vote approved 4-0.

Thomas Manning moves to uphold the Hearing Officer's Recommendation in support. Carol Adler seconded. Approved 4-0.

IX. ***PUBLIC COMMENTS.***

Rebecca Wardlaw notifies Board of letter that was received from Paul Livingston claiming the Board does not have authority to be a Personnel Board.

Vince Yermal states he will not be present at the July 2014 Personnel Board Hearing and thanks Sarah Beasley for serving on Board.

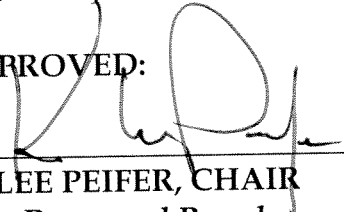
X. **OTHER MATTERS.**
Board's signing of documents.

Board received three (3) items of correspondence from Paul Livingston. Board will review and discuss documents and decided if it shall be placed on next agenda. Vanessa F. King shall submit documents to Board.

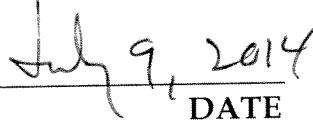
Sarah Beasley discusses Personnel Board election with Vincent Yermal regarding outcome.

XI. **ADJOURNMENT.**
Thomas Manning moves to adjourn meeting. Carol Adler seconded. Adjourned at 3:49 p.m.

APPROVED:



K. LEE PEIFER, CHAIR
City Personnel Board



DATE

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