

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTOINETTE GONZALES, et al.,

Plaintiffs,

vs.

No. CIV-09-0520 JB/RLP

CITY OF ALBUQUERQUE, et al.,

Defendants.

AFFIDAVIT

I, **JAMES PES CETTI, JR.**, being duly sworn upon my oath, hereby swear and affirm that I have personal knowledge of the following facts and allegations and that they are true and correct to the best of my knowledge:

1. I was employed by the City at the 311-Citizen Contact Center since May, 2006.

2. Prior to working for the City I worked at the Tmobile call center. I left my employment at Tmobile to take the 311 job with the City because the City offered job stability and excellent benefits.

3. I did not know the 311-CCC position was "unclassified" when I decided to leave my job at Tmobile and accepted the position with the City.

4. When it was explained to me during training that we were "unclassified." Michael Padilla said that the only difference between us and other City employees was that we would get more pay but that we would not be allowed to join the union.

EXHIBIT 5
AFFIDAVIT OF
JAMES PES CETTI

5. Although I had the usual number of supervisory criticisms and comments, I was no better or worse than most of the other agents.

6. During the four and a half years I worked at 311-CCC it was generally believed that even though we were unclassified we had all the benefits and rights of other City employees. No one ever told us that was not true, or said that we did not have the same rights and benefits as other City employees.

7. I had good relationships with all my immediate supervisors. I do not feel I had a good relationship with Esther, I feel she was extremely insensitive to some personal issues that I was dealing with.

8. About 5 pm on a Friday, May 16, 2008, I was told to go into Esther's office. There I was informed, "my services were no longer needed." I asked what was going on and Esther just repeated my "services were no longer needed." She then walked me out of the building.

9. At my deposition I was asked questions about certain complaints and conferences I supposedly had with supervisors concerning those complaints about my calls. I was not aware of any of the issues I was asked about and none of the conferences I was asked about actually took place.

10. As a contact agent with the 311-CCC I was expected to work under a strict set of rules and my performance was frequently monitored by my supervisors and rated. Throughout the time I was at the contact center I consistently and with very few exceptions met or exceeded all requirements and call quality standards. I also received nine compliments (kudos) from citizens I assisted in the 311-CCC.

11. I was on FMLA and had used up all my leave time as of May 16, 2008, I was supposed to start a new year of approved FMLA on May 22, 2008.

I swear and affirm that the foregoing statements and assertions are true and correct and that they are made under penalty of perjury. I signed this on September 5, 2010.



JAMES PESCETTI