

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, NICOLE BORDLEMAY, 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 December, 2005.
2. Prior to working for the City I worked at the T-Mobile Call Center. When I left that job I believed that as a City employee I would have both benefits and job security.
3. I did not know the 311-CCC position was "unclassified" when I decided to leave my T-Mobile job and accept the position with the City.
4. When I was hired I attended a day long City Employee training which included incoming employees from all departments. In this training there was no mention of classified vs. unclassified employees. This was City Employee training. When it was explained to me in training at the 311 call center that we were "unclassified"

EXHIBIT 8
AFFIDAVIT OF
NICOLE BORDLEMAY

I understood that meant only that we could receive higher pay as an unclassified employee than we could if we were classified, but that we received all other benefits and had all the rights of other City employees.

5. 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 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.

6. Even though I successfully and consistently performed my duties as a citizen contact agent, on November 19, 2010, Esther Tenenbaum ordered me into her office, told me that she had approval from the City Legal Department to fire me, engaged me in a discussion about a call, and told me that my "services are no longer needed."

7. At a hearing in which the City unsuccessfully appealed the award of unemployment benefits, Ms. Tenenbaum testified that she would not have terminated my employment if I had "shown remorse" about the telephone call; I did not think I had mishandled the call, in which the caller called me "Hitler" and hung up.

8. I was never asked by my immediate supervisor, Donna Saya, about any issues surrounding the telephone call in question on or before my dismissal from 311.

9. I enjoyed my work as a 311 operator and expected to do that work. I was aware of the City's progressive discipline system, and although I received warnings about a few attendance issues due to my son's illness I never thought I would be fired without an opportunity for a fair hearing for something I did not do.

10. I believe there was no "just cause" or other valid reason for my termination.

11. We were not given "bonuses" or extra promotional opportunities at the 311 call center. Rewards such as candy bars and a paper certificates were given on occasion. Promotions were not just given. As with any city department, jobs are posted on the CABQ website and anyone is welcome to apply if they meet the requirements listed. Once the job posting closes Esther Tenebaum and Betty Dinelli interview for the position and then Esther decides who gets it.

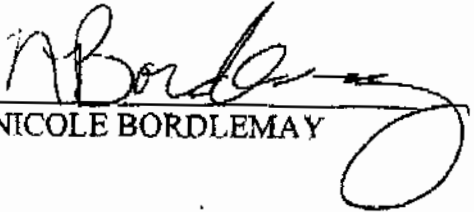
12. On or about November 20, 2010 I went in to the HR office attempting to appeal my termination and spoke with Carmela Ortiz. She then advised me that as an unclassified employee I have no rights to appeal and no reason for termination is needed.

13. On December 12, 2009 I sent an e-mail to Mayor Berry's transition team requesting assistance with my wrongful termination and the circumstances surrounding it. I received a reply from Giselle M. Alvarez (Constituent Services Representative) stating, "Thank you for your email. Please be assured that it will be forwarded to the proper person for review. I will follow up." To this date I have not received any meaningful response.

14. After my termination I attempted to appeal through the City's Merit System Ordinance process. I submitted a letter and request for hearing to Chief Administrative Officer David Campbell but received no response whatsoever.

15. I later requested that the City Personnel Board address the matters herein by granting a hearing, but the Personnel Board denied my request.

I swear and affirm that the foregoing statements are true and correct and that they are made under penalty of perjury. I signed this Affidavit on September 6, 2010.


NICOLE BORDLEMAY