

**BEFORE THE CITY OF ALBUQUERQUE'S TRANSIT
AND SOLID WASTE MANAGEMENT DEPARTMENTS'
PRE-DETERMINATION HEARING OFFICER ISMAEL MONTANEZ**

**IN THE MATTER OF PAUL SALAZAR,
MOTORCOACH OPERATOR**

RESPONSE TO REVISED NOTICE OF PRE-TERMINATION HEARING

This is the written response of Paul Salazar to the September 20, 2010, Revised Notice of Pre-Determination Hearing.

Ignoring everything that has happened before, the City's upper-level management has decided to continue to issue defamatory statements and threaten and then terminate Paul Salazar's employment again, this time on the pretext that he did not report to work as a Solid Waste Department driver.

As you and the Mayor and other City officials involved in this case certainly know, Mr. Salazar was wrongfully terminated in 2007, hearings were held in 2008 and the City Personnel Board has twice ordered his reinstatement to his position as a Transit Department Motor Coach Operator (bus driver), payment of back pay and benefits, and expungement of the record of disciplinary actions against him. Rather than comply with the orders of their own Personnel Board, Mayor Berry, David Campbell, and Gene Moser have conspired with other City employees, in particular Mary Scott, Selinda Guerrero, Bruce Rizzieri, John Soladay, and you, to require Mr. Salazar to work as a garbage truck driver in a position he was not asked (but rather was ordered) to accept, knows nothing about, and constitutes additional defamation on the theory that he is unable to drive a City bus because he is a threat to children.

The attempt to limit the issue to charge Mr. Salazar with violations, all based on his refusal to accept a position he doesn't want and knows nothing about, of his duty to the public, professional excellence, standards of conduct, regular work hours, absence without authorized leave, automatic resignation, and reasons for disciplinary action like incompetence, inefficiency or inadequate performance, insubordination or uncooperative behavior, being absent from duty without proper authorization, regardless of the length of time, and other disciplinary reasons, including but not limited to conduct on or off-duty, which may call into question the employee's ability to perform assigned duties or job functions (and) would impair the operation or efficiency of any City department, is nothing more than an outrageous demonstration of the callous disregard of the City and its upper management officials for the rights and interests of a City employee who did absolutely nothing wrong.

For his response, Paul Salazar denies all allegations and demands the retraction of all the above-stated charges against him, which are obviously based on City officials' continuing, defamatory, retaliatory, and conspiratorial efforts to terminate his employment on the pretext that he has not reported to work at the SWMD to drive a garbage truck.

Attached hereto is a copy of the First Amended Complaint filed in this case, *Salazar vs. City of Albuquerque, Richard Berry, David Campbell, Martin Chavez, Gene Moser, and Greg Payne*, No. CIV-10-0645 RLP/LFG. Rather than ignore what happened

before this, as your Notice of Hearing does, this presents the facts and claims supported by those facts concerning what has happened in this case since 2007 and what is happening now. The Mayor, the City Attorney, the Chief Administrative Officer, and the Director of Human Resources have all made public and private statements about their intent in this matter, some contradictory, which leave little doubt about the City's continuing and conspiratorial efforts to defame, disgrace, and terminate Paul Salazar once more.

Finally, Mr. Montanez, I note that you were a witness against Paul Salazar at the Personnel Board hearings before the Personnel Hearing Officer in 2008, that your "testimony" was of questionable veracity, and that you could hardly be considered a fair or neutral hearing officer on the issues in this case now. You all should be ashamed of yourselves and your offensive and illegal conduct against my client.

Thank you, and the City bosses whose orders you are following, for your attention to this matter.

Sincerely,

s/ Paul Livingston

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Attachment: First Amended Complaint,
Salazar v. City of Albuquerque, et al.,
No. CIV-10-0645 RLP/LFG