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## Bus driver who showed for work 'impaired' won't be fired

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A City of Albuquerque bus driver who showed up to work "impaired" will likely get a second chance at keeping his job, KOB Eyewitness News 4 has learned.

Sources close to the department tell KOB the bus driver showed up to work drunk last November and was ordered to take a breathalyzer test. The bus driver has been on paid-leave, according to the city, since November 1.

While Chief Administrative Officer Rob Perry won't get into specific details about the case, he told KOB Thursday the driver never made it behind the wheel thanks to an observant supervisor who noticed signs of "impairment."

"Had that good supervisor not noticed those things, it's conceivable this individual could have been in a position of driving a public transit vehicle," Perry said.

The city says ideally it would like to fire the driver, but under current union contracts, employees who violate the city's substance abuse policy on a first offense are given a second chance with the condition of counseling.

"What we have tried to do is take discipline and terminate these employees. Unfortunately, they've hidden behind their union contracts and the protections contained herein and they make it very difficult to do what the public wants, which is to fire them," Perry said.

The city told KOB the disciplinary process is taking months because the substance abuse test administered by an independent clinic wasn't done properly. Despite the failed test, the city says it has enough evidence to prove the driver was "impaired" and plans to move forward with discipline which could mean suspension.

KOB Eyewitness News 4 reached out to the union representing transit workers for its perspective on the case. AFSCME spokesperson Rocky Gutierrez says because of the improper test, the bus driver should have been allowed to come back to work immediately.

Gutierrez acknowledges the union supports protecting public safety, but says employees also have rights under current contracts with the city.

"We believe in public safety number one. Number two, we also believe in the policy and procedures in the City of Albuquerque that they should be followed especially when it comes to the due process of employees," Gutierrez said.

Gutierrez told KOB the bus driver will be accepting a suspension.

The city said it can't disclose exactly what discipline the bus driver may receive, but says under the current policy such employees violating the substance abuse policy could be suspended for up to 20 days with the condition of counseling. The city said it hopes to resolve the disciplinary process soon and is aiming for a "zero-tolerance" policy during the next round of union contract negotiations.