

GRIEVANCE FORM

Employees name: CHRIS ADAMS Date: 10-14-24

Department: EQUIPMENT SERVICES Division: _____

(The grievance policy and procedure is set forth in Section 7 of the Personnel Manual; and by the submission of this grievance, the employee represents that the employee has read and understands the provisions of Section 7.)

Please describe discrepancy or grievance and include any pertinent dates. **Date Grievance Filed:** 10-14-24
(Attach additional pages if necessary.)

SEE ATTACHED.

Action Requested By Employee: Be Removed from his supervision and placed back under Cristina or Mr. Beckmeyer. I further would like an independent investigation into Mr. Bernal's actions.

1. Reviewed by immediate supervisor: _____ Date: _____
Name

Action taken _____

2. Reviewed by next supervisory level: _____ Date: _____
Name

Action taken _____

3. Reviewed by next supervisory level: _____ Date: _____
Name

Action taken _____

Reviewed by Division Director:

Date:

Name

Action taken

5. Reviewed by Department Director:

Date:

Name

Action taken

6. Reviewed by Assistant/Deputy City Manager:

Date:

Name

Action taken

(Number six not applicable in a department that reports directly to City Manager.)

7. Reviewed by City Manager:

Date:

Name

Action taken

GRIEVANCES AS OF 10-14-2024

- On September 28, 2023 while at the "Rolling 7's Ranch" Mr. Bernal approached me and advised that my Fleet Asset Coordinator "Needed to be Terminated as she had been talking behind my back about me and that she was a cancer to my department" He further stated that he had already "put the wheels in motion" and that for me to expect to get a grievance filed against me but that he would ensure that it was taken care of and that it would not become a part of my personnel file". I was then told that I needed to look into my time card files that were being submitted by Austin Montoya had been submitting and Jackie had been approving for any irregularities. I did start looking into it and found that Austin was punching in late daily and that she was going in and adjusting his time to reflect that he was not late. (I have a text between myself and Mr. Bernal discussing my findings). She was then terminated in October for falsification of time documents. A grievance was filed and HR did interview my entire department including me and as stated by Mr. Bernal nothing was ever spoken on the matter again.
- On approximately December 5, 2023 bids were opened for the Tire Bid #24-60010-01 Bids were received from Forrest Brothers, Southern Tire Mart and Broadway Motors. Southern Tire Mart won the bid hands down. The decision was made to reject all bids and redo the bid process.
- January 2024 Dan Jones and Agapito Bernal came to Equipment Services under the premise of taking part in a vendor provided BBQ lunch. Both entered my office and shut the door and proceeded to tell me that " Everyone wants Forrest Brothers to win the next Tire Bid and that I needed to ensure that they had everything they needed ie: Magic Numbers to do so". I was actually floored when I heard that. Dan further stated that "we email things we want people to know, we talk in person like this when we want to keep things amongst ourselves".
- Approximately June 15 a "Tire Bid Review committee" was assembled consisting of Dan Jones, Naira Enriquez, Marissa Rodriguez, Michael Bara, Virginia Gaveldon, Myself. We met in the 3rd floor conference room to review all Bids. I scored my tabulation sheet according to my experience with all of the vendors that had submitted bids. I believe that Virginia scored hers the same. As for the rest of the people present they were coached by Dan Jones on what scores to use. STM was the lowest, Broadway was 2nd and Forrest Brothers was the highest.
- On June 19, 2024 Marissa sent an email out that Forrest Brothers was being awarded the bid.
- Approximately April 2024 Agapito Bernal notified me that we would be "Donating Vehicles to our Sister City Ojinaga, Chihuahua, Mexico". He went over what he wanted to donate, these vehicles were originally slated to be sold in our 1st auction of 2024 to supplement the purchase



price of replacement vehicles. These items would have netted the City of Odessa approximately \$150,000- \$200,000 in auction proceeds.

- On May 7, 2024 Marissa sent an email to Virginia and myself requesting the values of all the equipment that was slated for donation. Virginia sent a spreadsheet with all of the values which totaled \$901,753.56. Agapito Bernal came by and told Virginia that the values were too high and that "she needed to reply to the email thread and tell Marissa that she misunderstood what Marissa was asking for". Virginia did as she was told and sent the email, then Marissa asked that we have a call on "personal phones" to discuss, the call consisted of myself, Marissa and Virginia. Marissa stated that "Gapi needed the numbers super low" If memory serves me correctly, the final number submitted was "a few thousand dollars".
- During late June- August, Agapito was constantly wanting to know when the vehicles were to be picked up as he needed them gone and was requesting that either I or Virginia contact VT Trucking and find out when they were leaving. ***VT Trucking was brought to us by Agapito Bernal as neither Virginia or Myself had any relationship with them other than knowing they would be transporting the vehicles.
- Approximately September 2024 VT Trucking called my office requesting me to "write a letter that could be used to cross the vehicles over the border". I contacted Cristina Burns my direct supervisor and explained what was needed and that I did not feel comfortable providing such letter affixed with my signature. She asked me to write the letter and email to her and she would get it put on letterhead and find the appropriate person to sign such. I am assuming at this point Agapito was briefed on the request as he visited my office on September 6, 2024. It at that point that it became apparent that I had fallen out of his good graces as he started coming by my office randomly and when I would not be present he would interrogate my employees in a derogatory way as to my whereabouts in a sense threatening them with termination if they were "covering for me".
- On day of our Ice Cream Social, Agapito came to my office and closed door to discuss GPS. He asked me who had access to the GPS of Code Enforcement, I stated that at that time nobody did as we were transitioning to the new system. He asked me to do him a favor and only allow Naira access. I thought that was very strange considering it is very apparent that they are involved in a relationship. He further questioned when I promoted Virginia and Laura to their new positions. He stated that he was not aware, I replied that I had notified my supervisor and Mr. Beckmeyer.
- I believe the next week is when Cristina contacted me in reference to the promotions confirming that I had done them with the assistance of HR. I answered in the affirmative. The next day she again called and asked if Virginia was driving a City vehicle, I answered in the affirmative and was asked why. I stated that the previous Asset Fleet Coordinator had one and that Agapito had approved it and I had matched the pay and benefits. She again called me that afternoon and advised that I had to take the Virginia out of the vehicle. I did. I was then told that Agapito had gone to HR and questioned the promotions, as he was wanting to unwind them.



- Agapito has made it very well known that Virginia and Laura should never have been promoted as neither is qualified. I beg to differ with that as both perform their jobs extremely well and with excellence.
- October 04, 2024 Agapito came by my office to see me, I was at a training for our Fuel System, he again threatened Virginia that he would terminate her if she was lying. He then proceeded to call Rocky Hernandez who was off that day to question him as to my whereabouts and also told him if he was lying he would be fired.
- October 7, 2024 Agapito came to my office and stated to me that effective immediately I report directly to him. I asked why the change and he said I "needed to get my house in order" He went on to say that I needed to budget for either a Deputy Director or an Office Manager. I told him that Virginia was basically that and that we work as a well oiled machine. He immediately told me that "NEITHER HER nor Laura was supervisory material and that I needed to o what he said". My staff have no issues handling the day to day when I am out of the office.
- He then questioned me on why the office was in disarray and who my clerk was and why there was a baby in the breakroom. I explained that we were adding an additional office and reception area to the office. I further stated that my clerk was Daliana Lynn who is one of my employees daughter and that the baby was our contact RUSH employees as I needed him for 2 hours to complete a warrant job on a Trash Truck to get it out as Jesse was short on trucks. (I made the decision to allow it since we were so short on trucks, thought it was a good idea since trash is a hot topic. He stated that hiring Dalina was nepotism and I advised that we cleared everything with HR when we hired her. Virginia supervises office staff and Jared and Eric supervise the shop staff.
- Fast forward to last Wednesday I received a call from my guys while I was at TML and they sent me a recorded phone call from Jackie Hernandez my previous Fleet Asset Coordinator who stated that "Gapi was after Virginia, Eppie and myself for fraudulent acts, having a baby in the department, remodeling project not approved by him and nepotism. The only people privy to this conversation was myself and Agapito as we were behind closed doors.
- Agapito has created a hostile work environment for myself and my employees. He is a bully and a cancer. He relies on the people he placed in key positions as Interim City Manager to help him maintain control over employees and the city. I and my employees currently feel that our jobs are threatened. Many City employees are afraid to come forward against Agapito as they know that he will retaliate against them.
- I can provide emails and copy of recorded call to prove my statements.

Nothing Follows

