

# **City of Miami**

*City Hall  
3500 Pan American Drive  
Miami, FL 33133  
[www.miamigov.com](http://www.miamigov.com)*



## **Meeting Agenda**

**Tuesday, June 29, 2010**

**10:00 AM**

**Commission Chambers**

### **Civil Service Board**

*Miguel M. de la O, Chairperson  
Joseph Kaplan, Chief Examiner  
Michael T. Dames, Board Member  
Sean Moy, Board Member  
Gerald Silverman, Board Member*

**PLEDGE OF ALLEGIANCE****A. APPROVING THE MINUTES OF:**

Regular Meeting of June 1, 2010.

**B. PERSONNEL MATTERS**

- B.1** Copy of a letter from Carlos A. Migoya, City Manager, notifying Humberto Mijares, of his reinstatement to his position as a Building Inspector III, effective June 3, 2010. (NOTIFICATION)
- B.2** Copy of a letter from Carlos Migoya, City Manager, notifying Milton Mcfarquhar, Painter, of his layoff, effective June 4, 2010 and his name will be placed on the current eligible register for his classification. (NOTIFICATION)
- B.3** Copy of a memorandum from Michelle Pina, Director, Department of Employee Relations, to Guillermo Borges, Code Enforcement Inspector Specialist, confirming his voluntary return to his former classification of Code Enforcement Inspector. (NOTIFICATION)
- B.4** Copy of a memorandum from Carlos Migoya, City Manager notifying Alvaro Gato, Painter, of his transfer/reassignment from GSA to Miami Police Department, effective June 7, 2010. (NOTIFICATION)

**C. MILITARY LEAVES OF ABSENCE**

- C.1** C.T. Gregoire, Police Officer, requests active duty military leave without pay from May 1, 2010 through December 31, 2010. Copy of Orders Submitted. (DISCUSSION)

**D. DISCIPLINARY MATTERS**

- D.1** Copy of a Judgment from the City Manager, concerning the Investigation Hearing of Jorge Martinez-Esteve, Project Manager, rejecting the recommendations of the Civil Service Board. (NOTIFICATION)
- D.2** Copy of a Judgment from the City Manager concerning the Investigation Hearing of Andrea Adderly, Code Enforcement Inspector, rejecting the recommendations of the Civil Service Board. (NOTIFICATION)
- D.3** Copy of a letter from Fredrick Hobson, Director, Department of Solid Waste, notifying Stephanas Noltan, Waste Collector, of a 1-day suspension, effective June 7, 2010. (NOTIFICATION)
- D.4** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Johnny Brutus, Police Officer, of his 20-hour suspension, effective June 20, 2010. (NOTIFICATION)

**E. GENERAL ITEMS**

- E.1** Notice of a withdrawal from Orlando Borges, Police Officer, concerning his Appeal hearing relative to his 20-hour suspension, effective June 7, 2006. (NOTIFICATION)
- Case will be withdrawn and removed from the Board's docket.
- E.2** Notice of a withdrawal from Vincent James, Heavy Equipment Specialist, concerning his Appeal hearing relative to his 3-day suspension, effective September 11, 2009. (NOTIFICATION)
- Case will be withdrawn and removed from the Board's docket.
- E.3** Copy of a Settlement Agreement between Bernard Troutman, Electrical Lineworker and the City of Miami, relative to his 1-day suspension, effective February 27, 2009 and a Notice of Withdrawal of Appeal hearing from Osnat K. Rind, Attorney, on behalf of her client. (NOTIFICATION)
- Case will be closed and removed from Board's docket
- E.4** Copy of a Settlement Agreement between the City of Miami and Cynthia Bennett, Payroll Aide, concerning the Grievance hearing pursuant to Rule 16.2, alleging a violation of Civil Service Rule 8.10(b) and a Notice of Withdrawal of Grievance hearing from Osnat K. Rind, Attorney, on behalf of her client. (NOTIFICATION)
- Case will be closed and removed from Board's docket.
- E.5** Notice of a Request for a continuance from Michael Pancier, Attorney, on behalf of Osmel Martinez, Maintenance Mechanic Supervisor, relative to his Appeal hearing, concerning his 2-day suspension, effective January 26, 2010. Barnaby Min, Assistant City Attorney, expressed no objection to the continuance. Hearing of appeal is scheduled for August 10, 2010. (DISCUSSION)
- E.6** Notice of a Request for a continuance from Michael Pancier, Attorney, on behalf of Osmel Martinez, Maintenance Mechanic Supervisor, relative to his Appeal hearing, concerning his dismissal, effective February 17, 2010. Barnaby Min, Assistant City Attorney, expressed no objection to the continuance. Hearing of appeal is scheduled for August 10, 2010. (DISCUSSION)
- E.7** Copy of a "Motion to Dismiss Discipline," filed by David Chonin, Attorney on behalf of Raul Cabrera and a copy of a "Response to the Motion to Dismiss Discipline and Cross-Motion to Dismiss Appeal," filed by Barnaby Min, on behalf of the City of Miami, relative to Raul Cabrera's 160-hour suspension, effective April 21, 2010. (DISCUSSION)

E.8 Copy of the Report concerning the Grievance hearing of Suzann E. Nicholson, Customer Service Representative III, pursuant to Rule 16.2, to examine the audit results for the Customer Service Representative III position. (DISCUSSION)

E.9 Copy of a Report concerning the Grievance Hearing of Neal A. Muhammad, Fire Lieutenant, pursuant to Civil Service Rule 16.2, concerning the 2008 Fire Captain's Oral Board Exam. (DISCUSSION)

## **F. REPORTS**

F.1 Pending Hearings as of June 29, 2010. (NOTIFICATION)

## **G. REQUESTS FOR HEARINGS**

G.1 A copy of a Request for a Grievance hearing from Michael Pizzi, Jr., on behalf of his client Richard Briosio, former Assistant to the Director of GSA, requesting a hearing pursuant to Civil Service Rules 14, 16, and Florida Statute 112.3187-Whistle-blower's Act. (DISCUSSION)

G.2 A copy of a Request for a Grievance hearing from Michael Pancier, Attorney, on behalf of his client Osmel Martinez, former Maintenance Mechanic Supervisor, requesting a hearing pursuant to Florida Statute 112.3187-Whistle-blower's Act. Assistant City Attorney Min expressed no objection to opposing Counsel's request. (DISCUSSION)

G.3 A copy of a Request for a Grievance hearing from Catherine Grieve, Attorney, on behalf of her client Olatunbosun "Ola" Aluko, former Director of Capital Improvement Programs, requesting a Whistleblower hearing, pursuant to Florida Statute 112.3187. Assistant City Attorney Min expressed no objection to opposing Counsel's request. (DISCUSSION)

## **H. TODAY'S HEARINGS**

H.1 Hearing of appeal on behalf of Robert Byrd, Labor Crew Leader II, relative to his 3-day suspension, effective March 23, 2009.

H.2 Hearing of appeal on behalf of Carlos Antunez, Police Officer, relative to his 40-hour suspension, effective June 1, 2009.

H.3 Grievance hearing on behalf of Lazaro Cabezas, Telecommunications Technician, regarding violation of Civil Service Rule 14.

H.4 Hearing of appeal on behalf of Fignole Lubin, Police Officer, relative to his 40-hour forfeiture, effective August 29, 2006.

H.5 Hearing of appeal on behalf of Maurice Mackens, Waste Collector, relative to his termination, effective March 9, 2010.