

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, November 2, 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

The meeting was called to order at 10:01 a.m. The roll call for the Board Members at the commencement of the meeting was as follows:

Present: Chief Examiner Kaplan, Member Dames, Member Silverman and Member Moy

Absent: Chairperson de la O

Chief Examiner Kaplan presided over the meeting due to the absence of the Chairman.

A. APPROVING THE MINUTES OF:

Regular Meeting of October 19, 2010.

**Motion by Member Silverman, seconded by Member Dames, to APPROVE.
PASSED by the following vote.**

Aye: Kaplan, Dames, Moy and Silverman

Absent: de la O

B. PERSONNEL MATTERS**C. MILITARY LEAVES OF ABSENCE****D. DISCIPLINARY MATTERS**

- D.1** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Nicole Sweet, Communications Operator, of her 16-hour suspension, effective October 30, 2010. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Nicole Sweet, Communications Operator, of her 24-hour suspension, effective November 1, 2010. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Terrel Cheever, Communications Assistant, of his 40-hour suspension, effective October 27, 2010. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Chief Kemp, Director, Department of Fire-Rescue, notifying Robert Sanon, Firefighter, of his 24-hour suspension, effective the first full pay period of 2011. (NOTIFICATION)

NOTIFIED

- D.5** Copy of an amended Judgment from the City Manager, pursuant to an opinion

dated May 6, 2010 from Circuit Court quashing previous Judgment entered by the City Manager; thereby reversing the decision of the Chief of Police that Edward Lugo, Police Officer, serve 120-hour suspension. (NOTIFICATION)

NOTIFIED

- D.6** Copy of a Judgment from the City Manager, concurring with the Board's Findings concerning Fignole Lubin, Police Officer, relative to his 40-hour forfeiture, effective August 29, 2006. It is ordered and adjudged that the decision of the Chief of Police that he shall serve a 40-hour forfeiture is hereby reversed. (NOTIFICATION)

NOTIFIED

- D.7** Copy of a Judgment from the City Manager concurring with the Board's Findings concerning Alice Dunn, Typist Clerk II, relative to her 80-hour suspension, effective August 18, 2008. It is ordered and adjudged that the decision of the Chief of Police that she shall serve an 80-hour suspension is hereby sustained. (NOTIFICATION)

NOTIFIED

- D.8** Copy of a Judgment from the City Manager concurring with the Board's Findings concerning Maurice Brighthaupt, Fire Fighter, relative to his 24-hour suspension, effective November 19, 2008. It is ordered and adjudged that the decision of the Chief of Fire-Rescue that he shall serve a 24-hour suspension is hereby sustained. (NOTIFICATION)

NOTIFIED

- D.9** Copy of a Judgment from the City Manager concurring with the Board's Findings concerning Robert Byrd, Labor Crew Leader II, relative to his 3-day suspension, effective March 23, 2009. It is ordered and adjudged that the decision of the Director of Public Works that he shall serve a 3-day suspension is hereby reversed. (NOTIFICATION)

NOTIFIED

- D.10** Copy of a Judgment from the City Manager concurring with the Board's findings concerning Marcel Jackson, Police Officer, relative to his 40-hour suspension, effective May 16, 2009. It is ordered and adjudged that the decision of the Chief of Police that he shall serve a 40-hour suspension is hereby reversed. (NOTIFICATION)

NOTIFIED

- D.11** Copy of a Judgment from the City Manager concerning the Grievance hearing of Cornelius Pierre, Code Enforcement Inspector, regarding a violation of Civil Service Rule 12. The City Manager rejected the Board's interpretation of Rule 12.1(3)(c) with regards to the number of required hours an employee must work to be awarded seniority credit for a full month of service and ordered effective immediately that Rule 12.1(3)(c) interpret a "full month of service" as any

employee who has eight (8) hours or less of leave without pay in any one (1) month shall be awarded seniority credit for that month. Any employee who has more than eight (8) hours of leave without pay in any one (1) month shall not be awarded a seniority credit for that month. Further, the City Manager accepted the Board's additional recommendations. (NOTIFICATION)

NOTIFIED

- D.12** Copy of a Judgment from the City Manager, concurring with the Board's Findings concerning Lazaro Cabezas, Telecommunications Technician, relative to his *de facto demotion and reduction in grade*. It is ordered and adjudged that the decision of the Director of Information Technology to reduce his salary range from a 32M to a 25M is hereby sustained. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1** Notice of a Withdrawal of Appeal from Osnat K. Rind, Attorney, on behalf of Joel Vasquez, Heavy Equipment Mechanic, relative to his 1-day suspension, effective March 25, 2009. (NOTIFICATION)
- Case will be closed and removed from the Board's docket. Hearing of appeal is scheduled for today.

NOTIFIED

- E.2** Notice of a Withdrawal of the Grievance hearing from Osnat K. Rind, Attorney, on behalf of Melanie Ortiz, Typist Clerk, relative to her layoff, pursuant to an alleged violation of Civil Service Rule 12. (NOTIFICATION)
- Case will be closed and removed from the Board's docket. Hearing of appeal is scheduled for today.

NOTIFIED

F. REPORTS

- F.1** Pending Hearings as of November 2, 2010. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

- G.1** A copy of a Request for a Grievance hearing from Teri Guttman-Valdes, Attorney, on behalf of Louis A. Brennan, Firefighter, pursuant to Civil Service Rule 16.1- Investigation by the Board and 16.2- Complaint by Employee,

alleging a violation of Civil Service Rules 5, 6, 7, and 8. (DISCUSSION)

Teri Guttman-Valdes, Attorney at Law on behalf of Louis Brennan stated that she would ask that this matter be deferred to the meeting of November 16, 2010 given the fact that she just received a document from Assistant City Attorney Forte that she and her client are seeing for the first time and she needs time to review it.

Acting Chairman Kaplan asked for the department's position regarding Attorney Guttman-Valdes' request. Assistant City Attorney Forte responded that she had no objection.

Member Dames asked what the delay was in receiving the paperwork from the department. Attorney Guttman-Valdes responded that the paperwork is an agreement between the City and the Fire Fighters' Union and the Union had not provided her client with a copy.

Following discussion, the Board entered a motion to carry this item over to the Board's next meeting which resulted as followed:

Motion by Member Silverman, seconded by Member Dames, that this matter be APPROVED. PASSED by the following vote.

Aye: Kaplan, Dames, Moy and Silverman

Absent: de la O

H. TODAY'S HEARINGS

H.1

Hearing of Appeal on behalf of Raul Cabrera, Police Officer, relative to his 160-hour suspension, effective April 21, 2010.

David Chonin, Attorney at Law on behalf of Raul Cabrera asked to be heard prior to the start of his client's hearing with regards to the procedural issues involved in this case. Acting Chairman Kaplan advised Attorney Chonin that he had the floor.

Attorney Chonin stated that they are before the Board regarding a Motion to dismiss that he filed a couple of months ago as his client's rights under the Policemen's Bill of Rights were violated with respect to the department's failure to complete its investigation and notify Officer Cabrera of the discipline within the 180-day period as provided by Chapter 112 of the Statute. Attorney Chonin stated that he and opposing counsel argued their positions and at that time, the Board granted his Motion to dismiss the discipline. He went on to say that the Board submitted its recommendation to the City Manager who remanded the case back to the Board because the Board did not provide findings of fact in making its determination in that case. Attorney Chonin further stated that it is his understanding that an officer from the City of Pembroke Pines is present to testify (on behalf of the department), but they are not contesting that Officer Cabrera was involved in an off-duty fight at Cafe Iguana and that he took a plea to a battery charge in that case; however, they are contesting that the City did not have the power to discipline Officer Cabrera because it violated the 180-day Rule as cited under Florida Statute 112.582. He stated that for purposes of today's hearing, it is their position that the testimony that should be relevant to the Board involves the timing when the initial complaint was made, whether there was any tolling of the 180-day period, when any tolling stopped, when Officer Cabrera was notified of the discipline, and whether Florida Statute 112.532 was violated. Attorney Chonin went on to say that he believed that focusing on these questions would speed up the case since they were not contesting Internal Affairs' findings relative to the incident that occurred.

Member Silverman asked if Officer Cabrera was no longer a police officer since the charging document indicated that he resigned. Osnat K. Rind, Attorney at Law, responded that Officer Cabrera did not resign as she represented Officer Cabrera on the resignation issue, which was overturned by the Civil Service Board.

Acting Chairman Kaplan stated that neither was he present when the matter of the Motion to dismiss the discipline against Officer Cabrera was considered by the Board and nor had he seen a copy of the City Manager's judgment, so he wanted to know exactly what happened. Member Silverman responded that Attorney Chonin filed a Motion to dismiss based upon an alleged violation of the 180-day rule, the Board granted the Motion, but the City Manager did not agree with the Board's determination and remanded the case back to the Board asking that it provide findings of fact. He went on to say it seemed to him that a lot of testimony would not be necessary in hearing this case, but he wanted to hear from Special Counsel as to how she thinks the Board should proceed. Cynthia A. Everett, Special Counsel to the Board, responded that in terms of this proceeding, the Board is empowered to hear discipline, but it does not make a decision on what discipline should or should not be imposed. She went on to say that she did not have a copy of the Statute (Chapter 112), but she believed within the Statute regarding public employees that there is a remedy or procedure to follow if the 180-day rule is violated or has not been followed appropriately, but that was not an issue that could be appealed to the Civil Service Board, but through another forum. Special Counsel Everett stated that this Board's mission or function is to hear the appeal of the discipline which would be a factual matter unless there is a stipulation as to the facts.

Acting Chairman Kaplan asked Special Counsel Everett if she was implying that the Board needs to have a hearing totally on the question that relates to the 180-day rule rather than going into the merits of the offense that led to the discipline. Special Counsel Everett responded that she did not believe that (the 180-day rule violation) was a finding the Board could make; however, it could be made in an arena other than the Board. She went on to say that the employee appealed the imposition of the discipline (160-hour suspension), which the Board could hear and make findings of fact. Acting Chairman Kaplan stated it was his understanding that the procedural matter had already been ruled upon, that the 180-day Rule does apply, and there was no need to go forward; however, he did not know what the City Manager's ruling was because he had not seen the judgment.

ACA Forte stated that whether or not the 180-day rule was violated, it was not an issue before the Board. She went on to say that Officer Cabrera filed an appeal of the 160-hour suspension pursuant to Civil Service Rule 14.3 that would be within the Board's jurisdiction to make a determination whether the rule was violated, whether Officer Cabrera did something wrong, whether the suspension should be upheld, or whatever the Board's recommendations are, but the provision under Chapter 112 of the Statute is not before the Board. ACA Forte further stated that the Board is controlled by the Rules; therefore the reprimand inclusive of the 160-hour suspension is what is before the Board.

Acting Chairman Kaplan asked what the Board did when this matter of the 180-day rule was considered. ACA Forte responded that Attorney Chonin filed a Motion to dismiss on the basis that the 180-day rule was violated, but no evidence was taken although the Board agreed with the employee's position. She went on to say that the Motion to Dismiss needs to be taken before the Circuit Court for the mere reason that the department can present evidence as to why the (disciplinary action) was taken and why there was no violation of the 180-day rule. ACA Forte reiterated that the issue of the 180-day rule is not within the Board's jurisdiction to make a determination.

Acting Chairman Kaplan asked ACA Forte how the Board had the authority to rule on this matter when it was previously presented. ACA Forte responded that the Board did not have authority to rule. Acting Chairman Kaplan asked what was the City Manager's ruling on the Board's recommendation. ACA Forte responded that the Board presented the City Manager no evidence because it did not have a hearing. She went on to say that the Board simply granted a Motion that was not within its jurisdiction so in essence, there was nothing (of substance) presented to the City Manager for him to make a ruling since there was no determination made by the Board that any rules were violated or that the suspension was not warranted. ACA Forte further stated that, in other words, there were no findings presented on the matter (of the 160-suspension) that was before the Board. She stated that if she understands opposing counsel's position correctly, he and his client are not disputing the facts in the Internal Affairs investigation and the 160-hour suspension because Officer Cabrera was in agreement with the discipline issued to him. ACA Forte went on to say that she brought the Pembroke Pines Police Officer to testify just in case the Board decided to go forward today regarding the substance of the suspension and Internal Affairs investigation. She further stated that if Officer Cabrera is not going to challenge the facts of the suspension but is going forward based on a mere technicality (180-day rule violation), that is not before the Board.

Acting Chairman Kaplan asked Special Counsel Everett if the Board has the authority to rule on the Motion to Dismiss as it did before with regards to the violation of the 180-day rule. Special Counsel Everett responded in the negative.

Attorney Chonin stated that he had the same argument when this matter was presented to the Board and the Board found that it could rule on the Motion to Dismiss. Special Counsel Everett responded that assuming the Board had jurisdiction, part of the problem was that no findings were made in terms of the Board's determination therefore, the City Manager had nothing to consider beforehand (and he remanded the case back to the Board). Special Counsel Everett further stated that she did not have a copy of the Statute (Chapter 112), but it does not preclude Officer Cabrera from obtaining a remedy; however, consideration for a remedy of that issue (violation of 180-day rule) is not before this Board.

Acting Chairman Kaplan asked if the facts relating to the 180-day rule were discussed when the Board considered the Motion to Dismiss. Special Counsel Everett responded that she was sure there was a proffer or argument about the issue, but there was no factual testimony presented.

Acting Chairman Kaplan asked Attorney Chonin what he recalled about the issue. Attorney Chonin responded that he recalled there was a proffer of the time. He went on to say that the department is not disputing the fact that there was more than 180 days that passed before his client received notice of the discipline, but what the department is saying now is that the Board does not have the power to enforce Chapter 112 of the Florida Statutes, which he thinks is ridiculous because the Board has to determine whether the department had cause to discipline Officer Cabrera. Attorney Chonin further stated that if the department violated the Statute, unless there is a special exemption afforded to the Police Department, the Statute mandates specific time lines that the department has to follow. He stated that if the department does not follow the time line as stated in the Statute, then the department does not have cause to discipline Officer Cabrera. Attorney Chonin went on to say that he would like to know where in the Statute it is written that the sole remedy is going to Circuit Court when the Statute is violated. He further stated that he knows that is not fact, it is contrary to what this Board has done, and the Departmental Disciplinary Review Board (DDRB) consistently reviews Chapter 112 violations regarding the 180-day rule and dismisses discipline when it is found that there had been a violation, so he did not understand why this would be any different for the Civil Service Board. Attorney Chonin stated that Chapter 112 is

a protection for officers and it is there for a reason which is if the department cannot follow the time line, it cannot discipline its officers.

Member Dames stated the Board considered the Motion to Dismiss which was based on whether the department violated the 180-day rule and as a result, the Board voted in favor of granting the employee's Motion.

Member Silverman asked ACA Forte if he was correct in understanding that the department's position is that the Board has no authority to consider the Statute and that only the Circuit Court has that authority to provide a determination on the 180-day rule. ACA Forte responded in the affirmative. Member Silverman stated that, taking into consideration the department's position, then the department would not be in a position to say that the employee did not exhaust his administrative remedies by going before the Board. ACA Forte responded that the Statute does not require that an officer exhaust his administrative remedies regarding this particular issue. She went on to say that this is not a whistle-blower complaint for which the Statute requires that an employee exhaust their administrative remedies. Member Silverman stated that it sounded to him that the department's attorney is telling Attorney Chonin and his client to forget any remedy from the Board on the 180-day rule and go to Circuit Court and get a Writ of Prohibition since this Board has no authority to hear the 180-day argument. ACA Forte responded that Member Silverman is correct as to the department's position because the issue of whether the department violated the 180-day rule is not before the Board. Member Silverman stated so that he is clear, the department's position is that the Board has no authority to hear the issue of the 180-day rule; however, Attorney Chonin could go to Circuit Court to get a Writ of Prohibition, the Judge grants the Order, and that would end the matter. ACA Forte stated that is the department's position and that is what is required.

Member Silverman asked Attorney Chonin if he wished to go forward with a hearing on the merits of the case today. Hearing no response, Member Silverman stated that he understands that it is Attorney Chonin's position to forget the merits of the case and that the department has no authority to go forward; however, Special Counsel Everett has given the opinion that the Board cannot grant a motion on the issue of the 180-day rule. He went on to say that if the Special Counsel's opinion is followed, the Board would have to hold a hearing today on the merits of the case, but not on the issue of the 180-day rule. Member Silverman asked Attorney Chonin what he wished to do. Attorney Chonin responded that he would like to know where in the Statute that it says the sole remedy for violating the 180-day rule is to go to Circuit Court. Member Silverman responded that the Board received an opinion from its Special Counsel and to do otherwise would be asking the Board to overrule its attorney.

Acting Chairman Kaplan suggested that both attorneys put together stipulated facts so that the Board could bypass the need to go to a hearing. ACA Forte stated that the facts that the department is ready to stipulate to are the facts contained in the Internal Affairs investigative report which led to the reprimand that Officer Cabrera agreed to at the time it was issued to him, but now he is saying the opposite. She went on to say that either Officer Cabrera agrees with the discipline or he does not, and if he does not, the department is prepared to present its case and let the Board decide (on the merits of the case).

Acting Chairman Kaplan asked Attorney Chonin if he was willing to accept the facts that were charged (in the reprimand). Attorney Chonin responded that it is a legal argument that is being made and not a factual argument so he can stipulate to the factual events that led to the discipline, but what he is arguing is that the department did not have the authority to discipline Officer Cabrera. Acting Chairman Kaplan stated that is a different issue. He went on to say that aside from the Chapter 112 issue, he wants to be able to

submit to the Board a motion that includes facts that have been charged and stipulated to by both sides. Acting Chairman Kaplan asked both attorneys if they were in agreement with his suggestion. Attorney Chonin responded that he was in agreement and ACA Forte responded that she accepted opposing counsel's stipulation. Acting Chairman Kaplan clarified that any decision that follows from that stipulation, the Board would also find and delineate the facts dealing with the 180-day rule. He went on to say that whether or not Special Counsel Everett's opinion supports Attorney Chonin's view, the Board will not say that the facts dealing with the 180-day rule prevents the Board from going forward with this issue, but it will stick to what the factual statements are and allow Attorney Chonin to proceed from that point. Acting Chairman Kaplan further stated that aside from the 180-day rule, the conclusion the Board needs to reach according to Special Counsel Everett's opinion, is the discipline for which the Board would find whether the employee was guilty or not guilty of the charges, make finding of facts, and let the 180-day rule issue be decided by another authority.

Member Silverman suggested that Attorney Chonin request a continuance of his client's hearing and file his Motion to Dismiss in court. He went on to say that the Judge could either rule that the Civil Service Board has authority to consider the 180-day rule or he can decide that even if the Board does not have authority, he as Judge has the authority to order that the Board consider the 180-day rule. He went on to say that if Attorney Chonin loses in court, there is no issue before the Board concerning the facts of the case. Member Silverman further stated that to go forward with the case today is left up to Attorney Chonin and his client as to what they want to do. Attorney Chonin responded that he was in agreement with Member Silverman's suggestion to continue the matter and pursue the 180-day issue in a different forum.

Acting Chairman Kaplan asked Attorney Chonin how much time he needed to remedy this matter in court. Attorney Chonin responded that he could start with three months and if he needs additional time, he would ask for a continuance. Acting Chairman Kaplan clarified that if Attorney Chonin is not able to file within three months, he wants the case to come back to the Board and rule on it as requested by the City Manager.

ACA Forte stated that three months in the Circuit Court will not be enough time to remedy this matter. Acting Chairman Kaplan responded that he was talking about three months to have the matter filed but not concluded. ACA Forte stated the department is ready to proceed with regards to the facts of this case which is before the Board. She went on to say that if Attorney Chonin wishes to file the matter of the 180-day rule in court, then there is nothing for the Board to consider since Attorney Chonin has admitted that his client agrees with the facts of the case and the discipline and that his only objection is the discipline was not timely issued which is a determination that has to be made by the Circuit Court.

Attorney Chonin asked if he could have a 10-minute recess to review the Collective Bargaining Agreement (FOP) which might shed some light on the issue and help him decide how he should proceed. Acting Chairman Kaplan granted Attorney Chonin's request and reiterated what he would like to do is to give Attorney Chonin 90 days to go to court and if he does not go to court to seek relief on the 180-day rule, he would like to hear the appeal case of the 160-hour suspension. He went on to say that the case should take no more than 5 minutes to conclude because everything has already been stipulated to by the employee and his attorney.

Following the recess, Acting Chairman Kaplan asked Attorney Chonin if he had decided on a position in this case. Attorney Chonin responded that he and his client have decided to ask for a 90-day continuance to pursue this matter in Circuit Court by seeking either a Writ of Prohibition or Writ of Mandamus on the issue of the 180-day rule.

Acting Chairman Kaplan asked ACA Forte for her position on Attorney Chonin's position to go to court on this matter. She went on to say that she thought that 90 days was an unrealistic time frame for resolving the issue of the 180-day rule in court; however, she had no objection because that is the appropriate forum for addressing this issue.

Following discussion, the Board entered a motion to CONTINUE the appeal hearing of Officer Raul Cabrera for 90 days.

Under discussion, Member Dames asked what would happen if nothing is decided within the 90-day period. Member Silverman responded that Attorney Chonin would advise the Board that the Judge had not ruled on the case. He went on to say there would be no reason why a Judge could not rule on the issue in 90 days since the employee agreed with the facts and this is strictly a question of law. Member Silverman further stated that if a Judge took the case on an emergency basis, Attorney Chonin could probably get a hearing within two weeks. For emphasis, Member Silverman reiterated that if nothing has been decided by the court, both attorneys would return to the Board and at that time, the Board would decide how it should proceed.

Following discussion, the motion on the floor to grant a 90-day continuance of Officer Raul Cabrera's appeal hearing resulted as follows:

Motion by Member Silverman, seconded by Chief Examiner Kaplan, that this matter be CONTINUED. PASSED by the following vote.

Aye: Kaplan, Moy and Silverman

No: Dames

Absent: de la O

H.2

Hearing of Appeal on behalf of Marcel Jackson, Police Officer, relative to his 40-hour suspension, effective April 13, 2010.

The Board entered into the scheduled hearing of appeal on behalf of Marcel Jackson, the Appellant.

Iliana Forte, Assistant City Attorney (ACA), represented the Department.

Osnat K. Rind, Attorney at Law, represented the Appellant.

ACA Forte presented opening statements and Attorney Rind deferred opening statements until after the department rested its case. All witnesses were sworn in individually. Witnesses for the Department appeared in the following order:

1. Udell Wiggins, Police Officer, City of Miami, Department of Police.

Questions were posed by Board Members Kaplan, Moy, and Dames during the testimony of Udell Wiggins.

2. Andrew Boan, Sergeant of Police, City of Miami, Department of Police.

Questions were posed by Board Members Dames and Moy during the testimony of Andrew Boan.

The Department rested its case and Attorney Rind presented opening statements on behalf of the Appellant, which was followed by the calling of witnesses.

Witnesses for the Appellant appeared in the following order:

1. *Javier Ortiz, Vice President, Fraternal Order of Police.*

Questions were posed by Board Members Kaplan, Dames, and Moy during the testimony of Javier Ortiz.

2. *Marcel Jackson, Police Officer, City of Miami, Department of Police, appeared on his own behalf.*

Questions were posed by Board Member Moy during the testimony of Marcel Jackson.

The Appellant rested his case and the Department waived rebuttal. Subsequently, the Board proceeded to closing arguments that were presented by both attorneys. Following discussion, the Board entered a motion to find the Appellant NOT GUILTY of the following nine (9) charges:

Charge #1 - Departmental Order 1.11.6.28.3 - Members to Conform

Charge #2 - Departmental Order 1.11.6.32.8 - Responsibility For

Charge #3 - Departmental Order 1.6.17.33 - Neglect or Refusal to Comply

Charge #4 - Departmental Order 1.11.6.17.2 - Disobedience

Charge #5 - Departmental Order 12.2.4.3.18.1 - Towing of Violator's Vehicle

Charge #6 - Legal Bulletin #09-02 Towing of Vehicles - Afford Owner/Driver to Remove Vehicle

Charge #7 - Civil Service Rule 14.2(e)2 - Breach of Proper Discipline

Charge #8 - Civil Service Rule 14.2(e)3 - Loss/Injury to the City

Charge #9 - Civil Service Rule 14.2(k) - Incompetent/Negligent

The motion resulted as follows:

Motion by Member Dames, seconded by Member Moy, that this matter be APPROVED. PASSED by the following vote.

Aye: Kaplan, Dames, Moy and Silverman

Absent: de la O

H.3

Hearing of Appeal on behalf of Joel Vasquez, Heavy Equipment Mechanic, relative to his 1-day suspension, effective March 25, 2009.

The employee withdrew his appeal request; therefore no action was required by the Board.

WITHDRAWN

H.4

Grievance hearing on behalf of Melanie Ortiz, Typist Clerk, relative to her layoff, pursuant to an alleged violation of Civil Service Rule 12.

The employee withdrew her grievance request; therefore no action was required by the Board.

WITHDRAWN

ADJOURNMENT:

The Acting Chairman called for a motion to ADJOURN which resulted as follows:

**Motion by Member Moy, seconded by Chief Examiner Kaplan, to APPROVE.
PASSED by the following vote.**

Aye: Kaplan, Dames, Moy and Silverman

Absent: de la O

The meeting adjourned at 1:22 p.m. Breaks were taken at 10:41-10:48 a.m., 12:22-12:30 p.m., and 1:07-1:18 p.m.

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary