

City of Miami

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

Tuesday, February 8, 2011

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 10:03 a.m. The roll call for the Board Members at the commencement of the meeting was as follows:

Present: Chief Examiner Kaplan, Chairperson de la O, Member Dames, Member Silverman and Member Moy

A. APPROVING THE MINUTES OF:

Regular Meeting of January 25, 2011.

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

Aye: Kaplan, Silverman, de la O, Dames and Moy

B. PERSONNEL MATTERS

- B.1** Copy of a memorandum from Roy Brown, Assistant Chief, Department of Police, requesting an extension of probation of Angie M. Fermin, Detention Officer, for six (6) additional months beyond February 28, 2011.
(DISCUSSION)

Chairman de la O asked if either Detention Officer Fermin or a representative from the Police Department was present. The Executive Secretary responded that she received notice from the department to defer this matter to the Board's next agenda, but that would be left up to the Board.

Without objection from other Board Members, the Chairman instructed the Executive Secretary to defer this item to the February 22, 2011 meeting.

DEFERRED

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

- D.1** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Ansonia G. Chatfield, Communications Operator, of her 80-hour suspension, effective February 3, 2011 and a request to appeal from Osnat K. Rind, Attorney on behalf of Ms. Chatfield. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

RECEIVED AND FILED

- D.2** Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Deborah Hudson, Typist Clerk III, of her 40-hour suspension, effective January 31, 2011 and a request to appeal from Osnat K. Rind, Attorney on behalf of Ms. Hudson. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

RECEIVED AND FILED

- D.3 Copy of a letter from Chief Miguel Exposito, Director, Department of Police, notifying Ebony Robinson, Police Officer, of her 10-hour forfeiture and 1 month suspension of take home vehicle privileges, effective February 3, 2011. (NOTIFICATION)

NOTIFIED

- D.4 Copy of a Judgment from the City Manager concerning Shellande Tropnas, Payroll Specialist, relative to her termination, effective April 23, 2010. It is ordered and adjudged that the termination is hereby reversed. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Notice of a withdrawal from Osnat K. Rind, Attorney, on behalf of Terrel Cheever, Communications Assistant, concerning his 40-hour suspension, effective October 27, 2010. (NOTIFICATION)
Appeal hearing will be removed from the Board's docket.

NOTIFIED

F. REPORTS

- F.1 Pending Hearings as of February 8, 2011. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1 Hearing of Appeal on behalf of Osmel Martinez, former Maintenance Mechanic Supervisor, concerning his 2-day suspension, effective January 26, 2009.

Prior to entering into Osmel Martinez' hearings, the Chairman advised that the meeting would adjourn at 1:00 p.m. today, which is the reason the Board would not hear the other two cases (Items H.4 - Daylet Diaz and H.5 - Jean Marie Jean-Felipe) scheduled for today. He went on to say that depending on how things go with Mr. Martinez' case today, the Board may have to set a special meeting to hear Ms. Diaz' case.

Following discussion, the Board continued with the consolidated cases of Osmel Martinez (Agenda Items H.1 through H.3) that began on January 25, 2011.

Janeen Richard, Assistant City Attorney, represented the Department.

Michael T. Pancier, Kevin Guanaga, Attorneys at Law, represented the Appellant.

The Board took up discussion on the department's resting of its case and ACA Richard advised the Board that she would not rest her case because of the various cases being heard at the same time. The Rule of Witnesses was invoked and all witnesses were

sworn in individually. Witnesses for the Appellant appeared in the following order:

1. Richard Brioso, (former) Assistant to the Director, General Services Administration. Questions were posed by Board Members Moy, Dames and Kaplan during the testimony of witness Richard Brioso.

Following direct and cross examination of Richard Brioso, ACA Richard stated that she did not have any other witnesses to call (with regards to the Whistleblower case) and asked if she should call Osmel Martinez to testify with regards to the cases involving his 2-day suspension and termination or should she wait until Mr. Martinez testified. Chairman de la O responded that since the cases were consolidated, she could call Mr. Martinez as a witness if she needed him to prove her case.

Witnesses for the City continued in the following order:

6. Osmel Martinez, Maintenance Mechanic Supervisor, City of Miami, Department of General Services Administration. (Osmel Martinez provided testimony via Certified Translator Fernando Bouza of Universal Language Services.)

Following Attorney Guanaga's cross examination of Osmel Martinez, Member Kaplan stated that if the Board cannot finish Osmel Martinez' cases this month (February) he would hope that the cases are scheduled to some time in the beginning of March 2011 because he will be on vacation for two weeks during the middle to the end of March.

Chairman de la O suggested that the Executive Secretary poll the Board for the purpose of coming up with a date to start Mr. Martinez' cases at 9:00 a.m. so that the Board can finish this case. The Executive Secretary asked if the Board was available to start the February 22, 2011 meeting at 9:00 a.m. Without objection from other Board Members, Chairman de la O responded in the affirmative.

HEARING TO BE CONTINUED : The hearings will continue at the Board's next meeting date, which is February 22, 2011, beginning at 9:00 a.m.

H.2 Hearing of Appeal on behalf of Osmel Martinez, former Maintenance Mechanic Supervisor, concerning his termination, effective February 17, 2010.

HEARING TO BE CONTINUED

H.3 Whistleblower hearing on behalf of Osmel Martinez, Maintenance Mechanic Supervisor, pursuant to Florida Statute 112.3187.

HEARING TO BE CONTINUED

H.4 Hearing of Appeal on behalf of Daylet Diaz, Litigation Assistant, relative to her termination, effective August 17, 2010.

Chairman de la O stated that the Board would not get to Ms. Diaz' case today and asked both attorneys if they wish to have a Board continuance. Both attorneys responded in the affirmative.

Member Dames asked if Ms. Diaz' case could be rescheduled to the Board's next meeting (February 22, 2011) since it was impossible that her case would be heard today. The Executive Secretary responded that she could reschedule Ms. Diaz' case to the next meeting but she wanted the Board to know that two cases were already confirmed for that date and will be scheduled ahead of Ms. Diaz' case.

Teri Guttman-Valdes, Attorney at Law on behalf of Daylet Diaz, stated that she could be available on March 8 if that would help with rescheduling of her client's case. The Executive Secretary responded that there are already four cases scheduled for March 8. Chairman de la O stated that he thought the point Member Dames was making was that Ms. Diaz was terminated so she should be bumped up on the scheduling list of pending hearings. Attorney Guttman-Valdes stated that if it was better to reschedule her client's hearing to the meeting of February 22, she could adjust her calendar. Chairman de la O suggested that Attorney Guttman-Valdes contact the Executive Secretary for scheduling, but based on the discussion, it appeared Ms. Diaz' hearing would take place on either February 22 or March 8.

Following discussion, the Board entered a motion to grant a CONTINUANCE of Daylet Diaz' hearing and charge the continuance to the Board which resulted as follows:

Motion by Member Silverman, seconded by Chairperson de la O, that this matter be CONTINUED. PASSED by the following vote.

Aye: Kaplan, Silverman, de la O, Dames and Moy

H.5

Hearing of Appeal on behalf of Jean Marie Jean-Philippe, Police Officer, relative to his 80-hour suspension, effective March 29, 2010.

The Executive Secretary informed the Board that she had not heard from Officer Jean-Felipe in weeks and that he is not represented by counsel. Chairman de la O responded that the Board would not get to Officer Jean-Felipe's case today; therefore, a Board continuance should be granted. He went on to say that if Officer Jean-Felipe does not show up the next time his hearing is scheduled, the Board would take note that he did not appear for his hearing today, that he had in essence abandoned his appeal, and proceed in accordance with Rule 14.7, Failure of Parties to Appear.

Following discussion, the Board entered a motion to grant a CONTINUANCE of Officer Jean-Felipe's hearing and charge the continuance to the Board which resulted as follows:

Motion by Member Dames, seconded by Chairperson de la O, that this matter be CONTINUED. PASSED by the following vote.

Aye: Kaplan, Silverman, de la O, Dames and Moy

ADJOURNMENT:

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

Motion by Member Moy, seconded by Chairperson de la O, to APPROVE. PASSED by the following vote.

Aye: Kaplan, Silverman, de la O, Dames and Moy

The meeting adjourned at 1:00 p.m. A break was taken at 11:34-11:46 a.m.

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary