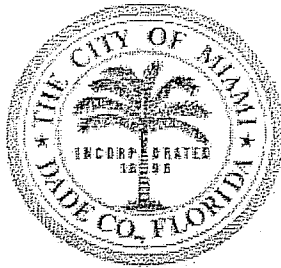


# City of Miami

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## Meeting Minutes

Tuesday, November 30, 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 10:09 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 November 16, 2010.

**Motion by Member Silverman, seconded by Chief Examiner Kaplan, 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 Carlos Migoya, City Manager notifying Juana Guerrero, Service Center Aide, of her transfer from Department of Employee Relations to the Neighborhood Enhancement Team (N.E.T.) Office, effective November 17, 2010. (NOTIFICATION)

**NOTIFIED**

- B.2** Copy of a memorandum from Carlos Migoya, City Manager notifying Marcela Montoya, Service Center Aide, of her transfer from Department of Employee Relations to the Neighborhood Enhancement Team (N.E.T.) Office, effective November 17, 2010. (NOTIFICATION)

**NOTIFIED**

- B.3** Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Kenneth Zapata, Fire Fighter, for three (3) additional months beyond December 14, 2010. (NOTIFICATION)

Department sent notification rescinding the request.

**NOTIFIED**

- B.4** Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Manuel Castro, Fire Fighter, for three (3) additional months beyond December 14, 2010. (DISCUSSION)

Deferred from the meeting of November 16, 2010.

*Chairman de la O asked Fire Fighter Castro if he was aware that the department director requested to extend his probationary period and if so, did he have any objections. Fire Fighter Castro responded that he was aware the department requested to extend his probationary period and that he had no objection.*

*Following discussion, the Board entered a motion to extend Fire Fighter Manuel Castro's*

*probationary period an additional three months beyond December 14, 2010 which resulted as follows:*

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

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

**B.5**

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Heather Perales, Fire Fighter, for six (6) additional months beyond December 14, 2010. (DISCUSSION)

Deferred from the meeting of November 16, 2010.

*Chairman de la O asked Fire Fighter Perales if she was aware that the department requested to extend her probationary period an additional six months. Fire Fighter Perales responded in the affirmative. Chairman de la O asked Fire Fighter Perales if she had an objection to the department's request to extend her probationary period. Fire Fighter Perales responded in the negative.*

*Following discussion, the Board entered a motion to extend Fire Fighter Heather Perales' probationary period an additional six months beyond December 14, 2010 which resulted as follows:*

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

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

**B.6**

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Gregory Martinez, Fire Fighter, for six (6) additional months beyond December 14, 2010. (DISCUSSION)

*Chairman de la O asked Fire Fighter Martinez if he was aware that the department director requested to extend his probationary period an additional six months and if so, did he have an objection to the extension request. Fire Fighter Martinez responded that he was aware of the request to extend his probationary period and that he had no objection.*

*Following discussion, the Board entered a motion to extend Fire Fighter Gregory Martinez' probationary period an additional six months beyond December 14, 2010 which resulted as follows:*

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

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

**B.7**

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Carlos Garcia, Fire Fighter, for three (3) additional months beyond December 14, 2010. (DISCUSSION)

*Chairman de la O asked Fire Fighter Garcia if he was aware that the department director requested to extend his probationary period. Fire Fighter Garcia responded in the affirmative. Chairman de la O asked Fire Fighter Garcia if he had any objections to the department's request to extend his probationary period. Fire Fighter Garcia*

*responded in the negative.*

*Following discussion, the Board entered a motion to extend Fire Fighter Carlos Garcia's probationary period an additional three months beyond December 14, 2010 which resulted as follows:*

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

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

- B.8 Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire Rescue, requesting an extension of probationary period of Carlos Alvear, Fire Fighter, for three (3) additional months beyond December 14, 2010.  
(DISCUSSION)

*The Board took no action on this item because the matter was rescinded by the Fire-Rescue Department.*

**WITHDRAWN**

**C. MILITARY LEAVES OF ABSENCE**

**D. DISCIPLINARY MATTERS**

**E. GENERAL ITEMS**

- E.1 Copy of Findings of Fact concerning the appeal hearing of Marcel Jackson, Police Officer, relative to his 40-hour suspension, effective April 13, 2010.  
(DISCUSSION)

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

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

- E.2 Copy of Findings of Fact concerning the appeal hearing of Shellande Tropnas, Payroll Specialist, relative to her termination, effective April 23, 2010.  
(DISCUSSION)

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

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

**F. REPORTS**

- F.1 Pending Hearings as of November 16, 2010. (NOTIFICATION)  
**PRESENTED**

**G. REQUESTS FOR HEARINGS**

**H. TODAY'S HEARINGS**

H.1

Hearing of appeal on behalf of Javier Gonzalez, Police Officer, relative to his 20-hour suspension, effective June 1, 2006.

*Osnat K. Rind, Attorney at Law, requested a continuance of the hearing on behalf of her client, Officer Javier Gonzalez. Chairman de la O asked opposing counsel if she had an objection to the continuance request. Assistant City Attorney Richard responded in the negative.*

*Chairman de la O asked if there was any discussion from the Board. Member Dames asked for the scheduling history of Officer Gonzalez' case. The Executive Secretary responded that Officer Gonzalez' case was continued seven (7) times which consisted of four continuances charged to the Board and three continuances charged to the employee.*

*Member Dames stated that he wants to hear cases; therefore he thinks the Board needs to tighten up when it comes to granting continuances and that the attorneys need to be ready with their cases, which would reduce the backlog of pending cases. He went on to say that as a Board Member he takes responsibility (for the backlog) especially when there have been four continuances charged to the Board with regards to this case. Member Dames further stated that the backlog is growing and the cases are not being heard so he wants everyone to know that come the first of the year, he will not be as lenient when it comes to granting continuance requests.*

*Following discussion, the Board entered a motion to CONTINUE the hearing and charge the continuance to the employee which resulted as follows:*

**Motion by Member Silverman, seconded by Member Moy, that this matter be CONTINUED. PASSED by the following vote.**

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

H.2

Hearing of appeal on behalf of Jorge E. Aguilar, Police Officer, relative to his 80-hour forfeiture, effective October 26, 2008.

*Attorney Rind asked that her client's case be continued. Chairman de la O asked opposing counsel if she had an objection to the employee's request for a continuance. Assistant City Attorney Richard responded in the negative.*

*Chairman de la O asked for the scheduling history of Officer Aguilar's case. The Executive Secretary responded that this case was continued five times. She went on to say that one continuance was charged to the employee and four continuances were charged to the Board.*

*Following discussion, the Board entered a motion to CONTINUE the hearing of Officer Jorge E. Aguilar and charge the continuance to the employee, which resulted as follows:*

**Motion by Member Silverman, seconded by Member Moy, that this matter be CONTINUED. PASSED by the following vote.**

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

H.3

Hearing of appeal on behalf of Gilberto Gomez, Police Sergeant, relative to his 40-hour forfeiture, effective January 14, 2008.

*Chairman de la O stated that Attorney Rind has requested that this case be continued and asked the department's attorney if she had an objection. Assistant City Attorney Richard responded in the negative.*

*Chairman de la O asked if there was any discussion from the Board. Member Dames asked for the scheduling history of Sgt. Gomez' case. The Executive Secretary responded that this case was continued three times, all of which were charged to the Board.*

*Following discussion, the Board entered a motion to CONTINUE the hearing of Sgt. Gilberto Gomez and charge the continuance to the employee, which resulted as follows:*

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

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

*The meeting adjourned at 11:02 a.m.*

**SIGNATURE:**

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**Miguel M. de la O, Chairperson**

**ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**