

City of Miami

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

Tuesday, January 24, 2012

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 10:07 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

A. APPROVING THE MINUTES OF:

Regular Meeting of January 10, 2012.

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

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

- C.1 Matthew Conway, Firefighter, requests Active Duty Military Leave, without pay, from January 1, 2012 through February 3, 2013. Copy of Orders submitted. (DISCUSSION)

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

D. DISCIPLINARY MATTERS

- D.1 Copy of a Last Chance Agreement and Settlement between Thomas Thelusma, Fire Lieutenant, IAFF Local 587 and the City of Miami. (NOTIFICATION)

NOTIFIED

- D.2 Copy of a Settlement Agreement between the City of Miami and Javier Gonzalez, Police Officer, relative to his 20-hour suspension, effective June 1, 2006. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of Findings of Fact in the Appeal Hearing of Jeffrey Locke, Police

Lieutenant, relative to his 20-hour suspension, effective February 25, 2009.
(DISCUSSION)

The Board entered a motion to APPROVE the findings as amended, which resulted as follows:

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

F. REPORTS

F.1 Pending Hearings as of January 24, 2012. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

H.1 Hearing of appeal on behalf of Shekita Johnson, Communications Operator, relative to her 8-hour suspension, effective February 8, 2009.

Pending settlement since August 23, 2011.

Acting Chairman Kaplan asked if counsel for Shekita Johnson was present. Attorney Michael Braverman responded in the affirmative. Acting Chairman Kaplan asked to hear from the department's attorney. Janeen Richard, Assistant City Attorney (ACA) responded that this case has been resolved and that she is waiting for a memorandum to be signed by the Police Chief to close this matter.

NO ACTION TAKEN : Case will be closed upon receipt of signed document or placed back on the agenda within 30 days for Board consideration.

H.2 Hearing of Appeal on behalf of Deborah Hudson, Typist Clerk III, relative to her 80-hour suspension, effective January 31, 2011.

ACA Richard stated that they were prepared to go forward on this case; however, she received a voice-mail message from her main witness just before today's meeting to advise of his inability to attend today's hearing so she is asking that this case be continued.

Acting Chairman Kaplan asked opposing counsel if he objects to the continuance request. Attorney Braverman responded in the negative. Following discussion, the Board entered a motion to grant the department's request for a continuance 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, Dames and Moy

Absent: de la O

H.3

Grievance hearing on behalf of Ricardo Novas, Broadcast Engineer, pursuant to Rule 16.2, concerning a violation of Rule 12, Layoff, Resignation, and Reinstatement.

Acting Chairman Kaplan asked the attorneys if they were prepared to go forward with this case today. ACA Richard responded that the employee filed a motion for a continuance of his hearing. She went on to say the department does not object to the employee's request for a continuance.

Attorney Braverman responded that the basis for his filed motion is that some witnesses he needs to call for this case were not available, so he asked that this case be continued. Following discussion, the Board entered a motion to grant the employee's request for a continuance of his hearing which resulted as follows:

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

H.4

Grievance hearing on behalf Joan Greene, Secretary II, pursuant to Civil Service Rule 16.2, concerning a violation of Rule 12, Layoff, Resignation, and Reinstatement.

ACA Richard stated that she and opposing counsel have agreed to a joint continuance of this matter; however, since this is opposing counsel's grievance she believes that he can provide the Board with more information. She went on to say that both parties would like an opportunity to resolve this matter; therefore, the department does not object to a temporary postponement of this case.

Acting Chairman Kaplan asked the employee's attorney if he agrees with the joint continuance request as stated by ACA Richard. Attorney Braverman responded that he and ACA Richard have had initial discussions (about the cases) so what ACA Richard related to the Board is a fair assessment. He went on to say as the Board knows, he has three other cases that stem from the reorganization of the Building Department, one of which is scheduled for the February 7th meeting. Attorney Braverman further stated since he and opposing counsel have had discussions on these matters, he would ask that the Board defer this case to the February 7, 2012 meeting so that they can meet and hopefully agree to a settlement of the cases.

Acting Chairman Kaplan asked if Ms. Greene's case could be moved to the meeting on February 7. The Acting Executive Secretary responded that three cases are already scheduled on February 7; however, if it is the Board's pleasure she would reschedule Ms. Greene's case to that date.

Following discussion, the Board entered a motion to grant a JOINT CONTINUANCE of this case and reschedule Ms. Greene's hearing to the meeting of February 7, 2012 which resulted as follows:

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

H.5

Grievance hearing on behalf of Alejandro Pascual, Building Inspector I, pursuant to Civil Service Rule 16.2, concerning a violation of Rule 12, Layoff, Resignation, and Reinstatement.

Attorney Braverman requested that the Board approve the same motion for Mr. Pascual's case that was made in Ms. Greene's case because some of the information the Board will receive regarding the cases will be the same so they want to have the hearings set on the same day.

Acting Chairman Kaplan asked the department's attorney if she has an objection to the request made by opposing counsel. ACA Richard responded in the negative. Acting Chairman Kaplan asked if this case could be moved to the Board's next meeting. The Acting Executive Secretary responded as she stated earlier if it is the Board's pleasure to hear this case on February 7, 2012, she will schedule the hearing accordingly. Following discussion, the Board entered a motion to grant a JOINT CONTINUANCE of Mr. Pascual's hearing and reschedule it to the Board's meeting of February 7, 2012 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, Dames and Moy

Absent: de la O

ADJOURNMENT:

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

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

Aye: Kaplan, Silverman, Dames and Moy

Absent: de la O

The meeting ADJOURNED at 10:20 a.m.

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary