

City of Miami

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

Tuesday, July 10, 2012

10:00 AM

Commission Chambers

Civil Service Board

*Gerald Silverman, Chairperson
Sean Moy, Chief Examiner
Carlos Lago, Board Member
Lillie Harris, Board Member
Christine Gomez, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:03 a.m. The roll call at the commencement of the meeting was as follows:

Present: Member Lago, Chairperson Silverman, Chief Examiner Moy, Member Harris and Member Gomez

A. APPROVING THE MINUTES OF:

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

Aye: Silverman, Moy, Gomez, Lago and Harris

Regular Meeting of June 26, 2012.

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

- D.1** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying David Anderson, Police Officer, of his 20hr suspension, effective June 28, 2012 and a copy of a request to appeal from Officer Anderson. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Stephon McGill, Police Officer, of his 10hr forfeiture, effective July 3, 2012 and a copy of a request to appeal from Officer McGill. 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 Manuel Orosa, Director, Department of Police, notifying Sheana Haslem, Clerk I, of her 160hr suspension, effective June 25, 2012. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Fausto Lopez, Police Officer, of his 160hr suspension and suspension of his take home vehicle privileges for two (2) months, effective June 28, 2012. (NOTIFICATION)

NOTIFIED

- D.5 Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Marc Redondo, Police Officer, of his 10hr suspension, effective June 29, 2012. Officer Redondo was also ordered to conduct Roll Call Training on the Vehicle Pursuit Policy. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Carlos Jimenez, Structural Engineer/Plans Examiner, relative to his 3-day suspension, effective July 18, 2011. (DISCUSSION)

As there were no objections or corrections to the Findings and Recommendations, the Chair entertained a motion to approve the Findings as presented, which resulted as follows:

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

Aye: Silverman, Moy, Gomez and Harris

Abstain: Lago

- E.2 Notice of a Request to Continue from Michael Braverman, Attorney, on behalf of Paul Hernandez, Chief Mechanical Inspector, concerning his pending Grievance hearing. (DISCUSSION)

Grievance Hearing scheduled for July 24, 2012. **ITEM ADDITION**

The following item did not appear on today's printed agenda and was taken up from the floor for discussion.

Michael Braverman, Attorney on behalf of Paul Hernandez, stated that his client's grievance hearing is scheduled for July 24, 2012. He went on to say that there has been discussion between the City and Mr. Hernandez and they have submitted a proposed resolution of this matter to the City and are currently awaiting a response. Attorney Braverman further stated in the hopes of not having to burden the Board with having to discuss this matter on July 24th, or him having to appear on that date, he wondered if it was possible to roll this matter over to the next regular meeting so that they can finalize discussion on the proposed settlement.

Chairman Silverman asked Assistant City Attorney (ACA) Richard for her position on this matter. ACA Richard responded that she recently received the settlement proposal and that she has not had an opportunity to discuss it with her client. Chairman Silverman asked ACA Richard if she had an objection to continuing the hearing of Paul Hernandez that is scheduled for the next meeting. ACA Richard responded in the negative.

There being no objection to the continuance request, the Board entered a motion to APPROVE the employee's request for a continuance of his hearing which resulted as follows:

Motion by Member Lago, seconded by Member Gomez, that this matter be APPROVED. PASSED by the following vote.

Aye: Silverman, Moy, Gomez, Lago and Harris

F. REPORTS

F.1 Pending Hearings as of July 10, 2012. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS**H. TODAY'S HEARINGS**

H.1 Hearing of Appeal on behalf of Deborah Hudson, Typist Clerk III, relative to her 80-hour suspension, effective January 31, 2011.

The Board entered into the scheduled hearing of appeal on behalf of Deborah Hudson, the Appellant.

Janeen Richard, Assistant City Attorney (ACA) represented the Department.

Michael Braverman, Attorney, represented the Appellant.

Both attorneys presented opening statements. The Rule of Witnesses was invoked and all witnesses were sworn in individually. Witnesses for the Department appeared in the following order:

1. Monica Chatila, Administrative Aide II, City of Miami, Department of Police. Questions were posed by Board Members Harris and Moy during the testimony of Monica Chatila.

2. Jose Diez, Sergeant, City of Miami, Department of Police. Questions were posed by Board Member Harris during the testimony of Sgt. Jose Diez.

The Department rested its case and Attorney Braverman proceeded with the calling of his witnesses.

Witnesses for the Appellant appeared in the following order:

Deborah Hudson, Typist Clerk III, City of Miami, Department of Police, testified on her own behalf. Questions were posed by Board Members Moy, Gomez, and Harris during the testimony of Deborah Hudson.

The Appellant rested her case and the Department waived rebuttal. The Board then proceeded to closing arguments and both attorneys presented their prospective positions on this case. Following final argument, the Board entertained discussion of the case.

Member Harris stated that she had a very difficult time trying to follow Sgt. Diez' testimony and that she was still trying to grasp how Sgt. Diez was not aware of certain things about the reprimand (i.e. not knowing the original penalty recommended by the Appellant's immediate supervisor although he increased the penalty). She went on to say that based upon Ms. Chatila's testimony, she was of the opinion that she did not want to write the reprimand and would have preferred talking to the Appellant instead. Member Harris further stated that she was also of the opinion that Ms. Chatila felt pressured by Sgt. Diez to write the reprimand. She stated that Ms. Chatila testified that she felt the Appellant was singled-out because of her past (disciplinary profile) and that

Ms. Chatila also testified that on occasion she herself felt that she was mistreated by Sgt. Diez. Member Harris went on to say that ACA Richard argued what took place between Sgt. Diez and the Appellant did not necessarily prove that someone was singled-out but she thought it did lend itself to the fact that Sgt. Diez was not sensitive to the employee's need to the point that the Appellant was not given an opportunity to explain her position.

Member Harris stated there was a lot of back and forth about the 5-minute grace period (for reporting to work), but her thought was (whenever situations involve an employee who is running late), it should fall under a supervisor's concern and care for the employee. She went on to say that she was concerned and wondered what importance Sgt. Diez placed on personally assisting with answering the phones (whenever there is insufficient staff to handle the large volume of in-coming calls.) Member Harris stated that she did not want to think this, but she hoped that Sgt. Diez did not feel that it is beneath sworn police personnel to answer phones. She went on to say that if a manager or supervisor knows the importance of a phone ringing or whatever function he/she is charged with overseeing, then whatever needs to be done the person in authority would see to it that it is done.

Member Harris stated that she hopes that we all respect one another in the workplace regardless of our titles or whether we are sworn or civilian employees because no one's position is less important than the other. She stated that as much as we may want to think that an individual does not bring his/her personal life to work, they do because you cannot separate the two. Member Harris went on to say that as managers and supervisors, it is incumbent upon us to ensure a pleasant working environment if at all possible. She further stated if possible, managers and supervisors can assist their employees with whatever personal problems they might be experiencing so that they do not continue bringing (their personal problems) into the workplace.

Chairman Silverman stated that as far as the case goes, he did not think the Department met its burden and therefore he did not think the Appellant should be found guilty (of the charges). Following discussion, the Board entered a motion to find the Appellant NOT GUILTY of all eight (8) violations listed in the charging document.

- (1) Departmental Order 1.11.6.13.4 - Elements of Courtesy*
- (2) Departmental Order 1.11.6.13.12 - Obeying/Executing Orders*
- (3) Departmental Order 1.11.6.17.8 - Insubordination*
- (4) Departmental Order 1.11.6.17.9 - Neglect/Inattention to Duty*
- (5) Departmental Order 1.11.6.18.2 - Duty Responsibilities*
- (6) Departmental Order 1.11.8.4.2 - Cellular Phone Usage*
- (7) Civil Service Rule 14.2(e)(1) - Act of Insubordination*
- (8) Civil Service Rule 14.2(e)(2) - Breach of Proper Discipline*

The motion resulted as follows:

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

Aye: Silverman, Moy, Gomez, Lago and Harris

ADJOURNMENT:

The meeting adjourned at 12:16 p.m. Breaks were taken at 10:04 - 10:12 a.m. and 11:20 - 11:25 a.m.

SIGNATURE:

Gerald Silverman, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary