

City of Miami

*City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com*



Meeting Minutes

Tuesday, April 12, 2016

10:00 AM

Commission Chambers

Civil Service Board

*Javier Baños, Chairperson
Troy Sutton, Chief Examiner
Lillie Harris, Board Member
Vishwani Ramlal, Board Member
William W. Riley, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:13am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Present: Chairperson Baños, Chief Examiner Sutton, Member Harris and Member Ramlal

Absent: Member Riley

ADOPTION OF TODAY'S AGENDA

Motion by Member Ramlal, seconded by Member Harris, to APPROVE. PASSED by the following vote.

Aye: Baños, Sutton, Harris and Ramlal

A. APPROVING THE MINUTES OF:

Regular Meeting of March 29, 2016.

Motion by Member Ramlal, seconded by Member Harris, to APPROVE. PASSED by the following vote.

Aye: Baños, Sutton, Harris and Ramlal

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

- C.1** Andrew Merschel, Park Ranger, requests active duty military leave without pay from March 28, 2016 through April 29, 2016. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.2** Jason Hunter, Communication Repair Worker, requests active duty military leave of absence without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.3** Kedarius Harris, Police Officer (probationary), requests active duty military leave of absence without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.4 Paul Garcia, Recreational Aide II, requests active duty military leave of absence without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.5 Alejandro Cuervo, Jr., Firefighter, requests active duty military leave of absence without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.6 Brett F. Wolfe, Firefighter, requests active duty military leave without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

- C.7 Ivan Chavez, Firefighter, requests active duty military leave without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris and Ramlal

NEW ROLL CALL

Member Riley arrived at 10:17am, and a second Roll Call was taken as follows:

Present: Chairperson Baños, Chief Examiner Sutton, Member Harris, Member Ramlal and Member Riley

- C.8 Pedro Montero, Firefighter, requests active duty military leave without pay from April 7, 2016 through May 12, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

D. DISCIPLINARY MATTERS

- D.1 Copy of a letter from Chief Maurice Kemp, Director, Department of

Fire-Rescue, notifying Keith Helmly, Firefighter, of his 240-hour suspension, effective March 31, 2016. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Mijail Orozco, Firefighter, of his Termination, effective March 29, 2016. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1** Hearing of Appeal on behalf of JeanPaul Guillot, Police Officer, relative to his 160-hour suspension, effective October 15, 2013. (DISCUSSION)

Rescheduled pursuant to continuance policy; Settlement announced March 15, 2016.

Assistant City Attorney Gamez appeared before the Board and advised that the parties had completed a Settlement Agreement and it was being signed. Without objection, Chair Baños directed the Executive Secretary to carry the matter over to the next Agenda.

DISCUSSED

- E.2** Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Janet Williams-Brewster, Grant Writer, relative to her termination, effective January 9, 2015. (DISCUSSION)

Teri Guttman-Valdes, Attorney on behalf of Ms. Williams-Brewster, appeared before the Board and stated her objections and suggestions to the drafted Findings. Carlos Gamez, Assistant City Attorney, appeared before the Board and stated his objections to the drafted Findings. Board members considered revisions and suggestions, and amended the proposed Findings.

Following discussion, the Findings were approved as amended, as follows:

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

Aye: Baños, Sutton, Harris and Ramlal

Abstain: Riley

- E.3** Copy of Findings of Fact concerning the Grievance hearing on behalf of Moises Velazquez, Police Sergeant, pursuant to Civil Service Rule 16.2- Complaint by Employee, alleging a violation of Rules 6.3 and 6.5 as it relates to the 2015 Police Lieutenant's Exam. (DISCUSSION)

Mr. Velazquez appeared before the Board and stated that he objected to the drafted Findings. Carlos Gamez, Assistant City Attorney, appeared before the Board and stated his objections to the revisions being suggested by Mr. Velazquez. Board members considered revisions and suggestions, and amended the proposed Findings.

Following discussion, the Findings were approved as amended, as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

F. REPORTS

- F.1** Pending Hearings as of April 12, 2016. (NOTIFICATION)
PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1** Grievance hearing on behalf of Kimberly Rodriguez, Police Officer, pursuant to Civil Service Rule 16.2, concerning an alleged violation of Rule 7.5 - Removal from Register, as it relates to the 2015 Police Sergeant's Exam.

The Board entered into the Grievance hearing, pursuant to Rule 16.2, on behalf of Kimberly Rodriguez, Police Officer ("Grievant"), concerning an alleged violation of Rule 7.5 - Removal from Register.

The Grievant was represented by Jonathan S. Minick, Attorney at Law. The Department of Human Resources was represented by Carlos Gamez, Assistant City Attorney, Office of the City Attorney.

The Rule of Witnesses was invoked and Chair Baños advised all witnesses to leave the chambers, and to not discuss their testimony with anyone. Opening statements were provided by both sides.

The following witnesses were called to testify at the request of the Grievant:

- 1. Kimberly Rodriguez, Grievant. Questions were posed to Grievant by Chair Baños and Members Ramlal, Harris, Riley and Sutton.*
- 2. Eyran Kraus, Testing & Validation Supervisor, Department of Human Resources. Questions were posed to Witness Kraus by Members Ramlal, Harris, Riley and Sutton.*
- 3. Amy Klose, Director, Department of Human Resources. Questions were posed to Witness Klose by Chair Baños and Members Riley, Harris and Ramlal.*
- 4. Jorge Gomez, Assistant Chief, Department of Police. Questions were posed to Witness Gomez by Member Sutton.*
- 5. Ronald Papier, Major, Department of Police. Questions were posed to Witness Papier by Members Harris and Sutton.*

The Grievant rested. No witnesses were called to testify on behalf of the Department. Both the Grievant and the Department provided closing arguments.

Prior to Board deliberation, Member Riley asked for a break to take a phone call. During the break, a settlement between the parties was reached. Upon reconvening, Assistant City Attorney Gamez announced that the parties had reached an amicable agreement, which was echoed by the Grievant.

HEARD Upon receipt of the approved Agreement, this matter will be removed from the Board's docket.

H.2

Grievance hearing on behalf of Suzann Nicholson, Code Compliance Inspector, pursuant to Civil Service Rule 16.2, concerning an alleged violation of Rule 5.4 - Disqualification.

Holly E. Van Horsten, of Phillips, Richard and Rind, Attorney on behalf of Ms. Nicholson, asked if due to the lateness of the day, this hearing could be continued, to which Chair Banos agreed. The Board considered a motion to grant a CONTINUANCE and charge it to the Board, which resulted as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

ADJOURNMENT

Breaks were taken between: 11:25am - 11:37am; 1:32pm - 2:08pm (lunch); 3:47pm - 3:55pm; and 5:36pm - 5:44pm. The Board considered a motion to adjourn the meeting at 5:46pm, which resulted as follows:

Motion by Member Ramlal, seconded by Member Harris, to APPROVE. PASSED by the following vote.

Aye: Baños, Sutton, Harris, Ramlal and Riley

SIGNATURE:

Javier Baños, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary