

City of Miami

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

Tuesday, May 10, 2016

10:00 AM

Commission Chambers

Civil Service Board

*Michael Dames, Board Member
Lillie Harris, Board Member
Troy Sutton, Board Member
Vishwani Ramlal, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:00am, with the Pledge of Allegiance. Roll Call at the commencement of the meeting was as follows:

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

ELECTION OF CIVIL SERVICE BOARD OFFICERS

The Executive Secretary stated that in accordance with Civil Service Rule 2.1, the first order of business after the appointment and confirmation of Civil Service Board members by the City Commission, is to elect officers, inclusive of a Chairperson, Chief Examiner and Appointed Executive Secretary.

The Executive Secretary then opened the floor for nominations for the position of Chair of the Board. A motion was made by Member Dames, and seconded by Member Sutton, to elect Member Harris as Chair.

Upon hearing no other nominations, the Board considered the aforementioned motion, which resulted as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

The Executive Secretary congratulated and turned the meeting over to Chair Harris, to carry out the remaining elections. Chair Harris thanked the Board for their confidence in her ability, and advised that she looks forward to a successful term for the Board.

Chairperson Harris opened the floor to nominations for Chief Examiner. A motion to elect Member Ramlal as Chief Examiner, was considered by the Board and resulted as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

Chairperson Harris called for nominations for the position of Executive Secretary to the Civil Service Board. The Board considered a motion to appoint Ms. Tishria L. Mindingall as the Executive Secretary, which resulted as follows.

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

ADOPTION OF CIVIL SERVICE RULES AND REGULATIONS

The Board considered a motion to adopt the existing Civil Service Rules and Regulations, which resulted as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

A. APPROVING THE MINUTES OF:

Regular Meeting of April 26, 2016.

**Motion by Chief Examiner Ramlal, seconded by Member Sutton, to APPROVE.
PASSED by the following vote.**

Aye: Ramlal, Chairperson Harris, Sutton and Dames

B. PERSONNEL MATTERS

- B.1** Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Andrew Fuentes, Firefighter, for 6 additional months beyond June 1, 2016.
(DISCUSSION)

Though advised to do so, neither the employee, nor Administration representation appeared for the meeting. Noting that the employee did sign a "Concurrence Memo", the Board considered a motion to GRANT the stated request of the department, as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

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

- D.1** Copy of a Settlement Agreement between the City of Miami and Jean Paul Guillot, Police Lieutenant, relative to his 160-hour suspension, effective October 15, 2013. (NOTIFICATION)

RECEIVED AND FILED

- D.2** Copy of a Settlement Agreement between the City of Miami and Kimberly Rodriguez, Police Officer, relative to her Grievance hearing 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. (NOTIFICATION)

RECEIVED AND FILED

- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Viona Browne-Williams, Police Officer, of her 80-hour suspension, effective May 2, 2016. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Marc Redondo, Police Officer, of his 40-hour suspension, effective May 3, 2016. (NOTIFICATION)

NOTIFIED

- D.5 Copy of a letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Oscar Ramirez, Firefighter, of his 20-hour suspension, effective April 21, 2016. (NOTIFICATION)

NOTIFIED**E. GENERAL ITEMS****F. REPORTS**

- F.1 Pending Hearings as of May 10, 2016. (NOTIFICATION)

PRESENTED**G. REQUESTS FOR HEARINGS**

- G.1 Copy of a Request from Osnat K. Rind, Attorney, Phillips, Richard, & Rind, P.A., on behalf of Sandy Dorsainvil, *former* Cultural Arts Center Manager (Unclassified), pursuant to Civil Service Rule 2.7 - Appearance Before the Board, concerning Ms. Dorsainvil's Termination, effective April 4, 2016. (DISCUSSION)

Osnat K. Rind, Attorney on behalf of Ms. Dorsainvil, appeared before the Board and stated that the request for an Appeal hearing was before the Board for discussion, because Ms. Dorsainvil's classification is in the Unclassified service. She went on to say that pursuant to a ruling in the matter of Jorge Martinez-Estevé v. City of Miami, all classifications that are not specifically listed in the City Charter, are to be considered as "Classified". Therefore, she continued, Ms. Dorsainvil should be considered Classified, and granted an Appeal hearing.

Assistant City Attorney Kevin Jones advised that the employee was indeed Unclassified; however, the department had no position on whether the Board should consider granting a hearing.

Following discussion, the Board entered a motion to grant the hearing as requested by Ms. Dorsainvil.

Special Counsel Carla Barrow opined that Rule 14 requires that employees requesting an appeal hearing be "permanent, classified" employees.

Chair Harris reminded Special Counsel that during Board discussion, where there is a motion on the floor, it was improper at that point for Board Counsel to interject, unless a Board member invited her into the discussion.

Following discussion, the Board considered the motion to GRANT the APPEAL hearing, which resulted as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

Attorney Rind asked that Ms. Dorsainvil receive a letter detailing the reasons for her termination within 5 days, as required under Rule 14. ACA Jones responded that the department would comply with that request.

H. TODAY'S HEARINGS

H.1

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.

Osnat K. Rind, Attorney on behalf of Ms. Nicholson, appeared before the Board and advised that one of their witnesses was unavailable for the meeting today, and therefore they were requesting a continuance.

Assistant City Attorney Kevin Jones advised that the department had no objection to the continuance request.

Member Dames asked for the continuance history. Attorney Rind responded that the hearing had been continued once before, at the request of the Board (time constraints). Following discussion, the Board entered a motion to GRANT the CONTINUANCE requested by the Grievant, which resulted as follows:

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

Aye: Ramlal, Chairperson Harris, Sutton and Dames

ADJOURNMENT

There being no further business before the Board, a motion to Adjourn at 10:25am was entered and resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Member Sutton, to APPROVED. PASSED by the following vote.

Aye: Ramlal, Chairperson Harris and Sutton

No: Dames

SIGNATURE:

Lillie Harris, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary