

City of Miami

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



Meeting Minutes

Tuesday, March 29, 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 10:02am, 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 15, 2016.

Chair Baños advised that prior to approving the Minutes, he would like to explain that using the term "Tabled" to describe what the Board did in consideration of the personnel matters, would be incorrect, since the Board did not return to discuss those items prior to adjourning the meeting. He believes that it would be correct to use the term "Continued" or "Deferred", which would follow Robert's Rules of Order.

Following discussion, the Board entered a motion to AMEND the Minutes of March 15, 2016, to reflect that the personnel matters that were to be discussed were "Deferred" by the Board. The motion resulted as follows:

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

Aye: Baños, Sutton, Harris and Ramlal

The Board entered a motion to APPROVE the Minutes as Amended, which resulted as follows:

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

Aye: Baños, Sutton, Harris and Ramlal

B. PERSONNEL MATTERS

- B.1** A copy of a memorandum from Amy Klose, Director, Department of Human Resources, confirming the request of Donnie Horne, Sr. Budget & Financial Support Advisor, to return to his former civil service classification of Sr. Staff Analyst. (NOTIFICATION)

NOTIFIED

- B.2** Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Rey Gutierrez, Firefighter, for 6 additional months beyond April 5, 2016.

(DISCUSSION)Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon and the employee concerning this matter. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.3

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Rico Wilkerson, Firefighter, for 3 additional months beyond May 31, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.4

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Giovanni Pons, Firefighter, for 6 additional months beyond April 5, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Following discussion, the Board approved a motion to extend the employee's probationary period for three (3) additional months beyond April 5, 2016, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.5

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Andry Fuentes, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon concerning this matter, as the employee was unable to attend the meeting. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted 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 and Ramlal

B.6

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of William Pelaez, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION)
Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.7

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Samuel Ortiz, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION)
Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.8

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Jonathan Gillen, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION)
Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.9

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Ronald Johnson, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.10

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Eugenio Collazo, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.11

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Luis Ortiz, Firefighter, for 6 additional months beyond April 5, 2016. (DISCUSSION) Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.12

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Daniel Arcia, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION)
Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.13

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Osvaldo Espallat-Perez, Firefighter, for 3 additional months beyond April 5, 2016. (DISCUSSION)
Deferred from the meeting of March 15, 2016.

The Board heard from Captain Niorge Aragon; Osnat K. Rind, Attorney on behalf of IAFF, Local 587; Freddy Delgado, President of the Local; and the employee concerning this matter. Captain Aragon advised that although 3 additional months was requested, the department agreed to make the employee permanent upon passing all portions of the simulated patient scenario and reevaluation. Following discussion, the Board approved a motion to extend the employee's probationary period as requested, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

B.14

Request from Pamela Palmer to be placed on the re-employment list for Sr. Human Resource Generalist, pursuant to Civil Service Rule 12, Sec. 12.4, Resignations and a copy of the Department Director's endorsement attached. (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. MILITARY LEAVES OF ABSENCE**D. DISCIPLINARY MATTERS**

- D.1** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying John Kocur, Police Officer, of his 20-hour forfeiture, effective March 22, 2016. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Vincent Miller, Police Officer, of his 80-hour forfeiture, effective March 21, 2016. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Adam Gurlacz, Police Officer, of his Termination, effective February 25, 2016. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS**F. REPORTS**

- F.1** Pending Hearings as of March 29, 2016. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

- G.1** Request for hearing on behalf of Lazaro Cabezas, Telecommunications Technician, from Osnat K. Rind, Attorney, Phillips, Richard, & Rind, P.A., pursuant to Civil Service Rule 16.1- Investigation by the Board or 16.2- Complaint by Employee. (DISCUSSION)

Osnat Rind, Attorney on behalf of Mr. Cabezas appeared before the Board and recited the hearing history (since 2010) regarding the discrepancy in pay grades, which led to the request before the Board today. Attorney Rind relayed that there are only 2 employees in this classification; one employee is paid at a Range 32M and the other employee, Mr. Cabezas, is paid at a Range 25M. She went on to say that although the Board heard this request in 2010 under Rule 14, she is asking, in an abundance of caution concerning exhausting her client's administrative remedies, that due to the continuation of this discrepancy, the Board now hear it under Rule 16.1 or 16.2, and provide a recommendation to the City Manager.

Chair Baños asked if the department wished to make any remarks. Stephanie Panoff, Assistant City Attorney, Office of the City Attorney, appeared before the Board and responded that initially, Mr. Cabezas and the other employee Rodrigo Jimenez filed Rule 14 hearings before the Board, appealing what they believed to be "de facto demotions". Following a classification audit, the salary range, or pay grade for the classification of Telecommunications Technician had been reduced from R32M to R25M, to be in line

with the duties and requirements of the classification. Mr. Jimenez entered into a Settlement Agreement, which re-instated the salary range for his new classification - "Telecommunications Technician - RJ". Mr. Cabezas' hearing before the Board moved forward, and the Board found that the City was entitled to set/revise salary ranges for classifications, but recommended that, to be fair, Mr. Cabezas' salary range should also be re-instated, which the city manager rejected.

Assistant City Attorney Panoff further opined that although the employees have different salary ranges and are performing in the same classification, there was no abuse of power in this case, since the City is only abiding by a settlement agreement. She concluded that if Mr. Cabezas was not content with the results of his 2010 hearing at the time, he should have appealed to Circuit Court, not come back six years later for another hearing before the Board.

Following discussion, the Board entered a motion to GRANT the request for a hearing, pursuant to Civil Service Rule 16.1 - Investigation by the Board, which resulted as follows:

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

Aye: Sutton, Harris and Ramlal

No: Baños

H. TODAY'S HEARINGS

ADJOURNMENT

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:55 am, which resulted as follows:

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

Aye: Baños, Sutton, Harris and Ramlal

SIGNATURE:

Javier Baños, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary