

# **City of Miami**

*City Hall  
3500 Pan American Drive  
Miami, FL 33133  
[www.miamigov.com](http://www.miamigov.com)*



## **Meeting Minutes**

**Tuesday, March 1, 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 10:00am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:*

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

**ADOPTION OF TODAY'S AGENDA**

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

**Aye:** Baños, Sutton, Harris, Ramlal and Riley

**A. APPROVING THE MINUTES OF:****A.1 Regular Meeting of February 16, 2016**

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

**Aye:** Baños, Sutton, Harris, Ramlal and Riley

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

**C.1** Marcella Westfall, Administrative Assistant II, requests active duty military leave of absence from February 22, 2016 through March 27, 2017. Copy of Orders submitted. (DISCUSSION)

**Motion by Member Ramlal, seconded by Member Riley, 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 Daniel J. Alfonso, City Manager, notifying Sheena Cooley-McNichols, Emergency Dispatch Assistant, of her Termination, effective February 23, 2016. (NOTIFICATION)

**NOTIFIED**

**D.2** Copy of a letter from Daniel J. Alfonso, City Manager, notifying Erica Cook, Emergency Dispatch Assistant, of her Termination, effective February 23, 2016. (NOTIFICATION)

**NOTIFIED**

**D.3** Copy of a letter from Daniel J. Alfonso, City Manager, notifying Erlain Petitfrere, Waste Collector-Garbage, of his Termination, effective February 11, 2016. (NOTIFICATION)

**NOTIFIED**

- D.4 Receipt of an Unsatisfactory Service Rating for Jorge Martinez-Esteve, from the Department of Real Estate & Asset Management, for the period ending January 21, 2016. A hearing has been scheduled accordingly. (NOTIFICATION)

**RECEIVED AND FILED****E. GENERAL ITEMS****F. REPORTS**

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

**PRESENTED****G. REQUESTS FOR HEARINGS**

- G.1 Copy of a Request for Hearing from Marina Novaes, Planner II, for an Investigation hearing, pursuant to Civil Service Rule 16.1, concerning an alleged Abuse of Power from Luciana Gonzalez, Assistant Director, Planning & Zoning, Department of Building, Planning & Zoning. (DISCUSSION)

*Chair Baños asked if anyone was present regarding the matter. Osnat K. Rind, attorney on behalf of Ms. Novaes, appeared before the Board and advised that the employee is requesting a hearing pursuant to Rule 16. She further explained that Ms. Novaes is alleging a pattern of abuse of power and violation of the cited Rules by the assistant director of Planning, Luciana Gonzalez. Attorney Rind went on to say that examples of the behavior are varied and include: being subjected to discrimination, being denied training opportunities, and retaliation from Ms. Gonzalez for filing a discrimination complaint against Ms. Novaes' immediate supervisor. She advised that Ms. Novaes, as well as Maria Lugo from the AFSCME Local 1907 are present to provide any details that the Board deems necessary.*

*Chair Baños asked if the department wished to say anything. Assistant City Attorney Gamez responded that the Board has very broad discretion in determining whether to grant a hearing, but that they respectfully request that any union representation present not be allowed to speak about this matter, as their presentation would be hearsay, having heard only from the employee requesting the hearing. He went on to say that the assistant director is also present if the Board has any questions of her.*

*Chair Baños advised that this is a request for hearing, and unless the Board wants, he is not inclined to hear from the other persons present. Member Harris stated that it would not be necessary to hear details, but she wanted clarity as to which Rule the requestor was travelling under, as to place the department on notice regarding which Rules are alleged to have been violated. Attorney Rind responded that they believe there was an Abuse of Power and the Rules that she believes were violated, based on the actions of the assistant director, are in her letter of request to the Board. Member Harris confirmed that a hearing is what was being requested, to which Attorney Rind responded in the affirmative.*

*Following discussion, the Board entered a motion to GRANT the Request for Hearing,*

*pursuant to Rule 16.1 - Abuse of Power, alleging violation of Rules 14.2 (d), (h), (i), (k), (r) and Rule 17.1, which resulted as follows:*

**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

## **H. TODAY'S HEARINGS**

### **H.1**

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)

*The Board entered into the Grievance hearing on behalf of Moises Velazquez. The employee represented himself. The Department of Human Resources was represented by Carlos Gamez, Assistant City Attorney.*

*Chair Baños explained the hearing procedures and responded to questions. Mr. Velazquez invoked the Rule of Witnesses, and Chair Baños reminded those leaving the chambers not to discuss their testimony with anyone. Opening statements were presented by both parties.*

*Witnesses appearing at the request of the Grievant were sworn in and appeared in the following order:*

- 1. Moises Velazquez, Grievant. Questions were posed to witness Velazquez by Members Harris and Sutton, and Chair Baños.*
- 2. Amy Klose, Director, Department of Human Resources. Questions were posed to witness Klose by Members Harris and Sutton.*
- 3. Eyran Kraus, Testing & Validation Supervisor, Department of Human Resources. Questions were posed to witness Kraus by Members Sutton, Ramlal and Harris.*

*The Grievant rested.*

*No witnesses were called at the request of the department. Exhibits were introduced by both sides. Both sides presented closing arguments.*

*Following testimony and review of exhibits, Chair Baños called for Board deliberations as to violations of the Rules cited.*

*Following discussion, the Board entered a motion finding NO VIOLATION of Civil Service Rule 6.3 - Contents of Examinations, which resulted as follows:*

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

**Aye:** Baños, Sutton, Harris, Ramlal and Riley

*The Board entered a motion finding a VIOLATION of Rule 6.5 - Method of Rating, which resulted as follows:*

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

**Aye:** Sutton, Harris and Ramlal

**No:** Baños and Riley

*The Board entered into discussion regarding a proposed remedy. A motion to retest the Grievant on the subject part only was entered, which resulted as follows:*

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

**Aye:** Harris and Ramlal

**No:** Baños, Sutton and Riley

*The previous motion having failed, the Board continued to discuss possible recommendations. After discussion, a motion was made to forward the Findings without a recommendation to the City Manager, which resulted as follows:*

**Motion by Chief Examiner Sutton, seconded by Chairperson Baños, to APPROVE. PASSED by the following vote.**

**Aye:** Baños, Sutton and Riley

**No:** Harris and Ramlal

## **ADJOURNMENT**

*Breaks were taken: 11:09am - 11:17am, and 12:15pm - 1:00pm. There being no further business before the Board, a motion was entered to adjourn the meeting at 2:53pm, which resulted as follows:*

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

**Aye:** Baños, Sutton, Harris, Ramlal and Riley

## **SIGNATURE:**

---

**Javier Baños, Chairperson**

## **ATTEST:**

---

**Tishria L. Mindingall, Executive Secretary**