

City of Miami

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



Meeting Minutes

Tuesday, January 6, 2015

10:00 AM

Commission Chambers

Civil Service Board

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

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:08 a.m. As the Board has not voted a permanent Chair, with the consent of the Members, Chief Examiner Sutton agreed to serve as Chair for today's meeting. At the commencement of the meeting, Roll Call was as follows:

Present: Member Riley, Member Ramlal and Chief Examiner Sutton

Absent: Member Baños

A. APPROVING THE MINUTES OF:

Regular Meeting of November 12, 2014.

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

Aye: Ramlal, Riley and Sutton

B. PERSONNEL MATTERS**B.1**

Copy of a memo from Hope Jones, Police Officer, requesting to receive retroactive seniority credit for prior service, pursuant to Rule 12.4.

(DISCUSSION)

Chair Sutton asked if anyone was present regarding this request for retroactive seniority. Hope Jones appeared before the Board and confirmed that she is requesting time in grade to be eligible to take the Sergeant's exam. Chair Sutton confirmed Officer Jones' length of employment. Assistant City Attorney Stephanie Panoff (ACA Panoff) appeared before the Board and stated that Officer Jones' request was untimely. Chair Sutton asked for clarification of the untimely submittal of the request. The Executive Secretary stated that Officer Jones meets the requirements in accordance with Rule 12.4; however, the request was submitted untimely as per Announcement. Chair Sutton asked if the burden would be on the employee for a promotion. The Executive Secretary responded in the affirmative.

Chair Sutton asked for discussion from the Board. Officer Jones stated that at the time she submitted the application, the Announcement did not specify a date to submit the request to Civil Service and that [although the Closing Date has passed, applicants] have until the date that the exam is administered to be [deemed eligible]. Chair Sutton asked Officer Jones how long she had been re-employed with the City. Officer Jones stated she has been re-employed since 2013.

Chair Sutton asked how long do they (Police) have to be officers to take a Sergeant's test. Officer Jones responded three (3) years. Amy Klose, Director of Human Resources appeared before the Board and stated the amount of time they have to be officers to take a Sergeants exam is actually two (2) years and stated that the Register is good for two (2) years. Chair Sutton stated that for the next test Officer Jones would be eligible and that he thinks Officer Jones would make a great Sergeant.

Police Lt. Lillie Harris appeared before the Board and asked if she could speak, to which Chair Sutton responded in the affirmative. Lt. Harris asked for clarification on the timing because Officer Jones submitted her request prior to the last Civil Service meeting which did not go forward (The December 9, 2014 meeting was cancelled due to the lack of a quorum). Lt. Harris went on to ask if Officer Jones should be penalized for the Civil

Service meeting that was canceled. ACA Panoff stated that the Department was referring to the time in which she would have to apply to be eligible to take the exam. ACA Panoff stated that Officer Jones made the request November 25, 2014, but did not appear on December 9th, and the date she would have to have been eligible is two years prior to the date of signing up for the exam.

ACA Panoff stated that she learned that the time to apply for the Sergeant's exam eligibility was October 31, 2014 and she has the same objection because Officer Jones made her request on November 25, 2014.

Officer Jones again appeared before the Board and clarified that her request before the Board is to receive credit for her previous service - not for the recent examination. ACA Panoff stated that she has no objections to that request.

Following discussion, the Board entered a motion to GRANT Officer Jones' request for previous seniority credit, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

B.2

Copy of a memorandum from Amy Klose, Director, Department of Human Resources, requesting an extension of probationary period of Rodkeshia Louis, Human Resources Technician I, for six (6) months beyond December 19, 2014. (DISCUSSION)

Chair Sutton asked for appearances regarding the extension of Rodkeshia Louis. The Executive Secretary advised that the Board had a copy of Ms. Louis' signed Concurrence Memo.

Amy Klose, Director, Department of Human Resources appeared before the Board and stated that Ms Louis was initially assigned to the Pre-employment Section of Human Resources for the majority of the year and she transferred on November 3, 2014 to the Records Section of that department. Ms. Klose went on to state that the extension is not due to poor performance, but is in order to give the supervisor of Records an opportunity to analyze her work and to feel comfortable recommending permanent status. Ms. Klose stated that she was advised that the supervisor may make Ms. Louis permanent at any time between now and the six-month extension. Following discussion the Board entered a motion to APPROVE the Department's request to extend the probationary period of Ms. Rodkeisha Louis, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

B.3

A copy of a memorandum from Amy Klose, Director, Department of Human Resources, confirming the request of Joy Saunlett, Senior Staff Analyst, to return to her former civil service classification of Administrative Assistant I. (NOTIFICATION)

NOTIFIED

C. MILITARY LEAVES OF ABSENCE

- C.1 Darren Insignares, Park Ranger, requests re-employment as a Park Ranger following his return from military leave; a copy of his DD-214 submitted. (DISCUSSION)

Chair Sutton acknowledged the attached DD-214 form indicating an Honorable Discharge and asked if there was discussion regarding Darren Insignares' request for re-employment following his return from military leave. The Board entered a motion to APPROVE the request, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

- C.2 Gabino Soto, Firefighter, requests re-employment as a Fire Fighter following his return from military leave; a copy of his DD-214 was submitted. (DISCUSSION)

Chair Sutton acknowledged the DD-214 form indicating Mr. Soto's Honorable Discharge and asked for a motion regarding this request. Following discussion, the Board entered a motion to APPROVE this request, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

- C.3 Luis F. Pla, Police Officer, requests extension of active duty military leave for an additional 179 days beyond November 3, 2014. This is Officer Pla's 5th extension which has changed his end date to May 1, 2015. Copy of amended Orders submitted. (DISCUSSION)

Chair Sutton acknowledged submission of Mr. Pla's amended Orders and asked for a motion regarding this request. The Board entered a motion to APPROVE the request for additional military leave, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

D. DISCIPLINARY MATTERS

- D.1 Copy of a letter notifying Donald Lutton, Superintendent, Department of Parks and Recreation, of the Department's action to rescind his 3-day suspension, effective September 2, 2014. (NOTIFICATION)
Hearing of Appeal has been removed from the Board's docket.

NOTIFIED

- D.2 Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Javier Solis, Police Officer of his 10-Hour suspension, effective November 14, 2014 and a copy of a request to appeal from Officer Solis. A hearing has been scheduled for April 14, 2014. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Manuel Orosa, Director, Department of Police notifying Javier Herbello, Police Officer of his 10-Hour suspension, effective November 14, 2014. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Chief Maurice Kemp, Director, Department of Fire-Rescue, notifying Laverne Thomas, Emergency Dispatcher, of her 8-hour suspension, effective November 18, 2014. (NOTIFICATION)

NOTIFIED

- D.5** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Andrew Mesa, Police Officer, of his 20-hour suspension, effective January 6, 2015. (NOTIFICATION)

NOTIFIED**E. GENERAL ITEMS**

- E.1** Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Jean Marie Jean-Philippe, Police Officer, relative to his 200-Hour suspension, effective February 13, 2013. (DISCUSSION)
- Chair Sutton asked if there were any objections to the Findings of Fact as presented. Special Counsel Clyne responded that the attorneys had no objections. Hearing no objections or corrections from the Board, following discussion, the Board entered a motion to ADOPT the Findings of Fact, which resulted as follows:*
- Motion by Member Riley, seconded by Member Ramlal, that this matter be DISCUSSED. PASSED by the following vote.**
- Aye:** Ramlal, Riley and Sutton
- E.2** Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Lewis Mahoney, Park Manager II, relative to his 5-Day suspension, effective March 4, 2014. (DISCUSSION)
- Deferred from the meeting of November 12, 2014.
- Chair Sutton asked for the status of the Findings in this matter. Attorney Holly Van Horsten of Phillips, Richard and Rind appeared before the Board on behalf of the Appellant in Attorney Rind's absence, and requested a continuance of this matter. Assistant City Attorney Stephanie Panoff stated that she had no objections to a continuance to the next meeting. Without objection, Chair Sutton directed that this matter be placed on the next Board agenda.*
- CONTINUED**
- E.3** Copy of a Request to Continue from Stephanie Panoff, Assistant City Attorney, concerning the appeal hearing of Quateca Kirksey, Police Officer, relative to her 20-hour suspension, effective April 2, 2014. (DISCUSSION)

Stephanie Panoff. ACA Panoff stated her motion for a continuance is due to the lead investigator in the case not being available today. She went on to state that she cannot prove her case without her witness.

Attorney Eugene Gibbons appeared before the Board on behalf of the Appellant and stated that they were ready to move forward with the hearing and stated his opposition to the motion for continuance of the case.

Chair Sutton asked for discussion from the Board. Member Ramlal asked when the hearing would be set if the Continuance was approved. ACA Panoff responded that her civilian witness is always available and reiterated that it is the investigator that is not available. She continued that her witnesses do not have any vacation time planned for the near future. Attorney Gibbons responded that if the civilian is ready (the Board should move forward since) she is the one who filed the initial complaint. ACA Panoff responded that the civilian witness did not write the Reprimand, do the investigation or speak to the all the witnesses. ACA Panoff explained to the Board that if she does not have the Sergeant as her witness the Board may find that she will not meet the burden. Chair Sutton stated that his belief is that everybody should be heard. Member Ramlal stated that she wants to give everyone a fair chance to present their witnesses but she feels for the employee who has been here every meeting. Member Riley stated that he too understands and apologizes, but unfortunately the delay was caused by the Board and not by either party.

Following discussion, the Board entered a motion to GRANT the continuance and schedule the matter for the next meeting, with the caveat that this case be heard first. Attorney Gibbons stated that he needs to make sure his witnesses are available. The motion on the floor resulted as follows

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

Aye: Ramlal, Riley and Sutton

E.4

Board Policy discussion on reconsideration of votes. (DISCUSSION)

Chair Sutton asked if anyone wished to speak to the issue of reconsideration of votes. Reginald Clyne, Special Counsel, appeared before the Board and stated that the Board serves two roles, one is administrative or legislative, where the Board makes policy decisions, and two meetings ago the Board voted that Robert's Rules of Order would apply to the Board. Special Counsel stated that under Robert's Rules when members vote, any reconsideration of that vote has to be done the same day.

Special Counsel Clyne went on to say that [the second role is when] the Board is acting as a judicial body when holding a hearing; the Board is acting as judges in the quasi-judicial role. He went on to state that in that situation, when all the evidence has been heard and the Board rules on a matter, the Board should not be subjected to any outside influences. So if the Board leaves the forum where everything is out in the open, who knows who has read something or talked to someone and rumors get started, and it affects the credibility of the process and the appearance of no bias. Special Counsel Clyne continued that he was asked for a legal opinion, and his recommendation is that there be no changes (of votes). However, if there is going to be a reconsideration of a vote it has to be the same day in front of everybody in open forum and not when someone leaves the dais and returns a month later to change their vote. Special Counsel Clyne stated that he personally appealed a similar decision looking at due process law and Supreme Court law. Special Counsel Clyne advised that to avoid the appearance of impropriety, when the Board votes or rules that they stick to them so that no one ever questions the integrity of the Board.

Chair Sutton asked if the Board had adopted Robert's Rules. The Executive Secretary responded in the affirmative. Member Ramlal asked if the request from the Board member to change the vote on a case should be excluded due to the adoption of Robert's Rules. Special Counsel Clyne responded in the affirmative and reiterated his recommendation. Chair Sutton asked Special Counsel Clyne for guidance to finalize the discussion of re-voting. Special Counsel Clyne stated that he was asked for a Legal Opinion and has done the research and returned to the Board with the recommendation. Chair Sutton agreed with the recommendation of Special Counsel Clyne, to follow Robert's Rules on the issue of re-voting.

Chair Sutton made a motion that moving forward the Board follows the recommendation. Member Riley requested to add an amendment. Member Riley stated that he agrees with Special Counsel Clyne in regard to quasi-judicial proceedings in that there should not be reconsideration of votes after the day of the hearing. He further stated that City and County Commissions can reconsider their vote at the next available meeting date. Member Riley stated if that is the case and it is uniform with legislative bodies, he does not see why the Board cannot have the same opportunity with legislative items. Member Riley further stated that the Board should be able to reconsider their votes on legislative items at the next meeting date although not with quasi-judicial items. Special Counsel Clyne reminded the Board that they are setting policy so Member Riley's friendly amendment may be accepted. Chair Sutton stated that Member Riley is often his voice of reason and agreed with the amendment.

Following discussion a motion was entered to ACCEPT the opinion of Special Counsel regarding reconsideration of votes and follow Robert's Rules of Order, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

E.5

Notice of a Request to Continue from Ronald J. Cohen, Attorney, on behalf of Daniel Fernandez, Police Officer, relative to his termination, effective November 6, 2010. Stephanie Panoff, Assistant City Attorney, expressed no objection to the request. (DISCUSSION)

Hearing of Appeal is scheduled for January 20, 2015.

ITEM ADDITION

Chair Sutton asked if anyone was present regarding this request. Attorney Michelle Levy of Rice Pugatch Robinson & Schiller, P.A., appeared before the Board and advised that due to Mr. Cohen's schedule he is unable to make the hearing scheduled for January 20th, and is requesting a continuance. ACA Panoff appeared before the Board and stated that she has no objection to a continuance. ACA Panoff further stated that it is in the Board's and everyone's best interest to set the hearing on a date with no other hearings because she anticipates it to be a lengthy hearing. Member Riley asked if the hearing should be continued to a date certain. Attorney Levy responded that she discussed June 9th but would like a date earlier.

Following discussion, the Board entered a motion to GRANT the CONTINUANCE, which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

F. REPORTS

F.1 The 2013 Annual Board Report to the City Commission. (DISCUSSION)

Chair Sutton requested a motion to approve the Annual Report of the Civil Service Board. The Executive Secretary asked the Board if they had any questions regarding the annual report. Having no questions, the Board entered a motion to APPROVE the Board's 2014 Annual Report which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

F.2 Pending Hearings as of January 6, 2015. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

G.1 A copy of a request for Investigation hearing, pursuant to Civil Service Rule 16.1 from Edward "Ted" Baker, Landscape Architect, alleging an Abuse of Power by Kevin Kirwan, Director, Parks and Recreation Department. (DISCUSSION)

Chair Sutton if anyone was present regarding this request for hearing. Attorney Keith Hanenian appeared before the Board on behalf of Mr. Baker and stated that this unfortunate incident occurred on November 24th and that the Board should have the documentation completed by Mr. Baker, a four-page document outlining the circumstances of the incident. Attorney Hanenian continued that they are requesting an investigation to take place of the behavior of Director Kirwin. He went on to state that this is his first time in this type of proceeding and he was advised and understands that depositions are not conducted, but he may subpoena witnesses in preparation of the case. He stated that at this point he understands that the Board reviews the documentation prepared by Mr. Baker and decides if it will move forward with a hearing.

ACA Panoff appeared before the Board and stated that after reading Mr. Baker's request, the City's objection is that the documentation does not appear to ask for redress. ACA Panoff reviewed C.S. Rule 16.1 and stated that the department objects and does not think this matter falls under CS Rule 16.1 because there is no violation of the Civil Service Rules and there is no allegation that Mr. Baker was "laid off, demoted, suspended or removed without justification" or had any adverse employment against him. Attorney Hanenian responded stating that Mr. Baker outlined in the document the behavior which he was subject to and intimidated by, by an individual who has been in the position of director for less than six weeks. He stated that Mr. Baker has been in his current role with the City for over six and a half years and has obviously been affected by the behavior of a supervisor that he has had minimal contact with and how he addresses that before the Board based on the Rules from a semantic perspective should not stop him from moving forward with some type of redress associated with the behaviors of the supervisor. Attorney Hanenian further stated that he requested a resolution which was for Mr. Baker to work in a harassment-free environment, but it

was rejected.

Member Riley asked Attorney Hanenian to address the City's objection and asked for specific civil service rule violations amending his pleading. Member Riley went on to state that the Board needs to know what specific violations need to be addressed for a hearing. Attorney Hanenian stated that they would amend the complaint to move forward with an investigation. Member Ramlal stated that everyone should be heard and offered a motion to grant the hearing, which was seconded by Chair Sutton. Following discussion, the motion to GRANT an Investigation hearing resulted as follows:

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

Aye: Ramlal, Riley and Sutton

H. TODAY'S HEARINGS

- H.1** Hearing of Appeal on behalf of Reynaldo Goyos, Police Officer, concerning his 40-hour suspension, effective January 15, 2013.

Assistant City Attorney Stephanie Panoff appeared before the Board and stated that the Department and the Employee have reached an agreement in this case which will be drafted in the next week. Attorney Eugene Gibbons appeared before the Board on behalf of the Employee and confirmed the agreement.

CONTINUED The Case will be closed and removed from the Board's docket, upon submission of the signed Settlement Agreement, or rescheduled in accordance with the Board's Continuance Policy.

- H.2** Hearing of Appeal on behalf of Quateca Kirksey, Police Officer, relative to her 20-hour suspension, effective April 2, 2014.

This matter was continued to the meeting of January 20, 2015.

CONTINUED

- H.3** Investigation Hearing on behalf of Carlos Mendez, Police Sergeant, concerning his eligibility as it relates to the upcoming Police Lieutenant's Promotional Exam.

The Executive Secretary announced to the Board that Officer Mendez was granted a hearing at a previous meeting, and he is asking that the matter be heard today as it was scheduled for the Board's agenda of the December 9th meeting, which was canceled.

Daniel Kerr, Vice-President, Fraternal Order of Police, Local 20, appeared before the Board and stated that the officers must be heard today because there is a timing issue since the exam is next week. He stated that the officers came to the November meeting [and were granted a hearing] on the December agenda. He stated that there is no dispute as to whether the hearing was granted but the December 9th meeting was canceled and rescheduled to today's meeting. He stated that if the hearing does happen today there is no guarantee of a ruling one way or the other; neither does it guarantee that it will get the City Manager's attention in time. Lt. Kerr stated that the Officers should at least have their case heard and it shouldn't take long. He stated that the officers came to the November meeting knowing that they had a time issue. Lt. Kerr went on to state that the exam is on Monday (January 12th, 2015) and the issue cannot be put off beyond today.

Chair Sutton stated that if there is no objection from the other Members, the Board will hear the case and asked the Executive Secretary how to get it on the Board's agenda. Special Counsel Clyne asked Lt. Kerr if all the officers were at the meeting. Lt. Kerr responded in the affirmative. Special Counsel Clyne stated his public records concern and the issue of possible later complaints. Lt. Kerr responded that all the officers have been notified. Assistant City Attorney Stephanie Panoff requested a brief recess to retrieve her file and prepare for the hearing. Special Counsel Clyne stated that the Board also needs to retrieve its file and asked for a 30-minute recess of the Board meeting.

Following the recess the Board entered into the hearing. Police Officer Carlos Mendez appeared before the Board and provided an opening statement and testimony. He stated that there are seven affected members for the request for hearing. He went on to state that the issue began back in 2008 when they were on the last Sergeant's promotional test. He advised that the test was unprecedented and had never happened before in the history of the City of Miami and the circumstances were unique. Officer Mendez stated that the [Eligible Register] was frozen due to the economy and the hiring freezes and they ultimately got promoted after waiting four and a half (4 ½) years on the list. He stated that they were about to get promoted back in December (2012) but ultimately got promoted in April 2013; information was disseminated (regarding equipment) through fleet liaison, the community college staff was asked to block dates for promotional ceremonies, etc. Officer Mendez discussed letters dated January 17th and January 18th from Ron Cohen on behalf of the FOP regarding eminent promotions which confirmed information they received in December 2012. Officer Mendez stated that because of the letter and the City's response to the letter, the promotions that were eminent for January were delayed. He stated that the case was sent to the Civil Service Board and was delayed until late March and afterwards they were promoted. Officer Mendez stated that if the Lieutenant's exam had been given November or December of 2014 they would not be before the Board. However, because the test is being given January 2015, when they would have been affected is the reason they are before the Board today. Officer Mendez stated that their position is that the City who supported them on the last case had everything in order, and the officers feel that the City was over-accommodating to the union allowing them to postpone the promotions for a hearing, and the affected people were the officers scheduled to be promoted. He stated that they got promoted two to three months later and they missed getting the pay and everything else. At that time the officers didn't think to grieve the issue. He stated that the officers are now being affected a second time. He further stated that they understand the rules and regulations and they understand that they did not meet the 24 month criteria to no fault of theirs. He stated that because of the City's generosity to the union that caused the promotional delay on top of the four and a half years they waited. Officer Mendez asked the Board provide an exemption and allow the officers to sit for the upcoming scheduled exam.

Assistant City Attorney Stephanie Panoff appeared before the Board on behalf of the Department and provided her opening statement.

Sgt. Mendez provided the Board with exhibits and began to question Assistant City Attorney Panoff.

Special Counsel Clyne interjected and explained the hearing process.

The following witness testified on behalf of the Grievant:

1. David Duthil, Fire Captain, City of Miami, Department of Fire-Rescue.

ACA Panoff cross-examined the witness.

Special Counsel Clyne interjected again and asked if the Grievant wished to introduce the submitted exhibits as a composite exhibit 1. Grievant responded in the affirmative. Special Counsel Clyne asked ACA Panoff if she wished to call any witnesses or introduce any exhibits. ACA Panoff stated that the City does not have any witnesses, and introduced sections of the FOP, Local 20 union contracts as Department Exhibits 1 and 2.

Both parties presented closing statements. Chair Sutton asked if there were questions or discussion by the Board. Chair Sutton and Member Ramlal posed questions to Sgt. Mendez.

Chair Sutton stated that it appears that there is an issue with the actions of the union president and the Board does not resolve disputes between union leadership and its members. Chair Sutton further discussed the contract content and application process. He concluded that the wants to help the officers but the Board cannot override their contract.

Lt. Daniel Kerr provided further comments to the Board. Special Counsel Clyne interjected and asked that the Board stay on track with the issue being presented and not address issues regarding the police union.

Member Ramlal posed additional questions to Sgt. Mendez. Member Sutton made further comments regarding the contract.

ACA Panoff reiterated the rules for taking the exam and again stated that the officers are not eligible to sit for the upcoming exam.

Member Ramlal stated that if not for all the rules in place she does not see a problem with the officers taking the test, but she does not see how the Board can hold the City at fault if they are following the rules and guidelines.

Officer Mendez made further comments. Member Ramlal posed additional questions to Officer Mendez. ACA Panoff made further comments regarding protocol and stated that there has not been testimony presented against the City.

Member Riley stated that he is struggling with the issue and he is sympathetic to the officers but he is leaning toward voting to deny the request. He stated that he heard Officer Mendez's testimony and the testimony of the firefighter whose wife is a police officer but she was not present today and there were no other witnesses. Member Riley stated that he believes it is dangerous if the Board creates precedence that the City abused its power by being accommodating to a public employee union. He stated that there has been controversy between public employee unions and Cities or local governments, and that this is the first time in a long time that he has heard that they have worked together; then we get introduced to the issue of abusing their power. Member Riley stated that the situation can happen but he has not heard enough evidence today to say that is the case.

Member Riley welcomed comments from the Board. Sgt. Mendez made further comments. Member Riley posed a question to Sgt. Mendez and ACA Panoff.

Chair Sutton asked for any recommendations. Special Counsel Clyne gave the Board directions to make a motion. Following further discussion the Board voted to find that there was NO ABUSE OF POWER in this case which resulted as follows:

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

Aye: Ramlal, Riley and Sutton

ADJOURNED

Meeting adjourned at 12:37 p.m.

SIGNATURE:

Troy A. Sutton, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary