

City of Miami

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



Meeting Minutes

Tuesday, February 2, 2016

9:00 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 9:04am, with the Pledge of Allegiance. The attendance was as follows:

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

Absent: Member Ramlal

ADOPTION OF TODAY'S AGENDA

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

Aye: Baños, Sutton, Harris and Riley

A. APPROVING THE MINUTES OF:

Regular Meeting of January 5, 2016.

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

Aye: Baños, Sutton, Harris and Riley

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

- D.1** Copy of a Judgment from the City Manager concerning the Grievance Hearing on behalf of Robert Laurenceau et al, Police Sergeants, concerning the 2015 Police Lieutenant's exam pursuant to Civil Service Rule 16.2 - Complaint by Employee. It is the Manager's decision that the exam results remain as established. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Jacquelyn Coello, Police Officer of her 20-hour suspension, effective January 20, 2016. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Stephanie Rubio, Police Officer of her 10-hour suspension, effective January 18, 2016. (NOTIFICATION)

NOTIFIED

- D.4** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Nadia Jerry, Emergency Dispatcher Assistant of her 40-hour

suspension, effective January 19, 2016. (NOTIFICATION)

NOTIFIED

- D.5 Copy of a letter from Jose M. Fernandez, Finance Director, notifying Adalgisa Rose, Project Accountant, of her 10-day suspension, effective January 11, 2016 and a copy of a request to appeal from Ms. Rose. A hearing of appeal is scheduled for June 7, 2016. (NOTIFICATION)

RECEIVED AND FILED

- D.6 Copy of a letter from Chief Kemp, Director, Department of Fire-Rescue, notifying Robert Sanon, Firefighter, of his 24-hour suspension, effective January 29, 2016. (NOTIFICATION)

NOTIFIED

- D.7 Copy of a letter from Chief Kemp, Director, Department of Fire-Rescue, notifying Robert Sanon, Firefighter, of his 24-hour forfeiture, effective December 15, 2015. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of an Agreement between the City of Miami and Nathalie Lanau, Police Officer, concerning her 120-hour suspension, effective January 25, 2015. (NOTIFICATION)

NOTIFIED Case will be closed and removed from the Board's docket.

- E.2 Notice of a Request to Continue from Jonathan Minick, Attorney on behalf of Kimberly Rodriguez, Police Officer, concerning her Grievance hearing alleging a violation of Rule 7.5 - Removal from Register, as it relates to the 2015 Police Sergeant's Exam. Carlos Gamez, Assistant City Attorney, expressed no objection to the request. (DISCUSSION)

Hearing of appeal is scheduled for today.

Jonathan Minick, Attorney on behalf of the employee, appeared before the Board, reiterated his request, and added that two necessary witnesses are not available today.

Chair Banos asked ACA Gamez if he had an objection to the request, to which he replied in the negative. Following discussion, the Board entered a motion to grant the CONTINUANCE and charge it to the employee, which resulted as follows:

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

Aye: Baños, Sutton, Harris and Riley

- E.3 Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Adam Gurlacz, Police Officer, relative to his 80-hour suspension, effective July 15, 2015. (DISCUSSION)

Chair Banos asked if there any objections to the Findings of Fact as presented. ACA Gamez appeared before the board and advised that he had spoken with Eugene Gibbons (attorney for Mr. Gurlacz) and agreed to the wording in all but two findings, #3 and #9.

Member Harris asked if #3 could be revised to include the word "estimated" before the word "speed". She went on to express her disappointment in not seeing Attorney Gibbons present when this matter was being discussed.

Chair Banos stated that the word "deadlock" as found in finding #9 gave him pause; and that a more accurate reflection of the way the vote happened is because the board did not have all 5 members. ACA Gamez researched the definition of "deadlock" and opined that the board's vote was a deadlock, but understood if the Board wished to find alternate wording.

Chair Banos asked if the Executive Secretary could come up with language for this finding, to which she replied in the affirmative. She read the revised wording in Finding #9 as follows "...the vote resulted in a tie as to the issue."

Following discussion, the Board entered a motion to APPROVE the Findings of Fact as AMENDED, which resulted as follows:

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

Aye: Baños, Sutton, Harris and Riley

E.4

Notice of a Withdrawal from Osnat K. Rind, Attorney, Phillips, Richard, & Rind, P.A., on behalf of Jorge Solino, Videographer/Editor, pursuant to Civil Service Rules 14.2 (h), (i), (k), (r) and Rule 16 - Investigation by the Board, alleging an Abuse of Power. (NOTIFICATION)

Case will be removed from the Board's docket.

RECEIVED AND FILED

E.5

Copy of the Appellate Court decision of the City's Request for Writ of Certiorari concerning the matter of Carlos Antunez, Police Officer, relative to his 40-hour suspension, effective June 1, 2009. (NOTIFICATION)

NOTIFIED

F. REPORTS

F.1

Pending Hearings as of February 2, 2016. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1** Hearing of Appeal on behalf of Kimberly Rodriguez, Police Officer, concerning her Grievance hearing alleging a violation of Rule 7.5 - Removal from Register, as it relates to the 2015 Police Sergeant's Exam.

Continuance granted at today's meeting.

CONTINUED

ADJOURNMENT

There being no further business before the Board, a motion was entered to adjourn the meeting at 9:23am, 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 Riley

SIGNATURE:

Javier Baños, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary