

City of Miami

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

Tuesday, February 4, 2014

10:00 AM

Commission Chambers

Civil Service Board

*Gerald Silverman, Chairperson
Sean Moy, Chief Examiner
Lillie Harris, Board Member
Javier Baños, Board Member
William W. Riley, Jr., Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:03 a.m. The roll call at the commencement of the meeting was as follows:

Present: Chairperson Silverman, Chief Examiner Moy, Member Harris, Member Baños and Member Riley, Jr.

Prior to taking up today's Board's business, Chairman Silverman welcomed new Member William Riley, Jr. to the Board.

A. APPROVING THE MINUTES OF:

Regular Meeting of January 7, 2014

**Motion by Member Baños, seconded by Chief Examiner Moy, to APPROVE.
PASSED by the following vote.**

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

B. PERSONNEL MATTERS

- B.1** A copy of a memorandum from Amy Klose, Director, Department of Human Resources, confirming receipt of the request of Gabriela Chacon, Crime Scene Investigator I, to voluntary return to her former classification. Gabriela Chacon is returning to Identification Aide, effective February 3, 2014.
(NOTIFICATION)
Item Addition
NOTIFIED

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

- D.1** Copy of an Agreement between the City of Miami and Melvin Calixto, Police Officer, relative to his 10-hour suspension, effective May 2, 2013.
(NOTIFICATION)
NOTIFIED
- D.2** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Jesus Tourino, Police Officer, of his 10-hour suspension, effective January 13, 2014. (NOTIFICATION)
NOTIFIED
- D.3** Copy of letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Dwayne Linder, Communications Operator, of his 16-hour suspension, effective January 13, 2014. (NOTIFICATION)
NOTIFIED

- D.4 Copy of a letter from Chief Manuel Orosa, Director, Department of Police notifying Curtis Hoosier, Police Sergeant, of his 80-hour suspension, effective February 3, 2014. (NOTIFICATION)

NOTIFIED

- D.5 Copy of an Agreement between the City of Miami and Adnnan Adjum, Police Officer, concerning his 10-hour forfeiture, effective August 15, 2012. (NOTIFICATION)

Item Addition

NOTIFIED

- D.6 Copy of an Agreement between the City of Miami and Reinaldo Tejera, Police Officer, relative to his 10-hour suspension, effective September 13, 2012. (NOTIFICATION)

Item Addition

NOTIFIED

- D.7 Copy of an Agreement between the City of Miami and Jesus Infante, Police Officer, relative to his 10-hour forfeiture, effective August 15, 2012. (NOTIFICATION)

Item Addition

NOTIFIED

- D.8 Copy of an Agreement between the City of Miami and Jesus Pedraza, Police Officer, relative to his 80-hour suspension, effective September 8, 2012. (NOTIFICATION)

Item Addition

NOTIFIED

E. GENERAL ITEMS

F. REPORTS

- F.1 Pending Hearings as of February 4, 2014. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

H.1

Hearing of Appeal on behalf of Carlos Mendez, Police Sergeant, concerning his 20-hour suspension, effective August 26, 2013.

The Chairman called the hearing on behalf of Carlos Mendez and asked if anyone was present to represent Sgt. Mendez. Hearing none, Chairman Silverman asked the Executive Secretary if she had anything to tell the Board concerning this case.

The Executive Secretary responded that she believes Attorney Eugene Gibbons represents Carlos Mendez and that she was advised that there might be a settlement of this case. She went on to say that she expected to have one or both of the attorneys present to relate this information to the Board, but she was unsure as to their whereabouts.

Member Banos moved to dismiss Sgt. Mendez' case; however, the Chairman stated that the Board needed to discuss the matter before making any motions on the case. Hearing no objections from Board Members, Chairman Silverman asked the Executive Secretary if she knew if the case was settled. The Executive Secretary responded that she was unsure if the case was settled because she had not received any documentation, but she did receive notice yesterday afternoon that the case may be settled.

Chairman Silverman instructed the Executive Secretary to contact someone at the City Attorney's office to find out whether an attorney would be coming to today's meeting or not.

Member Moy asked if this case had ever been continued before. The Executive Secretary responded that this would be the first continuance.

Chairman Silverman stated that if the case is settled then it is settled, but if it is not settled the Board will go forward with the hearing. He went on to say that he did not understand why neither lawyer was at the meeting today.

Member Harris stated that since the Chairman brought up the subject of Sgt. Mendez' case being possibly settled, she would like to know from the Executive Secretary if all the pending settlement cases were addressed. The Executive Secretary responded in the affirmative.

Member Banos asked if the settlements included the speeding cases. The Executive Secretary responded in the affirmative. Member Harris asked if settlements have been received by staff. The Executive Secretary responded in the affirmative, and are listed on today's Agenda.

Chairman Silverman stated that one of the speeding cases (Fausto Lopez) went to Arbitration and asked whether the Arbitrator ruled on the case or is it still pending? The Executive Secretary responded that she did not know.

The Board took a recess at 10:08 a.m. to allow the Executive Secretary time to find out if a settlement had been reached between the two parties in the matter of Sgt. Mendez' case. Also at this time, Attorney Michael Braverman advised that he would attempt to contact Mr. Gibbons as well.

Following the recess, the Board reconvened at 10:11a.m. to hear from the Executive Secretary on her findings of the settlement of Sgt. Mendez' case.

The Executive Secretary stated that she was advised by the City Attorney's Office that a settlement agreement was drafted and is in the hands of Attorney Gibbons. Following their signatures, however, it has to be signed by the Chief and the department's representatives.

Chairman Silverman stated that he thinks the motion in order would be to continue the hearing. Member Harris stated that she preferred to have more discussion and vote on the continuance afterwards. Without objection from other Board Members, the Chairman granted Member Harris' request to discuss the matter further.

Member Harris stated that she was not trying to put the Executive Secretary on the spot but she was wondering how is that neither the City Attorney nor the employee's attorney is at the meeting to present their position on the settlement. She asked the Executive Secretary if she had any idea why neither attorney was present.

The Executive Secretary responded that she asked the exact same question. She went on to say she believed both attorneys actually thought the meeting would be cancelled because of having the settlement.

Member Harris asked how were the attorneys under the assumption that the meeting would be cancelled when no one had any information. She went on to say that she did not understand how the attorneys could assume the meeting would be cancelled when they are not present to speak on their own settlement, motion, or whatever other matter that may need to be presented to the Board.

Chairman Silverman interjected and reminded Board Members that information was received from the City Attorney's Office advising that they anticipated the case is settled. The Chairman asked Attorney Braverman if he had anything to report from Attorney Gibbons.

Attorney Braverman responded that he did speak with Attorney Gibbons who advised him that the case is settled and that he was of the understanding that the City Attorney would make this representation to the Board.

Chairman Silverman stated that he was not excited about the way the attorneys handled this matter.

Member Harris stated that she was shocked by the way things were handled by the attorneys especially when the Board is supposed to be running its business with efficiency and not wasting the citizens' money, time and space. She went on to say that she was amazed that the City Attorney, at minimum, was not present.

Following discussion, the Board entered a motion to CONTINUE the hearing of Sgt. Carlos Mendez, on behalf of both attorneys, which resulted as follows:

Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be CONTINUED This matter will be removed from the Board's docket upon submission of the Settlement Agreement.

PASSED by the following vote.

Aye: Riley, Jr., Silverman, Moy, Baños and Harris

NON AGENDA ITEM: PENDING HEARING

Hearing of Appeal on behalf of Terrel Cheever, Emergency Dispatcher Assistant, concerning his Termination, effective October 31, 2012.

Chairman Silverman stated that at the last meeting the Board had discussion about the termination hearing of Terrell Cheever and that the City Attorney's office was supposed to report back to the Board with the status of this case. The Chairman asked if anyone had information on Mr. Cheever's case.

The Executive Secretary responded in the affirmative. She went on to say that she was advised recently via a phone call to the Office of Labor Relations that the writer of the reprimand who was originally due to return to work at the end of April, returned to work sooner. The Executive Secretary further stated that with the approval of the employee's attorney, she rescheduled Mr. Cheever's hearing to March 4, 2014.

Chairman Silverman asked Attorney Braverman if he was correct in understanding that Mr. Cheever's case was rescheduled to March 4th.

Attorney Braverman responded in the affirmative. He went on to say that he had a conversation with the Executive Secretary who advised him that the individual that drafted Mr. Cheever's reprimand returned to work on January 27th. Attorney Braverman further stated that he has another case scheduled to be heard by the Board on March 4th, so given the direction that the Board took the last time it discussed Mr. Cheever's case, they respectfully request that his case be rescheduled to the March 4th meeting along with his other client, Sylvia Benetiz. He stated that if the Board could hear both cases, that would be fine, but he wants Mr. Cheever's case to be heard first on March 4th.

Chairman Silverman asked if the City Attorney's Office was on board for the March 4th hearing. The Executive Secretary responded that she was not sure, but that the office would send correspondence to both parties rescheduling the hearing.

DISCUSSED : The Executive Secretary will notify the City Attorney's Office of the March 4th hearing date set for Mr. Cheever's hearing.

ADJOURNMENT:

The meeting ADJOURNED at 10:14 a.m.

SIGNATURE:

Gerald Silverman, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary