

# **City of Miami**

*City Hall  
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## **Meeting Minutes**

**Tuesday, February 16, 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 10:05 am. At the commencement of the meeting, attendance was as follows:*

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

**Absent:** Member Harris and Member Riley

**ADOPTION OF TODAY'S AGENDA**

*The Board entered a motion to adopt today's agenda as printed, which resulted as follows:*

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

**Aye:** Baños, Sutton and Ramlal

**A. APPROVING THE MINUTES OF:**

Regular Meeting of February 2, 2016

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

**Aye:** Baños, Sutton and Ramlal

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

- C.1 Marvin Bravo, Police Officer, requests active duty military leave of absence from April 7, 2016 through May 12, 2017. Copy of Orders submitted.  
(DISCUSSION)

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

**Aye:** Baños, Sutton and Ramlal

**D. DISCIPLINARY MATTERS**

- D.1 Copy of a letter from Jose M. Fernandez, Finance Director, notifying Noel Chavez, Business Tax Receipts Supervisor, of his twenty (20) work day suspension, effective February 1, 2016. (NOTIFICATION)

**NOTIFIED**

- D.2 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Jorge Gil, Police Officer of his 10-hour forfeiture, effective February 11, 2016. (NOTIFICATION)

**NOTIFIED**

- D.3 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Manny Castillo, Police Officer of his 10-hour forfeiture, effective February 10, 2016. (NOTIFICATION)

**NOTIFIED**

- D.4 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Christian Galls of his 10-hour forfeiture, effective February 11, 2016. (NOTIFICATION)

**NOTIFIED**

- D.5 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police notifying Christian Galls of his 40-hour suspension, effective March 30, 2016. (NOTIFICATION)

**NOTIFIED**

**E. GENERAL ITEMS**

**F. REPORTS**

- F.1 Pending Hearings as of February 16, 2016. (NOTIFICATION)

**PRESENTED**

**G. REQUESTS FOR HEARINGS**

- G.1 Copy of a Request for Hearing from Suzann Nicholson, Code Compliance Inspector for a Grievance hearing, pursuant to Civil Service Rule 16.2, concerning an alleged violation of Rule 5.4 - Disqualification. (DISCUSSION)

*Chair Banos asked if anyone was present to discuss the request for hearing. Suzann Nicholson appeared before the Board and responded that she was requesting a hearing to grieve her "ineligible" determination for a position that she was indeed qualified for.*

*Carlos Gamez, Assistant City Attorney stated he was unable to meet with the Department due to receiving the request on Thursday, February 11, 2015 and requested a continuance of discussion on the request. Ms. Nicholson stated that she objected to the request and explained that interviews will be conducted on February 23, 2016. Chair Banos asked Ms. Nicholson to explain her case.*

*Ms. Nicholson commenced with a summary of her employment including serving as acting supervisor at times, for over nine years within the Customer Service section of the Department of Finance. She further asked that her ineligibility status be reversed to an eligible status. ACA Gamez responded that her Grievance is pursuant to Rule 5.4 - Disqualification, which gives latitude for the Human Resources Director to reject an application which does not demonstrate eligibility on its face, and Ms. Nicholson did not meet the eligibility requirements, therefore, her request for hearing should be denied.*

Member Ramlal asked why Ms. Nicholson was deemed ineligible if she possessed five more years of experience than required. ACA Gamez replied that the director of Human Resources could respond to the ineligibility status. Amy Klose, Director of Human Resources, appeared before the Board and stated that the specific supervisory experience required as per the job announcement, was not present on Ms. Nicholson's application. Ms. Nicholson responded that (on the announcement), the minimum requirements state experience in a call center or office set-up to handle a large volume of calls, and her application form did reflect experience in such an office, since the City of Miami does not have a call center.

Following discussion, a motion to GRANT the Grievance hearing was considered and resulted as follows:

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

**Aye:** Sutton and Ramlal

**No:** Baños

## H. TODAY'S HEARINGS

### ROLL CALL

Member Harris arrived at approximately 10:30 am, and a second roll call took place which was recorded as follows:

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

**Absent:** Member Riley

#### H.1

Hearing of Appeal on behalf of Janet Williams-Brewster, Grant Writer, concerning her termination, effective January 9, 2015.

*The Board entered into the Appeal hearing on behalf of Janet Williams-Brewster, Grant Writer, concerning her Termination, effective January 9, 2015.*

*Attorney Teri Guttman Valdes appeared on behalf of Ms. Williams-Brewster and stated that she is requesting a continuance because of weather conditions. She further stated that the Appellant was stuck in her home due to flooding.*

*Assistant City Attorney (ACA) Carlos Gamez stated his objection to granting a continuance and announced that the department was ready to proceed with the hearing. ACA Gamez respectfully requested that the Board not grant the continuance. He further suggested that the Board grant an accommodation by receiving testimony from Appellant via telephone or recess for an hour for her to arrive.*

*Member Sutton asked for the continuance history. The Executive Secretary advised that the hearing had been continued twice, both at the request of the Appellant.*

*Chair Banos suggested the recommendation to Attorney Guttman Valdes. Attorney Guttman Valdes responded that the first continuance was because the Appellant was in the process of retaining counsel and at the time she signed a [Waiver of Pay and Emoluments]. The second request was because the Attorney had not received requested documents from the City.*

*Following the discussion the Board offered a motion to deny a CONTINUANCE 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 Ramlal

*Following the arrival of Appellant, the Board entered into the scheduled Appeal hearing on behalf of Janet Williams-Brewster, Grant Writer (former), concerning her termination, effective January 9, 2015. Teri Guttman Valdes, Attorney at Law, represented the Appellant. Carlos Gamez, Assistant City Attorney (ACA) represented the Department of Grants Administration.*

*ACA Gamez provided opening statements. Attorney Guttman Valdes provided opening statements.*

*Witnesses testifying at the request of the Department were sworn in and appeared in the following order:*

- 1. Lillian Blondet, Director, Office of Grants Administration. Questions were posed to witness Blondet by Members Harris, Ramlal, Sutton and Banos.*
- 2. Amy Klose, Director, Department of Human Resources. Questions were posed to witness Klose by Members Ramlal, Harris and Banos.*
- 3. Elizabeth Albo-Gonzalez, Administrative Aide II, Office of Grants Administration. Questions were posed to witness Albo-Gonzalez by Members Harris and Banos.*

*The Department rested.*

*Witnesses testifying at the request of the Appellant were sworn in and appeared in the following order:*

- 1. Janet Williams-Brewster (Appellant). Questions were posed to Appellant by Members Harris and Banos.*

*The Appellant rested.*

*Assistant City Attorney Gamez and Attorney Guttman Valdes made closing arguments. Following closing arguments, the Board discussed the testimony and evidence, and proceeded have discussion concerning the charges.*

*Following the discussion, the Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 14.2(b) - Misuse of sick leave, tardiness or absent without good cause.*

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

**Aye:** Harris and Ramlal

**No:** Baños and Sutton

*The previous motion having FAILED, the Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(b) - Misuse of sick leave, tardiness or absent without good cause, which resulted as follows:*

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

**Aye:** Baños and Sutton

**No:** Harris and Ramlal

*The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 14.2(e)1- Insubordination, 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 and Sutton

*The previous motion having FAILED, the Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(e) 1 - Insubordination, which resulted as follows:*

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

**Aye:** Baños and Sutton

**No:** Harris and Ramlal

*The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(e) 2 - Breach of Proper Discipline, which resulted as follows:*

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

**Aye:** Baños and Sutton

**No:** Harris and Ramlal

*The previous motion having FAILED, the Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 14.2(e) 2 - Breach of Proper Discipline, which resulted as follows:*

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

**Aye:** Harris and Ramlal

**No:** Baños and Sutton

*The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(e) 3 - Resulted or may result in loss or injury to the City, which resulted as follows:*

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

**Aye:** Baños, Sutton and Ramlal

**No:** Harris

*The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 14.2(h) - Insubordination or disgraceful conduct on or off duty, which resulted as follows:*

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

**Aye:** Sutton, Harris and Ramlal

**No:** Baños

*The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(k) - Incompetent, negligent or insufficient, which resulted as follows:*

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

**Aye:** Baños, Sutton and Ramlal

**No:** Harris

*The Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 14.2(q) - Absent from duty without leave, after leave expires, or despite disapproval or revocation, which resulted as follows:*

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

**Aye:** Baños and Sutton

**No:** Harris and Ramlal

*The previous motion having FAILED, the Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 14.2(q) - Absent from duty without leave, after leave expires, or despite disapproval or revocation.*

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

**Aye:** Harris and Ramlal

**No:** Baños and Sutton

*The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 15.3(i) - Failure to notify supervisor of illness within 30 minutes of start time, which resulted as follows:*

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

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

*The Board entered a motion to find the Appellant NOT GUILTY of violating Administrative Policy Manual 3-91 - Violation of sick leave policy, which resulted as follows:*

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

**Aye:** Baños, Harris and Ramlal

**No:** Sutton

*The Board entered a motion to find the Appellant NOT GUILTY of violating Civil Service Rule 15.6 - Leave of absence without pay, 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 and Sutton

*The previous motion having FAILED, the Board entered a motion to find the Appellant GUILTY of violating Civil Service Rule 15.6 - Leave of absence without pay, which resulted as follows:*

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

**Aye:** Baños and Sutton

**No:** Harris and Ramlal

*Following the votes on charges, Chair Banos confirmed the finding of guilty on two of the listed charges and stated that the Board would now enter the penalty phase of discussion.*

*Member Harris asked if she could appeal to Member Ramlal to change her votes on the two charges, Rule 14.2(k) and Rule 14.2(e)(3), where she voted "guilty", since she voted "not guilty" on the initial charge. Special Counsel Clyne interrupted Member Harris and advised that he was doing so to prevent her from violating Robert's Rules of Order. He further stated that all members heard the testimony and reviewed exhibits and that the Board deliberated, and members voted the way that they saw fit. He went on to explain that one member could not ask another member to change his/her vote on a matter; but that if a member wished to change his/her own vote and they were on the prevailing side in a matter, then they were able to do so in accordance with Robert's Rules.*

*The Board reviewed the Appellant's personnel file, which revealed one suspension with no loss of time previous to the termination. Statements were made by ACA Gamez as well as Attorney Guttman-Valdes concerning the recommended penalty. The Board entered into discussion regarding a proposed penalty.*

**PENALTY RECOMMENDATION:**

*Following discussion, the Board entered a motion to recommend the reinstatement of Appellant, 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 and Sutton

*The previous motion having FAILED, Member Sutton made a motion to forward the report without a recommendation to the Manager, which DIED for lack of a second.*

*Following continued discussion regarding the effect of recommended penalties, the Board entered a motion to recommend the reinstatement of Appellant, following a 280 hour Suspension, which resulted as follows:*

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

**Aye:** Baños and Ramlal



**No:** Sutton and Harris

The Board will forward its Findings of Fact to the Manager without a stated recommendation regarding penalty.

**ADJOURNMENT:**

*Breaks were taken between: 10:39 am - 11:41 am; 1:40 pm - 1:50 pm; and 3:43 pm - 3:48 pm.*

*There being no further business before the Board, the meeting adjourned at 5:35 pm on the following vote:*

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

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

**SIGNATURE:**

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**Javier Baños, Chairperson**

**ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**