

# **City of Miami**

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



## **Meeting Minutes**

**Tuesday, April 2, 2013**

**10:00 AM**

**Commission Chambers**

## **Civil Service Board**

*Gerald Silverman, Chairperson  
Sean Moy, Chief Examiner  
Lillie Harris, Board Member  
Christine Gomez, Board Member  
Javier Baños, Board Member*

**PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 10:05am. The roll call at the commencement of the meeting was as follows:*

**Present:** Chairperson Silverman, Chief Examiner Moy, Member Harris and Member Baños

*NOTE: Board Member Gomez resigned from the Board effective today, April 2, 2013.*

**A. APPROVING THE MINUTES OF:**

Regular Meeting of March 19, 2013.

**Motion by Member Harris, seconded by Chief Examiner Moy, to APPROVE.**

**PASSED by the following vote.**

**Aye:** Silverman, Moy, Baños and Harris

**B. PERSONNEL MATTERS**

- B.1** Copy of memorandum from Lamont Kelly, Waste Equipment Operator, Department of Solid Waste, rescinding his voluntary request to rollback to his former classification of Waste Collector Operator I. (NOTIFICATION)

**NOTIFIED**

**C. MILITARY LEAVES OF ABSENCE**

- C.1** Matthew Conway, Firefighter, requests re-employment as a Firefighter following his return from Military Leave. Copy of his DD214 indicating Honorable Discharge submitted. (DISCUSSION)

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

**Aye:** Silverman, Moy, Baños and Harris

**D. DISCIPLINARY MATTERS**

- D.1** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Eddy Rodriguez, Police Officer, of his 20-hour suspension, effective March 31, 2013. (NOTIFICATION)

**NOTIFIED**

- D.2** Copy of a Judgment from the City Manager concurring with the Board's findings concerning the Appeal Hearing of Stephon McGill, Police Officer, relative to his 10-hour forfeiture, effective July 3, 2012. It is ordered and adjudged that the decision of the Chief of Police to forfeit Officer McGill's 10-hours of earned overtime is hereby reversed. (NOTIFICATION)

**RECEIVED AND FILED**

**E. GENERAL ITEMS**

- E.1** Notice of a Request to Continue from Janeen Richard, Assistant City Attorney, concerning the Appeal Hearing of Reginald Williams, Police Officer, relative to his 260-hour suspension, effective November 6, 2012. (DISCUSSION)  
Hearing of Appeal is scheduled for today.  
*Assistant City Attorney Richard advised that she did not see Mr. Williams in the chambers, however, she would ask that the Board grant a continuance in this matter, on behalf of both parties. She went on to say that one of her witnesses is unavailable to attend today's meeting, and Mr. Williams is attempting to secure counsel. Member Baños asked how many times had this case been scheduled, to which Assistant City Attorney Richard responded that today was the first time that this matter had been on the calendar.*  
  
*Hearing this, the Board entered a motion to grant a JOINT CONTINUANCE, which resulted as follows:*  
  
**Motion by Member Baños, seconded by Member Harris, that this matter be CONTINUED. PASSED by the following vote.**  
  
**Aye:** Silverman, Moy, Baños and Harris
- E.2** Notice of a Request to Continue from Eugene Gibbons, Attorney, on behalf of Dayanna Frederick, Police Officer, relative to her 20-hour suspension, effective October 19, 2012. (DISCUSSION)  
Hearing of Appeal is scheduled for today.  
  
*Assistant City Attorney Richard advised that Officer Frederick had recently retained the services of Attorney Eugene Gibbons, and that he had asked for a CONTINUANCE of this matter, which she does not oppose. Attorney Gibbons submitted a letter to the Board office confirming same. Member Baños asked for the scheduling history of this case, to which Assistant City Attorney Richard responded that today was the first time that this matter had been on the calendar.*  
  
*Following discussion, the Board entered a motion to approve the request of the employee to CONTINUE this matter, which resulted as follows:*  
  
**Motion by Member Baños, seconded by Member Harris, that this matter be APPROVED. PASSED by the following vote.**  
  
**Aye:** Silverman, Moy, Baños and Harris
- E.3** Copy of Findings and Recommendations concerning the Investigation Hearing on behalf of F.O.P Miami Lodge #20, pursuant to Civil Service Rule 16.1 - Investigation by the Board, as it concerns Civil Service Rule 7.3 - Duration of Registers. (DISCUSSION)  
  
*Chairman Silverman asked if Attorney Cohen had asked that this matter be deferred. The Executive Secretary responded that the office had received a request from Attorney Cohen, to continue approval of the Findings in this case, to the next meeting of the Board. Following discussion, the Board entered a motion to grant the request of Attorney Cohen, which resulted as follows:*

**Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be CONTINUED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Baños and Harris

**E.4**

Copy of Findings and Recommendations concerning the Grievance Hearing on behalf of Armando Alvarez, pursuant to 16.2 - Complaint by Employee, alleging a violation of Civil Service Rule 7.3- Duration of Registers, as it relates to the Eligible Register for Police Sergeant. (DISCUSSION)

*Chairman Silverman asked if Attorney Cohen had asked that this matter be deferred. The Executive Secretary responded that the office had received a request from Attorney Cohen, to continue approval of the Findings in this case, to the next meeting of the Board. Following discussion, the Board entered a motion to grant the request of Attorney Cohen, which resulted as follows:*

**Motion by Member Baños, seconded by Chief Examiner Moy, that this matter be CONTINUED. PASSED by the following vote.**

**Aye:** Silverman, Moy, Baños and Harris

**F. REPORTS**

**F.1**

Pending Hearings as of April 2, 2013. (NOTIFICATION)

**PRESENTED**

**G. REQUESTS FOR HEARINGS**

**H. TODAY'S HEARINGS**

**H.1**

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

*Janeen Richard, Assistant City Attorney, appeared before the Board and asked that the Board grant a JOINT continuance in this matter. She went on to say that the parties have agreed to ask that the Department of Human Resources review Mr. Cheever's file to determine if there is another opportunity for him in the City of Miami. She went on to say that depending on the outcome of that process, the parties would decide whether the matter before the Board would continue. Chairman Silverman asked if Attorney Braverman wished to say anything.*

*Michael Braverman, Attorney on behalf of Terrel Cheever, appeared before the Board and advised that he was in agreement with what Assistant City Attorney Richard stated and added that the determination may prevent his client from having to go forward with his appeal.*

*Chairman Silverman asked Mr. Cheever if he understood what was happening and if he was in agreement, to which Mr. Cheever responded in the affirmative.*

*Following discussion, the Board entered a motion to GRANT a JOINT CONTINUANCE in the appeal hearing on behalf of Terrel Cheever, which resulted as follows:*

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

**Aye:** Silverman, Moy, Baños and Harris

- H.2** Hearing of Appeal on behalf of Cesar Nunez, Videographer/Editor, concerning his Termination, effective October 9, 2012.

*Michael Braverman, Attorney on behalf of Cesar Nunez, appeared before the Board and advised that Mr. Nunez would fax to the Civil Service Board office his WITHDRAWAL of Appeal, as his situation (leading to the Appeal) has been resolved.*

*The matter will be removed from the Board's docket following receipt of the withdrawal notice.*

**WITHDRAWN**

- H.3** Hearing of Appeal on behalf of Reginald Williams, Police Officer, relative to his 260-hour suspension, effective November 6, 2012.

**CONTINUED**

- H.4** Hearing of Appeal on behalf of Dermis Hernandez, Police Officer, relative to his 40-hour suspension, effective September 5, 2012.

**SETTLED - This matter will be removed from the Board's docket upon submission of the Settlement Agreement.**

- H.5** Hearing of Appeal on behalf of Dayanna Frederick, Police Officer, relative to her 20-hour suspension, effective October 19, 2012.

**CONTINUED**

**ADJOURNMENT:**

*The meeting adjourned at 10:43am. There was one break: 10:10am-10:38am.*

**SIGNATURE:**

---

**Gerald Silverman, Chairperson**

**ATTEST:**

---

**Tishria L. Mindingall, Executive Secretary**