

# **City of Miami**

*City Hall  
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[www.miamigov.com](http://www.miamigov.com)*



## **Meeting Minutes**

**Tuesday, April 14, 2015**

**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 10:00 a.m. with the Pledge of Allegiance. At commencement of the meeting Roll Call was as follows:*

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

**Absent:** Member Riley

**A. APPROVING THE MINUTES OF:**

Regular Meeting of March 31, 2015.

*The Board entered a motion to approve the minutes of the March 31, 2015 meeting, 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

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

- D.1 Copy of a letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Richard Perry, Stock Clerk II, of his 16-hour suspension, effective February 27, 2015. (NOTIFICATION)

**NOTIFIED**

- D.2 Copy of a letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Richard Perry, Stock Clerk II, of his 8-hour suspension, effective March 6, 2015. (NOTIFICATION)

**NOTIFIED**

**E. GENERAL ITEMS**

- E.1 Copy of Findings and Recommendations concerning the Investigation hearing on behalf of Edward "Ted" Baker, Landscape Architect, pursuant to Civil Service Rule 16.1, alleging an Abuse of Power by Kevin Kirwin, Director, Parks and Recreation Department. (DISCUSSION)

*Chair Banos asked if there were any objections to the Findings of Fact as presented by Special Counsel. Hearing no objections, the Board entered a motion to approve the Findings 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

**F. REPORTS**

F.1 Pending Hearings as of April 14, 2015. (NOTIFICATION)

PRESENTED

**G. REQUESTS FOR HEARINGS**

G.1 A copy of a request for Grievance hearing, pursuant to Civil Service Rule 16.2 from Robert Laurenceau, Robert Marana, Edwin Gomez, Nestor Garcia, and Emanuel Proserre, Police Sergeants, alleging a violation of Rules 6, 7, 8 and 17 as it relates to the 2015 Police Lieutenant's Exam. (DISCUSSION)

*The Chair asked if anyone was present regarding this request. Edwin Gomez, Police Sergeant appeared and informed the Board that due to an active Police-involved incident, Sgt. Laurenceau could not attend today's hearing. He went on to say that he was unsure if today was the hearing to get a hearing or the actual process. Chair Banos explained that today was the request for hearing only.*

*The Executive Secretary advised that the Board had before them, the original request dated March 23, 2015, and an amended request dated April 6, 2015, which includes additional requestors. The Executive Secretary further commented that she advised Sgt. Laurenceau (via letter) that at today's meeting, the Board would only consider the request for hearing; and that if the Board granted a hearing, it would be held at a later date. She also advised the complainant to delineate which particular Civil Service Rules were allegedly violated because both his initial and amended requests were very broad in nature and several sections of the Rules cited in the complaint do not apply to this case.*

*Chair Banos advised Sgt. Gomez that the hearing may be granted but the Board must know on record today exactly what the basis of the complaint is before proceeding to a formal hearing. Sgt. Gomez responded that he has been with the Police Department for approximately 17 years, and went on to explain why he and others believe that they are aggrieved. He stated that study materials were given three months prior to the exam however, the study material was not relevant to the exam, they were not told what exactly would be in the assessments and how they would be weighed, and it was a very subjective exam, where a lot of information was hidden from the candidates. He went on to say that the majority of the people who took the exam feel the same way whether they did great or not.*

*Assistant City Attorney Stephanie Panoff appeared before the Board and advised that the City followed guidelines for the exam provided by the U.S. Department of Justice ("DOJ"). She stated that the City and the DOJ agreed as to what would be given to the Sergeants in tutorial sessions and they were told to prepare and study. She further stated that they were not told of the weights because the DOJ and the City believed the candidates would study everything and that way would be well-rounded, and the department would have a better pick of Lieutenants. ACA Panoff further opined that the City believes [the request] is not timely because the Sergeants were told during the tutorials, three months prior to the exam, what was going to happen and that the weights were not going to be released. She stated that the officers could have requested a hearing at that point; however, now the Lieutenants exam has been given and the scores are being calculated and promotions will happen soon, she believes it's not a timely issue. She concluded that the City followed DOJ guidelines which they believed*

were appropriate guidelines. ACA Panoff further repeated that she is unaware of which Civil Service Rules specifically have been violated which is required under Rule 16. 2.

Amy Klose, Director of Human Resources, appeared before the Board and replied that the City used a particular vendor for the examination, because the classification of police lieutenant is still under a Federal Order, and the DOJ has a list of companies that they prefer to use. Ms. Klose stated that a bidding process was done and the lowest bidder was the one used to administer the test. Ms. Klose stated that the City must abide by the recommendations of the DOJ, and conference calls are conducted once or twice a week regarding the exam and the exam is reviewed by their experts. Ms. Klose further stated that according to the DOJ the best practice is to determine the weights after the exam was administered to yield a better candidate who was more comprehensively prepared for the exam. She stated that nothing was hidden from anyone.

Member Harris asked Sgt. Gomez again to clarify the Rules which were violated. Sgt. Gomez read a portion of Civil Service Rules 6.3 and 6.5, and advised that the complainants believe Rule 17.1 was also violated.

Member Sutton asked questions regarding the weights of the scenarios and when were they applied. Ms. Klose responded that the weights were applied after the test was administered, but prior to scoring the test. Member Ramlal offered a motion to grant the hearing. Member Harris seconded the motion and reminded Sgt. Gomez that the burden of proof in a grievance hearing is on the complainant.

Following discussion, the Board entered a motion to GRANT a hearing pursuant to Civil Service Rule 16.2, alleging a violation of Rules 6.3, 6.5 and 17.1, which resulted as follows:

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

**Aye:** Sutton, Harris and Ramlal

**No:** Baños

#### **H. TODAY'S HEARINGS**

NONE

#### **ADJOURNMENT**

*The meeting adjourned at 10:36 a.m.*

#### **SIGNATURE:**

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**Javier Banos, Chairperson**

#### **ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**