

City of Miami

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



Meeting Minutes

Tuesday, May 13, 2014

10:00 AM

Commission Chambers

Civil Service Board

*Javier Baños, Board Member
Vishwani Ramlal, Board Member
William W. Riley, Jr., Board Member
Troy Sutton, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:00 a.m. Roll call at the commencement of the meeting was as follows:

Present: Member Baños, Member Riley, Jr., Member Ramlal and Member Sutton

NOTE: Member Banos served as Acting Chair and will continue in this capacity until a fifth Member is appointed to the Board.

A. APPROVING THE MINUTES OF:

Regular Meeting of April 29, 2014.

Motion by Member Riley, Jr., seconded by Member Sutton, to APPROVE. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

B. PERSONNEL MATTERS**B.1**

Copy of a memorandum from Anita Najji, Assistant Chief of Police, requesting to extend the probationary period of Leyla Herrera, Typist Clerk III, for three (3) additional months beyond May 16, 2014. (DISCUSSION)

The Executive Secretary advised the Board that the Department's request to extend Ms. Herrera's probation was received along with her concurrence memo indicating that she does not have an objection to the extension. Leyla Herrera appeared before the Board and asked if her probationary period was being extended for 3 months. Acting Chairman Banos responded in the affirmative. Ms. Herrera stated to the Board that she does not object to the extension.

Following discussion, the Board entered a motion to GRANT the Department of Police's request to extend the probationary period of Leyla Herrera for three (3) additional months beyond May 16, 2014, which resulted as follows:

Motion by Member Riley, Jr., seconded by Member Sutton, that this matter be APPROVED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

B.2

Request from Patricio Repetto, Firefighter, to receive retroactive seniority credit for prior service, pursuant to Rule 12.4. (DISCUSSION)

Acting Chairman Banos asked if Firefighter Patricio Repetto was present. Osnat Rind, Attorney on behalf of Firefighter Repetto, appeared before the Board and stated that this is a request pursuant to Rule 12.4, to receive seniority credit for prior service. She went on to say that Mr. Repetto is a Firefighter who had approximately six years of experience with the City before resigning, and has since been re-employed by the City in the same capacity. Attorney Rind further stated that Mr. Repetto is seeking to use seniority credits from his previous employment as a Firefighter to be eligible to take the upcoming promotional exam. She went on to say that she believes that there is no objection from the department. Assistant City Attorney Iliana Forte (ACA Forte) appearing on behalf of the department, confirmed that the Department has no objection to Mr. Repetto's request.

Following ACA Forte's confirmation, Attorney Rind stated that there is one other issue

that she believes the Department also agrees with. Attorney Rind explained to the Board that this is not Mr. Repetto's initial hire as a Firefighter and nor is this a promotional issue; therefore, they believe Firefighter Repetto has been classified incorrectly as a probationary employee. She went on to say that they are requesting that the Board make a decision regarding Mr. Repetto's probationary status.

Acting Chairman Banos asked for the City's position on the issue of Mr. Repetto's probationary status. ACA Iliana Forte responded that to her knowledge the Department does not object. Acting Chairman Banos stated that this particular issue was not on the agenda and asked Special Counsel Clyne if the Board could take up this matter today. Special Counsel Clyne stated that the issue may be added to the Agenda and the Board may vote on the issue.

Considering Special Counsel Clyne's position, Attorney Rind requested to amend Mr. Repetto's request for Board approval. Acting Chairman Banos asked if anyone wished to amend the approved motion in order to mirror Ms. Rind's petition.

Following discussion, the Board entered a motion to GRANT Firefighter Patricio Repetto's request to receive previous seniority credit for the purpose of taking the upcoming Fire Lieutenant promotional exam which resulted as follows:

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

Aye: Sutton, Ramlal, Riley, Jr. and Baños

C. MILITARY LEAVES OF ABSENCE

D. DISCIPLINARY MATTERS

E. GENERAL ITEMS

E.1 Hearing of Appeal on behalf of David Carpenter, Police Officer, relative to his 40-hour suspension, effective November 15, 2011. (DISCUSSION)

Settlement announced at the meeting of April 15, 2014.

Acting Chairman Banos asked the Executive Secretary if the Board needed to discuss the settlements or move forward. The Executive Secretary responded that a discussion is needed to determine where we are in the process with regards to the pending settlements and added that with the Board's approval, the matters could be carried over (to an upcoming Agenda) or set for hearing.

For the Board's edification, Acting Chairman Banos explained that while a hearing may be scheduled, both sides could enter into a settlement prior to the case ever being heard by the Board. He went on to say that although settlements had been announced in the cases (Items E.1 - E.3) appearing on today's agenda, the settlement agreements have not been received by the office. Acting Chairman Banos further stated that whenever the settlements are not received, the Board may decide to set a hearing date, in accordance with the Continuance Policy, or decide to roll the matters over to the next meeting. He stated that, to the credit of the City, many settlements have been submitted during the past few meetings and he does not see a problem with deferring these matters once more if the Board agrees.

Following discussion, the Board entered a motion to CONTINUE this hearing, pending submission of the signed Settlement Agreement, which resulted as follows:

Motion by Member Sutton, seconded by Member Riley, Jr., that this matter be CONTINUED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

- E.2** Hearing of Appeal on behalf of Jesus Valdivia, Police Sergeant, relative to his 200-hour suspension, effective January 23, 2013. (DISCUSSION)
Settlement announced at the meeting of April 15, 2014.

The Board entered a motion to GRANT a joint continuance which resulted as follows:

Motion by Member Sutton, seconded by Member Riley, Jr., that this matter be CONTINUED

PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

- E.3** Hearing of Appeal on behalf of Silvia Benitez, Emergency Dispatcher, relative to her 120-hour suspension, effective May 27, 2013. (DISCUSSION)

Rescheduled pursuant to continuance policy; pending settlement since March 4, 2014.

The Board entered a motion to GRANT a joint continuance which resulted as follows:

Motion by Member Sutton, seconded by Member Riley, Jr., that this matter be CONTINUED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

F. REPORTS

- F.1** Pending Hearings as of May 13, 2014. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1** Hearing of Appeal on behalf of Daniel Crocker, Police Officer, concerning his 10-hour suspension, effective July 19, 2013.

Acting Chairman Banos asked for the status of the Daniel Crocker case. ACA Forte appeared on behalf of the department and stated that this case has been settled and that Attorney Gibbons has been provided the settlement documents for his client's signature. She went on to state that she is making the representation on behalf of Mr. Gibbons so that he wouldn't have to appear today.

This matter will be closed and removed from the Board's docket upon receipt of a written settlement agreement or rescheduled in accordance with the Board's Continuance Policy.

Following discussion, the Board entered a motion to CONTINUE this matter which

resulted as follows:

Motion by Member Riley, Jr., seconded by Member Ramlal, that this matter be CONTINUED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

H.2

Hearing of Appeal on behalf of Jerome Williams, Police Officer, relative to his 10-hour suspension, effective October 11, 2013.

Acting Chairman Banos asked for the status of the case of Jerome Williams. Assistant City Attorney (ACA) Forte stated that Mr. Williams was here earlier but she did not know his whereabouts. She went on to say that the Department has agreed to reduce Mr. Williams' 10-hour suspension to a reprimand only. ACA Forte further stated that Mr. Williams was advised and expressed his objection to the department's decision to reduce the penalty; however, she does not believe the Board has jurisdiction to hear reprimands.

Acting Chairman Banos asked Special Counsel Clyne if he agreed. Reginald Clyne, Special Counsel, responded that he agrees with ACA Forte's position that the Board does not have jurisdiction to consider reprimands that do not include a penalty. Acting Chairman Banos asked if the Board should dismiss the case. The Executive Secretary responded that the Board may CONTINUE the case, pending submission of the revised disciplinary action.

Having returned to the chambers, Acting Chairman Banos allowed Officer Williams to approach the Board to give his comments. Officer Williams appeared before the Board and stated that although he's been advised that he will receive a reprimand only, he is before the Board with evidence to disprove an accusation charged against him and he wanted to be heard by the Board. Acting Chairman Banos explained to Officer Williams that the Civil Service Rules do not give employees the right to appeal reprimands; therefore, since the department has decided to reduce the 10 hour suspension to a reprimand only, the Board cannot address his matter.

Special Counsel Clyne advised Officer Williams that he has a right to write a rebuttal to the reprimand and attach appropriate documents so that his position regarding the reprimand is reflected in his personnel file. Officer Williams stated that writing a rebuttal to the reprimand would not solve his complaint because his concern is that the reprimand would still reflect in his personnel record that he is incompetent and lazy which, is something he has evidence to disprove. Officer Williams stated that he works the B Shift (starting at 3:00pm) but he wanted to appear before the Board to clear his name and to prove that what is written in the Reprimand is not true. Officer Williams stated if nothing can be done to erase what's written in the Reprimand he is concerned that he will be labeled as such. Acting Chairman Banos apologized that Reprimands are not appealable to the Board and his matter cannot be heard.

Following discussion, the Board entered a motion to CONTINUE this hearing, pending submission of the revised Reprimand, which resulted as follows:

Motion by Member Riley, Jr., seconded by Member Ramlal, that this matter be CONTINUED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

H.3

Hearing of Appeal on behalf of Curtis Hoosier, Police Sergeant, relative to his 80-hour suspension, effective February 3, 2014.

Acting Chairman Banos asked for the status of the Curtis Hoosier case. ACA Forte

appeared on behalf of the City, and advised that Mr. Hoosier has settled his case with the City. She went on to state that Mr. Hoosier is not represented and that the settlement documents have been forwarded to Mr. Hoosier for signature. She stated that Mr. Hoosier is not present at the meeting but that he has agreed to the terms of the settlement.

This matter will be closed and removed from the Board's docket upon receipt of a written settlement agreement or rescheduled in accordance with the Board's Continuance Policy.

Following discussion, the Board entered a motion to CONTINUE this matter which resulted as follows:

Motion by Member Riley, Jr., seconded by Member Ramlal, that this matter be CONTINUED. PASSED by the following vote.

Aye: Sutton, Ramlal, Riley, Jr. and Baños

ADJOURNMENT

The meeting adjourned at 10:12 a.m.

SIGNATURE:

Javier Banos, Acting Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary