

City of Miami

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

Tuesday, May 26, 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 10:01 am with the Pledge of Allegiance. At the commencement of the meeting, attendance 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 May 12, 2015.

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 Daniel Alfonso, City Manager, notifying Christopher Smith, Park Ranger, of his termination, effective May 8, 2015. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Kevin M. Kirwin, Director, Parks and Recreation Department, notifying Lewis Mahoney, Park Manager II, of his 10-day suspension, effective May 8, 2015. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Jose Fernandez, Director, Finance Department, notifying Melody Westley, Financial Analyst II, of her 2-day suspension, effective May 14, 2015. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS**F. REPORTS**

- F.1** Pending Hearings as of May 26, 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 Kimberly Rodriguez, Police Officer, alleging a violation of Rule 7.5 - Removal from Register, as it relates to the 2015 Police Sergeant's Exam. (DISCUSSION)

Chair Banos asked if anyone was present on this matter. Kimberly Rodriguez, police officer, appeared before the Board and advised that she is requesting a hearing because she successfully completed both parts of the 2015 Sergeant's promotional exam, and was unfairly removed from the Eligible Register. Officer Rodriguez informed the Board that on April 8, 2015 the list of eligible sergeants was released and her name appeared on the Register as candidate #66. She continued that on May 7, 2015, approximately 30 days after the release of the Register, she was called into a meeting with Assistant Chief Jorge Gomez who verbally informed her that she was disqualified from the exam and her name was removed from the list. She went on to state that as of this date she has not been provided written notification and/or supporting documentation including rule violations, and corresponding penalty of disqualification or removal for the violation. Officer Rodriguez concluded that she feels her name was unfairly removed from the Eligible Register for Police Sergeant and she is therefore requesting her matter be heard by the Civil Service Board.

Chair Banos asked for the department's response. Assistant City Attorney (ACA) Stephanie Panoff appeared before the Board and advised that Officer Rodriguez was removed from the sergeants list because she was disqualified from the examination for bringing her cell phone into the exam room. She went on to explain that the cell phone was discovered because it began to ring in the middle of the exam. ACA Panoff continued that officers were notified prior to the test not bring their cell phones and also at the exam officers were notified that if they brought their cell phones to turn them in. She also stated that she believes there was notification on the exam itself that cell phones were not allowed, and in the past others have been disqualified for bringing cell phones and Officer Rodriguez's case is no exception. ACA Panoff referred to Civil Service Rule 7.5 which states in part, any cause specified in the Rules could be reason for removal from a register.

Chair Banos asked if any member had discussion or a motion, based on the information presented.

Member Ramlal made a motion to grant the request. She went on to ask that if there was a rule notifying candidates that no cell phones were allowed, why wasn't the officer immediately pulled from the test at the moment her phone rang but instead allowed to continue taking the exam?

Member Harris seconded the motion. Member Harris added that granting the hearing does not mean the employee will prevail; however, she feels that the employee has met the requirements. Member Sutton agreed.

Following discussion the Board voted as follows to GRANT the hearing:

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

Aye: Baños, Sutton, Harris and Ramlal

H. TODAY'S HEARINGS

NONE

ADJOURNMENT

The meeting adjourned at 10:10 a.m.

SIGNATURE:

Javier Banos, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary