

City of Miami

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



Meeting Minutes

Tuesday, July 21, 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 10:00am with the Pledge of Allegiance. At the commencement of the meeting roll call was as follows:

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

A. APPROVING THE MINUTES OF:

Regular Meeting of June 23, 2015.

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

B. PERSONNEL MATTERS

- B.1** A copy of a memorandum from Amy Klose, Director, Department of Human Resources, notifying Kaira Trogner, Administrative Assistant II, Finance Department, of her return to her former classification of Administrative Assistant I, effective July 7, 2015. (NOTIFICATION)

NOTIFIED

- B.2** Copy of a letter from Daniel J. Alfonso, City Manager, notifying Andrew Crowther, Maintenance Mechanic, of his resignation pursuant to Article 17 of the AFSCME Local 1907, effective July 13, 2015. (NOTIFICATION)

NOTIFIED

C. MILITARY LEAVES OF ABSENCE

- C.1** Marc Redondo, Police Officer, requests active duty military leave without pay for 400 days, effective June 10, 2015. 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, Harris, Ramlal and Riley

D. DISCIPLINARY MATTERS

- D.1** Copy of a Judgment from the City Manager concurring with the Board's findings concerning the Appeal hearing on behalf of Ryan Smith, Police Officer, relative to his 10-hour suspension, effective June 15, 2014. It is ordered and adjudged that the decision of the Chief of Police to suspend Officer Smith for 10-hours is hereby sustained. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Denise Douglas, Emergency Dispatcher Assistant, of her 8-hour suspension, effective July 6, 2015 and a copy of a request to appeal from Osnat K. Rind, Attorney, on behalf of EDA Douglas. A hearing has been scheduled for November 17, 2015. (NOTIFICATION)
- NOTIFIED**
- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Adam Gurlacz, Police Officer, of his 80-hour suspension, effective July 15, 2015. (NOTIFICATION)
- NOTIFIED**
- D.4** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Gary Sampson, Police Officer, of his 80-hour suspension, effective July 11, 2015. (NOTIFICATION)
- NOTIFIED**
- D.5** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Latisa Scott, Emergency Dispatcher Assistant, of her 8-hour suspension, effective July 13, 2015. (NOTIFICATION)
- NOTIFIED**
- D.6** Copy of letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Dwayne Linder, Communications Operator, of his 40-hour suspension, effective July 15, 2015. (NOTIFICATION)
- NOTIFIED**

E. GENERAL ITEMS

- E.1** Notice of a Request to Continue from Stephanie Panoff, Assistant City Attorney, concerning the Appeal Hearing of JeanPaul Guillot, Police Officer, relative to his 160-hour suspension, effective October 15, 2013. Eugene Gibbons, Attorney, expressed no objection to the request. (DISCUSSION)

Assistant City Attorney Stephanie Panoff appeared on behalf of the Department and confirmed her request for a continuance in this matter due to two of her witnesses being out of town on the scheduled hearing date. She advised that opposing counsel Eugene Gibbons has no objection to the request for continuance.

Following discussion the Board considered a motion to GRANT the continuance as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

E.2

Notice of a Request to Continue from Robert Laurenceau, et al, Police Sergeants, concerning the Grievance Hearing relative to the 2015 Police Lieutenant's exam. Stephanie Panoff, Assistant City Attorney, expressed no objection to the request. (DISCUSSION)

Chair Banos asked if Police Sergeant Robert Laurenceau was present to address his request for continuance of his grievance hearing. Officer Laurenceau was not present. The Board considered a motion to GRANT the continuance as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

E.3

Copy of Findings of Fact concerning the Appeal hearing of Daniel Fernandez, Police Officer, concerning his termination, effective November 6, 2010. (DISCUSSION)

Chair Banos asked if either attorney had revisions for the Findings. Ronald Cohen, Attorney on behalf of the Appellant, appeared before the Board and stated that he received the Board's proposed Findings of Fact and that he also submitted his proposed changes to the Findings. Attorney Cohen read a portion of the Board's Procedures for Findings of Fact, and stated that the Findings he received were not based on competent substantial evidence as stated in the Board's procedures.

Chair Banos stated that he did not have Attorney Cohen's proposed changes to the Findings. The Executive Secretary provided copies of Attorney Cohen's proposed changes to the Board. Chair Banos asked ACA Panoff if she would like the opportunity to review and discuss the proposed changes with Attorney Cohen. ACA Panoff responded that she had reviewed Attorney Cohen's proposed changes and she found the document to be in the form of an appellate brief with several cases cited and discussion as to why the Board's Findings were incorrect. She further advised that she attempted to agree on some of the proposed findings; however, upon further review she could not agree to any changes and would leave it up to the Board to make the decision.

Chair Banos stated that the document submitted by Attorney Cohen appears to be a dispute of the Board's Findings. Attorney Cohen reviewed and read cited cases and further stated that he feels that [the Board's decision] is unfair to the employee and continued with his review of a cited case addressing hearsay. He went on to say that the Findings as presented to the Board do not contain competent substantial evidence to find the appellant guilty.

Chair Banos stated that the Board has made a determination and reminded Attorney Cohen that he may file an appeal. He went on to state that the Board has not had the opportunity to review the proposed changes and asked Attorney Cohen to instead present his objections to each of the Board's Findings in the proper format and re-submit them to the Board.

Chair Banos reiterated the Board's decision and advised that the Board will address this issue at the next Board meeting. Attorney Cohen replied that he is unavailable for the next meeting of August 4th. Chair Banos asked Attorney Cohen to inform the Executive Secretary of his availability, and instructed the Executive Secretary to reschedule this matter.

CONTINUED

F. REPORTS

F.1 Pending Hearings as of July 21, 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 Reinaldo Tejera, Police Sergeant, alleging a violation of Rules 6 and 17, as it relates to the 2015 Police Lieutenant's Exam. (DISCUSSION)
Continued from the meeting of June 23, 2015.

Chair Banos asked if anyone was present regarding this matter. Reinaldo Tejera, Police Sergeant, appeared before the Board and apologized for his absence at a previous Board meeting related to this matter. Chair Banos asked Sgt. Tejera if he was aware of a hearing scheduled for a similar matter which will address the same issue in his grievance. Sgt. Tejera responded in the affirmative.

Member Harris posed questions to Sgt. Tejera as to his whereabouts when he was scheduled to appear before the Board to address this issue. Sgt. Tejera responded that he believes that a meeting was canceled. The Executive Secretary advised that June 23, 2015 was the meeting date when Sgt. Tejera was scheduled to appear before the Board. Sgt. Tejera stated the reason he could not make it to the Board meeting and advised that he then sent email correspondence to the Civil Service Board Office staff asking that the matter be rescheduled. Member Harris asked Sgt. Tejera if the other group of grievants agreed to allow him to be added to their grievance. Sgt. Tejera responded in the affirmative. Following discussion the Board voted to GRANT the hearing as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

Following approval of the grievance, the Board discussed merging Sergeant Tejera's case with Sergeant Laurenceau, et al.'s grievance which will address the same issues. Chair Banos reminded Sgt. Tejera that it is important that he be present the day of the hearing and to be prepared to present evidence and witnesses, if any.

Member Harris explained to Sgt. Tejera that the burden of proof is on him and he should present himself accordingly. Sgt. Tejera expressed his apology for his absence at the other meeting. Following discussion the Board APPROVED the merger of the two cases which resulted as follows:

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

Aye: Baños, Sutton, Harris, Ramlal and Riley

H. TODAY'S HEARINGS

ADJOURNMENT

The meeting adjourned at 10:21 a.m.

SIGNATURE:

Javier Banos, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary