

City of Miami

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

Tuesday, August 19, 2014

10:00 AM

Commission Chambers

Civil Service Board

*Lillie Harris, Chairperson
Troy Sutton, Chief Examiner
Javier Baños, Board Member
Vishwani Ramlal, Board Member
William W. Riley, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:01 a.m. At the commencement of the meeting the roll call was as follows:

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

Absent: Member Ramlal

A. APPROVING THE MINUTES OF:

Regular Meeting of August 5, 2014.

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

Aye: Riley, Baños, Sutton and Harris

Absent: Ramlal

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

- C.1 Luis F. Pla, Police Officer, requests active duty military leave for an additional 90 days beyond August 6, 2014. The Board approved an end date of August 24, 2014 which has changed to November 3, 2014. Copy of amended orders submitted. (DISCUSSION)

Chair Harris asked if anyone was present regarding Police Officer Luis F. Pla's Military Leave Extension request. The Executive Secretary advised that the Board previously approved Officer Pla's military leave, and this request is for an extension, which needs the Board's approval, and is supported by the included military orders. Following discussion the Board entered a motion to APPROVE Officer Pla's request which resulted as follows:

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

Aye: Riley, Baños, Sutton and Harris

Absent: Ramlal

D. DISCIPLINARY MATTERS

- D.1 Copy of a letter from Chief Maurice Kemp, Director, Department of Fire Rescue, notifying Kevin Mohammad, Firefighter, of his 24-hour forfeiture, effective August 10, 2014. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Hearing of Appeal on behalf of Francisco Sallano, Police Officer, concerning his 10-hr forfeiture, effective December 6, 2012. (DISCUSSION)

Rescheduled pursuant to continuance policy; pending settlement since June 24, 2014.

Chair Harris asked for the status on the case of Francisco Sallano. Assistant City Attorney Diana Vizcaino appeared on behalf of the Department and stated that she is still waiting on an executed agreement from Officer Sallano. Attorney Eugene Gibbons (Atty. Gibbons) appeared before the Board on behalf of Officer Sallano and confirmed the agreement with the City. He went on to state that Mr. Sallano is in receipt of the settlement agreement and was supposed to deliver it to the City. Atty Gibbons stated that the matter will be resolved very soon and asked that the matter be placed on the Board's next agenda.

DISCUSSED : Without objection, Chair Harris instructed the Executive Secretary to place this matter on the next agenda.

E.2

Hearing of Appeal on behalf of Rhausser Charles, Police Officer, concerning his 40-hour suspension, effective November 7, 2013. (DISCUSSION)
Rescheduled pursuant to continuance policy; pending settlement since July 22, 2014.

Chair Harris asked for the status of this matter. Eugene Gibbons, Attorney on behalf of Officer Rhausser appeared before the Board and advised that the settlement was discussed but an agreement was not reached. Assistant City Attorney Diana Vizcaino appeared before the Board and confirmed that the City's settlement offer was rejected by Officer Rhausser and asked that the case be placed back on the Board's calendar.

DISCUSSED : The Executive Secretary will place this matter on the Board's calendar.

E.3

Hearing of Appeal on behalf Jose Rilo, Parks Operations Coordinator, concerning his 3-day suspension, effective March 24, 2014. (DISCUSSION)
Rescheduled pursuant to continuance policy; pending settlement since July 8, 2014.

Chair Harris asked for the status of the Jose Rilo matter. Assistant City Attorney Diana Vizcaino appeared before the Board and advised that a settlement agreement has been fully executed by both parties, and the document was received and filed by the Board's Secretary at today's meeting. Osnat Rind, Attorney on behalf of Mr. Rilo, confirmed the agreement.

SETTLED : Case will be closed and removed from the Board's docket.

E.4

Notice of a Withdrawal from Osnat K. Rind, Attorney, on behalf of Trinidad Varela, C.I.S. Desk Operator, concerning her 8-hour suspension, effective June 24, 2014. (NOTIFICATION)Hearing of Appeal is scheduled for today.

Chair Harris asked for the status on the case of Trinidad Varela. Attorney Osnat K. Rind (Atty. Rind) appeared on behalf of the Employee and stated that the matter had been settled. Assistant City Attorney Diana Vizcaino (ACA Vizcaino) appeared on behalf of the Department and stated that the appeal request has been withdrawn. Chair Harris asked Atty Rind to explain what was happening with this case. Atty. Rind responded that the matter had been discussed and settled between the parties; thus the notice of withdrawal of appeal is confirmed.

WITHDRAWN : Case will be closed and removed from the Board's docket.

E.5

Copy of Findings of Fact concerning the Investigation hearing on behalf of Lewis Mahoney, Parks Manager II, pursuant to Civil Service Rule 16.1 - Investigation by the Board, relative to an alleged Abuse of Power by Department Directors Motley and Klose. (DISCUSSION)

Chair Harris asked if there were any objections to the Findings and Recommendations as prepared by Special Counsel. Assistant City Attorney Diana Vizcaino (ACA Vizcaino) stated that she did not have an opportunity to review the proposed Findings with her client until this morning. ACA Vizcaino also stated that she discussed some proposed revisions of the Findings with Attorney Osnat K. Rind (Atty. Rind) and that she would like to make the changes and forward the changes to Atty. Rind and any objections can be addressed before the Board at the next meeting. Member Banos stated that he was also unhappy with the way the Findings were drafted and felt that information was missing concerning the efforts at resolution taken by the HR department.

Chair Harris asked to hear from Attorney Rind. Atty. Rind responded that she generally wouldn't object to ACA Vizcaino's request however, the City Manager is waiting for the Findings to make his final decision on the matter. She stated that because school started yesterday, Mr. Mahoney was forced to take a leave from his Dade County School Board (DCSB) job and he is currently losing pay pending the final decision by the Manager. She stated that her preference would be to get the Findings resolved today because the longer it is delayed, the longer the employee will suffer the loss. ACA Vizcaino stated the decision by the Human Resources (HR) Director still stands at this time, and whether or not the City Manager accepts or rejects the Board's recommendation, the decision has been made which was a denial by the HR Director. She went on to state that the actions that Mr. Mahoney decided to take were his decision.

Chair Harris stated that the Findings need to be resolved today. Member Banos requested that the Chair grant a break to allow both parties to discuss the proposed Findings. Without objection, the Chair allowed 20 minutes for the attorneys to discuss the matter.

ACA Vizcaino stated that if the City Manager had a desire to [reverse the HR director's decision], that action would have been made and the previous denial would have been revised and the request approved. ACA Vizcaino went on to state that it is unlikely that it (Outside Employment Request) will be granted or approved. Atty. Rind stated that the President of the AFSCME Union had a meeting with the City Manager yesterday who represented that he was waiting on the Board's Findings. Member Banos reiterated that Chair Harris has granted 20 minutes to allow both parties to discuss the Findings.

Following a brief break, the Board reconvened to discuss the Findings in detail. Special Counsel Clyne identified the proposed modifications with both parties and the Board, and the Board had discussion regarding the recommendations.

Following discussion, the Board entered a motion to APPROVE the Findings as amended which resulted as follows:

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

Aye: Baños, Sutton and Harris

Abstain: Riley

Absent: Ramlal

F. REPORTS

- F.1 Pending Hearings as of August 19, 2014. (NOTIFICATION)
PRESENTED

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1 Hearing of Appeal on behalf of Trinidad Varela, C.I.S. Desk Operator, concerning her 8-hour suspension, effective June 24, 2014.
No action was taken in this matter as the appeal was withdrawn.

WITHDRAWN

- H.2 Hearing of Appeal on behalf of Reynaldo Goyos, Police Officer, concerning his 40-hour suspension, effective January 15, 2013.

Chair Harris asked for the status of this matter. Assistant City Attorney Diana Vizcaino appeared before the Board and stated that the City is asking for its first Continuance in this matter. Attorney Eugene Gibbons appeared before the Board on behalf of the employee and advised that he does not object to a continuance. Following discussion, the Board entered a motion to CONTINUE this matter which resulted as follows:

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

Aye: Riley, Sutton and Harris

Abstain: Baños

Absent: Ramlal

ADJOURNMENT

Prior to adjourning the meeting the Executive Secretary reminded the Board that the next meeting is scheduled for Tuesday, September 16, 2014.

A break was taken at 10:13 a.m. to 10:41 a.m. The meeting adjourned at 11:20 a.m.

SIGNATURE:

Lillie Harris, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary

