

City of Miami

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



Meeting Minutes

Tuesday, December 10, 2013

10:00 AM

Commission Chambers

Civil Service Board

*Gerald Silverman, Chairperson
Sean Moy, Chief Examiner
Lillie Harris, Board Member
Javier Baños, Board Member*

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:02am, with the Pledge of Allegiance. The attendance was as follows:

Present: Chairperson Silverman, Chief Examiner Moy and Member Harris

Absent: Member Baños

A. APPROVING THE MINUTES OF:

Regular Meeting of November 12, 2013.

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

Aye: Silverman, Moy and Harris

Absent: Baños

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

- C.1** Vincent F. Miller, Police Officer, requests re-employment as a Police Officer following his return from military leave. (DISCUSSION)

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

Aye: Silverman, Moy and Harris

Absent: Baños

D. DISCIPLINARY MATTERS

- D.1** Copy of an Agreement between the City of Miami and John Kocur, Police Officer, concerning his 10-hour suspension, effective July 9, 2012. (NOTIFICATION)

NOTIFIED

- D.2** Copy of an Agreement between the City of Miami and John Marin, Police Officer, concerning his 10-hour forfeiture, effective August 24, 2012. (NOTIFICATION)

NOTIFIED

- D.3** Copy of an Agreement between the City of Miami and Pierre Chery, Police Officer, concerning his 40-hour suspension, effective September 14, 2012. (NOTIFICATION)

NOTIFIED

- D.4** Copy of an Agreement between the City of Miami and Robert Jules, Police Officer, concerning his 40-hour suspension, effective September 14, 2012. (NOTIFICATION)
NOTIFIED
- D.5** Copy of an Agreement between the City of Miami and Juan Ortega, Police Officer, concerning his 20-hour forfeiture, effective August 16, 2012. (NOTIFICATION)
NOTIFIED
- D.6** Copy of an Agreement between the City of Miami and Melissa Valdes, Police Sergeant, concerning her 10-hour forfeiture, effective August 24, 2012. (NOTIFICATION)
NOTIFIED
- D.7** Copy of an Agreement between the City of Miami and Eddy Rodriguez, Police Officer, concerning his 20-hour suspension, effective March 31, 2013. (NOTIFICATION)
NOTIFIED
- D.8** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Tika Jones, Police Officer, of her 20-hour suspension, effective December 1, 2013. (NOTIFICATION)
NOTIFIED
- D.9** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Angel Mercado, Police Officer, of his 200-hour suspension, effective November 15, 2013. (NOTIFICATION)
NOTIFIED
- D.10** Copy of a letter from Keith Carswell, Director, Department of Solid Waste, notifying Richard Abraham, Waste Collector Operator, of the Department's action to rescind his 3-day suspension, effective November 4, 2013. (NOTIFICATION)
NOTIFIED
- D.11** Copy of a letter from Chief Manuel Orosa, Director, Department of Police, notifying Larry E. Hagan, Jr. of his 120-hour suspension, effective November 12, 2013 and a copy of a request to appeal from Officer Hagan. A hearing has been scheduled for June 10, 2014. (NOTIFICATION).
RECEIVED AND FILED

- D.12 Copy of a letter from Francisco Garcia, Director, Department of Planning, notifying Francisco Gonzalez, Zoning Plans Reviewer, of his 1-day suspension, effective December 2, 2013 and a copy of a request to appeal from Michael Braverman, Attorney, on behalf of Mr. Gonzalez. A hearing will be scheduled in accordance with Civil Service Rules and Regulations. (NOTIFICATION)

RECEIVED AND FILED

- D.13 Copy of a Judgment from the City Manager, concurring with the Board's findings concerning the Appeal hearing on behalf of Viona Browne-Williams, Police Officer, relative to her 10-hour suspension, effective February 7, 2013. It is ordered and adjudged that the decision of the Chief of Police to suspend Officer Browne-Williams for 10-hours is hereby reversed. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of Findings and Recommendations concerning the Grievance Hearing on behalf of Eduardo Falcon, pursuant to Rule 16.2, alleging violations of Civil Service Rules 5.4 - Disqualification, 6.2 - Promotional Examinations and 8.4 - Certification from Promotional Competitive Registers. (DISCUSSION)

Chairman Silverman asked if either attorney had objections to the Findings as presented by Special Counsel, to which both responded in the negative. Following discussion, the Board entered a motion to approve the Findings and Recommendations, which resulted as follows:

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

Aye: Silverman, Moy and Harris

Absent: Baños

F. REPORTS

- F.1 Pending Hearings as of December 10, 2013. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1 Hearing of Appeal on behalf of Reynaldo Goyos, Police Officer, concerning his 40-hour suspension, effective January 15, 2013.

Janeen Richard, Assistant City Attorney (ACA), appeared before the Board and asked that the attorneys be granted a Joint Continuance. Robert Buschell, attorney on behalf of Officer Goyos, appeared before the Board and stated that he is in agreement with

ACA Richard.

Member Moy asked whether this was the first continuance request, to which the Executive Secretary responded in the affirmative.

Following discussion, the Board entered a motion to GRANT the JOINT CONTINUANCE requested in this matter, which resulted as follows:

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

Aye: Silverman, Moy and Harris

Absent: Baños

H.2

Hearing of Appeal on behalf of Dwayne Linder, Communications Operator, concerning his 8-hour suspension, effective January 24, 2013.

Michael Braverman, attorney on behalf of Dwayne Linder, appeared before the Board and announced that Mr. Linder is respectfully withdrawing his appeal. No further action was required in this matter.

WITHDRAWN : The matter will be withdrawn from the Board's docket.

H.3

Hearing of Appeal on behalf of Michael Cadavid, Police Officer, relative to his 40-hour suspension, effective February 26, 2013.

Janeen Richard, Assistant City Attorney (ACA), appeared before the Board and advised that a Settlement Agreement had been reached with officer Cadavid.

Robert Buschell, attorney on behalf of Officer Cadavid, appeared before the Board and stated that he is in agreement with ACA Richard.

Chairman Silverman responded that pending submission of the Settlement Agreement, the Board would grant a continuance.

Following discussion, the Board entered a motion to GRANT the JOINT CONTINUANCE which resulted as follows:

Motion by Chairperson Silverman, seconded by Chief Examiner Moy, that this matter be CONTINUED. PASSED by the following vote.

Aye: Silverman, Moy and Harris

Absent: Baños

The matter will be removed from the Board's docket, following submission of the Settlement Agreement, OR rescheduled in accordance with the Continuance Policy.

NON-AGENDA: PENDING HEARING

Hearing of Appeal on behalf of Terrel Cheever, Emergency Dispatcher Assistant, concerning his Termination, effective October 31, 2012.

Member Harris stated that there are still several hearings pending, in particular the Cheever case and a few "speeders", and asked ACA Richard if she could provide an update as to when the Agreements would be forthcoming.

ACA Richard responded that with respect to the "speeders", there is a slight delay, as

cases were transferred from Attorney Ronald Cohen's office to Buschel and Gibbons, P.A. She went on to say that in the Cheever case, Attorney Braverman and she had been in conversation regarding possibly bringing the matter back to the Board.

Michael Braverman, attorney on behalf of Terrel Cheever, appeared before the Board and advised that he and ACA Richard had explored the matter and he did not believe there was going to be a resolution. He then went on to ask if the appeal could be placed back on the Board's docket for hearing.

Member Harris stated that the City stated in good faith that they were going to settle the case and it has been several months without resolution. ACA Richard responded that the delay is not due to the City. Member Harris stated that she did not want to place blame, however one of the things that upsets her is not having closure and swift justice, which is one of the things that the Board is supposed to be about. She went on to say that in this particular case, we're talking about someone who is in a critical position, and who has lost his job, and questioned if that is in the best interest of the City.

Chairman Silverman stated that the bottom line is to expedite this matter.

Attorney Braverman responded that he agreed with Member Harris wholeheartedly, but this case involved the employee undergoing medical assessments and reviews, which took a lot of time. He went on to say that no one has been intentionally delaying resolution of this case, and it is his understanding that Mr. Cheever is back at his job, however, his superiors have concerns regarding his fitness for duty. Therefore, the matter has to be re-set for hearing.

NON-AGENDA: BOARD CALENDAR

Civil Service Board's Calendar

Chairman Silverman alerted the Board that he might be late for the meeting on January 21, 2014, due to a pending trial date. He went on to say that on January 7, 2014, he would have a better handle on what would happen.

ADJOURNMENT

There being no further business before the Board, the meeting adjourned at 10:30 am.

SIGNATURE:

Gerald Silverman, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary