

City of Miami

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



Meeting Minutes

Tuesday, August 30, 2016

10:00 AM

Lummus Park - 404 NW 3rd Street, Miami, FL 33128

Civil Service Board

*Vishwani Ramlal, Chief Examiner
Michael Dames, Board Member
Travis Lindsey, Board Member
Troy Sutton, Board Member*

PLEDGE OF ALLEGIANCE

In the absence of an elected Chair, Chief Examiner Ramlal chaired today's meeting. The meeting was called to order at 10:04 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Present: Member Dames, Chief Examiner Ramlal, Member Sutton and Member Lindsey

ADOPTION OF TODAY'S AGENDA

Chair Ramlal asked if there were any revisions to the Agenda. Hearing none, a motion to adopt the Agenda as printed was considered and resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Dames

A. APPROVING THE MINUTES OF:

Regular Meeting of August 16, 2016.

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

Aye: Lindsey, Ramlal, Sutton and Dames

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

- D.1** Copy of a Judgment concerning the Hearing of Appeal on behalf of Janet Williams-Brewster, Grant Writer, relative to her termination, effective January 9, 2015. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a Judgment concerning the Grievance hearing on behalf of Moises Velazquez, Police Sergeant, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of Rules 6.3 and 6.5 as it relates to the 2015 Police Lieutenant's Exam. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Kevin Kirwin, Director, Parks and Recreation Department, notifying Hilton Pearce, Parks Coordinator, of his 5-day suspension, effective August 19, 2016 and a copy of a request to appeal from Osnat K. Rind, Attorney, Phillips, Richard, & Rind, on his behalf. A hearing has been scheduled for January 10, 2017. (NOTIFICATION)

RECEIVED AND FILED

- D.4 Copy of a letter from Kevin Kirwin, Director, Parks and Recreation Department, notifying Jose Rilo, Parks Operations Coordinator, of his 3-day suspension, effective August 25, 2016 and a copy of a request to appeal from Osnat K. Rind, Attorney, on his behalf. A hearing has been scheduled for February 7, 2017. (NOTIFICATION)

RECEIVED AND FILED

E. GENERAL ITEMS

- E.1 Copy of a Settlement Agreement between the City of Miami and Seymour Placide, Assistant Superintendent of Maintenance, concerning his 10-day suspension, effective August 5, 2016 and 10-day suspension, effective August 19, 2016. (NOTIFICATION)

NOTIFIED

F. REPORTS

- F.1 Pending Hearings as of August 30, 2016. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

- G.1 Copy of a Request for an Investigative and Grievance hearing from Anna P. McKnight, Administrative Assistant III, concerning her annual evaluation. (DISCUSSION)

Chair Ramlal asked if anyone was present regarding this matter. Ms. McKnight appeared before the Board and read her request to the Board. Chair Ramlal asked if the City had anything to say in response to the request for hearing.

Assistant City Attorney Diaz appeared before the Board and objected to the request due to the lack of jurisdiction, in that the completion of annual evaluations is not an abuse of power, but the duty of a supervisor. She went on to add that the score received by Ms. McKnight was not "Unsatisfactory", as required for a hearing under Rule 13. Further, she explained, the sections alleged to have been violated under Rule 14 were not listed in the request to the Board and do not pertain to unclassified employees, such as the director of the department.

Questions were posed from the Board to Ms. McKnight and ACA Diaz. Following discussion, a motion was entered to grant an investigation hearing pursuant to Rule 16.1, and a grievance hearing pursuant to 16.2, alleging violation of Rule 13.2, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, that this matter be APPROVED. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

Following approval of the motion, Member Dames moved that the Chief Examiner conduct a preliminary investigation, as she could possibly provide details and additional

information to the Board prior to holding a hearing. The motion was considered by the Board and resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal and Dames

No: Sutton

H. TODAY'S HEARINGS

H.1

Hearing of Appeal on behalf of Noel Chavez, Business Tax Receipts Supervisor, concerning his 20-day suspension, effective February 1, 2016.

The Board entered into the scheduled Appeal hearing on behalf of Noel Chavez (Appellant). The Appellant was represented by Attorney Christina Gornail, of Phillips, Richard and Rind, P.A. The Department of Finance was represented by Barbara Diaz, Assistant City Attorney, Office of the City Attorney.

Assistant City Attorney Diaz provided opening statements. Opening statements were deferred by Appellant until presentation of their case in chief. Witnesses testifying at the request of the Department appeared in the following order:

- 1. Emil Lopez, Finance Manager, Treasury Division, Department of Finance. Questions were posed to witness Lopez by Members Dames, Ramlal and Lindsey.*
- 2. Jose Fernandez, Director, Department of Finance. Questions were posed to witness Fernandez by Members Sutton, Lindsey and Dames.*

The Department rested.

Opening statements were provided by Attorney Gornail. Witnesses testified at the request of the Appellant in the following order:

- 1. Joel Ramirez, Customer Service Representative I, Department of Finance. Questions were posed to witness Ramirez by Members Sutton, Dames and Ramlal.*
- 2. Noel Chavez, Appellant, testified on his own behalf. Questions were posed to Appellant by Members Sutton, Lindsey, Ramlal and Dames.*

Closing statements were provided by both sides, and Assistant City Attorney Diaz provided rebuttal closing. Board members deliberated and entered motions regarding the listed charges.

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (e) 1 - Has violated any lawful and reasonable...where such violation or failure to obey amounts to an Act of Insubordination, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, that this matter be APPROVED. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (e) 2 - Has violated any lawful and reasonable...where such violation or failure to obey amounts

to a Serious Breach of Proper Discipline, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

A motion was made by Member Sutton, to find Appellant Guilty of violating Civil Service Rule 14.2 (e) 3 - Has violated any lawful and reasonable...where such violation or failure to obey Resulted/Reasonably Might Be Expected to Result in Loss or Injury to the City, which died for lack of a second.

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (e) 3 - Resulted/Reasonably Might Be Expected to Result in Loss or Injury to the City, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal and Dames

No: Sutton

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (h) - Insubordination or Disgraceful Conduct, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (i) - Wantonly Offensive in Conduct and/or Language, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (k) - Incompetent, Negligent or Inefficient, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal, Sutton and Dames

A motion was made to find Appellant Not Guilty of violating Civil Service Rule 14.2 (r) - Antagonistic Toward Superiors/Employees, which resulted as follows:

Motion by Member Dames, seconded by Member Lindsey, to APPROVE. PASSED by the following vote.

Aye: Lindsey, Ramlal and Dames

No: Sutton

This ended the hearing.

ADJOURNMENT:

Breaks were taken between: 11:24 am - 11:31 am; 11:56 am - 11:58 am; and 12:42 pm - 2:02 pm (lunch).

There being no further business before the Board, a motion was entered to adjourn the meeting at 4:28 pm, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Dames

SIGNATURE:

Board Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary