

City of Miami

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

Tuesday, September 13, 2016

10:00 AM

Commission Chambers

Civil Service Board

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

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:12 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

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

ELECTION OF CHAIRPERSON

A motion was made to elect Member Harris as Chair, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

No: Dames

ADOPTION OF TODAY'S AGENDA

Chair Harris 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 Chairperson Harris

A. APPROVING THE MINUTES OF:

Regular Meeting of August 30, 2016.

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

Aye: Lindsey, Ramlal, Sutton, Dames and Chairperson Harris

SECOND ROLL CALL

Member Dames had to leave the meeting at 10:14 am; therefore, a new Roll Call was taken and resulted as follows:

Present: Chairperson Harris, Chief Examiner Ramlal, Member Sutton and Member Lindsey

Absent: Member Dames

B. PERSONNEL MATTERS**B.1**

Copy of a memorandum from Ricardo Martinez, Acting Director, Department of Human Resources, requesting an extension of probationary period of Marc Royster, Human Resources Generalist, for six (6) months beyond September 20, 2016. (DISCUSSION)

Marc Royster appeared before the Board, and in response to questioning, replied that he understood what the Department was requesting and that he did not object to the extension. He added that he was advised that though an extension of six months was

requested, he could be made permanent within that time, and wanted confirmation.

Ricardo Martinez, Assistant Director, Department of Human Resources, appeared before the Board and confirmed that should Mr. Royster comply with the objectives listed in the request memo, he could be made permanent prior to end of the six months.

Following discussion, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

C. MILITARY LEAVES OF ABSENCE

- C.1** Odney Belfort, Police Sergeant, requests active duty military leave without pay from September 1, 2016 through April 17, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

- C.2** Johnny Fonseca, Police Officer, requests active duty military leave without pay from November 18, 2016 through October 29, 2017. Copy of Orders submitted. (DISCUSSION)

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

- C.3** Rolando Martin, Crime Analyst, requests retroactive active duty military leave without pay from May 28, 2016 through September 5, 2016. Copy of Orders submitted. (DISCUSSION)

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

- C.4** Rolando Martin, Crime Analyst, requests re-employment as a Crime Analyst following his return from Military Leave. Copy of his DD214 indicating Honorable Discharge submitted. (DISCUSSION)

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Nestor Garcia, Police Sergeant, of his 120-hour suspension,

effective September 13, 2016. (NOTIFICATION)

NOTIFIED

- D.2 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Trinidad Varela, C.I.S. Desk Operator, of her 8-hour suspension, effective September 12, 2016. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

- E.1 Copy of Findings of Fact concerning the Grievance Hearing on behalf of Suzann Nicholson, Code Compliance Inspector, pursuant to Civil Service Rule 16.2, alleging a violation of Rule 5.4 - Disqualification. (DISCUSSION)

Chair Harris asked if there were any objections to the Findings as prepared by Special Counsel. Hearing that there were none, the Board entered a motion to adopt the Findings & Recommendations, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

- E.2 Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Viona Browne-Williams, Police Officer, relative to her 80-hour suspension, effective May 2, 2016. (DISCUSSION)

Chair Harris asked if there were any objections to the Findings as prepared by Special Counsel.

Assistant City Attorney Stephanie Panoff appeared before the Board and advised that her office conferred with Appellant's attorney (Eugene Gibbons) regarding the Findings and agreed to remove the word "violent" from the second listed Finding. There were no objections to the remaining document.

Following discussion, the Board entered a motion to accept the revision, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

The Board entered a motion to adopt the Findings and Recommendations as amended, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

- E.3 Copy of Findings of Fact concerning the Hearing of Appeal on behalf of Noel Chavez, Business Tax Receipts Supervisor, relative to his 20-day suspension, effective February 1, 2016. (DISCUSSION)

Christina Gornail, Attorney for Mr. Chavez, appeared before the Board and reported that the parties were requesting that this matter be carried over to the next Board meeting for approval.

Special Counsel Clyne concurred, adding that there were some factual issues which were in dispute, and both attorneys who were present at the hearing should be present when the Findings were discussed. Assistant City Attorney Panoff agreed.

Following discussion, a motion to DEFER the approval of the Findings to the next meeting, resulted as follows:

DEFERRED

- E.4** Copy of a Request to Continue the Hearing of Appeal on behalf of Sandy Dorsainvil, *former* Cultural Arts Center Manager, concerning her termination, effective April 4, 2016. The Department has no objection to the continuance. (DISCUSSION)

APPROVED

- E.5** Copy of a Settlement Agreement between the City of Miami and Hilton Pearce, Parks Coordinator, concerning his 5-day suspension, effective August 19, 2016. (NOTIFICATION)

NOTIFIED

- E.6** Copy of revised Section 2-886, City of Miami Code. (NOTIFICATION)

NOTIFIED

F. REPORTS

- F.1** Pending Hearings as of September 13, 2016. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

- G.1** Copy of a Request for Hearing from David Nunez, Fire Captain, pursuant to Civil Service Rules 16.1 and 16.2, related to the filling of Chief Fire Officer from the 2014 Eligible Register, which expired September 5, 2016. (DISCUSSION)

Mr. Nunez appeared before the Board and provided the background information leading to his request. He asserted that the Rules alleged to have been violated are: 1. 11, 2.3, 7.3, 8.1 and 8.7, as well as Article 10.1 (of the IAFF Contract).

Assistant City Attorney Stephanie Panoff, appeared on behalf of the City, and objected to the request, and explained that the city manager did extend the Fire Chief's employment; however, there was no abuse of power. She went on to say that the Board is being asked to violate Rule 7.3, which requires that eligible registers exist for a maximum of two (2) years, and this Register reached maximum duration on September

5th. She concluded by saying that any perceived violations of a collective bargaining agreement must be grieved through the Office of Labor Relations.

Following discussion, and the reading into the record of Civil Service Rule 7.3 by the Chair, the Board entered a motion to GRANT a hearing pursuant to Rules 16.1 and 16.2, alleging violation of Rules 7.3, 8.1 and 8.7, which resulted as follows:

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

Aye: Lindsey, Ramlal, Sutton and Chairperson Harris

H. TODAY'S HEARINGS

H.1 Hearing of Appeal on behalf of Sandy Dorsainvil, *former* Cultural Arts Center Manager, concerning her termination, effective April 4, 2016.

CONTINUED : Continuance granted at today's meeting.

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:53 am, which resulted as follows:

SIGNATURE:

Lillie Harris, Board Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary