

City of Miami

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

Tuesday, July 19, 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 10:00 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Present: Member Dames, Chairperson Harris, Member Sutton and Member Lindsey

Absent: Chief Examiner Ramlal

ADOPTION OF TODAY'S AGENDA

Chair Harris asked if there were any revisions to the Agenda. Member Dames asked to add an item for discussion, concerning additional staff in the Civil Service Board Office. Hearing no objection, Chair Harris added the discussion item to the Agenda. The Executive Secretary noted that the item would be added as "E.2".

Following discussion, a motion to adopt the Agenda as amended, resulted as follows:

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

A. APPROVING THE MINUTES OF:

Regular Meeting of June 21, 2016.

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

B. PERSONNEL MATTERS**B.1**

Copy of a memorandum from Chief Maurice Kemp, Director, Department of Fire-Rescue, requesting to extend the probationary period of Giovanni Pons, Firefighter, for three (3) additional months beyond July 5, 2016. (DISCUSSION)

Chair Harris asked for the parties involved in this matter to come forward. Adrian Placencia, Assistant Chief, Department of Fire-Rescue, appeared as departmental representative, and advised that the department is requesting an additional 3 months probationary period, in order for the employee to obtain a passing score on an examination, as well as to demonstrate competency in certain areas.

Eugene Gibbons, attorney on behalf of Mr. Pons, appeared before the Board and advised that they needed clarification on the Board's interpretation of Rule 9.4, as it related to his client. He went on to say that his client's permanency date would have been July 5th, and the department sent a request to extend memo to the Board Office on July 1st; however, his client did not sign the Concurrence Memo until July 8th. Therefore, they believe that Mr. Pons is permanent.

Member Harris responded that the Board considers that the time is tolled once a department has submitted its request to extend the probationary period of an employee, and as long as the request is dated prior to the expiration of the probationary period, then the request is timely.

In response to Chair Harris' questions, Mr. Pons responded that he understood the

request of the department, and that he concurred with the request.

Following additional questions from Chair Harris and Members Sutton and Dames, and responses by Mr. Pons and Attorney Gibbons, a motion was entered to grant the department's request to extend the probationary period of Giovanni Pons as requested, which resulted as follows:

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

C. MILITARY LEAVES OF ABSENCE

D. DISCIPLINARY MATTERS

E. GENERAL ITEMS

E.1 Civil Service Board's Calendar (DISCUSSION)

The Executive Secretary reminded all present that the Commission Chambers would not be available for meetings in the month of August, and that alternate locations had been secured. She asked that the members review the memo and determine if they agreed with the schedule and locations.

Following discussion, the Board entered a motion to proceed with the schedule and locations as suggested, which resulted as follows:

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

E.2 Discussion regarding additional staff member in Office (DISCUSSION)

Member Dames stated that he thinks that the Board Office could use additional support, considering that there are currently only two staff members. He went on to ask if the Executive Secretary could look into filling the part-time position, on a temporary basis. Member Sutton and Chair Harris added that the staff had been performing admirably while being understaffed, however, they wanted to ensure that support could be obtained, so as not to continue to "stretch that rubberband".

Following discussion, the Board entered a motion to budgetarily support the filling of a part-time, temporary position, which resulted as follows:

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

F. REPORTS

F.1 Pending Hearings as of August 2, 2016. (NOTIFICATION)

PRESENTED

G. REQUESTS FOR HEARINGS

- G.1** Copy of a Request for Hearing from David Nunez, Fire Captain, for an Investigation hearing, pursuant to Civil Service Rule 16.1, concerning an alleged Abuse of Power by Daniel Alfonso, City Manager, related to filling Chief Fire Officer and lower-level vacancies from the current Eligible Registers. (DISCUSSION)

The Executive Secretary advised that this matter had been withdrawn by Captain Nunez.

WITHDRAWN

H. TODAY'S HEARINGS

- H.1** Hearing of appeal on behalf of Nathalie Lanau, Police Officer concerning her 80-hour suspension, effective June 4, 2015.
- The Executive Secretary advised that the signed Settlement Agreement had been received in the office yesterday, and that this matter would be removed from the Board's docket.*

Member Dames asked that copies of the Agreement be provided to the Board.

WITHDRAWN

- H.2** Grievance hearing pursuant to Civil Service Rule 16.1 and 16.2, from Osnat K. Rind, Attorney on behalf of all affected employees, alleging violations of Section 36 of the Charter and Rules 14.2 (b), (h), (l), (k), and (r).

Lucia Piva of Phillips, Richard & Rind, P.A., attorney on behalf of the employees, appeared before the Board and asked that a joint continuance be granted, as the parties are still attempting to settle the matter.

Barbara Diaz, Assistant City Attorney, confirmed that settlement discussions were scheduled for this week.

Following discussion, the Board entered a motion to grant the continuance, which resulted as follows:

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

Aye: Lindsey, Chairperson Harris and Sutton

No: Dames

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:47 am, which resulted as follows:

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

Aye: Lindsey, Chairperson Harris, Sutton and Dames

SIGNATURE:

Lillie Harris, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary