

City of Miami

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

Tuesday, October 25, 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 10:03 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

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

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

A. APPROVING THE MINUTES OF:

Regular Meeting of October 11, 2016.

A motion was entered to approve the Minutes as presented, which resulted as follows:

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

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

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

C.1 Adrian Talania, Police Officer requests active duty military leave without pay from August 7, 2016 through August 20, 2016. Copies 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, Dames and Chairperson Harris

C.2 Christopher Pierre, Building Services Assistant I, requests active duty military leave without pay from October 6, 2016 through October 14, 2016. Copies 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, Dames and Chairperson Harris

C.3 Andrew Garcia, Police Officer requests active duty military leave without pay from February 13, 2017 through February 13, 2021. Copies 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, Dames and Chairperson Harris

D. DISCIPLINARY MATTERS

D.1 Copy of a Judgment concerning the Hearing of Appeal on behalf of Noel Chavez, Business Tax Receipts Supervisor, relative to his 20-day suspension, effective February 1, 2016. (NOTIFICATION)

RECEIVED AND FILED

D.2 Copy of a Judgment 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. (NOTIFICATION)

RECEIVED AND FILED

D.3 Copy of a Judgment concerning the Hearing of Appeal on behalf of Viona Browne-Williams, Police Officer, relative to her 80-hour suspension, effective May 2, 2016. (NOTIFICATION)

RECEIVED AND FILED

E. GENERAL ITEMS

E.1 Copy of Findings of Fact concerning the Investigation Hearing on behalf of Lazaro Cabezas, Telecommunications Technician. (DISCUSSION)

Chair Harris asked if there were any issues with the Findings. Both of the attorneys advised that they had no objections to the Findings presented to the Board. Following discussion, the Board entered a motion to approve the findings as presented:

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

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

F. REPORTS

F.1 Pending Hearings as of October 25, 2016. (NOTIFICATION)

PRESENTED

F.2 Copy of a Report from the Chief Examiner, concerning the Preliminary Investigation on behalf of Anna P. McKnight, Administrative Assistant III, concerning her annual evaluation. (DISCUSSION)

The Chief Examiner reviewed her report and provided details to the Board, and reiterated her recommendations. Board members asked questions, to which the Chief Examiner responded.

Board members asked if there would be a hearing, as it was voted on at the August 30th meeting, when the employee requested a hearing pursuant to Rules 16.1 and 16.2, violation of 13.2. ACA Diaz asked that if a hearing was going to be held, that discussion

regarding the matter cease and all comments and testimony be left for the hearing. Chair Harris interjected that the Board was discussing the report, not providing testimony. The Chief Examiner reminded the Board that her Report was strictly on the Annual Evaluation - not the alleged Abuse of Power. She then went on to review her investigation results.

Ms. McKnight appeared before the Board and advised that she initially requested a hearing alleging violation of Rule 13.2 because when she saw her Evaluation online, it reportedly read "Unsatisfactory", and she printed it out. She was later told that there was an error in the system, but she has a printout from that time, which is why she requested the hearing.

Following further discussion, the Board entered a motion to ACCEPT the Chief Examiner's Report, but to PROCEED with the previously granted hearing pursuant to Rules 16.1 and 16.2 (alleging violation of Rule 13.2 - Unsatisfactory Ratings), 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, Dames and Chairperson Harris

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

H.1 Investigation hearing pursuant to Civil Service Rule 16.1, from Osnat K. Rind, Attorney on behalf of Jose A. Arias and Arnulfo Ramos, alleging a violation of Civil Service Rule 5.4 - Disqualification, as it relates to the classification of Grounds & Turf Manager.

The Board entered into the scheduled Investigation hearing on behalf of Mr. Arias and Mr. Ramos. The Employees were represented by Christina Gornail, Attorney, Phillips, Richard & Rind, P.A. The Department of Parks was represented by Barbara Diaz, Assistant City Attorney, Office of the City Attorney.

Assistant City Attorney Diaz asked the Board to confirm that no one from the Board spoke with any of the employees or witnesses prior to the conduct of the hearing, to which they responded that they had not.

Attorney Gornail and ACA Diaz provided opening statements.

Witnesses testifying at the request of the Employees appeared in the following order:

1. Arnulfo Ramos, Grievant. Questions were posed to witness Ramos by Members Sutton and Dames.
2. Jose Arias, Grievant. Questions were posed to witness Ramos by Members Sutton, Dames, Lindsey and Harris.

The Employee rested.

Witnesses testifying at the request of the City appeared in the following order:

1. *Lara DeSouza, Deputy Director, Department of Parks & Recreation. Questions were posed to witness DeSouza by Members Ramlal, Dames, Sutton, Harris and Lindsey.*

The City rested.

Prior to presenting closing arguments, the employee's attorney asked to present a rebuttal witness. Chair Harris asked Special Counsel for her opinion on the request as both sides had rested. However, Attorney Gornail withdrew her request.

The attorneys presented closing arguments. Chair Harris asked Attorney Gornail about the remedy requested - that her clients be placed in the position, and asked what could the Board do if there are two employees and one position. Attorney Gornail responded that her request would be to create a second vacancy. She added that an alternative remedy would be to conduct the interview process again and require that her clients be interviewed.

Member Sutton asked if he heard correctly that the hiring process for the position of Grounds & Turf Manager was being reviewed and audited, so that there might be a new process for which the employees may apply. Chair Harris responded that Deputy Director DeSouza did testify that the process would be redone, and they were considering changing the title and duties. ACA Diaz added that Ms. DeSouza had also encouraged the employees to apply and to take advantage of the assistance that was available from human resources employees regarding completion of the application packet, as well as preparation for the interview process.

Discussion ensued regarding the intent of the provisions of LMP 3-92 (Interview Procedures), as it was discussed at the Board's October 11th meeting in relation to the claimants' allegations.

Following discussion, the Board entered a motion to find that there was not an Abuse of Power and the City did not violate Civil Service Rule 5.4, 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

No: Dames

The Board considered the request to add an alleged violation of Section 36 of the City Charter. A motion was entered to find that the City violated Section 36 of the Charter, which, after further discussion and clarification from Special Counsel, was withdrawn.

Attorney Gornail asked if there would be a ruling on the alleged violation of Section 36, which was in the initial request and discussed. Chair Harris responded that the Board decided that there was no abuse of power, and that the motion regarding violation of Section 36 of the Charter was withdrawn.

Chair Harris stated that she would like for the Board Members to make recommendations that would address the needs of the employees and that the City Manager would be likely to accept. She went on to explain that testimony during the hearing confirms that the Department plans to audit the position in question, primarily due to the lack of interest (in the title and/or salary) from eligible candidates, and conduct a new selection process. Deputy Director DeSouza confirmed that the Department with the assistance of Human Resources did plan to restructure the classification and issue a new Announcement.

Following discussion, the Board entered a motion to recommend that the Department of Parks & Recreation audit the classification of Grounds & Turf Manager, including a salary survey, 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

ADJOURNMENT

Breaks were taken at: 11:13am - 11:20am; 12:02pm - 12:13pm; 12:55pm - 1:46pm (Lunch); and 3:17pm - 3:27pm.

Prior to adjournment, the Board thanked Diane Laurent for her service and asked that she consider working additional part-time hours, to assist the Office staff, to which she replied that she would do so and get back to the Office with a decision.

There being no further business before the Board, a motion was entered to adjourn the meeting at 4:42 pm, which resulted as follows:

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

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