

City of Miami

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



Meeting Minutes

Tuesday, December 6, 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, Chief Examiner Ramlal, Member Sutton and Member Lindsey

ADOPTION OF THE 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 November 8, 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**B.1**

Copy of a request to extend the probationary period of Nadia Contractor, Account Clerk, for six (6) additional months beyond January 25, 2017.
(DISCUSSION)

Ms. Contractor appeared before the Board and responded to questions from the members. Following discussion, the Board entered a motion to grant the request of the department, 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, Dames and Chairperson Harris

B.2

A copy of a request to extend the probationary period of Karina Carrera, Emergency Dispatch Assistant, three (3) months beyond December 1, 2016.
(DISCUSSION)

Ms. Carrera appeared before the Board and responded to questions from the members. Following discussion, the Board entered a motion to grant the request of the department, 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, Dames and Chairperson Harris

B.3

A copy of a request to extend the probationary period of Ana M. Gonzalez,

Emergency Dispatch Assistant, three (3) months beyond December 7, 2016.
(DISCUSSION)

Ms. Gonzalez appeared before the Board and responded to questions from the members. Following discussion, the Board entered a motion to grant the request of the department, 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, Dames and Chairperson Harris

B.4

Request from Yilma Arzola, Administrative Aide I, to be placed on the re-employment list for Administrative Aide I, pursuant to Civil Service Rule 12, Sec. 12.4, Resignations, and a copy of the Department Director's endorsement attached. (DISCUSSION)

Member Dames asked if the employee was present, to which the Executive Secretary responded in the negative. She went on to advise that for this type of request the employee is rarely present, but it is not required that they be in attendance. Following discussion, the Board entered a motion to grant the request, 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

No: Dames

C. MILITARY LEAVES OF ABSENCE

C.1

Kirk Gilliland-Rodriguez, Safety Specialist, requests active duty military leave without pay from November 21, 2016 through October 4, 2017. Copies of Orders submitted. (DISCUSSION)

Following discussion, the Board entered a motion to grant the request of the employee, 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, Dames and Chairperson Harris

C.2

Pedro Morales, Building Services Assistant I, requests retroactive duty military leave, without pay, from October 1, 2016 through November 30, 2016. Copy of Orders submitted. (DISCUSSION)

Following discussion, the Board entered a motion to grant the request of the employee, 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, Dames and Chairperson Harris

C.3

Pedro Morales, Building Services Assistant I, requests re-employment as a Building Service Assistant I following his return from Military Leave. Copy of DD214 indicating Honorable Discharge submitted. (DISCUSSION)

Following discussion, the Board entered a motion to grant the request of the employee, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Member Sutton, 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 letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Carlos Antunez, Police Officer, of his 80-hour suspension, effective November 13, 2016 and a copy of a request to appeal from Officer Antunez. A hearing has been scheduled for February 7, 2017. (NOTIFICATION)

NOTIFIED

- D.2** Copy of a letter from Mario F. Nunez, Director, notifying Fred Hudson, Waste Collector/Garbage, of his one (1) day suspension, effective November 3, 2016. (NOTIFICATION)

NOTIFIED

- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Angela Glass, Emergency Dispatcher Supervisor, of her 40-hour suspension, effective December 15, 2016. (NOTIFICATION)

RECEIVED AND FILED

- D.4** Copy of a Judgment from the Daniel J. Alfonso, City Manager, concerning the Investigation Hearing on behalf of Lazaro Cabezas, Telecommunications Technician. (NOTIFICATION)

RECEIVED AND FILED

E. GENERAL ITEMS

- E.2** Copy of Findings of Fact concerning the Investigation hearing 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. (DISCUSSION)

Following discussion, the Board entered a motion to approve the Findings as presented, 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, Dames and Chairperson Harris

F. REPORTS

- F.1** Pending Hearings as of December 6, 2016. (NOTIFICATION)

PRESENTED**G. REQUESTS FOR HEARINGS****H. TODAY'S HEARINGS**

- H.1** Hearing of Appeal on behalf of Stephanie Rubio, Police Officer, concerning her 10-hour suspension, effective July 31, 2016.

The Board entered into the scheduled Appeal hearing on behalf of Stephanie Rubio, "Appellant".

The Appellant was represented by Attorney Eugene Gibbons, Buschel & Gibbons, P.A. The Department of Police was represented by Stephanie Panoff, Assistant City Attorney, Office of the City Attorney.

Assistant City Attorney Panoff and Attorney Gibbons provided opening statements. Witnesses testifying at the request of the Department appeared in the following order:

- 1. Ketra Alexander, Police Sergeant, City of Miami, Department of Police. Questions were posed to witness Alexander by Member Dames and Chair Harris.*

The Department rested. Witnesses testifying at the request of the Appellant appeared in the following order:

- 1. Wily Diaz, Police Sergeant, City of Miami, Department of Police. Questions were posed to Witness Diaz by Members Dames, Lindsey, Sutton and Chair Harris.*
- 2. Stephanie Rubio, Appellant, testified on her own behalf. Questions were posed to Appellant by Members Dames and Ramlal, and Chair Harris.*

The Appellant rested. The Board re-called the following witness:

- 1. Ketra Alexander, Police Sergeant. Questions were posed to Witness Alexander by Members Dames, Ramlal and Sutton, and Chair Harris.*

Closing arguments were presented by both sides, and the Board entered into deliberations. Having reviewed and considered testimony, exhibits and argument of counsel, the Board considered each charge as follows:

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 1, Ch. 11.6.13.3 - Courtesy, which resulted as follows:

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

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

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 1, Ch. 11.6.13.4 - Elements of Courtesy, which resulted as follows:

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

Aye: Ramlal, Sutton and Dames

No: Lindsey and Chairperson Harris

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 1, Ch. 11.6.13.5 - Public Contacts, which resulted as follows:

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

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

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 1, Ch. 11.6.13.6 - Tact and Consideration, which resulted as follows:

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

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

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 1, Ch. 11.6.17.8 - Insubordination, which resulted as follows:

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

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

A motion was made to find Appellant GUILTY of violating Departmental Order 1, Ch. 11.6.17.9 - Neglect, which resulted as follows:

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

Aye: Lindsey, Dames and Chairperson Harris

No: Ramlal and Sutton

A motion was made to find Appellant NOT GUILTY of violating Departmental Order 11, Ch. 1.1.3.4 - Failure to be Responsible for Preliminary Investigation, which resulted as follows:

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

Aye: Ramlal, Sutton and Dames

No: Lindsey and Chairperson Harris

A motion was made to find Appellant NOT GUILTY of violating Civil Service Rule 14.2(d) - Willfully Violated Civil Service Rules, which resulted as follows:

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

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

A motion was made to find Appellant NOT GUILTY of violating Civil Service Rule 14.2 (e) 2 - Has violated any Official Regulation...Serious Breach of Proper Discipline, which resulted as follows:

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

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

Entering the Penalty Phase of the Hearing, the Board was presented with the Appellant's Official Personnel File, and a memorandum from the Executive Secretary summarizing same. Following review, evaluation of additional exhibits and argument of counsel, the Board discussed a penalty recommendation to make to the City Manager.

A motion was entered by Member Dames to recommend that the Appellant receive a Reprimand Only, and be returned the 10-hour suspension. However, the motion died for lack of a second.

Commensurate with the infraction, considering Appellant's disciplinary history and service, the Board entered a motion to recommend that the city manager uphold the penalty assessed by the Police Chief. Following discussion, the motion on the floor 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

No: Dames

ADJOURNMENT:

Breaks were taken at: 10:16am - 10:33am; 12:25pm - 12:30pm; and 12:30pm - 1:38pm (Lunch).

There being no further business before the Board, a motion was entered to adjourn the meeting at 3:40pm, 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

SIGNATURES:

SIGNATURE: _____
Lillie Harris, Board Chairperson

ATTEST: _____
Tishria L. Mindingall, Executive Secretary