

City of Miami

*3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, June 13, 2017

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:

Attendee Name	Title	Status
Lillie Harris	Chairperson	Present
Vishwani Ramlal	Chief Examiner	Present
Michael Dames	Board Member	Present
Travis Lindsey	Board Member	Present
Troy Sutton	Board Member	Present

ADOPTION OF AGENDA

Chair Harris asked if there were any revisions to the Agenda. She then stated that she wanted to add to the Agenda, discussion regarding the vacancy in the Office of the Civil Service Board. A motion to adopt the Agenda as amended was considered and resulted as follows:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vishwani Ramlal
SECONDER:	Travis Lindsey
AYES:	Harris, Ramlal, Dames, Lindsey, Sutton

A. APPROVING OF THE MINUTES

A.1 Civil Service Board - Regular Meeting - May 16, 2017

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vishwani Ramlal
SECONDER:	Travis Lindsey
AYES:	Harris, Ramlal, Dames, Lindsey, Sutton

B. PERSONNEL MATTERS

B.1 Copy of a memorandum from Mario Nunez, Director, Department of Solid Waste, requesting an extension of probationary period of Maria Herrera, Information Clerk, for three (3) additional months beyond November 22, 2017.

(DISCUSSION)

Following appearances by the employee and Michelle Glenn, Administrative Services Manager, Department of Solid Waste, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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B.2 Copy of a memorandum from Luis Cabrera, Assistant Chief, Department of Police, requesting an extension of probationary period of Vanessa Moreno, Police Officer, for three (3) additional months beyond December 29, 2017.

(DISCUSSION)

Following appearances by the employee and Qiana Sanders-Bell, Police Personnel Manager, Department of Police, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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B.3 Copy of a memorandum from Rodolfo Llanes, Director, Department of Police, requesting an extension of probationary period of Carla Mendoza, Police Officer, for twelve (12) additional months beyond June 4, 2017.

(DISCUSSION)

Following appearances by the employee and Qiana Sanders-Bell, Police Personnel Manager, Department of Police, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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B.4 Copy of a memorandum from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, requesting an extension of probationary period of Rodolfo Perez, Firefighter, for three (3) additional months beyond June 20, 2017.

(DISCUSSION)

Following appearances by the employee and Robert Jorge, Assistant Chief - Management Services, Department of Fire-Rescue, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES:	Harris, Ramlal, Dames, Lindsey, Sutton
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B.5 Copy of a memorandum from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, requesting an extension of probationary period of Michael Gonzalez, Firefighter, for six (6) additional months beyond June 20, 2017. (DISCUSSION)

Following appearances by the employee and Robert Jorge, Assistant Chief - Management Services, Department of Fire-Rescue, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES:	Harris, Ramlal, Dames, Lindsey, Sutton
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B.6 Copy of a memorandum from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, requesting an extension of probationary period of Adrian Jimenez, Firefighter, for six (6) additional months beyond June 20, 2017. (DISCUSSION)

Following appearances by the employee and Robert Jorge, Assistant Chief - Management Services, Department of Fire-Rescue, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES:	Harris, Ramlal, Dames, Lindsey, Sutton
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B.7 Copy of a memorandum from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, requesting an extension of probationary period of Amanda Alvarez, Firefighter, for six (6) additional months beyond June 20, 2017. (DISCUSSION)

Following appearances by the employee and Robert Jorge, Assistant Chief - Management Services, Department of Fire-Rescue, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES:	Harris, Ramlal, Dames, Lindsey, Sutton
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C. MILITARY LEAVES OF ABSENCE

C.1 Matthew Conway, Firefighter, requests active duty military leave without pay effective June 19, 2017 for a period of 10 weeks. Copies of Orders submitted. (DISCUSSION)

Motion by Board Member Sutton, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

C.2 Roselyn Paz, Police Officer, requests active duty military leave without pay effective May 12, 2017 for a period of 400 days. Copies of Orders submitted. (DISCUSSION)

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

C.3 Odney Belfort, Police Sergeant, requests active duty military leave without pay from May 31, 2017 through July 31, 2017. Copies of amended Orders submitted. (DISCUSSION)

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

C.4 Adam Tabor, Firefighter, requests retroactive duty military leave without pay from July 1, 2016 through May 30, 2017 and a request for re-employment as a Firefighter following his return from Military Leave. A copy of his DD214 indicating Honorable Discharge submitted. (DISCUSSION)

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

D. DISCIPLINARY MATTERS

D.1 Copy of a letter from Daniel J. Alfonso, City Manager, advising Fred Acosta, Sr. Plumbing Inspector, of his termination, effective June 5, 2017. (NOTIFICATION)

D.2 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Nicole Sweet, Emergency Dispatcher, of her 40-hour suspension, effective June 11, 2017. (NOTIFICATION)

D.3 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Yasmin Garate, Emergency Dispatcher Assistant, of her 8-hour suspension, effective June 10, 2017. (NOTIFICATION)

D.4 Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Jorge Gonzalez, Police Officer, of his 160-hour suspension, effective June 4, 2017. (NOTIFICATION)

E. GENERAL ITEMS

E.1 Copy of Findings of Fact, concerning the Investigation hearing on behalf of Omar Bayona, Recreation Coordinator (DISCUSSION)

Chair Harris asked if there were any revisions or amendments to the Findings as presented. Hearing none, a motion to APPROVE the Findings of Fact was considered and resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

E.2 Copy of a Request to Continue from Barbara Diaz, Assistant City Attorney, concerning the Hearing of Earnest Lawrence, Police Sergeant. Sergeant Lawrence has an objection to the request. (DISCUSSION)

Assistant City Attorney Diaz explained that two of her witnesses for this hearing would be unavailable on the scheduled date. She went on to say that she expected resolution of the matter prior to the hearing date.

Following discussion, the Board entered a motion to DENY the request for Continuance, which resulted as follows:

Motion by Board Member Dames, seconded by Chief Examiner Ramlal, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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E.3 Copy of a Request to Continue from Barbara Diaz, Assistant City Attorney, concerning the Hearing of David Nunez, Fire Captain. Mr. Nunez expressed no objection to the request. Hearing is scheduled for today. (DISCUSSION)

Motion by Board Member Sutton, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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E.4 Discussion Regarding Vacancy in the Office of the Civil Service Board.

Members asked questions regarding the status of filling the vacancy within the Office. The Executive Secretary advised as to the steps being taken and the procedures required. Following discussion, the meeting continued in accordance with the printed Agenda.

F. REPORTS

F.1 Copy of a Report from the Chief Examiner, concerning the Investigation on behalf of Shanetta Green, Erroll Castrillo and Eutimio Cepero, Police Officers, concerning the eligibility of certain candidates for the position of Police Sergeant. (DISCUSSION)

Chief Examiner Ramlal reviewed sections of her report, then recounted the Recommendations. Board Members thanked Member Ramlal and the staff for their diligence, provided input and made suggestions for revision. Following discussion, the Board entered a motion to ACCEPT the amended Investigation Report of the Chief Examiner, and in accordance with Rule 16, forward same to the City Manager for remedy.

Motion by Board Member Sutton, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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F.2 Pending Hearings as of June 13, 2017. (NOTIFICATION)

Presented

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

H.1 Hearing on behalf of Arsenio Castillo, Painter, Department of Police, relative to his Unsatisfactory Service Rating, for the period ending May 25, 2017.

The Board entered into the scheduled Unsatisfactory Service Rating hearing of Mr. Castillo. With the approval of the Chair, Mr. Sean Moy, President, AFSCME, Local 1907, assisted Mr. Castillo by serving as a language translator during the hearing.

The Employee was represented by Attorney Osnat K. Rind, of Phillips, Richard and Rind, P.A. The Department of Police was represented by Barbara Diaz, Assistant City Attorney, Office of the City Attorney. Opening statements were provided by both attorneys.

The Employee testified on his own behalf. Questions were posed to the Employee by Members Sutton and Dames. The Employee rested.

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

1. *Keith Cunningham, Police Major/Commander, City of Miami, Department of Police. Questions were posed to witness Cunningham by Members Dames, Harris, Lindsey and Sutton. The Department rested.*

During discussion, Chair Harris remarked that the department's witness advised that they stand by the evaluation and submitted exhibits to support the evaluation score; also, the goal was not to terminate the employee, but to get him to continue performing in the fashion that he had previously been working, just two years prior to this evaluation. She went on to say that given this testimony, and the exhibits submitted from both sides, the Board could rule on the matter now. Chair Harris then read aloud what the Board would need to do at this point, in accordance with Rule 13.

Member Dames added that witness Cunningham was asked about his knowledge and use of progressive discipline, and he hopes that any discipline issued to Mr. Castillo would start from this year, and not include any previous infractions.

Following discussion, the Board entered a motion to ACCEPT the evaluation without further action or penalty, which resulted as follows:

Motion by Chief Examiner Ramlal, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

H.2 Grievance hearing on behalf of David Nunez, Fire Captain, alleging a violation of Civil Service Rules 7.3, 8.1 and 8.7.

Motion by Board Member Sutton, seconded by Board Member Lindsey, that this matter be Continued, passed by the following vote:

AYES:	Harris, Ramlal, Dames, Lindsey, Sutton
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ADJOURNMENT:

Breaks were taken at: 12:04pm – 12:12pm; 2:20pm – 2:32pm and 2:43pm – 2:49pm.

There being no further business before the Board, a motion was entered to adjourn the meeting at 2:58 pm, which resulted as follows:

SIGNATURE:

Lillie Harris, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary