

City of Miami
3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes
Tuesday, October 31, 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. Hearing none, a motion to adopt the Agenda as printed was considered and resulted as follows:

RESULT:	ADOPTED
MOVER:	Vishwani Ramlal
SECONDER:	Travis Lindsey
AYES:	Harris, Ramlal, Dames, Lindsey, Sutton

A. APPROVING OF THE MINUTES

A.1 Civil Service Board - Regular Meeting - October 17, 2017

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

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

B. PERSONNEL MATTERS

B.1 Copy of a memorandum from Dennis Jackson, Assistant Chief, Department of Police, requesting an extension of probationary period of Marla Dorilas, Police Officer, for nine (9) additional months beyond November 10, 2017. (DISCUSSION)

The employee appeared before the Board and having submitted her Concurrence Memo, reiterated her understanding of the request and confirmed her agreement with the extension. Shekimah Williams, of the Personnel Resource Management Section of the Department of Police, appeared before the Board and explained the reason for the extension request. Following discussion, 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

B.2 Copy of a memorandum from Dennis Jackson, Assistant Chief, Department of Police, requesting an extension of probationary period of Remy Martinez, Police Officer, for four (4) additional months beyond January 19, 2018. (DISCUSSION)

Shekimah Williams, of the Personnel Resource Management Section of the Department of Police, appeared before the Board and explained that though advised to attend, the employee was not present at today's meeting. She went on to explain the reason for the extension request, and to say that the employee signed a Concurrence Memo, which was forwarded to the Board. Following discussion, 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

B.3 Copy of a memorandum from Dennis Jackson, Assistant Chief, Department of Police, requesting an extension of probationary period of Carlos Gomez, Police Officer, for four (4) additional months beyond October 27, 2017. (DISCUSSION)

The employee appeared before the Board and having submitted a Concurrence Memo, reiterated his understanding of the request and confirmed his agreement with the extension. Shekimah Williams, of the Personnel Resource Management Section of the Department of Police, appeared before the Board and explained the reason for the extension request. Following discussion, 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

C. MILITARY LEAVES OF ABSENCE

C.1 Alejandro Cuervo, Firefighter, requests State Active Duty military leave without pay from September 11, 2017 through September 12, 2017. Copies of Orders submitted. (NOTIFICATION)

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Catina Anderson, Police Officer, of a 40-hour suspension, effective October 25, 2017. (NOTIFICATION)
- D.2** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Raymon Washington, Police Officer of a 10-hour suspension, effective October 26, 2017. (NOTIFICATION)
- D.3** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Catina Anderson, Police Officer, of a 20-hour suspension, effective October 23, 2017. (NOTIFICATION)
- D.4** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Shantera Williams, Emergency Dispatcher, of a 40-hour suspension, effective October 27, 2017 and a request to appeal from Osnat K. Rind, Attorney on behalf of Ms. Williams. (NOTIFICATION)

A hearing has been scheduled in accordance with Civil Service Rules and Regulations.

- D.5** Copy of a letter from Chief Rodolfo Llanes, Director, Department of Police, notifying Deborah Hudson, Typist Clerk III, of an 80-hour suspension, effective October 16, 2017 and a request to appeal from Osnat K. Rind, Attorney on behalf of Ms. Hudson. (NOTIFICATION)

A hearing has been scheduled in accordance with Civil Service Rules and Regulations.

E. GENERAL ITEMS

- E.1** Copy of Findings of Fact concerning the Hearing on behalf of Noel Chavez, Business Tax Receipt Supervisor, pursuant to Civil Service Rule 16.1 – Investigation by the Board, alleging a violation of 8.11, 14.2 (e), (3), (k), (l), and (o) and 16.2 – Complaint by Employee, alleging a violation of Rules 11.2, 14.2 (l), (o), and (r). (DISCUSSION)

Chair Harris asked if there were any objections to the Findings as prepared by Special Counsel Clyne. Stephanie Panoff, Assistant City Attorney, advised that she had no objections. Chair Harris asked if Mr. Chavez was in attendance. The Executive Secretary responded that Mr. Chavez was advised that the Findings would be considered and he was advised by the Office to attend the meeting if he wished to address any issues to the Board. Following discussion, the Board entered a motion to Adopt the Findings as prepared, which resulted as follows:

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

AYES: Harris, Ramlal, Dames, Lindsey, Sutton
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F. REPORTS

- F.1** Pending Hearings as of October 31, 2017. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

G.1 Request for Hearing from Teri Guttman-Valdes, Attorney, on behalf of Daniel Ubeda, Police Officer, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of Civil Service Rules 6.2- Promotional Examinations and 8.14- Police Promotions, as it relates to the examination process for the 2017 Police Sergeant's exam. (DISCUSSION)

Attorney Guttman-Valdes appeared before the Board and explained the reasoning behind her request. She also added violation of Rule 12.4 - Resignations, to her allegations. Stephanie Panoff, Assistant City Attorney responded that she objects to the request due to Timeliness, in that the employee was notified of his ineligibility determination in June; and Res Judicata, in that the Civil Service Board, following investigation, recommended Officer Ubeda's removal from the list of candidates. Attorney Guttman-Valdes explained that it took time because her client investigated the ineligible determination prior to filing his request for Grievance before the Board, then she was unavailable, the Board did not have any meetings in September, and she asked that the matter be placed on today's Agenda.

Member Ramlal reminded the Board that this removal was the result of recommendations made by the Board following an extensive investigation, conducted at the request of several other officers participating in this examination process. She went on to say that granting this hearing would effectively be a reversal of the Board's earlier recommendation. Chair Harris advised that the chances of the Board granting a hearing based on the cited Rules would be unlikely and recommended that Attorney Guttman-Valdes review the Rules and consider whether her request could be brought with citation of Rules other than those selected.

Following discussion, Attorney Guttman-Valdes WITHDREW her request.

RESULT: NO ACTION TAKEN

G.2 Request from Hearing from Teri Guttman-Valdes, Attorney, on behalf of Jeovanny Herbello, Police Officer, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of the Americans with Disabilities Act, and Civil Service Rules 5.1- Announcement, 5.2- Application Forms, 6.2- Promotional Examinations and 17.1- Prohibited Practices, as it relates to the examination process for the 2017 Police Sergeant's exam. (DISCUSSION)

Attorney Guttman-Valdes appeared before the Board and explained the reasoning behind her request. She explained that her client submitted the required documents and was advised via letter, that his request for a reasonable accommodation had been approved; however, when he appeared for the exam, he was denied an accommodation.

Stephanie Panoff, Assistant City Attorney responded that the Board was not the appropriate venue to hear alleged violations against the Americans with Disabilities Act, which is enforced by the City's Office of Equal Opportunity/Diversity Programs or the Federal Equal Employment Opportunity Commission.

Assistant City Attorney Panoff went on to say that the written examination was administered in April of this year, and there is a timeliness issue with this request coming after so many months. She continued that any protest, especially due to an accommodation, should have been at the time of the examination, or as soon as possible thereafter, and inquired as to the possible remedy at this point. She asked the Board to set an example to notify candidates that they should come to the Board right away if they feel that Rules were violated, as opposed to waiting, presumably, to see if they might get promoted from a Register.

Chair Harris asked Attorney Guttman-Valdes to review each cited Rule and explain how the elements of her grievance relate.

Member Dames asked for Special Counsel Clyne to provide his opinion regarding this request. Special Counsel Clyne advised that the Board could certainly consider violations of Civil Service Rules, and that complaints about fairness in exam administration could also be considered by the Board, under the provisions of Rule 17.1 (Prohibited Practices). He further opined that there is a timeliness issue in that the request should have been made immediately following the administration of the exam – when the alleged violation occurred.

Additional questions were posed by Members Dames, Sutton and Ramlal. Chair Harris advised that there is no time-based requirement for requests coming before the Board under Rule 16. Following discussion, the Board entered a motion to GRANT the Grievance hearing, which resulted as follows:

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

AYES: Harris, Ramlal, Dames, Lindsey, Sutton

G.3 Request for Hearing from Teri Guttman-Valdes, Attorney on behalf of Javier Herbello, Police Officer, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of Civil Service Rules 5.1- Announcement, 5.2- Application Forms, 6.2- Promotional Examinations and 8.14- Police Promotions, as it relates to the examination process for the 2017 Police Sergeant's exam. (DISCUSSION)

Attorney Guttman-Valdes appeared before the Board and explained the reasoning behind her request. Stephanie Panoff, Assistant City Attorney

Questions were posed by Members Dames and Ramlal. Responses were made by Attorney Guttman-Valdes, Special Counsel Clyne and ACA Panoff. Chair Harris advised that there is no time-based requirement for request coming before the Board under Rule 16. She recommended, however, that Attorney Guttman-Valdes review the Rules and consider whether her request could be brought with citation of Rules other than those selected. Questions were posed by Member Dames.

Following discussion, Attorney Guttman-Valdes WITHDREW her request.

Member Sutton was excused from the meeting at this point, as he was not present during the first part of the scheduled hearing.

H. TODAY'S HEARINGS

H.1 Hearing of Appeal on behalf of Angela Glass, Emergency Dispatcher, concerning her 40-hour suspension, effective December 5, 2016. *(Continuation)*

The first part of this hearing took place at the meeting on October 17, 2017; however, time constraints required that it continue today.

The Board entered into the scheduled Appeal hearing on behalf of Angela Glass.

The Appellant was represented by Osnat K. Rind, Attorney, Phillips, Richard and Rind, P.A. The Department of Police was represented by Barbara Diaz and Stephanie Panoff, Assistant City Attorneys, of the City of Miami Office of the City Attorney. The Rule of Sequestration was invoked, and all called to testify were asked to leave the chambers and to not watch the hearing or discuss their testimony with anyone.

Assistant City Attorney Diaz provided opening statements. Opening statements were deferred by Appellant. Witnesses testifying at the request of the Department appeared in the following order:

1. *Walter Byars, Police Officer, Department of Police. Questions were posed to Witness Byars by Members Ramlal, Dames and Harris.*
2. *Jose Gonzalez, Director, Public Safety Department, Miami-Dade College-Wolfson Campus. Questions were posed to Witness Gonzalez by Members Dames and Harris.*
3. *Weslyne Lewis, Police Sergeant, City of Miami Department of Police. Questions were posed to Witness Lewis by Members Dames and Harris.*
4. *Ramon Carr, Police Lieutenant, City of Miami Department of Police. Questions were posed to Witness Carr by Members Dames and Harris.*
5. *Angela Glass, Appellant.*
6. *Luz Ponce', Emergency Dispatcher Supervisor, City of Miami Department of Police. Questions were posed to Witness Ponce' by Member Harris.*

The department rested.

Attorney Rind provided opening statements. The Appellant testified on her own behalf. Questions were posed to Appellant by Member Dames.

The Appellant rested.

Having considered the testimony, exhibits and argument of counsel, the Board entered motions on each of the charges, which resulted as follows:

1. D.O. 1, Ch. 11.4.5.7 - Responsibility to Know Rules - Not Guilty

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

2. D.O. 1, Ch. 11.6.1.2 - Employees to Know Rules - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

3. D.O. 1. Ch. 11.6.13.2 - Effort and Manner of Members & Civilian Employees - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

4. D.O. 1, Ch. 11.6.13.4 - Elements of Courtesy - Not Guilty

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

AYES: Lillie Harris, Michael Dames, Travis Lindsey

NAYS: Vishwani Ramlal

5. D.O. 1, Ch. 11.6.13.11 - Courtesy Toward Others - Not Guilty

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

AYES: Lillie Harris, Michael Dames, Travis Lindsey

NAYS: Vishwani Ramlal

6. D.O. 1, Ch. 11.6.17 - Disciplinary Action - General Offenses - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

7. D.O. 1, Ch. 11.6.17.2 – Disobedience - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

8. D.O. 1, Ch. 11.6.17.9 - Neglect or Inattention to Duty - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

9. D.O. 1, Ch. 11.6.28.3 - Employees to Conform - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

10. Civil Service Rule 14.2(d) - Willfully Violated Rules - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

11. Civil Service Rule 14.2(e)1 - Insubordination/Violated Lawful/Reasonable Official Regulation/Order - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

12. Civil Service Rule 14.2(e)2 - Breach of Proper Discipline - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

13. Civil Service Rule 14.2(h) - Insubordination or Disgraceful Conduct - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

14. Civil Service Rule 14.2(i) - Wantonly Offensive - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

15. Civil Service Rule 14.2(r) - Antagonistic Towards Others - Not Guilty.

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

AYES: Lillie Harris, Vishwani Ramlal, Michael Dames, Travis Lindsey

H.2 Hearing of Appeal on behalf of Jorge Gonzalez, Police Officer, concerning his 160-hour suspension, effective June 4, 2017.

The Executive Secretary advised that this appeal hearing had been withdrawn by the Appellant and removed from the docket.

ADJOURNMENT:

Breaks were taken at: 11:16 AM – 11:25 AM; 1:54 PM – 1:57 PM. There being no further business before the Board, a motion was entered to adjourn the meeting at 2:24 PM, 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, Lindsey

NAYS: Dames

SIGNATURE:

Lillie Harris, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary