

# **City of Miami**

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



## **Meeting Minutes**

**Tuesday, June 17, 2008**

**10:00 AM**

**Commission Chambers**

## **Civil Service Board**

*Miguel M. de la O, Chairperson  
William J. Scarola, Chief Examiner  
Jessica Angel-Capo, Board Member  
Mariano Cruz, Board Member  
Michael T. Dames, Board Member*

**PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 10:26 A.M. The roll call for Board Members at the commencement of the meeting was as follows:*

**Present:** Chairperson de la O, Member Dames and Member Angel-Capo

**Absent:** Member Cruz and Chief Examiner Scarola

**A. APPROVING THE MINUTES OF:**

*The Board entered a motion to APPROVE the minutes of the June 3, 2008 meeting which resulted as follows:*

**Motion by Member Angel-Capo, seconded by Member Dames, to APPROVE. PASSED unanimously.**

Regular Meeting of June 3, 2008.

**B. PERSONNEL MATTERS**

- B.1 08-00691** Copy of a memorandum from Adam L. Burden, Assistant Chief, Department of Police, requesting an extension of probation of Sheana S. Cooley-McNichols, Communications Assistant, for six (6) additional months beyond July 2, 2008. (DISCUSSION)

*Chairman de la O asked the Executive Secretary if the department's request to extend Ms. Cooley-McNichols' probationary period would have to be carried over to the next meeting since neither she nor a representative was present at today's meeting or could the Board take action on this request today.*

*The Executive Secretary responded that Ms. Cooley-McNichols indicated in the concurrence memo that she does not object to the department's request to extend her probationary period; therefore, if the Board desired, it could act on the department's request today.*

*Following discussion, the Board entered a motion to APPROVE the Police Department's request to extend Sheana S. Cooley-McNichols' probationary period six (6) additional months beyond July 2, 2008 which resulted as follows:*

**Motion by Member Dames, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED unanimously.**

- B.2 08-00704** Copy of a memorandum from Hector Mirabile, Ph.D., Director, Department of Employee Relations, requesting an extension of probation of Shellande Tropnas, Personnel Assistant, for three (3) additional months beyond July 23, 2008. (DISCUSSION)

*Chairman de la O asked Ms. Tropnas if she was aware that the department requested to extend her probationary period.*

*Shellande Tropnas, Personnel Assistant, appeared before the Board and responded in the affirmative.*

*Chairman de la O asked Ms. Tropnas if she objected to the department's request to extend her probationary period. Ms. Tropnas responded in the negative.*

*Following discussion, the Board entered a motion to APPROVE the Department's request to extend Shellande Trophas' probationary period three (3) additional months beyond July 23, 2008 which resulted as follows:*

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be APPROVED. PASSED unanimously.**

**C. MILITARY LEAVES OF ABSENCE**

**D. DISCIPLINARY MATTERS**

- D.1 06-01764** Notification of a letter from Kelly Barkett, Director, Department of General Services Administration, advising Lazaro Chappoten, Automotive Mechanic, of his termination, effective May 30, 2008, and a request from Lazaro Chappoten requesting a hearing of appeal relative to his termination. A hearing has been scheduled for July 1, 2008. (NOTIFICATION)

**Motion that this matter be RECEIVED AND FILED. PASSED unanimously.**

- D.2 08-00706** Notification of letter from Stephanie Grindell, Director, Department of Public Works, notifying Patrick L. Daniels, Automotive Equipment Operator III, of his termination, effective May 28, 2008. No appeal to date. (NOTIFICATION)

**NOTIFIED**

- D.3 06-02242** Copy of a Judgment from the City Manager concurring with the Board in finding Milton McKinnon, Police Officer, guilty as set forth in the disciplinary letter, effective June 16, 2008 and ordering that he be terminated. The Board recommended a 600-hour suspension.(NOTIFICATION)  
ITEM ADDITION

**E. GENERAL ITEMS**

- E.1 06-01764** Request to continue the hearing of appeal from Irizarri & Gersten, Attorneys at Law, on behalf of Lazaro Chappoten, Automotive Mechanic, relative to his termination, effective May 30, 2008. (DISCUSSION)  
Hearing of appeal is scheduled for July 1, 2008.

*Chairman de la O asked if Mr. Chappoten or a representative was present to answer any questions the Board might have regarding the continuance request. After hearing none, Chairman de la O asked if anyone knew whether Mr. Chappoten's attorney advised that he would not be present and whether or not the department objected to the employee's request for a continuance.*

*Zascha B. Abbott, Assistant City Attorney, responded that although she never saw the letter addressing the employee's request for a continuance, she has no objection to the continuance request.*

*The Executive Secretary stated that Mr. Chappoten's hearing is scheduled for July 1, 2008 and that he recently retained legal representation. She went on to say that the continuance was requested because the attorney needs time to review his client's case.*

*Following discussion, the Board entered a motion to APPROVE the employee's request*

*for a continuance of his appeal hearing which resulted as follows:*

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be APPROVED. PASSED unanimously.**

## F. REPORTS

F.1 08-00018 Pending Hearings as of June 17, 2008. (NOTIFICATION)

## G. REQUESTS FOR HEARINGS

G.1 08-00686 Request for hearing from Devell King, Waste Collector, pursuant to Civil Service Rule 16.2 - Complaint by Employee, concerning an alleged violation by an employee, Mr. Willie Wilkerson, of Rule 14.2 (i), (h), and (r). (DISCUSSION)

*Assistant City Attorney Abbott stated that she did not receive a copy of Mr. King's request for a hearing. After giving Assistant City Attorney Abbott an opportunity to review Mr. King's request, Chairman de la O asked for her position on the matter.*

*Assistant City Attorney Abbott responded that there is no need to hold a hearing because Mr. King's matter was already resolved by the department.*

*Chairman de la O asked Mr. King if he was in agreement that his matter was resolved by the department.*

*Mr. King responded in the negative.*

*Chairman de la O asked Mr. King [whether he was] paid for the time he worked on May 6, 2008. Mr. King responded in the negative.*

*Chairman de la O asked Assistant City Attorney Abbott to tell the Board how had Mr. King been paid.*

*Assistant City Attorney Abbott responded that after checking [with the Assistant Director of Solid Waste] it appears that Mr. King was not paid for May 6.*

*Chairman de la O asked Assistant City Attorney Abbott to tell the Board how she concluded the matter was resolved when Mr. King was not paid for the day that he worked. He went on to say that this matter may have been resolved to the department's satisfaction but it certainly was not resolved to Mr. King's satisfaction.*

*Assistant City Attorney Abbott stated that she is aware that the department did speak with Mr. King regarding his complaint and the department attempted to resolve the matter, but she does not know if Mr. King brought the pay issue to the attention of the department.*

*Chairman de la O stated that when Mr. King submitted his request to the Executive Secretary for a hearing, he included the issue of pay in his complaint form; therefore, he does not know how Mr. King could not have told the department about his issue of not being paid.*

*Assistant City Attorney Abbott stated that Mr. King's request to be paid for the time that he worked is being processed by the department.*

*Mr. King asked if the department was processing paperwork for him to be paid for eight*

(8) hours.

Assistant City Attorney Abbott stated that Mr. King is supposed to be paid for 15 minutes.

Chairman de la O asked Mr. King if he ended up going home on the night in question.

Mr. King responded that he was told to go home and his supervisor followed him to his truck. He went on to say that he was then told to go to work and some time later [his supervisor] drove to the route where he was working and informed him that he received instructions from Mr. Patterson to leave the premises or be arrested.

Chairman de la O asked Mr. King if he went home (as instructed by his supervisor) and was not paid for that day. Mr. King responded in the affirmative.

Chairman de la O asked Mr. King if he would consider his complaint resolved if the department were to pay him for the eight (8) hours or if he wanted something more than the pay.

Mr. King responded that he wanted something more than payment for the 8 hours.

Chairman de la O asked Assistant City Attorney Abbott if she had a position on whether or not Mr. King should be granted a hearing.

Assistant City Attorney Abbott responded that Mr. King alleged rule violations in his complaint so she thinks he is entitled to a hearing.

Following discussion, the Board entered a motion to APPROVE Mr. Devell King's request for a Rule 16.2 grievance hearing which resulted as follows:

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be APPROVED. PASSED unanimously.**

## H. TODAY'S HEARINGS

- H.1 06-01087 Grievance Hearing on behalf of James Billberry, Police Sergeant pursuant to Rule 16.2 Complaint by Employee, concerning an alleged violation of Civil Service Rule 11.2, Assignment to Other Work.

*Osnat K. Rind, Attorney at Law on behalf of Sgt. Billberry, stated that she requested a continuance of her client's hearing.*

*Chairman de la O asked the department's representative if she had any objections to the continuance request.*

*Assistant City Attorney Abbott responded in the negative.*

*Member Dames asked how long has Sgt. Billberry's case been on the Board's docket because he could recall this case when he served his first term on the Board.*

*The Executive Secretary stated that Sgt. Billberry's case has been on the Board's docket since January 2007.*

*Chairman de la O asked for the continuance history of Sgt. Billberry's case.*

*The Executive Secretary responded that Sgt. Billberry's case had been continued a total*

of four times. She went on to say that the Board granted one continuance request on behalf of the department, two continuances on behalf of the employee, and one continuance was charged to the Board.

Chairman de la O asked Attorney Rind to provide the Board with her basis for the continuance.

Attorney Rind responded that Sgt. Billberry is no longer employed with the City of Miami and that he is a Fire Chief in another locale. She went on to say that Sgt. Billberry is unable to be present today because he is in training.

Following discussion, the Board entered a motion to APPROVE the employee's request for a continuance which resulted as follows:

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be CONTINUED. PASSED unanimously.**

**H.2 06-01713**

Hearing of appeal on behalf of Angela Glass, Communications Operator, relative to her 40-hour suspension, effective September 11, 2006.

Chairman de la O asked Assistant City Attorney Abbott if she objected to the employee's request for a continuance of her appeal hearing.

Assistant City Attorney Abbott responded in the negative.

Attorney Rind stated that while she has requested a continuance, she thinks the continuance should be charged to the department because as she understands it, the continuance is based on the department's inability to review a certain piece of evidence that was discovered which was given to her yesterday. She went on to say that she has been requesting evidence from the department for at least two years on this matter and that she had a conversation with Assistant City Attorney Turin on this matter last Friday and wrote a letter to the department expressing her frustration. Attorney Rind further stated that since the basis for the continuance has to do with a piece of evidence that was recently discovered and the department has been derelict in failing to locate that evidence in a timely manner, she believes the continuance should be charged to the department.

Chairman de la O asked Assistant City Attorney Abbott for her position on whether the continuance should be charged to the department.

Assistant City Attorney Abbott responded that she thinks there should be a joint continuance because she was also going to request a continuance since she did not have time to review the evidence that was recently discovered.

Chairman de la O asked Assistant City Attorney Rind why the evidence was only now being found.

Assistant City Attorney Abbott stated that the answer to that question would have to be taken up with the Records Custodian.

Chairman de la O asked if this would be the Records Custodian for a City of Miami department or departments.

Assistant City Attorney Abbott responded in the affirmative.

Following discussion, the Board entered a motion to CONTINUE the appeal hearing of Angela Glass and charge the continuance to the department which resulted as follows:

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be CONTINUED. PASSED unanimously.**

**H.3 07-00127**

Hearing of appeal on behalf of Christiane Octave, Typist Clerk II, relative to her 8-hour suspension, effective January 16, 2007.

*Attorney Rind stated that the matter of Christiane Octave has been settled.*

*Assistant City Attorney Abbott stated that she is in the process of finalizing the agreement; therefore, she is seeking a continuance of Ms. Octave's hearing.*

*The Executive Secretary stated that she was told that the settlement was forthcoming, but she has not seen anything. She went on to say that in accordance with the Continuance Policy, she would ask that the settlement be received in her office within 30 days from today.*

*Following discussion, the Board entered a motion to approve a JOINT CONTINUANCE of Ms. Octave's hearing which resulted as follows:*

**Motion by Member Angel-Capo, seconded by Member Dames, that this matter be CONTINUED. PASSED unanimously.**

**FAREWELL TO ASSISTANT CITY ATTORNEY ZASCHA B. ABBOTT**

On behalf of the Board and Office Staff, Chairman de la O wished Assistant City Attorney Abbott the best in her new employment endeavors as today is her last day with the City of Miami.

**ADJOURNMENT:**

*The Chairman called for a motion to ADJOURN. The meeting adjourned at 10:45 A.M.*

**Motion by Member Angel-Capo, seconded by Member Dames, to APPROVE. PASSED unanimously.**

**SIGNATURE:**

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**Miguel M. de la O, Chairperson**

**ATTEST:**

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**Tishria L. Mindingall, Executive Secretary**