

City of Miami

*City Hall
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Meeting Minutes

Tuesday, December 1, 2009

9:00 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 9:24 a.m. The roll call at the commencement of the meeting was as follows:

Present: Chief Examiner Scarola, Member Dames, Member Angel-Capo and Member Cruz

Absent: Chairperson de la O

Member Scarola advised all present that Chairman de la O would not be present due to a personal matter, and that he would Chair the meeting.

A. APPROVING THE MINUTES OF:

Regular Meeting of November 17, 2009.

Motion by Member Cruz, seconded by Member Angel-Capo, to APPROVE.

PASSED by the following vote.

Aye: Dames, Angel-Capo, Scarola and Cruz

Absent: Chairperson de la O

B. PERSONNEL MATTERS

C. MILITARY LEAVES OF ABSENCE

D. DISCIPLINARY MATTERS

D.1 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Luis Rivero, Public Service Aide, of his 10-hour forfeiture, effective November 17, 2009. (NOTIFICATION)

NOTIFIED

D.2 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Jennifer Kawiorski, Police Officer, of her 10-hour suspension, effective November 17, 2009. (NOTIFICATION)

NOTIFIED

D.3 Copy of a letter from Chief John F. Timoney, Director, Department of Police, notifying Wayne Fortella, Police Officer, of his termination, effective November 5, 2009. (NOTIFICATION)

NOTIFIED

E. GENERAL ITEMS

F. REPORTS

F.1 Pending Hearings as of December 1, 2009. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

- G.1** Copy of a Request for a Whistleblower Hearing from Nicolas A. Manzini, Attorney, on behalf of Roy Brown, Police Major, regarding several allegations of retaliation in connection with FDLE Investigation of the City's Police Department. (DISCUSSION)
Deferred from the meeting of November 17, 2009.

The Executive Secretary stated that she received a request from Mr. Manzini to move his client's discussion item to the Board's next meeting, which she has already done.

DEFERRED TO THE DECEMBER 15, 2009 MEETING FOR BOARD CONSIDERATION.

H. TODAY'S HEARINGS

- H.1** Continuation of the Hearing of appeal on behalf of Barbara Shaffner, Police Officer, relative to her 20-hour forfeiture, effective March 3, 2005.
The Board continued (from the meeting of November 17, 2009) with the appeal hearings on behalf of Officers Barbara Shaffner (H.1) and Kenneth McIlwain (H.2), regarding their 20-hour forfeitures, effective March 3, 2005. Both attorneys agreed to consolidate these cases. Chairman Scarola advised that Member Dames would sit for the hearing, but he would not participate in any discussion or vote on the charges and/or recommendation since he was not present at the start of the hearing.

Barnaby Min, Assistant City Attorney, represented the Department.

Osnat K. Rind, Attorney at Law, represented the Appellants, Barbara Shaffner and Kenneth McIlwain.

At the meeting of November 17, the hearing ended with ACA Min's direct examination of witness, Lt. Jeffrey Locke and today's hearing continued with opposing counsel's cross-examination of the department's witness, Lt. Locke.

Questions were posed by Board Members Scarola and Cruz during the testimony of witness Lt. Locke. Witnesses for the Department continued in the following order:

2. Manuel A. Segarra, III, former Chief of Litigation, Domestic Violence Unit, State Attorney's Office.

Questions were posed by Board Members Scarola and Cruz during the testimony of witness Manuel Segarra.

The Department rested its case.

Witnesses for the Appellants appeared in the following order:

1. Brandon Monroe, Police Lieutenant, City of Miami, Department of Police. (Witness testified via telephone hook-up.)

2. Barbara Shaffner, Police Officer, City of Miami, Department of Police, testified on her own behalf.

The Appellants rested their cases and the Board entered into closing arguments.

Following closing argument by both attorneys, ACA Min pointed out to the Board that the reprimands for the officers are a little different as to the charges in that Officer Shaffner was charged with failure to bring the police reports (as requested by Lt. Locke) and Officer McIlwain was not. Special Counsel Everett suggested that the Board vote on each Officer's charges separately since the charges are slightly different.

The Board entertained discussion during the fact-finding phase of the Appellants' case during which Member Angel-Capo stated that she was curious about the subpoena list which indicated, "Officer called on 6/15/04; not on calendar for Yolanda". (Attorney Rind clarified the matter which concerned Member Angel-Capo, who then stated that she was satisfied with the attorney's explanation.)

Following discussion, the Board entered a motion to find the Appellant, Barbara Shaffner, NOT GUILTY of the following charges cited in the reprimand issued to her, effective March 3, 2005:

1. Departmental Order 1.11.6.17.33 - Neglect/Failure to Obey
2. Departmental Order 5.8.4.19 - Filing a Felony Case
3. Departmental Order 5.8.4.19.1 - Police Reports
4. Civil Service Rule 14.2(e) - Violated Lawful Order
5. Civil Service Rule 14.2(e)1 - Act of Insubordination
6. Civil Service Rule 14.2(e)2 - Breach of Proper Discipline

The motion resulted as follows:

Motion by Member Cruz, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Angel-Capo, Scarola and Cruz

Abstain: Dames

Absent: Chairperson de la O

H.2

Continuation of the Hearing of appeal on behalf of Kenneth McIlwain, Police Officer, relative to his 20-hour forfeiture, effective March 3, 2005.

The hearings of Officers Kenneth McIlwain and Barbara Shaffner were consolidated. (See Item H.1 for Board discussion, witness information, etc.) As a result of witness testimony, arguments by both attorneys, and Board discussion, the Board entered a motion to find the Appellant, Kenneth McIlwain, NOT GUILTY of the following charges cited in the reprimand issued to him, effective March 3, 2005:

1. Departmental Order 1.11.6.17.33 - Neglect/Failure to Obey
2. Civil Service Rule 14.2(e) - Violated Lawful Order
3. Civil Service Rule 14.2(e)1 - Act of Insubordination
4. Civil Service Rule 14.2(e)2 - Breach of Proper Discipline

The motion resulted as follows:

Motion by Member Cruz, seconded by Member Angel-Capo, that this matter be APPROVED. PASSED by the following vote.

Aye: Angel-Capo, Scarola and Cruz

Abstain: Dames

Absent: Chairperson de la O

H.3

Grievance Hearing on behalf of Suzanne Bermudez, Administrative Aide I, alleging a violation of Civil Service Rules 1, 8, 12, 14, and the City Charter, regarding her return to former classification (rollback) to a Typist Clerk III.

Chairman Scarola stated that Attorney Rind would not be calling any witnesses and depending on her presentation, ACA Min might put on two witnesses to give testimony.

ACA Min stated that he did indicate that he might have two witnesses, but after he spoke with Attorney Rind during the break, they decided to go through all of the exhibits, explain each exhibit and then go directly to arguments. Chairman Scarola stated that he had no problem with what both attorneys worked out on how they would proceed and the Board entered into the scheduled grievance hearing of Suzanne Bermudez, the Grievant.

Osnat K. Rind represented the Grievant and ACA Barnaby Min represented the department.

Due to there being no witness testimony, Attorney Rind proceeded with argument as to why Suzanne Bermudez (the Grievant) should not have been affected by the layoff. She went on to say that the Grievant was appointed to the position of Administrative Aide I (unclassified) in 1999 and her position was changed to the classified service in 2006. Attorney Rind further stated that the department has a dispute as to whether the Grievant should have originally been classified or unclassified, but for purposes of this hearing it is not relevant for the mere reason that the Grievant was rolled back to her previous position due to the layoff even though it is her position that there are at least 24 employees who have less seniority than the Grievant. Attorney Rind stated that the Grievant took some hours off (without pay) on particular days between 2006 and 2009 and she believes the department calculated month to month for the period beginning May 2006 (through October 2009) and if there were any months where there was a loss of time, it was counted as a break and that entire month was calculated resulting in a loss of seniority. She went on to say that the department utilized Rule 12.1(c) which states an employee gets seniority credit for each full month of service, but interpreted that Rule to mean that if the Grievant was absent without pay for even 6 minutes in a month, that whole month was somehow lost for seniority purposes. Attorney Rind further stated that they felt that was a bizarre and erroneous way of interpreting Rule 12. Attorney Rind further stated that there is no question that the Grievant had any unsatisfactory service ratings yet the department is taking the position that any time without pay during any particular month, the Grievant was not providing a full month of service to the City. She stated that the department had not used this same practice for employees who went out on vacation or got paid while out ill even though they were not at work performing their job. Attorney Rind went on to say that how Rule 12 is interpreted is up to the Board or will (the Board allow) the department to interpret the Rule so as to punish an employee because of having to exhaust their leave time due to illness or [will the Board interpret the Rule so that an employee] does receive credit for seniority purposes although that employee may have been tardy for 6 minutes in a particular month. She further stated that there is no definition in Rule 12 for what a full month is so the definition would be what the Board say it is, but she wants to remind the Board of a certain principal of statutory construction and referred the Board to Civil Service Rule 15.6(c), which provides in her opinion, the punishment for employees who are without pay when it states, "Leave of absence during the required probationary period of service of an employee shall extend the said probationary period the length of time used during the said leave of absence." Attorney Rind stated that when the City Commission wants to create an affect for a leave without pay, it is built into the

Ordinance for a probationary employee, which is the probationary period is extended but there is nothing in the Rules that provides that employees shall lose their seniority if they are without pay. She went on to say that Section 40-114 of the [City Code] and Civil Service Rule 15.11 provides that absences, irregular attendance of any kind, and tardiness, shall be taken into consideration when making the efficiency or service rating of employees or in other words, if an employee is tardy or absent, the employer has the right to fill out the evaluations and designate whether the employee is satisfactory or unsatisfactory or even mete out disciplinary action. Attorney Rind further stated that an employee can receive a poor evaluation and disciplinary action, but not a loss of seniority in accordance with Rule 15.11 since it states, "It shall be the duty of supervisors to report promptly to the Board all absences from duty without pay and cause for same. Failure to make said report shall be cause for disciplinary action against the supervisor by the City Manager, the Department Director and/or the Board." She stated that no one ever reported to the Board about the Grievant's tardiness, absences, or irregular attendance, yet the department wants to punish her client who has been employed since 1985, classified since 2006, and rolled her back instead of employees who have less seniority than she does.

Member Angel-Capo asked if according to the report (Employee Exhibit 1), the Grievant was out 32 months without pay. ACA Min responded in the affirmative.

Chairman Scarola stated that (in one month) the Grievant may have been late [for 6 minutes] and was docked for the time and the department considered that leave without pay [for the] month for which the Grievant was absent.

ACA Min stated that the department would stipulate that in 40 months, it is certainly possible that the Grievant was late 32 minutes.

Member Angel-Capo stated that she did not understand how an employee who had been employed since 1985 could lose that amount of seniority due to tardiness.

Chairman Scarola stated that Attorney Rind presented her argument and ACA Min will have an opportunity to rebut opposing counsel's position so he thinks the Board should wait until ACA Min presents his position before asking questions (as to how the department interpreted Rule 12.) ACA Min responded that there was actually little to rebut because as Attorney Rind indicated, the facts were pretty much stipulated to and it is really a matter of interpretation of the rule (12.1(c)) and they are seeking guidance from the Board. He stated that the department agrees it is unfortunate that someone with this amount of total experience (24 years) is being considered as not having a certain amount of seniority because of leave without pay, but based upon how the Rule is written and the Ordinance that the Commission adopted, the department could follow only what is written. ACA Min went on to say that had the Rule read "a full day" a full day would be 8 hours or if it read, "a full week", a full week would be 40 hours, and in this case, a full month would indicate a full month of actually working without any leaves without pay so as shown in all of the exhibits that have been introduced as a composite exhibit, in particular, the Exhibit entitled "Suzanne Bermudez LWOP" shows that the Grievant had 32 months where she was on leave without pay and unfortunately under Rule 12.1(c), if there is any leave without pay, it is not considered a full month of service.

Attorney Rind stated that the Rule does not actually say "leave without pay" and she thinks that a rational person reading a full month of service (in the Rule) is going to understand it to mean that if an employee was hired in the middle of one month or whatever time period, one month is what should be counted.

ACA Min stated that he wants it to be understood what dates were calculated (when figuring the Grievant's seniority). He went on to say that the full month that the

department used began with the 16th of May 2006 (Grievant's hire date as an Administrative Aide I) to June 15, 2007 and every month thereafter for the length of time the Grievant held the position of Administrative Aide I. ACA Min further stated that the question is did the Grievant work all the hours she was required to work and the report (Exhibit 1) shows that she was missing hours in a month and therefore did not work a full month.

Member Angel-Capo asked if the Grievant received any unsatisfactory evaluations since Rule 12.1(c) states in part, "A credit for seniority....shall be given to all employees in the particular classification for each full month service within his/her particular classification in which his/her efficiency rating has been reported as other than unsatisfactory..." Attorney Rind stated that her client was still a City employee during that period of time even though she had gone without pay. She asked the Grievant if she had any unsatisfactory evaluations since her tenure with the City and the Grievant responded in the negative.

ACA Min stated that there is no argument whether the Grievant was either satisfactory or unsatisfactory and unfortunately it is a separate issue. He went on to say that the issue is whether the Grievant was working a full month, but it is not just whether she was an employee but whether she was providing service during the entire month and it is the department's position that whether it was a minute, an hour or the entire month the Grievant was not providing the full month of service. ACA Min further stated that he understands the Board's frustration and the department is just as frustrated so frankly they are turning to the Board for guidance. He stated that if the Board thinks there is another way to interpret "full month of service", they would ask that it not only be put on the record, but to make sure that the interpretation of the rule is clearly stated because they need to know what a "full month of service" is. ACA Min asked if a full month of service included other types of leave when an employee is in fact not present at work because he did not know, so he would ask again for the Board's definition of a "full month of service."

Member Angel-Capo stated that she thinks the department's interpretation of Rule 12.1(c) would be opening up a can of worms if applied for figuring seniority so she thinks this issue needs to be reviewed.

ACA Min stated that it is unfortunate the way the Commission drafted the Ordinance, so if the Board has a reasonable interpretation of Rule 12.1(c), they would like to get guidance from the Board and would ask for a written order on the matter because as he has stated, the department's interpretation of Rule 12.1(c) is that a full month of service is what gives the employee seniority credit.

Member Cruz asked how many minutes have to lapse before an employee is considered tardy. Member Angel-Capo responded six (6) minutes.

Member Cruz asked if the City had anything such as a revised schedule that would tell why an employee was late. Chairman Scarola explained that the department was not arguing that the Grievant was late, but she was without pay and therefore did not complete a full month of service.

Member Cruz stated that he did not see how an employee with 10 years of service would have more seniority than an employee with 25 years of service so he did not agree (with how the Rule was being interpreted by the department) so the Board can change its Rules if it does not agree with an interpretation.

ACA Min stated that he did not disagree with Member Cruz, but unfortunately the example before the Board is to the extreme, but if he were to use the example of an

employee with 1 year of experience and an employee with 13 months of experience, it would appear that the employee with 13 months of service has more seniority, but if that employee with the most seniority has some leaves without pay, under Rule 12.1(c) the employee with 12 months of full service, without any leave without pay, should be the one who gets the seniority credit.

Member Angel-Capo stated that the problem she sees with the interpretation of the Rule is the department is not reading Rule 12.1(c) in its entirety. She went on to say that the portion of the Rule that is not being considered by the department is the language that says, ". . . in which his/her efficiency rating has been reported as other than unsatisfactory. . ." Member Angel-Capo asked if any of the Grievant's performance appraisals were rated unsatisfactory. ACA Min stated that he did not know the answer; however, from what he was hearing, he believed she had no unsatisfactory performance ratings. He went on to say that he still needed to have guidance from the Board on its interpretation of Rule 12.1(c) so that it could be properly applied to all employees when calculating seniority. ACA Min further stated that the manner in which the department interpreted Rule 12.1(c), unfortunately the Grievant fell at the end, but if the Board has another interpretation of the Rule, the department would gladly recalculate seniority for all of the employees (Administrative Aide I) that appear on the list (Employee's Exhibit #1) and another employee would be rolled back instead of the Grievant.

Referring back to Member Angel-Capo's question concerning the Grievant's service ratings, Attorney Rind asked the Grievant if she had received any unsatisfactory service ratings during her tenure with the City. The Grievant responded in the negative.

Chairman Scarola stated that the department feels that it applied Rule 12.1(c) correctly; however, the department is asking from the Board that if it disagrees with how the department applied Rule 12.1(c) to explain the Board's position and justify it under the Rules.

Member Dames stated that everyone agreed that it would not be sound reasoning to interpret Rule 12.1(c) to mean that if an employee was without pay for 15 minutes that the employee would lose one month of seniority credit; however, he agrees with the department that any time without pay should be deducted because the employee did not receive pay for that time.

Attorney Rind stated that she did not think the Ordinance was meant to cause an employee a loss of seniority for this type of leave because they are not in pay status. She went on to say that she also did not think it applied to this situation, but she would accept whatever interpretation the Board comes up with because it is the Board that has the authority to interpret the Civil Service Rules.

Chairman Scarola stated that the difficulty he is having is some months have 28 days while some have 31 days. He went on to say that when considering an employee who works a normal 40-hour work week, that employee works 2,080 hours a year, which equates to 173.33 hours per month (12 months divided by 2080 hours = 173.33). Chairman Scarola stated that the Federal Government calculates a work schedule on a monthly basis to be 173.33 hours and the State does not pay its employees overtime until its employees go beyond 173.33 hours. He went on to say that he thinks this should be looked at especially since there are some months that have five or less weeks so he thinks the frame of a 173.33 average month needs to be calculated into whatever (formula) the Board determines should be used when ruling on this matter. Chairman Scarola further stated that if an employee has less than 173.33 hours in any given month, the employee would not receive credit for that month.

Member Dames stated that if he took an hour off without pay, he would not get paid for

that hour so he would lose one hour. He went on to say that according to the report, the Grievant had a total of 188 hours without pay which calculates to 24 days, so the Grievant would lose one month of seniority (because it is less than 28 days.)

Following discussion, the Board entered a motion to reinstate the Grievant, Suzanne Bermudez, to the classification of Administrative Aide I.

Under discussion, ACA Min stated that the department still needs guidance from the Board as to which employee is going to be negatively impacted because it is not just a matter of Ms. Bermudez (being affected.) Attorney Rind responded that she did not think the Board could make that determination. ACA Min stated that he did not want the Board to pick out a name, but he needed interpretation of Rule 12.1(c) because someone is going to be negatively impacted.

Cynthia A. Everett, Special Counsel to the Board stated that there was much discussion about the definition of the phrase "a full month of service" and asked if there was any discussion in any of the union contracts that address work hours or working a full month so that there is some consistency with other documents within the City.

Member Cruz read into the record a portion of Civil Service Rule 4.1 which states, "It shall be the duty of the Civil Service Board to review and recommend new and improved personnel policies to the City Commission, the City Manager, the Director of the Department of Human Resources and other departments and agencies of the City Government." He went on to say that this rule describes the policy functions of the Board, so if the Board finds that there is something wrong (with its rules), the Board should not let it go unchecked.

Member Dames stated that he would like to make an amendment to the motion on the floor, which would be that the department totals the number of without pay hours, which in the Grievant's case resulted in 24 days without pay. He went on to say that with this amount, from the evaluation period of May 16, 2006 to May 15, 2007, the Grievant would lose one month of seniority.

Chairman Scarola stated that he did not think what Member Dames proposed would work because his interpretation of the motion is that Member Cruz recommended to reinstate the Grievant as an Administrative Aide I as if the rollback had never happened. He went on to say that Member Dames' proposal would place the Grievant's name back on the Administrative Aide I list, but it might also alter the list.

Chairman Scarola asked Member Cruz if he was willing to accept the amendment to his motion which would be to place the Grievant's name back on the list for Administrative Aide I and that she loses one month of seniority. Member Cruz responded in the affirmative.

ACA Min asked for clarification before the Board voted on the motion. He went on to say that what he understood the Chairman to say is 173.33 hours is equivalent to a full month. Chairman Scarola responded that was his suggestion, but that was not considered in the Board's motion.

ACA Min stated that he was asking for clarification because the department needs to know how to deal with future employees (when it comes to calculating seniority.) He went on to ask if hypothetically an employee had a total of 174 leave hours without pay would that be considered two months without pay and therefore the employee should not receive .2 credits (since the rule indicates that an employee would receive .1 credit for each full month of service.)

Member Dames responded that if an employee works 8 hours a day, the department would divide the total number of hours (without pay) by 8 and the result would be equated to the number of days lost.

ACA Min stated that he was only asking for clarification since the Chairman used the figure 173.33 to define a full month.

Chairman Scarola stated that he tried to put out information that could assist the Board, but the majority of the Members chose to go along a different route.

Member Dames stated what was being proposed (for figuring seniority credit) seemed fair to him considering the Grievant did not get paid for 188 hours (and that those hours should be converted to months and deducted from the employee's total months of service in said classification.)

ACA Min stated that he is trying to put the Grievant's issue aside and look at the bigger picture. He went on to ask if for example, there was an employee who had 189 leave hours without pay, would that be considered two months without pay or would it be considered a deduction of .1 (for one month). Member Dames responded that it would be one month.

Chairman Scarola stated that he thinks what Member Dames did in figuring the number of days was used the 188 hours that the Grievant was without pay and divided it by 8 which resulted in less than 30 days. ACA Min asked if that would be 30 calendar days or work days.

Member Dames stated that he understood ACA Min's concern was how many hours would equal a month of loss. He went on to say that his position is that if he lost one hour of pay that would be equivalent to one hour and nothing more.

ACA Min stated that putting the Grievant aside, for clarification purposes, an employee who misses an hour of work during a month would still have the full month of service credited unless the total leave without pay for the length of time the employee was in the classification totalled less than a full month of service, then the employee would not receive credit for the month. Member Dames responded in the affirmative. For further clarification, ACA Min asked if an employee's leave without pay totalled a month and one day, the employee would only receive a month's deduction, but receive credit for the following month. Member Dames responded in the affirmative.

Member Angel-Capo stated that the way the Rule is being interpreted (by the department), it appeared that the Grievant's 24 years of service did not account for anything.

ACA Min asked Member Dames if a month would be based on a 30-day calendar. Member Dames responded that there are at least 28 days in a month. ACA Min stated that assuming this is the motion that was made by Member Cruz, if there are 28 days of non-service, a month would be deducted but if there are 27 days of non-service it would still be counted as a full month of service. He went on to say that he needs clarification because the department cannot come to the Board every single time there is a rollback or layoff.

Attorney Rind stated that she thinks what Member Dames was saying is there has to be a full month or something that equates to a full month before a credit is removed.

ACA Min stated that unless he was wrong, he thought he interpreted what Member Dames said which was unless there was a full month of non-service, the employee

would receive credit. Attorney Rind responded that ACA Min has the correct interpretation of what Member Dames related. ACA Min stated that is why he asked the question if there were 27 days of non-service, would the employee receive credit for the month.

Chairman Scarola stated that based upon the motion on the floor made by Member Cruz, he believes that is the interpretation for which ACA Min requested clarification (as to what is defined as a full month.) He went on to say that the motion on the floor is to reinstate the Grievant as a Administrative Aide I and recalculate the service time (without pay) which would be the result of the amount of time to be deducted from the Grievant's total months of service.

Member Angel-Capo stated that she did not understand the motion the Board was about to vote on. Chairman Scarola responded that Member Cruz' motion was to reinstate the Grievant to the position of Administrative Aide I, calculate the deduction of what one month would be and accordingly place her name back on the Administrative Aide I listing.

Following discussion, the motion on the floor resulted as follows:

Motion by Member Cruz, seconded by Member Dames, that this matter be APPROVED. PASSED by the following vote.

Aye: Dames, Angel-Capo and Cruz

No: Scarola

Absent: Chairperson de la O

H.4

Hearing of appeal on behalf of Pedro C. Torres, Automotive Equipment Operator II, relative to his 24-hour suspension, effective September 20, 2007.

Attorney Guttman-Valdes asked that the Board continue this case because of a court appearance she has in Federal Court today.

Assistant City Attorney (ACA) Min expressed no objection to the continuance.

Following discussion, the Board entered a motion to CONTINUE the hearing of Pedro C. Torres and charge the continuance to the employee which resulted as follows:

Motion by Member Cruz, seconded by Member Dames, that this matter be CONTINUED. PASSED by the following vote.

Aye: Dames, Angel-Capo, Scarola and Cruz

Absent: Chairperson de la O

ADJOURNMENT:

The Chairman called for a motion to ADJOURN which resulted as follows:

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

Aye: Dames, Angel-Capo, Scarola and Cruz

Absent: Chairperson de la O

The meeting adjourned at 12:45 p.m. Breaks were taken at 9:26-9:41 a.m.;
10:41-11:06 a.m. and 11:53-12:08 p.m.,

SIGNATURE:

Miguel M. de la O, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary