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PERSONNEL BOARD
MINTUES OF THE MEETING OF JUNE 4, 2009

Attending:

	Elsa Urquiza	Chairperson
	David Alschuler	Vice Chairperson
	Michael Perlmutter	Associate Member
	Renato Sejas	Employee Member
	Evette Phillips	Employee Member
	Ramiro Inguanzo	Secretary
Absent:	Bunny Patchen	Associate Member
	Glassome Wint	Employee Member

ITEM 1 – Approval of Minutes.
Elsa Urquiza, Chairperson, convened the Personnel Board meeting at 9:11 a.m.

Upon motion by Michael Perlmutter, Associate Member, and seconded by David Alschuler, Vice Chairperson, the minutes of the April 17, 2009 Personnel Board meeting were approved.

ITEM 2 – Update on Hearing for former employee Luis Jerez.
Ramiro Inguanzo, Secretary, informed the Board that Luis Jerez's classification was added to the American Federation of State, County and Municipal Employees (AFSCME) bargaining unit in October 2008 by the Florida Public Employees Relations Commission. Mr. Jerez will utilize the grievance action process afforded to him through the collective bargaining agreement with AFSCME.

ITEM 3 – Interpretation of City of Miami Beach Personnel Rule VIII: Section 4, Regular appointment after Probationary Period.
Note: Personnel Rule VIII: Section 4: Regular appointment after Probationary Period, was included as item # 3, of the Agenda packet, however Section 6: Absences during Probationary Period was discussed and referenced throughout the Board meeting.

Adonis Garcia, IAFF Union President, asked the Board to provide clarification on the interpretation of Personnel Rule VIII, regarding absences during probationary period and the Board's interpretation regarding the number of days the probationary period is extended for an employee absent during his probationary period. Adonis Garcia asked the Board to clarify whether it was 60 work days or 60 calendar days.

Paulette Rolle, Compensation Division Director for the City of Miami Beach, mentioned the City's past practice has always been to count working days, when an employee is absent during their probationary period; therefore, an employee's probationary period is extended how ever long they are absent.

Edward Gonzalez, Fire Lieutenant, stated that he did not believe that it is fair to look at only one paragraph that applies to all absences and not to look at other sections of a 4-5 page document. Mr. Gonzalez referenced Personnel Rule VIII, Section 4 (a) entitled, "Regular appointment after probationary period" and asked the Board to read the section in the personnel rule that states that "all probationary promotional appointments, made after January 19, 1973, and thereafter, made within the same department in which the employee has been employed for a minimum of 6 months shall be for a period of 3 months". Mr. Gonzalez also asked the Board to reference the exception to this rule located on Section C, 1 (a) which shows the job classifications that have a probationary period of 9 months. Mr. Gonzalez asked the Board to interpret the section in the personnel rules that references Injury Service Connected (ISC).

Edward Gonzalez referred the Board to the IAFF Union contract section 3.10, entitled "Probationary Period" and quoted the section in the contract. Mr. Gonzalez stated that the City has a system where the head of a department can make the final determination and can look at issues case by case. Mr. Gonzalez stated that he believed it was wrong to restrict management's rights and tie their hands to a letter of a text, because there will be extenuating circumstances in some cases.

David Alschuler, Vice Chairperson, asked when the Rule was created and if it was a newly adopted rule. Ramiro Inguanzo, Secretary stated the rule has been in place since at least 1989 when the Personnel Rules were adopted. The Board was all in favor to look into Personnel Rule VIII, Section 6, and possibly tweak the language in the future.

ITEM 4 – Classified and Unclassified performance evaluations - the request from Personnel Board Members for Department Directors with more than 10% or with 10 or more past due performance evaluations to appear before the Board.

The Board continued to note improvements made throughout all City Departments on past due performance evaluations and recognized the continuing efforts made by all the departments. Elsa Urquiza, Chairperson, asked Human Resources to communicate with departments that continue to have past due evaluations. Ramiro Inguanzo, Secretary, advised the Board that the Human Resources Department will continue to work with all City Departments in completing all past due evaluations as quickly as possible.

With all in favor, the meeting was adjourned at 10:20 a.m.

Ramiro Inguanzo, Secretary