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CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

July 17, 2023

VIA ELECTRONIC MAIL ONLY – tthornton@hollywoodfl.org

Tami Thornton
Assistant Director, Human Resources
City of Hollywood
Office of Human Resources - Administration
2600 Hollywood Blvd | Suite 206
P.O. Box 229045
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RE: Civil Service Board Representation

Dear Ms. Thornton:

It was a pleasure speaking with you. I appreciate the opportunity to be considered to serve as the Attorney for the City's Civil Service Board. As I mentioned, I have been practicing local government and labor and employment law since 1984. This includes providing legal advice relating to employment matters to boards and management on a variety of employment law issues. I have often served as a hearing officer and/or Special Magistrate for a number of municipalities, often in the Code Enforcement context. I am familiar with parliamentary procedures and the Rules of Evidence.

BACKGROUND, APPROACH, ATTORNEY PROFILE AND RESUME

A. Background of the Firm:

In 1989, after serving five years as an Assistant County Attorney for Palm Beach County, I established the Firm as the Law Offices of Glen J. Torcivia & Associates, P.A. The Firm's initial clientele primarily involved local governments but soon expanded to include private businesses seeking a variety of services including employment law representation. As the Firm grew, it developed with two main practice areas: local government and employment law. In 2014, the Firm

re-organized as Torcivia, Donlon, Goddeau & Ansay, P.A., to recognize its new shareholders: Lara Donlon, Christy Goddeau and Carolyn Ansay. In 2020, Len Rubin replaced Ms. Ansay and the firm is now Torcivia, Donlon, Goddeau & Rubin, P.A.

In addition to Mr. Torcivia, the Firm employs nine attorneys and three legal assistants.

B. Approach as Attorney for the Civil Service Board:

In this instance, the purpose of the City's Civil Service Board is to act as an Appellate Review Board on an appeal filed by an employee. As the Attorney advising the Civil Service Board, my role is to ensure that the applicable Rules of Procedure and evidence are followed. The Attorney serves as a resource to the Board as to the conduct of the hearing.

C. Attorney Profile:

The following profile is provided as a summary of my experience in labor and employment law. My resume is also attached.

Glen J. Torcivia

Glen J. Torcivia was admitted to The Florida Bar in 1982 and engaged in private practice in West Palm Beach until 1984. From 1984 through 1989, Mr. Torcivia was an Assistant County Attorney for Palm Beach County. Mr. Torcivia represented the County in a wide range of areas, from A (airports) to Z (zoning) including drafting the Palm Beach County Health Care Act and the Children's Services Council Act of Florida. He successfully represented the County in many federal and state court employment law actions at both the trial court and appellate levels. *See, e.g., McGregor v. Board of Commissioners of Palm Beach County*, 674 F. Supp. 858 (S.D. Fla. 1987) (a whistleblower action filed by the County's former internal auditor); *Ackinclose v. Palm Beach County*, 845 F.2d 931 (11th Cir. 1988). (A fair labor standard act lawsuit filed on behalf of 33 employees of the utilities department.) He won every case that went to trial, and none were settled for more than a nuisance value. He negotiated several collective bargaining agreements for the County, including the first agreement for the County's newly consolidated Fire Rescue Department. He also negotiated collective bargaining agreements with the County's general employee union. He successfully represented the County in several grievance, arbitration and impasse hearings pursuant to these agreements.

After establishing the Firm, Mr. Torcivia continued to represent local governments and private sector clients in a wide variety of matters. His representation includes a number of municipalities, counties, school districts, special districts and constitutional officers. Mr. Torcivia is very familiar with the Sunshine Law, the Code of Ethics, the ad valorem (TRIM) process, labor and employment law and all facets of local government law. He represented the School Board of Palm Beach County (the largest employer in Palm Beach County) in employment law matters for over a decade. In *Cranmer and Nahoum v. School Board of Palm Beach County*, case number 95-8768-CIV-ZLOCH, *aff'd* 103

F.3d 1359 (11th Cir. 1998), two teachers claimed that the termination of their employment was violative of the Age Discrimination in Employment Act. One teacher was on a professional service contract (tenure) and the other was an annual contract teacher. Both teachers were over the age of sixty at the time their employment was terminated. Both had many years of teaching experience, one of whom had many years in the Palm Beach County School System. After an eight day jury trial before Magistrate Judge Seltzer in the United States District Court in Fort Lauderdale, the jury returned a verdict in favor of the School Board. We also successfully defended the appeal of this verdict.

In *Killingsworth v. School Board of Palm Beach County*, case number 96-8869-CIV-RYSKAMP, a longtime employee in the maintenance department claimed that he was the victim of discrimination on the basis of his race and age in never receiving a promotion. The trial court entered judgment for the School Board after each side had presented their case to the jury. The court also awarded the School Board attorney's fees incurred in defending this lawsuit.

In *Jerald Thomas v. School Board of Palm Beach County*, case number 95-08496-CIV-MIDDLEBROOKS, a welder in the maintenance department claimed that he was being discriminated against on the basis of an alleged disability in violation of the Americans With Disabilities Act. The jury returned a verdict in favor of the School Board, finding that the plaintiff was not disabled within the meaning of the ADA. The court also awarded the School Board attorney's fees incurred in defending this lawsuit. These are only a few of the many cases in which he has successfully represented the School Board. *See e.g., Lopez v. School Board of Palm Beach County*, 1999 WL 1081263 (S.D. Fla. 1999) (granting summary judgment against former purchasing manager claiming discrimination based on his being Hispanic); *Jamner v. School Board of Palm Beach County*, 1999 WL 1081263 (S.D. Fla. 1999) (granting summary judgment in an ADA action).

Mr. Torcivia has represented the City of Riviera Beach since 1989 in a diverse variety of matters, including defending claims of employment discrimination, defending police officers in unlawful use of force cases, representing the City in the enforcement of their ordinances (e.g., adult entertainment ordinances, fireworks ordinances, zoning ordinances, etc.), tort litigation, including slip and fall, assault and battery, traffic accidents, due process claims, Sunshine Law and public records lawsuits. He has also represented the City in labor negotiations and arbitrations.

Mr. Torcivia represented the City of Riviera Beach in a landmark decision redefining the joint employer test for government employers under Title VII. Working together with the Riviera Beach CRA, he was successful in convincing the Court that the CRA employees were not considered employees of the city. The Eleventh Circuit Court of Appeals affirmed the dismissal of the City. *See: Lyes v. City of Riviera Beach*, 166 F.3d 1332 (11th Cir. en banc, 1999).

Serving as the City Attorney for the City of Belle Glade since 2003, Mr. Torcivia oversees all legal issues pertaining to the City and attends City Commission meetings, workshops, and meetings of different boards of the City. He represents the city in all human resource matters, including Civil Service Board hearings.

Mr. Torcivia and the Firm have served as Village Attorney for the Village of Palm Springs since 2007. Mr. Torcivia negotiates collective bargaining agreements with the Village's police union (having previously negotiated with the union representing both police and fire rescue) and with the Service Employee International Union (SEIU).

Since 2012, Mr. Torcivia and the Firm have served as the City Attorney for the City of Lake Worth Beach. Mr. Torcivia has been instrumental in favorably resolving several costly cases against the City and limiting the City's exposure to liability and continued attorney's fees. Mr. Torcivia and Ms. Donlon also provides representation to the City in labor and employment law matters, including in negotiations with the IBEW, PMSA and PEU.

Mr. Torcivia and the Firm also serve as the City/Town Attorney for the Town of Highland Beach, the City of Greenacres, the Town of South Palm Beach and the Town of Sewall's Point. In each of these cities, he provides labor and employment advice, as well as representation regarding local government matters.

Mr. Torcivia recently represented Dr. Peter Licata, the incoming Broward County School Superintendent, in negotiations with the Broward County School Board.

D. Attorney Resume: See attached.

E. Compensation:

Mr. Torcivia will represent the City of Hollywood as the attorney for the Civil Service Board in labor and employment law matters at the rate of \$350.00 per hour.

F. Expenses:

We will also charge \$0.25 per page for copies made and actual postage used in our representation of the Civil Service Board. We charge one-half the hourly rate for travel plus reimbursement for parking costs and mileage (based on the current IRS rate). We do not charge costs associated with legal research or facsimiles.

We look forward to providing outstanding representation to the City of Hollywood Civil Service Board.

Sincerely,



GLEN J. TORICIA, ESQ.

GJT/ak

Enclosures