

City of Miami

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

Meeting Minutes

Tuesday, July 12, 2022
10:00 AM
Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
Rodrigo Jimenez, Chief Examiner
Rafael Cabrera, Board Member
Ulysses Garcia, Board Member
Travis Lindsey, Board Member

Pledge of Allegiance

The meeting was called to order at 10:11 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Board Member	Present
Rodrigo Jimenez	Board Member	Present
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Travis Lindsey	Board Member	Present

ELECTION OF CIVIL SERVICE BOARD OFFICERS

ELECTION OF BOARD CHAIR

The Executive Secretary stated that in accordance with Civil Service Rule 2.1 the first order of business after the appointment of Civil Service Board members by the City Commission is to elect officers inclusive of a Chairperson, Chief Examiner and appointed Executive Secretary.

The Executive Secretary then opened the floor for nominations for the position of Chair of the Board. A motion was made by Member Cabrera and seconded by Member Garcia, to elect Member Sutton as Chair. Upon hearing no other nominations, the Board considered the aforementioned motion, which resulted as follows:

Elect Member Sutton, Chair

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

The Executive Secretary congratulated Chair Sutton and turned the meeting over to him to carry out the remaining elections.

ELECTION OF CHIEF EXAMINER

Chair Sutton thanked the Board and opened the floor to nominations for Chief Examiner. A motion to elect Member Jimenez as Chief Examiner, was considered by the Board and resulted as follows:

Elect Member Jimenez, Chief Examiner

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

APPOINTMENT OF EXECUTIVE SECRETARY

Chairperson Sutton called for nominations for the position of Executive Secretary to the Civil Service Board. The Board considered a motion to appoint Ms. Tishria L. Mindingall as the Executive Secretary, which resulted as follows:

Appoint Tishria L. Mindingall, Executive Secretary

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

ADOPTION OF CIVIL SERVICE RULES AND REGULATIONS

The Board considered a motion to adopt the existing Civil Service Rules and Regulations, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

Adoption of Agenda

Chair Sutton 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:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - June 28, 2022

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

B. Personnel Matters

- B.1** Copy of a memorandum from Chief of Police Manuel A. Morales, Director, Department of Police, requesting an extension of probationary period of Leandro Roque, Emergency Dispatcher, for three (3) additional months beyond October 5, 2022. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

- B.2** Copy of a memorandum from Asael Marrero, Director, Department of Building, requesting an extension of probationary period of Karen Facey, Environmental Resources Specialist I, for six (6) additional months beyond July 3, 2022. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

- B.3** Copy of a memorandum from Asael Marrero, Director, Department of Building, requesting an extension of probationary period of Ariel Clavijo, Building Inspector, for six (6) additional months beyond July 18, 2022. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

C. Military Leaves of Absence

None

D. Disciplinary Matters

None

E. General Items

- E.1** Copy of a Settlement Agreement between the City of Miami, FOP Lodge No. 20, and Travis Lindsey, Sergeant, concerning his Appeal Hearing, relative to his 80-hour suspension, effective December 7, 2021. (CSB#22-02D). (NOTIFICATION)

Hearing of Appeal will be closed and removed from the Board's docket.

F. Reports

- F.1** Hearings Pending List as of July 12, 2022. (NOTIFICATION)

- F.2** Revised Civil Service Board Calendar 2022. (DISCUSSION)

The Executive Secretary advised the Board the City Commission Chambers will not be available in the month of August due to renovations; therefore, additional meeting dates were recommended to the calendar in October. The Board members reviewed the calendar and following discussion, the Board entered a motion to APPROVE the calendar as revised,

which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

G. Requests for Hearings

None

H. Today's Hearings

H.1 Appeal Hearing on behalf of Aiesha Fortune, Police Officer, concerning a 40-hour suspension, effective January 2, 2022.

Adanna Ferguson, Assistant City Attorney, appeared on behalf of the department and requested a continuance of this matter due to the amount of time needed and the number of witnesses present for the other hearing set for today. Eugene Gibbons, Attorney, appeared virtually on behalf of Aiesha Fortune, Police Officer, and expressed no objection to the request. Attorney Gibbons went on and expressed his gratitude for being able to work with the wonderful staff of the Civil Service Board Office.

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

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

H.2 Grievance Hearing on behalf of Daniel Diaz, Firefighter, pursuant to Civil Service Rule 16.1- Investigation by the Board, Abuse of Power and 16.2-Complaint by Employee.

Daniel Diaz, Firefighter, appeared before the Board to request to dismiss his grievance without prejudice. Firefighter Diaz explained that he will first be moving forward with an arbitration hearing (via Labor Relations) concerning other "unrelated" matters and should he wish to bring this matter back to the Board, he would like to be able to do so. The Board would have the discretion to grant or deny the hearing at that time.

ACA Ferguson objected to the request and added that this hearing was specially set for today at the Board's last meeting. She added that there was no advanced notice of the grievant's request, that the witnesses were present, and that the department was ready to proceed today.

Special Counsel Chanel Artilles explained to the Board that the Grievant may withdraw his hearing; however, a "dismissal" is an action that is taken by the Board, and the Board also determines whether the dismissal is with or without prejudice. She further asked the grievant to explain to the Board why he is not able to proceed today.

Following questioning by Member Lindsey, Firefighter Diaz confirmed his desire to withdraw his pending hearing without prejudice.

Following discussion, the Board made a motion to ACCEPT the withdrawal, and DISMISS the hearing without prejudice, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:40 am, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary