

City of Miami

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



Meeting Minutes

Tuesday, October 15, 2019

10:00 AM

Commission Chambers

Civil Service Board

Troy Sutton, Chairperson

Michael Dames, Chief Examiner

Rafael Cabrera, Board Member

Ulysses Garcia, Board Member

Wilbur Jackson, Jr., Board Member

PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:03 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Michael Dames	Chief Examiner	Excused
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Wilbur M. Jackson, Jr.	Board Member	Present

Member Dames was excused from today's hearing, as he was not present for any portion of the hearing scheduled for today.

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 Jackson Jr., seconded by Board Member Cabrera, that this matter be Approve, APPROVED by the following vote:

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

A. APPROVING OF THE MINUTES

A.1 Civil Service Board - Regular Meeting - September 17, 2019 10:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Jackson, Jr., that this matter be Approve, passed by the following vote:

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

A.2 Civil Service Board - Special Meeting - October 3, 2019 9:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

A.3 Civil Service Board - Special Meeting - October 7, 2019 9:00 AM

A motion was entered to approve the Minutes as presented, which resulted as follows:

Motion by Board Member Cabrera, seconded by Board Member Jackson, Jr., that this matter be Approve, APPROVED by the following vote:

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

B. PERSONNEL MATTERS

- B.1** Copy of a memorandum from Major Armando R. Aguilar, Commander, Department of Police, requesting an extension of probationary period of Intiraymi Figueroa, Police Sergeant, for six (6) additional months beyond November 8, 2019. (DISCUSSION)

Following an appearance by the employee, who responded to questions by the Board, a motion to GRANT the request of the department was considered and 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, Cabrera, Garcia, Jackson, Jr.

C. MILITARY LEAVES OF ABSENCE

- C.1** Jorge Alvarez Sanchez, Police Officer, requests extension of Active Duty Military Leave without pay from October 1, 2019 through October 10, 2019 and a copy of his re-employment request. Copy of Orders and Honorable Discharge documents were submitted. (DISCUSSION)

The Board entered a motion to approve the leave as requested, and thanked the employee for his service.

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

- C.2** Carlos F. Padron, Police Sergeant, requests extension of Active Duty Military Leave without pay from October 1, 2019 through October 6, 2019 and a copy of his re-employment request. Copy of Orders and Honorable Discharge documents were submitted. (DISCUSSION)

The Board entered a motion to approve the leave as requested, and thanked the employee for his service.

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

AYES:	Sutton, Cabrera, Garcia, Jackson, Jr.
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- C.3** Indira Bedasie, Staff Analyst, requests Military Leave without pay from September 9, 2019 through September 23, 2019. Copy of Orders submitted. (NOTIFICATION)

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Daniel De Prado, Police Officer, of an 80-hour suspension, effective October 5, 2019. (NOTIFICATION)
- D.2** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Gary Sampson, Police Sergeant, of a 40-hour suspension, effective October 16, 2019. (NOTIFICATION)
- D.3** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Christopher Bergnes, Police Officer, of a 10-hour suspension, effective October 18, 2019. (NOTIFICATION)

E. GENERAL ITEMS

- E.1** Copy of a Joint Request to Continue from Adanna Ferguson, Assistant City Attorney, and Nnamdi Jackson, Attorney, concerning the Grievance hearing of Frances Walters, Sanitation Inspector II, as it relates to Civil Service Rule 16.2, concerning an alleged violation of Civil Service Rules 5.4 - Disqualification and 6.3 - Contents of Examination, relative to her ineligibility determination in the April 2018 recruitment for Sanitation Supervisor. (DISCUSSION)

Grievance hearing is scheduled for November 26, 2019.

Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department, and confirmed her request for a Continuance in this matter. She advised opposing counsel, Nnamdi Jackson, Attorney, on behalf of Francois Walters, Sanitation Inspector II, expressed no objection to the request for continuance.

Following discussion, the Board considered a motion to GRANT the continuance as requested, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

- E.2** Copy of a Request to Continue from Ramon Guillen Jr. Attorney on behalf of Lourdes Blanco, former Executive Director of the Miami Sports & Exhibition Authority (MSEA), concerning her Grievance hearing pursuant to a Whistleblower hearing. (DISCUSSION) Hearing is scheduled for November 12, 2019.

Attorney Ferguson advised the Board, this request is on behalf of the Grievant's Attorney and expressed no objection to the request.

Following discussion, the Board considered a motion to GRANT the continuance as requested, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

- E.3** Copy of Findings of Fact concerning the hearing of Appeal on behalf of Eduardo Barreto, Electrical Inspector, concerning his 3-day suspension, effective May 9, 2018. (DISCUSSION)

Libby Herrera-Navarrete, Attorney, Phillips, Richard and Rind, P.A., on behalf of Eduardo Barreto, Electrical Inspector, advised the Board, that the parties in this matter are in agreement with the proposed Findings.

Adanna Ferguson, Attorney, Assistant City Attorney, concurred with Attorney Herrera-Navarrete. She went on to ask the Board to adopt the Findings and Recommendations as presented.

Following discussion, the Board entered a motion to APPROVE the Findings and Recommendations as presented, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

- E.4** Status update concerning the Hearing of Appeal on behalf of Richard Robinson, Communication Repair Worker, relative to his 40-hour suspension, effective October 24, 2018 (CSB#18-18D). (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, appeared before the Board and advised that there is a settlement agreement between the respective parties and she is in the process of getting Chief Colina's signature. She went on to say the agreement will be forwarded to the Civil Service Board Office by the end of the week.

Following discussion, Chair Sutton instructed the Executive Secretary to carry this item over to the meeting.

F. REPORTS

F.1 Hearings Pending List as of October 15, 2019. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

H.1 Hearing on behalf of Edwin Gomez, et. al. Police Sergeants, relative to their Grievance hearing, concerning the examination process for Police Lieutenant, pursuant Civil Service Rules 16.1 - Investigation by the Board and 16.2 - Complaint by employee, alleging violation of Civil Service Rules 6.3 - Contents of Examination, 6.5 - Method of Rating, and 6.7 - Seniority. Continued from the meeting of October 3, 2019.

NOTE: *Day 3 of the above referenced hearing.*

The Board proceeded with the continuation of the scheduled Grievance hearing.

The Grievants were represented by Teri Guttman Valdes, Attorney, Teri Guttman-Valdes, PA. The Human Resources Department was represented by Adanna Ferguson, Assistant City Attorney, and Kevin Jones, Assistant City Attorney (Supervisor), Office of the City Attorney.

Witnesses testifying at the request of the Grievant were the following:

- 2. Kevin Harrison, Police Lieutenant, Department of Police. Questions were posed by Member Jackson.*
- 3. John Blackerby, Police Sergeant, Department of Police. Questions were posed by Member Cabrera and Member Jackson.*
- 4. Edwin Gomez, Police Sergeant, Department of Police. Questions were posed by Member Cabrera and Member Jackson. During Member Jackson's questioning, he requested the appearance of Rodolfo Bertand, Police Lieutenant. Following discussion, the Board entered a motion to Subpoena*

Rodolfo Bertrand, Police Lieutenant, to appear at the regular Civil Service Board meeting of October 29, 2019, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

Due to time constraints the hearing was continued. The Minutes from the hearing will be placed, in their entirety, in the Minutes of the regular meeting of October 29, 2019.

Following discussion, a motion was entered to CONTINUE with the hearing at the regular meeting of October 29, 2019, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

ADJOURNMENT:

**Breaks were taken at: 10:12 AM - 10:30 AM; 3:14 PM - 3:36 PM
Lunch: 1:11 PM – 2:00 PM**

There being no further business before the Board, a motion was entered to adjourn the meeting at 3:54 pm, which resulted as follows:

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

AYES: Sutton, Cabrera, Garcia, Jackson, Jr.

SIGNATURE: _____
Troy Sutton, Chairperson

ATTEST: _____
Tishria L. Mindingall, Executive Secretary