

City of Miami

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

Meeting Minutes

Tuesday, February 09, 2021
10:00 AM Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
Rafael Cabrera, Board Member
Rodrigo Jimenez, Board Member

Pledge of Allegiance

The meeting was called to order at 10:24 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Rafael Cabrera	Board Member	Present
Rodrigo Jimenez	Board Member	Present

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

AYES: Sutton, Cabrera, Jimenez

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - January 12, 2021

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

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

AYES: Sutton, Cabrera, Jimenez

B. Personnel Matters

B.1 Copy of a memorandum from Adele Valencia, Director, Department of Code Compliance, requesting an extension of probationary period of Nicole Sanders, Code Compliance Inspector, six (6) additional months beyond January 20, 2021. (DISCUSSION)

Eric Nemons, Acting Director, Department of Code Compliance, appeared before the Board and advised that Ms. Sanders could not be present today; however, after speaking with the employee's supervisor, the department is withdrawing the request. This matter is hereby considered WITHDRAWN.

C. Military Leaves of Absence

C.1 John Romero, Police Officer, requests re-employment as a Police Officer following his return from Military Leave. Copy of memorandum indicating Honorable Discharge from the Air Force submitted. (DISCUSSION)

The Board entered a motion to approve the return as a Police Officer as requested and thanked the employee for his service.

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

AYES: Sutton, Cabrera, Jimenez

C.2 Johnny Fonseca, Police Officer, requests re-employment as a Police Officer following his return from Military Leave (Navy). Copy of a DD214 indicating Honorable Discharge submitted. (DISCUSSION)

The Board entered a motion to approve the return as a Police Officer as requested and thanked the employee for his service.

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

AYES: Sutton, Cabrera, Jimenez

C.3 Katherine Triana Vasquez, Police Officer, requests extension of Active Duty Military Leave without pay through March 31, 2021. Records reflect her previous approved extension request for Military Leave was through December 31, 2020. Copy of Orders extending leave were submitted. (DISCUSSION)

The Board entered a motion to approve the military leave extension as requested and thanked the employee for her service.

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

AYES: Sutton, Cabrera, Jimenez

C.4 Jermaine Lattimore, Police Officer, requests Active Duty Military Leave without pay effective January 22, 2021 for a period of 400 days. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.5 Michael Rivera, Police Officer, requests Active Duty Military Leave without pay from January 4, 2021 for a period of 45 days. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.6 Marvin Bravo, Police Sergeant, requests Active Duty Military Leave without pay from January 8, 2021 through March 31, 2021. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez,

C.7 John Romero, Police Officer, requests Active Duty Military Leave without pay from February 15, 2021 through July 16, 2021. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez,

C.8 Roselyn Paz, Police Officer, requests Active Duty Military Leave without pay from January 4, 2021 through January 29, 2021. Copy of Orders submitted. (NOTIFICATION)

D. Disciplinary Matters

- D.1 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Jermaine Douglas, Police Lieutenant, of a 10-hour suspension, effective January 23, 2021. (NOTIFICATION)
- D.2 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Gabriel Castillo, Police Officer, of a 10-hour suspension, effective January 29, 2021. (NOTIFICATION)
- D.3 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Gabriel Castillo, Police Officer, of a 10-hour suspension, effective January 23, 2021. (NOTIFICATION)
- D.4 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Matthew Hall, Police Officer, of a 10-hour suspension, effective January 29, 2021. (NOTIFICATION)
- D.5 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Andy Garcia, Police Officer, of a 10-hour suspension, effective January 30, 2021. (NOTIFICATION)
- D.6 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Humberto Amor, Police Officer, of a 10-hour suspension, effective February 3, 2021. (NOTIFICATION)
- D.7 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Antonio Gonzalez, Police Officer, of a 10-hour suspension, effective February 7, 2021. (NOTIFICATION)
- D.8 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Joseph Acuña, Police Officer, of a 10-hour forfeiture, effective January 15, 2021. (NOTIFICATION)
- D.9 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Alexander Nodar, Police Sergeant, of a 10-hour forfeiture, effective January 25, 2021. (NOTIFICATION)
- D.10 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Ervis Suarez, Police Officer, of a 40-hour forfeiture, effective January 25, 2021. (NOTIFICATION)
- D.11 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Derek Charles, Police Officer, of a 10-hour forfeiture, effective February 4, 2021. (NOTIFICATION)
- D.12 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Daniel Perez, Police Officer, of a 10-hour forfeiture, effective January 30, 2021. (NOTIFICATION)
- D.13 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Lori Anderson, Police Officer, of a 10-hour forfeiture, effective January 29, 2021. (NOTIFICATION)
- D.14 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Alexis Fernandez, Police Officer, of a 40-hour forfeiture, effective February 5, 2021. (NOTIFICATION)

E. General Items

- E.1 Copy of a Settlement Agreement between the City of Miami and Monique Griffin, Legal Assistant, concerning her Appeal hearings relative to a 2-day suspension, effective April 22, 2019 and 3-day suspension, effective August 21, 2019. (NOTIFICATION)

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

- E.2 Virtual Meeting Request from Osnat Rind, Attorney, concerning the Appeal hearing on behalf of David Delgado, Maintenance Mechanic, pursuant to Civil Service Rule 16.1 - Investigation by the Board as it relates to the alleged violation of Civil Service Rule 6.3 - Contents of Examination, 6.5 - Method of Rating, Civil Service Rules 14.2(k) - Incompetent, Negligent or Inefficient, and 14.2(l) - Careless or Negligent, concerning the examination process for 2019 Firefighter's examination process. Hearing is scheduled for today. (DISCUSSION)

The Executive Secretary advised the Board that she received notification that Attorney Rind could not be present today; however, she submitted a request to have a virtual hearing and provided a copy of the Fla. AGO 2020-03 (Fla. A.G.) 2020 WL 1894033 in support of her request. She went on to say that the feasibility of holding a hearing in this manner was researched.

Chair Sutton asked the Executive Secretary if the request could be fulfilled given the requirements set forth, in which she responded in the affirmative. However, it was noted all exhibits parties intend to introduce into evidence, will be given the same deadline as all other agenda items (Wednesday before the meeting date, 5pm).

Following discussion, the Board entered a motion to GRANT a continuance in this matter, and allow scheduling of the "hybrid" hearing, which resulted as follows:

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

AYES: Sutton, Cabrera, Jimenez

- E.3 Status update and request by Adanna Ferguson, Assistant City Attorney, regarding the Appeal hearing on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, concerning her demotion, effective November 14, 2017. (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, appeared before the Board and reminded all of the months of testimony and exhibit review that this hearing has taken up to this point. She went on to request that, in order to avoid starting over in this case, Member Jimenez be allowed to review video recordings and exhibits to bring him up to speed so that the above referenced hearing can proceed on February 23, 2021.

Charles Mays, Attorney on behalf of Ms. Choi, expressed an objection to the request. Attorney Mays went on to say that he hoped to wait until after the Board's election to proceed, since one of the previous Board members who sat for Ms. Choi's hearing, is running for re-election.

Member Cabrera opined that no one knows if the Board election will take place, nor the outcome. He recalled sitting through 4-5 days of testimony over many months and reading through evidence that was submitted. He went on to say that given member Jimenez' work background, he is confident that he can review everything and be prepared to make a fair decision.

Member Jimenez stated that he is willing to get caught up and will be able to make a fair decision concerning this matter.

Following discussion, the Board made a motion to GRANT the request to have member Jimenez review proceedings and exhibits entered into evidence, 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, Cabrera, Jimenez

F. Reports

- F.1 Hearings Pending List as of February 9, 2021. (NOTIFICATION)

G. Requests for Hearings

- G.1 Request from Joel Fernandez, Ocean Rescue Lifeguard, for an Investigation hearing pursuant to Civil Service Rule 16.1 Investigation by the Board, Abuse of Power and Civil Service Rule 5.4 Disqualification and violation of Section 36 of the City's Charter. (DISCUSSION)

Attorney Libby Herrera-Navarrete, Phillips, Richard & Rind, P.A., appeared on behalf of Joel Fernandez, Ocean Lifeguard, and advised that her client has submitted a request for hearing, and she was there to respond to any questions that the Board may have.

ACA Ferguson, Assistant City Attorney's Office, advised she had no objection to the request for hearing.

Following discussion, the Board entered a motion to GRANT the request for hearing, 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, Cabrera, Jimenez

H. Today's Hearings

H.1 Hearing on behalf of Joseph R. Fernandez, Assistant Fire chief (retired), Department of Fire-Rescue, pursuant to Civil Service Rule 2.7.

Chair Sutton called for hearing on behalf of Joseph R. Fernandez, Assistant Fire Chief (retired). Assistant Chief Fernandez did not appear for today's hearing. The Executive Secretary advised the Board that the notice was sent to the email address on file, and that the Office had not heard from Mr. Fernandez. She went on to advise the Board of its options concerning the hearing.

Assistant City Attorney Ferguson advised that the Department was ready to proceed, and asked that, given the circumstances, the Board to dismiss the hearing with prejudice.

Following discussion, the Board agreed to grant a CONTINUANCE, which resulted as follows:

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

AYES: Sutton, Cabrera, Jimenez

H.2 Hearing on behalf of David Delgado, Maintenance Mechanic, pursuant to Civil Service Rule 16.1 - Investigation by the Board as it relates to the alleged violation of Civil Service Rule 6.3 - Contents of Examination, 6.5 - Method of Rating, Civil Service Rules 14.2(k) - Incompetent, Negligent or Inefficient, and 14.2(l) - Careless or Negligent, concerning the examination process for 2019 Firefighter's examination process.

Hearing was continued at today's meeting (see Item E.2).

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 11:30 am, which resulted as follows:

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

AYES: Sutton, Cabrera, Jimenez,

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary