

City of Miami

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

Meeting Minutes

Tuesday, October 20, 2020
10:00 AM
Virtual Meeting

Civil Service Board

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

Pledge of Allegiance

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

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

Prior to addressing today's Agenda, the Executive Secretary read into the record, a statement regarding Governor DeSantis' Executive Orders regarding holding virtual meetings, options for commenting on Agenda items, obtaining recordings of the meeting, and how the meeting may be viewed.

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 Approve, APPROVED by the following vote:

AYES: Sutton, Cabrera, Jimenez

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - Sep 22, 2020 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 Jimenez, that this matter be Approve, APPROVED by the following vote:

AYES: Sutton, Cabrera, Jimenez

B. Personnel Matters

C. Military Leaves of Absence

C.1 Matthew Conway, Firefighter, requests Active Duty Military Leave without pay from October 11, 2020 through November 21, 2020. Copy of Orders submitted.
(DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.2 Juan C. Ortega, 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 reemployment as requested, and thanked the employee for his service.

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

AYES: Sutton, Cabrera, Jimenez

C.3 Andres Holguin, Police Officer, requests re-employment as a Police Officer following his return from Military Leave. Copy of his DD214 indicating Honorable Discharge from the Army submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.4 John Romero, Police Officer, requests an extension of Active Duty Military Leave without pay from October 1, 2020 through January 5, 2021. Records reflect his original request was from July 13, 2020 through September 30, 2020. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.5 John Romero, Police Officer, requests Active Duty Military Leave without pay from July 13, 2020 through September 30, 2020. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.6 Angelo Viniegra, Firefighter, requests Military Leave without pay from September 10, 2020 through June 10, 2021. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

C.7 Angelo Viniegra, Firefighter, requests Military Leave without pay from August 23, 2020 through September 5, 2020. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez

D. Disciplinary Matters

D.1 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Margaret Mulet, Emergency Dispatcher Assistant, of a 16-hour suspension, effective October 21, 2020. (NOTIFICATION)

D.2 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Daniel Kelly, Fire Lieutenant, of a 24-hour forfeiture, effective August 31, 2020. (NOTIFICATION).

D.3 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Christopher Pujadas, Police Officer, of a 10-hour forfeiture, effective September 24, 2020.

(NOTIFICATION)

D.4 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Richard Perry, Stock Clerk II, of a 120-hour suspension, effective September 18, 2020. (NOTIFICATION)

D.5 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying John Bortone, Police Officer, of a 60-hour suspension, effective September 27, 2020. (NOTIFICATION)

E. General Items

E.1 Copy of a Settlement Agreement between the City of Miami and Ian Stringer, Sports Turf Manager, concerning his Appeal hearing relative to a 14-day suspension, effective July 15, 2019. (NOTIFICATION)

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

E.2 Copy of a Last Chance Agreement and Settlement between the City of Miami and Martha Alas, Police Officer, concerning her termination. (NOTIFICATION)

F. Reports

F.1 Hearings Pending List as of October 20, 2020. (NOTIFICATION)

G. Requests for Hearings

G.1 Request from Stanley Jean-Poix, Police Sergeant, for an Investigation Hearing pursuant to Civil Service Rule 16.1 - Investigation by the Board, alleging an Abuse of Power by Chief Cherise Gause. (DISCUSSION)

Stanley Jean Poix, Police Sergeant, appeared before the Board and explained the reasoning behind his request for hearing.

Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department and objected to the request for hearing.

Following questions by the Board to Sergeant Jean Poix and ACA Ferguson, and responses to the Board Members' questions, a motion was made to **DENY** the request without prejudice, which resulted as follows:

AYES: Sutton, Cabrera

NAYS: Jimenez

G.2 Request from Dana C. Carr, Police Captain, for an Investigation Hearing pursuant to Civil Service Rule 16.1 - Investigation by the Board, and Florida Statute 112.3187 (Whistleblower), alleging an Abuse of Power by Chief Colina, Director, Police Department (DISCUSSION)

Chair Sutton advised that the Board had received Captain Carr's request and asked if she had anything to add. Dana C. Carr, Police Captain, appeared before the Board and explained the reasoning behind her request for hearing. Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department.

Captain Carr went on to explain that the request before the Board is under Rule 16.1 Abuse of Power and Whistleblower pursuant to Florida Statute 112.3187.

Chair Sutton asked Special Counsel to weigh in as to whether the Board is the proper forum for the request and/or the duty of the Board to conduct a hearing, Kimare Dyer, Special Counsel responded in the affirmative. She went on to say that Captain Carr is requesting a "Whistleblower" Hearing, and that the Board can hear Whistleblower complaints under Rule 16.1.

Following questions by the Board to Captain Carr and ACA Ferguson, and responses to the Board Members' questions, a motion was made by Member Jimenez to **GRANT** the request, which resulted as follows:

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

AYES: Sutton, Jimenez

NO: Cabrera

H. Today's Hearings

NONE

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:41 am, 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: Cabrera, Jimenez, Sutton

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary