

City of Miami

3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, January 14, 2020
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 10:15 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	Present
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Late
Wilbur M. Jackson, Jr.	Board Member	Present

NOTE: Member Garcia arrived at 10:30 am

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 Approved, passed by the following vote:

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

A. Approving of the Minutes

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

A motion was entered to approve the Minutes as presented, 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, Dames, Cabrera, Jackson, Jr.

B. Personnel Matters

B.1 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, confirming the request of Karen Klein-Marcus, Financial Analyst I, to return to her former classification of Finance Accounting Specialist, effective December 20, 2019.
(NOTIFICATION)

B.2 Copy of a memorandum from Eltis Etienne, Police Officer, requesting to receive retroactive seniority credit for prior service, pursuant to Rule 12.4. (DISCUSSION)

The Executive Secretary advised the Board, that Officer Etienne submitted an email requesting to withdraw his request. This matter will be considered WITHDRAWN and removed from the Board's docket.

C. Military Leaves of Absence

- C.1 Jennifer Bhikarry, Police Officer, requests Active Duty, Military Leave without pay effective January 14, 2020 for a period of 400 days. 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 Jackson, Jr., seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:

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

- C.2 Winsor Lozano, Police Captain, requests a second extension of Active Duty, Military Leave without pay effective December 27, 2019 for a period of 5 days. Records reflect his first extension was approved from November 16, 2019 through December 26, 2019. Copy of Orders submitted. (DISCUSSION)

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

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

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

- C.3 Abraham Rodriguez, Police Officer, requests Active Duty Military Leave without pay effective January 2, 2020 for a period of 150 days. 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 Dames, seconded by Board Member Cabrera, that this matter be Approved, passed by the following vote:

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

D. Disciplinary Matters

- D.1 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Ashley Hunter, Police Officer, of a 20-hour suspension, effective December 26, 2019. (NOTIFICATION)
- D.2 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Ashley Hunter, Police Officer, of a 10-hour suspension, effective December 13, 2019. (NOTIFICATION)
- D.3 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Enrique Herrera, Police Officer, of a 10-hour forfeiture, effective December 27, 2019. (NOTIFICATION)

E. General Items

- E.1 Copy of a Memorandum from Angela Roberts, Director, Human Resources Department, adopting the Chief Examiner's recommendation on June 7, 2017 concerning the Investigation hearing on behalf of the Police Sergeant Candidates regarding the 2017 Sergeant's exam. (NOTIFICATION)
- E.2 Status update concerning the Hearing of Appeal on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, relative to her demotion, effective November 14, 2017 (CSB#17-31D). (DISCUSSION)

Charles Mays, Attorney, on behalf of Xiao-Wen Michelle, Principal Staff Analyst, appeared before the Board to provide a status update. Attorney Mays advised the Board that the parties could not readily agree on a settlement; therefore, he would like to move forward with his client's hearing. Adanna Ferguson, Assistant City Attorney, indicated she will need two (2) consecutive days to finish the hearing. Questions were posed by Board Members. Following discussion, the Board directed the Executive Secretary to reschedule the continuation of the hearing. Chair Sutton asked if any hearings were scheduled for that day. The Executive Secretary responded in the affirmative and advised that she would be rescheduling hearings already scheduled. Following discussion, the Board agreed to reschedule the matter for a 2-day hearing, February 24-25, 2020, beginning at 9 am.

- E.3 Copy of a Request to Continue from Osnat K. Rind, Attorney, concerning the Appeal

hearing of Carlos Herrera, Zoning Information Specialist, as it relates to his 7-working day suspension, effective November 20, 2018. Assistant City Attorney Ferguson expressed no objection to the request. (DISCUSSION)

Hearing of Appeal is scheduled for today.

Osnat K. Rind, Attorney, appeared on behalf of Carlos Herrera, Zoning Information Specialist, and confirmed her request for a Continuance in this matter. She advised ACA Ferguson, 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, Dames, Cabrera, Jackson, Jr.

F. Reports

F.1 Hearings Pending List as of January 14, 2020. (NOTIFICATION)

F.2 The 2019 Annual Board Report to the City Commission. (DISCUSSION)

The Board asked questions concerning the budget portion of the Report, to which the Executive Secretary responded. Following discussion, the Board entered a motion to APPROVE the 2019 Annual Report as amended, 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, Dames, Cabrera, Garcia, Jackson, Jr.

F.3 Copy of a Report and Findings of Fact to the City Manager, relative to the Grievance hearing on behalf of Edwin Gomez, et. al. Police Sergeants, 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. (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, advised the Board that she spoke with opposing counsel to no avail. Teri Guttman-Valdes, Attorney, on behalf of Edwin Gomez, et al, was not present at the time of discussion; however, she had advised that she had objections as well. The Executive Secretary advised the Board what was before them is a copy of the Report and Findings of Fact as prepared by the Special Counsel. As the parties could not readily agree to the language in the Findings, the parties were advised to forward their objections to the City Manager. Following discussion, the Board considered a motion to APPROVE the Findings and Recommendations as presented, 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, Dames, Cabrera, Garcia, Jackson, Jr.

G. Requests for Hearings

H. Today's Hearings

H.1 Hearing of Appeal on behalf of Alan Perez, Police Officer, concerning his 40-hour suspension, effective November 9, 2018.

Adanna Ferguson, Assistant City Attorney, appeared before the Board and advised that after speaking with the department and Officer Perez, Officer Perez' 40 hour suspension will be rescinded, resulting in a reprimand only. She advised that notification was forwarded to the Civil Service Board staff.

This matter will be considered closed and removed from the Board's docket.

H.2 Hearing of Appeal on behalf of Carlos Herrera, Zoning Information Specialist, concerning his 7 (seven) working days suspension, effective November 20, 2018.

The Hearing was Continued at today's meeting, and will be rescheduled.

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:55 am, which resulted as follows:

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

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

SIGNATURE:

Troy Sutton, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary