

City of Miami

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

Meeting Minutes

Tuesday, February 22, 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 10:21am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

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

Adoption of Agenda

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

AYES: Sutton, Jimenez, Cabrera, Lindsey

A. Approving of the Minutes

A.1	Civil Service Board - Regular Meeting – February 8, 2022
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A motion was entered to approve the Minutes as presented, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Lindsey

B. Personnel Matters

B.1	Copy of a Memorandum from Asael Ace Marrero, Director, Building Department, requesting an extension of probationary period of Mario Aguilera, Building Inspector, for twelve (12) additional months beyond March 8, 2022. (DISCUSSION) The Executive Secretary advised the Board of a Notice of Withdrawal via email, by the Department. This item will be considered WITHDRAWN.
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C. Military Leaves of Absence

C.1	Michelangelo Rojas, Police Lieutenant, requests Active Duty Military Leave without pay from April 1, 2022, for a period of 328 days. Copy of Orders submitted. (DISCUSSION) <i>On behalf of the Board, the Chair thanked Lt. Rojas for his service, then entertained a motion to approve the Leave, which resulted as follows:</i>
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Motion by Board Member Jimenez, seconded by Board Member Lindsey, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Lindsey

D. Disciplinary Matters

D.1	Copy of a letter from Arthur Noriega, V., City Manager, notifying Alfredo Matias, former Police Officer, of his Termination, effective January 27, 2022, and a request to appeal from Michael Braverman, Attorney, on behalf of Alfredo Matias. (NOTIFICATION)
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E. General Items

E.1	Findings of Fact concerning the Appeal Hearing on behalf of Ronald Quintanilla, former Property Specialist I, concerning his Termination, effective August 6, 2021. (DISCUSSION)
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As there were no objections or corrections to the Findings and Recommendations, the Chair entertained a motion to approve the Findings as presented, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Lindsey

E.2	Copy of a Judgment from Art Noriega V., City Manager, concerning the Appeal Hearing on behalf of David DeLoach, Environmental Resource Specialist I, concerning his Termination, effective September 17, 2021. (NOTIFICATION) Hearing will be closed and removed from the Board's docket.
E.3	Copy of a Judgment from Art Noriega V., City Manager, concerning the Appeal Hearing on behalf of Intiraymi Figueroa, Police Sergeant, concerning his 160-hour suspension, effective June 25, 2020. (NOTIFICATION) Hearing will be closed and removed from the Board's docket.
E.4	Copy of a Request to continue from Michael Pizzi, Attorney, on behalf of Keandra Simmons, Police Major, concerning her Grievance, Investigation and Whistleblower Hearing, pursuant to Civil Service Rules 16.1 and 16.2 (Florida Statue 112.3187), as it relates to her Demotion, effective August 1, 2021 (CSB#21-17G & CSB#21-18I). Adanna Ferguson, Assistant City Attorney, expressed no objection to the request. (DISCUSSION) Hearing of Appeal is scheduled for today.

Attorney Michael Pizzi, Jr. appeared on behalf of Major Simmons, stating his reasons for requesting a continuance for today's hearing. ACA Ferguson expressed no objection to the request. Following discussion, a motion to grant the continuance resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Lindsey

F. Reports

F.1	Copy of a Report to the City Manager, relative to the Investigation Hearing on behalf of Jorge Torres, etal, GSA Employees, pursuant to Civil Service Rule 16.1 - Investigation by the Board, Abuse of Power and Civil Service Rule 14.2- (h), (i), (k) and (r), as it relates to Nelso Garcia, Superintendent of Property Maintenance. (DISCUSSION)
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Chair Sutton asked if there were any objections from the Attorneys to the Report. Osnat K. Rind, Attorney on behalf of the Employees appeared before the Board and responded that she accepted the draft Report but objected to the Rebuttal submitted by Assistant City Attorney (ACA) Ferguson.

ACA Ferguson replied that her intent was to provide the Manager with additional information regarding the testimony presented during the hearing. She went on to say that the draft Report, as forwarded to the attorneys, was revised and includes information provided by Attorney Rind, and she believes that both sides should be included in the final Report to the Manager and Department.

Member Lindsey stated that he had some trouble with the Rebuttal, in that it included statements that the Board did not necessarily agree with, so he was not in support of including it. Member Jimenez went on and agreed to not accept the Rebuttal as well.

Special Counsel Dyer asked for clarification as to which document the Board wished to accept, whether it is the January 25th initial report, or the revised report dated February 22nd, which includes some of the employee attorney's additions.

Chair Sutton responded that it is his understanding the Board Members did not necessarily agree with the Department's Rebuttal, and he will be voting on the February 22, 2022 revised document. He went on to ask Special Counsel Dyer if the report should be voted on first and then submit his amendment to the recommendation. She responded in the affirmative.

Member Cabrera went to say that he thanked the staff and Special Counsel with the way they listen to the Board's comments and document what the Board says. He went on to say that he thinks that they do a very good job and he supports what had been done thus far.

Assistant City Attorney Ferguson asked again if the Board understood that they were accepting supplemental information for the Report from one side and not from the other.

Chair Sutton replied that the Board understood.

Following discussion, the Board entered a motion to DENY submission of the Department's Rebuttal, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Lindsey

Chair Sutton remarked that he thought more was added to the recommendations, specifically regarding, Superintendent Garcia's inability to speak English. Nonetheless, he wished to add something because he thought it was a terrible thing that at his level, the Superintendent could not communicate with so many of his subordinates.

Following further comments, the Chair asked if the Executive Secretary could come up with language that could be added to Recommendation #3, to which she replied in the affirmative. The Executive Secretary read the revised wording in Recommendation #3 as follows:

"Superintendent Garcia take English lessons for his own personal development, the benefit of the non-Spanish-speaking employees, as well as the vendors and residents of the City of Miami."

Following review and consideration of objections and recommendations from both sides, input from Special Counsel and the Executive Secretary, the Board entered a motion to approve the Report as amended, 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, Jimenez, Cabrera, Lindsey

F.2	Hearings Pending List as of February 22, 2022. (NOTIFICATION)
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G. Requests for Hearings

NONE

H. Today's Hearings

H.1	Grievance, Investigation and Whistleblower Hearing on behalf of Keandra Simmons, Police Major, pursuant to Civil Service Rules 16.1, and 16.2 (Florida Statute 112.3187), as it relates to her Demotion, effective August 1, 2021.
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CONTINUED. Refer to Item E4.

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 11:17 AM, which resulted as follows:

Motion by Board Member Lindsey, seconded by Board Member Jimenez, 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