

**City of Miami**

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

**Meeting Minutes**

**Tuesday, March 21, 2023**

**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 10:16 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

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

**Adoption of Agenda**

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

**AYES:** Jimenez, Cabrera, Garcia, Lindsey

**A. Approving of the Minutes**

**A.1** Civil Service Board - Regular Meeting - March 7, 2023, 10:00 AM

**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

**B. Personnel Matters**

**B.1** Copy of a memorandum from Juvenal Santana, Director, Department of Resilience and Public Works, requesting an extension of probationary period of Christopher Pearson, Laborer I, for four (4) additional months beyond April 4, 2023. (DISCUSSION)

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia, Lindsey

**C. Military Leaves of Absence**

**C.1** Matthew Conway, Firefighter, requests retroactive Active Duty Military Leave without pay from February 6, 2023 through February 11, 2023. Copy of Orders submitted. (DISCUSSION)

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia, Lindsey

**D. Disciplinary Matters**

**D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Lizlinda Bremer, Police Sergeant, of a 10-hour suspension, effective March 19, 2023. (NOTIFICATION)

**D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Lizlinda Bremer, Police Sergeant, of a 10-hour suspension, effective March 26, 2023. (NOTIFICATION)

**D.3** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Bens

P. Mocombe, Police Officer, of a 20-hour suspension, effective March 18, 2023, and 20-hour forfeiture. (NOTIFICATION)

- D.4** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Joshua Cobo, Police Officer, of a 10-hour suspension, effective March 5, 2023. (NOTIFICATION)
- D.5** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Joshua Cobo, Police Officer, of a 20-hour suspension, effective March 10, 2023. (NOTIFICATION)
- D.6** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Derek Charles, Police Officer, of a 10-hour suspension, effective March 3, 2023. (NOTIFICATION)
- D.7** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Stacey Toney, Public Service Aide, of a 40-hour suspension, effective March 27, 2023. (NOTIFICATION)
- D.8** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Marvin Bravo, Police Sergeant, of a 20-hour suspension, effective March 26, 2023. (NOTIFICATION)

**E. General Items**

NONE

**F. Reports**

- F.1** Hearings Pending List as of March 21, 2023. (NOTIFICATION)

**G. Requests for Hearings**

**H. Today's Hearings**

- H.1** Appeal Hearing on behalf of Jorge Loo, Police Officer, concerning his 10-hour suspension, effective July 14, 2020.

Griska Mena, Attorney appeared before the Board and requested a Board continuance due to the continuation of Odney Belfort's hearing scheduled for today. She added that the parties are attempting to settle the matter. Assistant City Attorney Ferguson agreed. Following discussion, the Board agreed to GRANT the continuance and reschedule Officer Loo's hearing for July 11, 2023, which resulted as follows:

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia, Lindsey

- H.2** Appeal Hearing on behalf of Aiesha Fortune, Police Officer, concerning her 40-hour suspension, effective January 2, 2022.

ACA Ferguson advised the Board of a joint request for continuance as stipulated in an email received by Eugene Gibbons, Attorney on behalf of Officer Fortune. She added that the parties are attempting to settle the matter. Following discussion, the Board agreed to GRANT a joint continuance, which resulted as follows:

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia, Lindsey

- H.3** Grievance Hearing on behalf of Odney Belfort, Police Sergeant, relative to the 2022 Police Lieutenant Promotional Exam, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging violation of Civil Service Rules 8.4 - Certification from Promotional Competitive Registers and 8.5 - Certification from Noncompetitive Registers. Continuation from February 21, 2023.

NOTE: Chair Sutton was not present on February 21, 2023; however, he reviewed exhibits and the recording of the meeting for preparation for today's hearing.

**Day 1: February 21, 2023**

Chief Examiner Jimenez called for the Grievance Hearing of Odney Belfort, Police Sergeant, relative to the 2022 Police Lieutenant Promotional Exam, pursuant to Civil Service Rule 16.2, for failure to promote to Police Lieutenant, alleging a violation of Civil Service Rules 8.4 - Certification from Promotional Competitive Registers and 8.5 - Certification from Noncompetitive Registers.

Attorney Mark Berkowitz appeared on behalf of Odney Belfort, Police Sergeant. Adanna Ferguson, Assistant City Attorney appeared on behalf of Miami Police Department.

The hearing began today, with presentation of the grievant's case in chief, and due to time constraints was continued to March 21, 2023. The Board received exhibits and heard testimony from the following witnesses:

1. Chief Manuel Morales, Director, Department of Police. Questions posed by Board Members Lindsey, Jimenez, and Cabrera.
2. Dr. Eyran Kraus, Testing and Validation Supervisor, Human Resources Department. Questions posed by Board Members Lindsey, Cabrera, Garcia, and Jimenez.
3. Victoria Jarrett, Veterans Preference Coordinator. Questions posed by Board Member Cabrera, Lindsey, and Garcia.

**Day 2: March 21, 2023**

The Board reconvened with the scheduled Grievance hearing of Odney Belfort, Police Sergeant, relative to the 2022 Police Lieutenant Promotional Exam, pursuant to Civil Service Rule 16.2 - Complaint by Employee. The Board heard testimony from the following witnesses:

4. Odney Belfort, Police Sergeant, Department of Police. No questions posed by Board Members.
5. Terrella Johnson, Human Resources Supervisor, Department of Human Resources. Questions posed by Board Member Lindsey, Jimenez, Sutton, and Cabrera.

The parties rested and closing statements were provided by both the Grievant and

Department. The Board reviewed the exhibits and entered into deliberations.

Following discussion, the Board entered a motion to rule on the charges at once, rather than one at a time, 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

**Board Member Comments:**

Member Cabrera read on record an excerpt from Civil Service Rule 8.4, "Only under unusual conditions, satisfactory to the Board, shall the names of eligible be passed over." He went on to say it was clear that the Eligible Register was "corrected"; however, nothing changed based on the correction (rank remained the same). Member Cabrera added that he thanked Victoria Jarrett, Veteran Preference Coordinator, and understands she is an advocate for veterans; however, she is not a subject matter expert on NEOGOV nor does she understand the City of Miami Hiring process. Member Cabrera opined that there is a disconnect with the Civil Service Board Rules, and City Charter, on how Department Directors are being instructed on conducting promotions.

Member Lindsey stated there is a reason the Florida State Statute 295 and Florida Administrative Code 55A-7 says that DV30s go to the top of the list. He also added, he wasn't satisfied with the testimony of Dr. Eyran Kraus not being able to give a clear explanation of the promotional process.

Chair Sutton wants the City Manager to take the Board's decision seriously and to make the hiring/selection process more transparent.

Following discussion, the Board entered a motion in favor of the Grievant, who proved that the City violated Civil Service Rules 8.1, 8.3 and 8.4, and Florida Statute 295.08, which resulted as follows:

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia, Lindsey

**Recommendation:**

*Having found the violations, in accordance with Civil Service Rule 16.2, the Board recommends that Sergeant Belfort be immediately promoted to Police Lieutenant.*

**ADJOURNMENT:**

*A break was taken at: 12:27 pm – 12:36 pm.*

*There being no further business before the Board, a motion was entered to adjourn the meeting at 3:09 pm, which resulted as follows:*

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

**AYES:** Jimenez, Cabrera, Garcia, Lindsey

**SIGNATURE: Troy Sutton, Chairperson**

**ATTEST: Tishria L. Mindingall, Executive Secretary**