

**City of Miami**

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

**Meeting Minutes**

**Tuesday, April 05, 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 10:18am, 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	Absent

**Adoption of Agenda**

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

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

**A. Approving of the Minutes**

**A.1** Civil Service Board - Regular Meeting - March 22, 2022

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

**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

**B. Personnel Matters**

**B.1** Copy of a Memorandum from Ann-Marie Sharpe, Director, Risk Management Department, requesting an extension of probationary period of David Linares, Claims Manager, for six (6) additional months beyond April 12, 2022. (DISCUSSION)

Chair Sutton asked for the parties in this matter to come forward. Ann-Marie Sharpe, Director, Department of Risk Management, appeared before the Board, and advised that the department is requesting an additional six (6) months probationary period, to allow Mr. Linares time to demonstrate his ability to handle Liability Claims. Ms. Sharpe went on to explain that she expects the City to receive those claims on or around sometime in June from the current third-party vendor so they can be processed "in-house". She went on to explain that when Mr. Linares was hired as a Claims Manager in April 2021, his duties included monitoring the contract for the outside claims processor. As of June, his duties will include actually processing those claims himself, and she hasn't had time to evaluate Mr. Linares on reviewing and processing liability claims. Ms. Sharpe went on to express the importance of being able to process those types of claims; however, he doesn't possess that experience.

David Linares, Claims Manager, appeared before the Board and expressed an objection to the probationary extension request. He presented the Board with a composite exhibit and explained his objection. Mr. Linares pointed out that he applied for the position of Claims Manager, was deemed eligible, interviewed, and ultimately was hired for the position. He expressed to the Board that included in his composite exhibit was the job specification, which list 19 essential functions; however, adjudicating liability claims was not listed. He went on and pointed out that listed on the job announcement, "handling claims" was only preferred, not required.

Given the information presented by Mr. Linares, Member Cabrera expressed his concerns for the reason why Director Sharpe was requesting an extension. He further stated that since the department is the subject matter expert, they should have included "handling liability claims," as a requirement in the job announcement, which was posted from June to July 2020.

Member Garcia expressed his desire to allow Mr. Linares to become permanent, given his presentation. Chair Sutton reminded the Board of its duty to either grant or deny the request of the department as it relates to probationary extensions.

Questions were posed by Members Cabrera, Garcia, Jimenez and Sutton. Following discussion, the Board made a motion to **DENY** the extension request, which

resulted as follows:

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

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

**C. Military Leaves of Absence**

**C.1** Jermaine Latimore, Police Officer, requests extension of Active Duty Military Leave without pay for a period of 179 days. This is the second extension request. Copy of Orders extending leave submitted. (DISCUSSION)

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

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

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

**D. Disciplinary Matters**

**D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Yamil Herrera, Police Officer, of a 10-hour forfeiture, effective March 28, 2022. (NOTIFICATION)

**D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Luis Loureiro, Police Officer, of a 10-hour suspension, effective April 9, 2022. (NOTIFICATION)

**D.3** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Kenia Crocker, Police Officer, of a 10-hour suspension, effective April 3, 2022. (NOTIFICATION)

**D.4** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Ashley Hunter, Police Officer, of a 10-hour suspension, effective March 31, 2022. (NOTIFICATION)

**E. General Items**

**E.1** Copy of a Request to continue from Adanna Ferguson, Assistant City Attorney, concerning the Appeal Hearing of Deontay Parker, Police Officer, pursuant to Civil Service Rule 14 related to his 20-hour suspension, effective November 12, 2021 (CSB#21-12D). Eugene Gibbons, Attorney, expressed no objection to the request. (DISCUSSION)

Appeal Hearing is scheduled for today.

Adanna Ferguson, Assistant City Attorney, advised the Board that the reason for the request for a continuance is because a key witness is unavailable to attend today's hearing. It was noted, Eugene Gibbons, Attorney, on behalf of Deontay Parker, expressed no objection to the request. The Board made a motion to GRANT the department's continuance, which resulted as follows:

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

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

**E.2** Copy of a Settlement Agreement between the City of Miami and Jose A. Hernandez, Beach Operations Supervisor, concerning his Appeal Hearing, relative to his 7-day suspension, effective October 14, 2021 (CSB#21-20D). (NOTIFICATION)

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

**E.3** Copy of a Motion from Adanna Ferguson, Assistant City Attorney, concerning the Appeal Hearing of Mario Vuksanovic, *former* Information and Referral Aide, related to his Termination, effective January 25, 2022. (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, appeared before the Board to discuss the Department's Motion to Exclude Improper, Irrelevant, and Non-Probative Testimony, as it relates to today's hearing. Additionally, as a preliminary matter, ACA Ferguson went on to amend the charging document and provided copies to the Board and opposing counsel.

William J. Reider Jr., Attorney, Downs Law Group, appeared on behalf of Mario Vuksanovic and submitted a response to the Motion filed by ACA Ferguson. Following continued questioning and answering by the Board, and discussion regarding the hearing (Item H-2), During discussion, Chair Sutton asked if the parties could meet to discuss the matter. Following a break, as a matter of procedure, ACA Ferguson, **WITHDREW** the motion.

**F. Reports**

**F.1** Hearings Pending List as of April 5, 2022. (NOTIFICATION)

**G. Requests for Hearings**

**G.1** Copy of a request from David J. Winker, Attorney, on behalf of Suzanne Hollander, former Director of DREAM, concerning an Appeal, Investigation, and Grievance Hearing, pursuant to Civil Service Rules 14, 16.1 and 16.2 Whistleblower (Florida Statue 112.3187), concerning her Termination, effective February 25, 2022. (DISCUSSION)

Per Attorney Winker's request, Chair Sutton directed the Executive Secretary to carry this item over to the Civil Service Board meeting of April 19, 2022.

**G.2** Copy of a request from Michael Pizzi, Attorney, on behalf of Alfredo Matias, former Police Officer, concerning a Whistleblower Hearing pursuant to Florida Statute 112.3187, relative to his Termination, effective January 27, 2022. (DISCUSSION)

Due to time constraints, Attorney Pizzi had to leave the meeting. Chair Sutton directed the Executive Secretary to carry this item over to the Civil Service Board meeting of April 19, 2022.

## **H. Today's Hearings**

**H.1** Appeal Hearing on behalf of Deontay Parker, Police Officer, concerning his 20-hour suspension, effective November 12, 2021.

A continuance was granted at today's meeting.

**H.2** Appeal Hearing on behalf of Mario Vuksanovic, former Information and Referral Aide, concerning his Termination, effective January 25, 2022.

Chair Sutton called for the Appeal Hearing of Mario Vuksanovic, former Information and Referral Aide. William J. Rieder, Jr., Attorney, appeared on behalf of the employee. Adanna Ferguson, Assistant City Attorney, appeared on behalf of the department.

Prior to opening statements, Chair Sutton noted the number of witness present for the matter and ACA Ferguson requested Counsel to narrow the number of witnesses down to those that can attest to the employee scheduling and/or attending EAP and those that are character witnesses.

Chair Sutton asked Special Counsel for guidance as it relates to what testimony can be admitted. Kimare Dyers, Attorney on behalf of Reginal Clyne, Special Counsel, advised the Board it's their discretion as to the amount of information they want to hear. She went on to say, the Appellant has a right to explain why he didn't go to EAP.

Chair Sutton went on and asked the parties if they wanted to take a break to see if an amicable resolution can be reached. The parties responded in the affirmative.

Upon return from break, ACA Ferguson advised the Board that the parties reached an amicable resolution, and the agreement will be drafted and sent to Attorney Rieder. She advised that once finalized, a copy of the executed agreement will be forwarded to the Civil Service Board Office.

Following discussion, the Board entered a motion to GRANT a joint continuance pending settlement, which resulted as follows:

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

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

### **ADJOURNMENT:**

Breaks were taken at: 11:43 am – 11:53 am; and 12:18pm – 12:58 pm.

There being no further business before the Board, a motion was entered to adjourn the meeting at 1:05 pm, 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, Lindsey, Garcia

**SIGNATURE: Troy Sutton, Chairperson**

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