

City of Miami

3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, May 18, 2021 10:00 AM Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
Rafael Cabrera, Board Member
Rodrigo Jimenez, Board Member
Ulysses Garcia, Board Member
Travis Lindsey, Board Member

Pledge of Allegiance

The meeting was called to order at 10:11 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson (At-Large)	Present
Rafael Cabrera	Board Member (At-Large)	Present
Rodrigo Jimenez	Board Member (At-Large)	Present
Ulysses Garcia	Board Member (Elected)	Present
Travis Lindsey	Board Member (Elected)	Present

Adoption of Agenda

Chair Sutton asked if there were any revisions to the Agenda. The Executive Secretary advised the Board that Item E2 and G2 were withdrawn. A motion to adopt the Agenda as amended was considered and 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, Garcia, Lindsey

ELECTION OF CHIEF EXAMINER

Chair Sutton reminded the Board that election for the position of Chief Examiner had been placed on hold until the election of the two remaining Board Members had taken place. He went on to ask that the Board now elect a Chief Examiner, then opened the floor for nominations. A motion to elect Member Ulysses Garcia as Chief Examiner was considered and 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, Cabrera, Jimenez, Garcia, Lindsey

Chair Sutton congratulated Member Garcia on his new position. Chief Examiner Garcia thanked the Board for its confidence in him.

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - May 4, 2021 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 Approved, passed by the following vote:

AYES: Sutton, Cabrera, Jimenez, Garcia, Lindsey

B. Personnel Matters

C. Military Leaves of Absence

C.1 Alejandro Cuervo, Fire Lieutenant, requests Active Duty Military Leave without pay effective March 13, 2021 through April 13, 2021, and an extension from April 14, 2021 through September 30, 2021. Copies of Orders Submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez, Garcia, Lindsey

C.2 Felix Feliciano, Firefighter, requests extension of Active Duty Military Leave without pay through July 12, 2021. Records reflect his original request for Military Leave was through June 12, 2021. Copy of Orders extending leave submitted. (DISCUSSION)

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

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

AYES: Sutton, Cabrera, Jimenez, Garcia, Lindsey

C.3 Angelo Viniegra, Firefighter, requests re-employment as a Firefighter following his return from Military Leave. Copy of memorandum from the Air Force submitted. (DISCUSSION)

The Board entered a motion to approve the re-employment as requested and thanked the employee for his service.

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

AYES: Sutton, Cabrera, Jimenez, Garcia, Lindsey

D. Disciplinary Matters

E. General Items

E.1 Copy of a Request to continue from Adanna Ferguson, Assistant City Attorney, concerning the Appeal hearing of Edwin Gomez, Police Sergeant, relative to a 160-hour suspension, effective February 24, 2020 (CSB#20-04D). Attorney Karen Coolman Amlong, The Amlong Firm, expressed no objection to the request. (DISCUSSION). Hearing of Appeal is scheduled for today.

Adanna Ferguson, Assistant City Attorney, Office of the City Attorney, advised the Board that two (2) of the department's essential witnesses are not available today; therefore, she is requesting a continuance of this matter. She went on to say, she spoke with Karen Amlong, Attorney on behalf of the employee, and she expressed no objection to the request.

Following discussion, the Board granted a motion 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, Cabrera, Jimenez, Garcia, Lindsey

E.2 Request to Appear from Osnat K. Rind, Attorney, on behalf Anthony Irizarry, Heavy Equipment Mechanic Helper, pursuant to Civil Service Board Rule 2.7 - Appearance Before the Board; under Section 36(f) of the City's Charter and Section 40-122 of the City's Ordinances (Civil Service Rule 14) in reference to his termination, effective April 19, 2021. (DISCUSSION)

WITHDRAWN

E.3 Copy of a Settlement between the City of Miami and Desiree Farrell, Emergency Dispatcher Supervisor, concerning her Appeal hearing, relative to a 16-hour suspension, effective August 11, 2020 (CSB #20-08D). (NOTIFICATION). Hearing Appeal is scheduled for today.

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

F. Reports

F.1 Hearings Pending List as of May 18, 2021. (NOTIFICATION)

G. Requests for Hearings

G.1 Copy of a request for an Investigation hearing from Osnat K. Rind, Attorney, on behalf of Jorge Torres, Ryan Martinez, Domingo Gimenez, Luis Albo and Luwiz Leiva, pursuant to Civil Service

Rule 16.1- Abuse of Power of Nelso Garcia, Superintendent of Property Maintenance in GSA, and Civil Service Rule 14.2 (h), (I), (k), and (r). (DISCUSSION)

Osnat K. Rind, Attorney, appeared before the Board on behalf of Jorge Torres, Ryan Martinez, et al., requesting a hearing be granted pursuant to Civil Service Rule 16.1, concerning an alleged Abuse of Power by Nelso Garcia, Superintendent of Property Maintenance, GSA and Civil Service Rules 14.2 (h), (I), (k) and (r).

Attorney Rind advised that Mr. Leiva had removed his name from the request, and that Norman Gunder, Antonio Gonzalez, Leinz Polycap, Robert Cardenas-Perez and Omar Fraga had been added.

ACA Ferguson expressed an objection to the request before the Board citing a lack of due process, particularly in the employee knowing what he has been charged with and why, and having the opportunity to challenge the charges. She also advised that the documentation does not appear to ask for redress. She continued that she'd asked Attorney Rind to explain her request over a month ago and had not received a response. Attorney Rind responded that if the request is granted, that the Board could recommend redress.

Chair Sutton, Member Cabrera, Executive Secretary Mindingall and Special Counsel Dyer each provided input regarding the purview of the Board and the method of and schedule for conducting the preliminary investigation and 16.1 hearing.

Following discussion, the Board entered a motion to GRANT the request for hearing and added that a preliminary investigation be conducted by the Chief Examiner. This matter 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, Cabrera, Jimenez, Garcia, Lindsey

G.2 Copy of a request for a Grievance hearing from Osnat K. Rind, Attorney, on behalf of Lizeth Pita, Administrative Aide I, pursuant Civil Service Rule 16.2- Complaint by Employee, alleging abuse of power against Anna McKnight, Administrative Assistant III, Department of Code Compliance and Civil Service Rule 14.2 - (h), (i), (k) and (r). (DISCUSSION)

WITHDRAWN

H. Today's Hearings

H.1 Hearing of Appeal on behalf of Zulema Melancon, Police Sergeant concerning her 20-hour suspension, effective July 25, 2020.

The Executive Secretary advised the Board that a Settlement had been reached and a copy of the Agreement had been provided this morning to the Board. This matter is considered settled and will be removed from the Board's docket.

H.2 Hearing of Appeal on behalf of Desiree Farrell, Emergency Dispatcher Supervisor, concerning her 16-hour suspension, effective August 11, 2020.

Adanna Ferguson, Assistant City Attorney, advised the Board that both parties reached an agreement and submitted a copy of the Settlement last week. This matter is considered settled and will be removed from the Board's docket.

H.3 Hearing of Appeal on behalf of Edwin Gomez, Police Sergeant concerning his 160-hour suspension, effective February 24, 2020.

A continuance was granted at today's meeting (see Item E1).

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 11:15 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, Cabrera, Jimenez

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary