

City of Miami

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

Meeting Minutes

Tuesday, August 10, 2021
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 10:10 am, 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

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:

A motion was entered to approve the Minutes as presented, 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, Lindsey

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - July 13, 2021

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, Lindsey

B. Personnel Matters

B.1 Copy of a memorandum from Chief Art Acevedo, Director, Department of Police, requesting an extension of probationary period of Edwyla Forestal, Emergency Dispatch Assistant, for six (6) additional months beyond August 31, 2021. (DISCUSSION)

Following an appearance by EDA Forestal, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

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

B.2 Copy of a memorandum from Chief Art Acevedo, Director, Department of Police, requesting an extension of probationary period of Daniel Salhuana, Crime Scene Investigator I, for twelve (12) additional months beyond August 15, 2021. (DISCUSSION)

Following an appearance by Qiana Sanders-Bell, Personnel Manager, City of Miami Police Department, who advised that CSI Salhuana is currently out on military leave, the Board entered a motion to GRANT the extension as requested, 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, Jimenez, Cabrera, Lindsey

B.3 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, informing Rolando Padron, Police Captain, to return to his former classification of Police Lieutenant, effective August 1, 2021. (NOTIFICATION)

C. Military Leaves of Absence

C.1 John Romero, Police Officer, requests extension of Active Duty Military Leave without pay from July 17, 2021 through August 16, 2021 and a second extension from August 17, 2021 through September 30, 2021. Copy of Orders extending leave submitted. (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, Lindsey

C.2 Katherine Triana Vasquez, Police Officer, requests extension of Active Duty Military Leave without pay through September 30, 2021. Records reflect her previous approved extension request for Military Leave was through July 31, 2021. Copy of Orders extending leave submitted. (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, Lindsey

C.3 Pedro L. Montero, Firefighter, requests Military Leave without pay, from January 1, 2021 through March 31, 2021 and an extension from April 1, 2021 through September 30, 2021. Copy of Orders submitted. (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, Lindsey

D. Disciplinary Matters

D.1 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Daniel Mogro, Police Sergeant, of a 10-hour forfeiture, effective July 15, 2021. (NOTIFICATION)

D.2 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Douglas Medrano, Police Officer, of a 10-hour forfeiture, effective July 9, 2021. (NOTIFICATION)

D.3 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Josterly Mital, Police Officer, of a 10-hour suspension, effective July 21, 2021. (NOTIFICATION)

D.4 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Linda Casalis, Police Officer, of a 40-hour suspension, effective August 1, 2021. (NOTIFICATION)

D.5 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Marc Harris, Police Officer, of a 10-hour suspension, effective July 11, 2021. (NOTIFICATION)

D.6 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Zachary Estape, Police Officer, of a 10-hour suspension, effective July 21, 2021. (NOTIFICATION)

D.7 Copy of a letter from Chief Art Acevedo, Director, Department of Police, notifying Luis Rodriguez, Police Sergeant, of a 40-hour suspension, effective July 24, 2021 and a request to Appeal from Sergeant Rodriguez. (NOTIFICATION)

D.8 Copy of a letter from Suzanne Hollander, Director, Department of Real Estate and Asset Management, notifying Maria Busto, Marina Supervisor, of a 10-day suspension, effective July 27, 2021 and a request to Appeal from Osnat K. Rind, Attorney, on behalf of her client Ms. Busto. (NOTIFICATION)

E. General Items

E.1 Notice of a Withdrawal from Dana Carr, Police Captain, concerning her Whistleblower hearing pursuant to a Florida Statue 112.3187. (NOTIFICATION)

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

F. Reports

F.1 Hearings Pending List as of August 10, 2021. (NOTIFICATION)

G. Requests for Hearings

H. Today's Hearings

H.1 Investigation hearing on behalf of Joel Fernandez, Ocean Rescue Lifeguard, pursuant to Civil Service Rule 16.1 Investigation by the Board, alleging violation of Civil Service Rule 5.4 Disqualification and violation of Section 36 of the City's Charter.

Chief Examiner Jimenez provided a status update and requested a continuance of this matter. Following discussion, the Board considered a motion to CONTINUE the hearing, 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, Lindsey

Following the vote, Chair Sutton stated that although he voted to have the Chief Examiner conduct a preliminary investigation, he would rather issue subpoenas to several employees and have them appear before the Board at a hearing. Member Cabrera advised that he would like to hear what the Chief Examiner has to offer; however, the process is being drawn out. Chief Examiner advised that new information was provided to him on Friday, and he would need additional time to review it.

Following discussion, the Board considered a motion requesting the Chief Examiner to provide a report to the Board on August 24, 2021 and to schedule the hearing on September 21, 2021, 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, Lindsey

Grievance hearing on behalf of Joseph R. Fernandez, Assistant Fire Chief (retired), Fire Department, pursuant to Civil Service Rule 4.1- Recommendatory, General.

H.2

Chair Sutton called for the Grievance hearing on behalf of Joseph R. Fernandez, Assistant Fire Chief (retired). The Executive Secretary advised the Board that the Civil Service Board Office has not heard from Chief Fernandez following his request for hearing. Following discussion, the Board considered a motion to DISMISS WITHOUT PREJUDICE this hearing, 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, Lindsey

H.3 Hearing of Appeal on behalf of Suzann Nicholson, former Building Services Assistant IV, concerning her Termination, effective May 12, 2021.

Kevin Jones, Supervisor Assistant City Attorney (SACA), appeared before the Board requesting a continuance of today's hearing. SACA Jones advised the Board of an emergency that took place earlier this morning concerning an unsafe structure and the City Manager will not be available. SACA Jones requested the hearing be rescheduled for August 24, 2021, which is the same date that Ms. Nicholson's Whistleblower hearing is set. He went on to ask that the Board hear both cases concurrently.

Matthew L. Baldwin, Attorney, on behalf of Suzann Mudahy-Nicholson, former Building Services Assistant IV, appeared before the Board and objected to both cases being heard concurrently. He further stated the circumstances surrounding Ms. Mudahy-Nicholson's termination are different than those of the Whistleblower case.

Following discussion, the Board considered a motion to GRANT the department's request to CONTINUE, 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, Lindsey

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 11:07 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, Lindsey

SIGNATURE: Troy Sutton, Board Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary