

City of Miami

3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes

Tuesday, September 21, 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 10:20 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	Present
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:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - August 24, 2021 10:00 AM

Chair Sutton asked if there were any revisions to the Minutes. The Executive Secretary responded in the affirmative. She advised the Board that on page 4, Item F.1, 2nd paragraph, the corrected verbiage will read, "Chief Examiner Jimenez responded that he did not prepare report; however, he agrees with the recommendation that the Board move forward with the hearing, as new information had been presented to him." She further advised that, after the vote, in the 3rd paragraph, it will read, "Chief Examiner Jimenez advised the Board that the investigation is ongoing."

A motion to adopt the Minutes as amended was considered and 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, Lindsey

B. Personnel Matters

B.1 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, informing Tymekia R. Gibson, Senior Staff Analyst, Department of Solid Waste, to return to her former classification of Contract Compliance Analyst, effective August 23, 2021. (NOTIFICATION)

B.2 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, informing Keandra Simmons, Police Major, Department of Police, to return to her former classification of Police Lieutenant, effective August 1, 2021. (NOTIFICATION)

C. Military Leaves of Absence

C.1 Johnny Fonseca, Police Officer, requests Military Leave without pay from October 1, 2021 through July 18, 2022. Copy of Orders submitted. (DISCUSSION)

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

C.2 Marvin J. Bravo, Police Sergeant, requests Military Leave without pay from October 5, 2021 for a period of 400 days. Copy of Orders submitted. (DISCUSSION)

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

C.3 Michelangelo Rojas, Police Lieutenant, requests extension of Active-Duty Military Leave without pay through September 20, 2021. Records reflect his previous approved extension request for Military Leave was through August 16, 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, Garcia, Lindsey

C.4 Rawewan Andrews, GIS Data Specialist, requests Military Leave without pay from August 27, 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, Garcia, Lindsey

C.5 Christopher Pujadas, Police Officer, requests re-employment as a Police Officer following his return from Military Leave. Copy of memorandum from the Air Force indicating Honorable Discharge 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 Lindsey, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Lindsey

C.6 Matthew Conway, Firefighter, requests Active-Duty Military Leave (ADT-FTNGD) from September 12, 2021 through September 18, 2021. Copy of Orders submitted. (NOTIFICATION)

C.7 Matthew Conway, Firefighter, requests Active-Duty Military Leave (ADT-FTNGD) from September 19, 2021 through September 25, 2021. Copy of Orders submitted. (NOTIFICATION)

C.8 Matthew Conway, Firefighter, requests Active-Duty Military Leave (ADT-FTNGD) from September 26, 2021 through September 30, 2021. Copy of Orders submitted. (NOTIFICATION)

D. Disciplinary Matters

E. General Items

E.1 Copy of a Request to continue from Libby H. Navarrete, Attorney, concerning the Investigation hearing of Joel Fernandez, Ocean Rescue Lifeguard, pursuant to Civil Service Rule 16.1 Investigation by the Board, Abuse of Power and Civil Service Rule 5.4- Disqualification and violation of Section 36 of the City's Charter (CSB#21-021). Adanna Ferguson, Assistant City Attorney, expressed no objection to the request. Investigation Hearing is scheduled for today. (DISCUSSION)

Assistant City Attorney Ferguson advised the Board that she did speak with Libby H. Navarrete, Attorney on behalf of Joel Fernandez, Ocean Rescue Lifeguard, and given the reason for the request, she had no objections. She went on to say that Attorney Navarrete advised that she would not be present today; however, she is available by phone.

Chair Sutton noted that he was on a business trip and changed his plans to be at today's meeting, because at the last continuance request, the Board made it clear that the hearing would proceed today. He added that another Board Member is a business-owner, and he takes time out to make sure he is here for the matter. Chair Sutton asked if anyone was present from Attorney Navarrete's office to discuss this matter. The Executive Secretary responded that Ms. Navarrete is not available today. Chair Sutton went on to say that the item before the Board is a request to continue; therefore, the parties should be present; that the hearing is set for today, and that he believes that all continuances should be placed on the Agenda at least two weeks before the actual hearing date.

Member Cabrera echoed Chair Sutton's comments and expressed his frustration with others being present, and the thought that resources are being wasted by allowing continuances, when the reasons are avoidable. He went on to say, if one of the attorneys is not present from either side, another attorney (from the firm or department) should be present to address the issue. He added that staff works hard to prepare for the cases, including scheduling, preparing notices, and issuing subpoenas for witnesses to appear. He would move to dismiss the hearing; however, given the fact that the Grievant is present, it would not be fair to him. He warned that the Board will not be so lenient with granting continuances in the future.

Daniel Lopez, Parks Aquatic Supervisor, appeared before the Board. Mr. Lopez expressed his concerns regarding being subpoenaed and how continuing this matter will be adding more stress to the operations. He went on to say that he was hoping the hearing moved forward and that there is a resolution of this matter.

Joel Fernandez, Ocean Rescue Lifeguard, appeared before the Board. Member Garcia reminded him that he is represented by Attorney Navarrete. Upon request, Attorney Navarrete was contacted via cell phone and responded to questions from the Board.

Member Jimenez added that the Board canceled the Chief Examiner's Preliminary Investigation; therefore, out of fairness, he thinks the Board should grant the continuance request.

Following discussion, and getting acceptance that both parties will be present, a motion was made to GRANT the continuance and reschedule the hearing for October 19, 2021, 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

NAYS: Sutton

F. Reports

F.1 Hearings Pending List as of September 21, 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, Abuse of Power and Civil Service Rule 5.4 – Disqualification, and violation of Section 36 of the City's Charter.

Hearing continued to the regular meeting of October 19, 2021. (refer to Item E1)

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 11:24 AM, which resulted as follows:

Motion by Board Member Lindsey, seconded by Board Member Garcia, 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