

City of Miami

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

Meeting Minutes

Tuesday, September 22, 2020
10:00 AM
Virtual Meeting

Civil Service Board

Troy Sutton, Chairperson Rafael Cabrera, Board Member Rodrigo Jimenez, Board Member

Pledge of Allegiance

The meeting was called to order at 10:07 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson (At-Large)	Remote
Rafael Cabrera	Board Member (At-Large)	Remote
Rodrigo Jimenez	Board Member (At-Large)	Remote

Prior to addressing today's Agenda, the Executive Secretary read into the record, a statement regarding Governor DeSantis' Executive Orders regarding holding virtual meetings, options for commenting on Agenda items, obtaining recordings of the meeting, and how the meeting may be viewed.

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: Cabrera, Jimenez, Sutton

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - August 25, 2020 10:00 AM

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

AYES: Cabrera, Jimenez, Sutton

B. Personnel Matters

C. Military Leaves of Absence

C.1 Juan C. Ortega, Police Officer, requests extension of Active Duty Military Leave without pay effective August 10, 2020 through September 30, 2020. Records reflect his previous approved extension request for Military Leave was from June 26, 2020 through August 9, 2020. Copy of Orders extending leave were submitted. (DISCUSSION)

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

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

AYES: Cabrera, Jimenez, Sutton

C.2 Alejandro Cuervo, Firefighter, requests Active Duty Military Leave without pay from August 1, 2020 through September 30, 2020. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Cabrera, Jimenez, Sutton

C.3 Alain Etienne, Police Officer, requests Active Duty Military Leave without pay from October 2, 2020 for a period of 440 days. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Cabrera, Jimenez, Sutton

C.4 Pedro L. Montero, Firefighter, requests Active Duty Military Leave without pay from June 2, 2020 through July 2, 2020. Copy of Orders submitted. (DISCUSSION)

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

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

AYES: Jimenez, Cabrera, Sutton

C.5 Roselyn Paz, Police Officer, requests re-employment as a Police Officer following her return from Military leave. Copy of memorandum submitted. (DISCUSSION)

The Board entered a motion to approve the reemployment as requested, and thanked the employee for her service.

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

AYES: Cabrera, Jimenez, Sutton

D. Disciplinary Matters

D.1 Copy of a letter from Chief Joseph F. Zahralban, Director, Department of Fire Rescue, notifying Richard Perry, Stock Clerk II, of an 80-hour suspension, effective August 10, 2020. (NOTIFICATION)

D.2 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Joshua Cobo, Police Officer, of a 20-hour suspension, effective September 13, 2020. (NOTIFICATION)

D.3 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Kevin Leandro Abad, Police Officer, of a 10-hour suspension, effective September 15, 2020. (NOTIFICATION)

D.4 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Margaret Mulet, Emergency Dispatcher Assistant, of a 40-hour suspension, effective September 14, 2020 and a request to appeal from E.D.A. Mulet. (NOTIFICATION)

D.5 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Royland Alvarado Haber, Police Officer, of a 10-hour suspension, effective September 23, 2020. (NOTIFICATION)

D.6 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Kevin Targia, Police Officer, of a 20-hour suspension, effective September 9, 2020 and a request to Appeal from Officer Targia. (NOTIFICATION)

D.7 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Theodoro Raymond, Police Officer, of a 10-hour forfeiture, effective September 4, 2020. (NOTIFICATION)

D.8 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Travis Lindsey, Police Sergeant, of a 40-hour suspension, effective September 1, 2020 and a request to Appeal from Sergeant Lindsey. (NOTIFICATION)

E. General Items

E.1 Notice of Withdrawal from Osnat K. Rind, Attorney, on behalf of Carlos Herrera, Zoning Information Specialist, concerning his 7-working day suspension, effective November 20, 2018. (NOTIFICATION)

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

- E.2 Notice of withdrawal from Libby Navarrete, Attorney, Osnat K. Rind P.A., on behalf of Jose Gonzalez, Senior Building Inspector concerning his 3-days suspension, effective January 9, 2019. (NOTIFICATION)

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

- E.3 Copy of a Settlement Agreement between the City of Miami and Francois Walters, Sanitation Inspector II, concerning her Grievance hearing pursuant to Civil Service Rule 16.2-Complaint by employee, alleging violation of Civil Service Rule 5.4- Disqualification, and 6.3- Contents of Examination, as it relates to her ineligibility determination for the April 2018 recruitment for Sanitation Supervisor. (NOTIFICATION)

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

- E.4 Civil Service Board Meetings calendar. (DISCUSSION)

The Executive Secretary asked the Board to consider the revised calendar as it relates to the meetings scheduled for the remaining of the year. The next regularly scheduled meeting is October 6, 2020. She explained, this item was before the Board due to COVID-19 and the limited resources available, it will be conducive to limit the number of meetings per month. The Executive Secretary advised the Board, that she received notification this morning advising in the event Governor Desantis decide not to extend his Emergency Order allowing for virtual quorum of boards past September 30, 2020, we are preparing to hold in-person meetings at City Hall.

Chair Sutton asked the Board Members what their preference was for the October 6, meeting. Member Cabrera stated that he had no objection to cancelling the October 6 meeting. Chair Sutton asked when is the Civil Service Board Election scheduled. The Executive Secretary responded December 3 - 4, 2020. Should there be no run-off, the incumbents are expected to be present at the Civil Service Board meeting of December 15, 2020.

For clarification purposes, Member Cabrera asked the Executive Secretary to tell the Board which meetings were being considered for cancellation. She responded the meetings of October 6, 2020 and December 29, 2020. Chair Sutton asked was everyone okay with cancelling the October 6, 2020 and December 29, 2020 meeting and all Board Members responded in the affirmative.

Following discussion, the Board considered a motion to modify the calendar as indicated, which resulted as follows:

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

AYES: Jimenez, Cabrera, Sutton

- E.5 Request from Joseph Fernandez, Assistant Fire Chief (retired), Department of Fire-Rescue, for an Appearance Before the Board, pursuant to Civil Service Rule 2.7. (DISCUSSION)

Joseph R. Fernandez, Assistant Fire Chief (retired), appeared before the Board and stated that he wishes to present to the Civil Service Board members how the reduction in prevailing life insurance benefits has affected his family and many other current employees who may not be aware and adversely affected. The insurance impacts the interests of various city employees and he believes the City should have transparency and knowledge of the issue before the matter ends up in litigation. He went on to say, it was not his intentions to place the City in a negative light but only to address what may include unfair labor practices and employee notification inconsistencies in the details regarding the issue. He explained, his wife, Kristin Jordahl, former City of Miami employee, who's classification changed sometime over the last couple of years from Managerial Confidential/Unclassified to AFSCME/Classified per an Agreement, was severely impacted by the change and left without any life insurance coverage.

Chair Sutton asked the Executive Secretary for her guidance on this matter. The Executive Secretary responded, pursuant to her conversation with Assistant Chief Fernandez, she advised that the Board had no jurisdiction over employee's insurance, pay or other emoluments. She went on to say, that the acceptance of certain classifications into the bargaining unit at that time, was the result of an agreement between the City and AFSCME Local 1907. The Civil Service Board was not involved or consulted, nor can they make any revisions to that agreement.

Chair Sutton stated that he believes that this matter can be worked out. Essentially Assistant Chief Fernandez wants transparency when it comes to employees moving from one classification to the next.

Chair Sutton asked Adanna Ferguson, Assistant City Attorney, the City's position on this matter. ACA Ferguson, opined that in accordance with the Civil Service Rules, Rue 4.1 Recommendatory, it is the duty of the Board to review and recommend new and improved personnel policies to the City Commission, the City Manager, the Director of the Department of Human Resources and other departments and agencies of the City Government. She reminded the Board, she is not counsel for the Board and it would be best to defer to Board's counsel. She went on to say, she believes Assistant Chief Fernandez' request is regarding policy personnel issues.

Following discussion, Member Cabrera made a motion to grant a hearing pursuant to Civil Service Rue 4.1 Recommendatory, 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: Cabrera, Jimenez, Sutton

F. Reports

- F.1 Hearings pending List as of September 22, 2020. (NOTIFICATION)

G. Requests for Hearings

H. TODAY'S Hearings

NONE

ADJOURNMENT:

There being no further business before the Board, a motion was entered to adjourn the meeting at 10:40 am, 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: Cabrera, Jimenez, Sutton

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary