

City of Miami

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

Revised Meeting Minutes

Tuesday, January 23, 2024

10:00 AM

Commission Chambers

Civil Service Board

Troy Sutton, Chairperson
Rodrigo Jimenez, Chief Examiner
Rafael Cabrera, Board Member
Ulysses Garcia, Board Member
Wilbur Jackson Jr., Board Member

Pledge of Allegiance

The meeting was called to order at 10:23 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
Wilbur M. Jackson, Jr.	Board Member	Present

Prior to the business order of the day, per the Board's request at the meeting of January 9, 2024, the Executive Secretary provided an update concerning Martin Ukpai, Arborist, as it relates to his upcoming Arborist Exam certification.

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 Jackson, Jr., seconded by Board Member Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

A. Approving of the Minutes

A.1 Civil Service Board - Regular Meeting - January 9, 2024

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

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

B. Personnel Matters

C. Military Leaves of Absence

C.1 Giovanni Marks, Administrative Aide II, requests Active Duty Military Leave without pay from January 16, 2024 through April 27, 2024. Copy of Orders submitted. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

C.2 Matthew Conway, Firefighter, requests Active Duty Military Leave without pay from January 12, 2024 through February 4, 2024. Copy of Orders submitted. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

C.3 Alejandro Cuervo, Fire Lieutenant, requests re-employment as a Fire Lieutenant, following his return from Military Leave. Copy of his DD214 from the Army indicating Honorable Discharge submitted. (DISCUSSION)

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

D. Disciplinary Matters

D.1 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Leslier Diaz, Police Officer, of a 40-hour suspension, effective January 14, 2024. (NOTIFICATION)

D.2 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Christian Ceballos, Police Officer, of a 10-hour suspension, effective January 23, 2024. (NOTIFICATION)

D.3 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Bernardo Grisi, Police Officer, of a 30-hour suspension, effective January 22, 2024. (NOTIFICATION)

D.4 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Brian Husel, Police Sergeant, of a 10-hour suspension, effective January 17, 2024. (NOTIFICATION)

E. General Items

E.1 Copy of a Request to Continue from Zachary L. Riback, Attorney, concerning the Appeal Hearing of Nicole Tyler, former Police Officer, as it relates to her Termination, effective February 5, 2020. (CSB#20-03D). (DISCUSSION) Hearing of Appeal is scheduled for March 19, 2024.

The Executive Secretary presented the Board with Attorney Riback's email requesting a continuance in this matter until the outcome of his client's FDLE investigation. Jazmine Preston O'Neill, Assistant City Attorney, expressed no objection to the request.

Member Jackson asked how many times this matter had been continued. Member Cabrera (referring to the Pending Hearings List) replied "five (5) times".

Following discussion, the Board made a motion to DENY the request, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

E.2 Copy of a Request to Continue from Jazmine Preston-O'Neill, Assistant City Attorney, concerning the Appeal Hearing of Andre F. Perez, Senior Building Inspector, as it relates to his 3-day suspension, effective August 22, 2023. Attorney Robert N. Pelier expressed an objection to the request (CSB#23-16D). (DISCUSSION) Hearing of Appeal is scheduled for February 6, 2024.

Assistant City Attorney Preston O'Neill submitted a request to continue the appellant's hearing to coincide with his other scheduled hearing on August 6, 2024.

Robert Pelier, Attorney, appeared on behalf of Andre Perez, Sr. Building Inspector and expressed an objection to the request, noting that his client's 3-day and 5-day suspensions are not related.

ACA Preston O'Neill further explained that she also has other pending matters and needed additional time to prepare for the hearing.

Following discussion, the Board made a motion to GRANT the request to continue and reschedule the matter for Tuesday, March 19, 2024, 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: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

E.3 Public Hearing concerning the proposed amendments to Civil Service Rule Section 14.2- Grounds for Dismissals, Suspensions and Demotions and 14.6- Resignation Before Appeal.

(DISCUSSION)

Special Counsel Clyne appeared before the Board and stated the proposed amendments removed old language and provided some clarity between resignation and retirement.

Chair Sutton asked if anyone is in opposition to the proposed Rule change. Robert Buschel, Attorney, Bushel & Gibbons Law, and Griska Mena, Staff Counsel, South Florida Police Benevolent Association, appeared via Zoom. Attorney Buschel responded that he agreed with the amendments; however, he asked if, under 14.6, the employee's time would be restored. Special Counsel responded that normally the Board can make a recommendation, but it does not get involved with the financial aspects. Both Attorney Buschel and Staff Counsel Mena expressed their desire to have the amendment state that the hours shall be restored.

Following discussion, the Board made a motion which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

Following approval of the motion, Member Cabrera asked staff to provide the Board with a status update as it relates to the proposed changes to Civil Service Rule 6.7 (seniority). Special Counsel stated that he drafted a proposed Rule amendment regarding Whistleblower (under Rule 16) and as it relates to Civil Service Rule 6.7, he will follow up with Stephanie Panoff, Assistant City Attorney. He added that he would like to get familiarized with background information behind the Consent Decree lawsuit and once that is done, he will present it to the Board.

E.4 Status update concerning the Appeal Hearing on behalf of Barbara Reyes, Public Service Aide, relative to her 80-hour suspension, effective February 18, 2023, (CSB#23-07D).
(DISCUSSION)

Jazmine Preston O'Neill, Assistant City Attorney, advised the Board the Settlement Agreement is still pending the Department's signature; however, once she receives the executed copy, it will be forwarded to the Civil Service Board Office.

Without objection, Chair Sutton directed the Executive Secretary to carry the item over to the meeting of February 6, 2024.

F. Reports

F.1 Hearings Pending List as of January 23, 2024. (NOTIFICATION)

The Board made a note of Member Cabrera and Jackson scheduled absence February 6, 2024, due to prior engagements.

G. Requests for Hearings

H. Today's Hearings

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

Jazmine Preston-O'Neill, Assistant City Attorney, advised the Board that the parties agreed to settle the matter. She went on to say that the 20-hour suspension will be reduced to a 20-hour forfeiture. Chair Sutton asked opposing counsel to confirm. Robert Bushel, Attorney, Bushel & Gibbons Law, appeared via Zoom and responded in the affirmative. The hearing will be continued pending settlement.

H.2 Appeal Hearing on behalf of Lizlinda Bremer, Police Sergeant, concerning her 10-hour suspension, effective March 19, 2023.

Robert Buschel, Attorney, Bushel & Gibbons Law, appeared via Zoom and announced that his office will be representing Sergeant Bremer, and requested a continuance in this matter. ACA Preston-O'Neill expressed no objection to the continuance request. Following discussion, the Board made a motion to GRANT the request, which resulted as follows:

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

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

ADJOURNMENT:

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 Jackson, seconded by Board Garcia, that this matter be Approved, passed by the following vote:

AYES: Sutton, Jimenez, Cabrera, Garcia, Jackson, Jr.

SIGNATURE: Troy Sutton, Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary