

**City of Miami**

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

**Meeting Minutes**

**Tuesday, March 05, 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 10:20am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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	Excused

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia

**A. Approving of the Minutes**

**A.1** Civil Service Board - Regular Meeting - February 20, 2024

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia

**B. Personnel Matters**

**B.1** Copy of a memorandum from Asael Marrero, Director, Building Department, requesting an extension of probationary period of Daylin Ramos, Building Services Assistant III, for six (6) additional months beyond February 29, 2024. (DISCUSSION)

Daylin Ramos, Building Services Assistant III and Luis Torres, Assistant Director, Department of Building, appeared before the Board. Chair Sutton asked the employee if she understood and agreed with the request. Ms. Ramos responded in the affirmative. Following discussion, the Board entered a motion to GRANT the extension as requested, which resulted as follows:

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia

**C. Military Leaves of Absence**

**C.1** Adrian Talaria, Police Officer, requests Active Duty Military Leave without pay effective January 28, 2024 for a period of 110-days. Copy of Orders submitted. (DISCUSSION)

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

**AYES:** Sutton, Jimenez, Cabrera, Garcia

**D. Disciplinary Matters**

**D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Bryan

Mederos, Police Officer, of a 100-hour suspension, effective March 1, 2024, and 100-hour forfeiture. (NOTIFICATION)

- D.2 Copy of a letter from Arthur Noriega, V., City Manager notifying Frenel Cenat, Police Officer, of his Termination, effective February 23, 2024. (NOTIFICATION)
- D.3 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Adam Nentwig, Police Officer, of a 10-hour forfeiture, effective February 27, 2024. (NOTIFICATION)
- D.4 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Elio Villegas, Police Officer, of a 10-hour forfeiture, effective February 27, 2024. (NOTIFICATION)
- D.5 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Bryan Pino, Police Officer, of a 10-hour forfeiture, effective February 27, 2024. (NOTIFICATION)
- D.6 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Ariel Labanino, Police Officer, of a 10-hour forfeiture, effective February 27, 2024. (NOTIFICATION)

#### E. General Items

- E.1 Copy of the amended Final Judgment from Arthur Noriega, V., City Manager, concerning the Appeal Hearing on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, as it relates to her demotion, effective November 14, 2017. (NOTIFICATION) ITEM ADDITION

#### F. Reports

- F.1 Hearings Pending List as of March 5, 2024. (NOTIFICATION)

#### G. Requests for Hearings

#### H. Today's Hearings

- H.1 Appeal Hearing on behalf of Angelo Perry, Sanitation Supervisor, concerning his 40-hour suspension, effective August 8, 2022.

*The Chairman called for the hearing of Angelo Perry, Sanitation Supervisor and asked the Executive Secretary if he was present. The Executive Secretary responded in the negative.*

*Chair Sutton asked the Executive Secretary to put on the record how the Board notified Mr. Perry of his hearing today. The Executive Secretary stated that a scheduling letter was mailed and an email was sent to the addresses provided by Mr. Perry and staff called the phone number he listed on his request for hearing. No other discussion took place about Mr. Perry's absence.*

*Chair Sutton advised that both Appeals are scheduled for today and in accordance with Civil Service Rule 14.7 – Failure of Parties to Appear.*

*Prior to the onset of the Appeal Hearing, Jazmine Preston-O'Neill, Assistant City Attorney requested that Member Garcia recuse himself from the Hearing, to which he responded affirmatively. Following discussion, the Board entered a motion to recuse Board Member Garcia from the Hearing, 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, Garcia

*Additionally, in an effort of efficiency, ACA Preston O'Neill requested to consolidate the testimony of the witnesses as it relates to the Appellant's 40-hour suspension, effective August 8, 2022, and demotion, effective August 23, 2022. Following discussion, the Board entered a motion to consolidate the testimony for both appeals, and to separate the rulings for each appeal, 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,

*Having consolidated both appeals on behalf of Angelo Perry, Sanitation Supervisor, Chair Sutton confirmed that Findings of Facts will be rendered in each case.*

*The Board entered into the scheduled hearing on behalf of Angelo Perry, Sanitation Supervisor concerning his 40-hour suspension, effective August 8, 2022, and the charging document was placed in the official records.*

*The Board proceeded pursuant to Civil Service Rule 14. 7, "Failure of Parties to Appear", which states in part, "If the employee notified shall fail to appear at the time fixed for the hearing, the Board shall hear the evidence and render judgment thereon."*

*Jazmine Preston O'Neill, Assistant City Attorney, Office of the City Attorney, represented the department.*

*Angelo Perry, Sanitation Supervisor (Appellant), failed to appear at the onset of the hearing.*

*Assistant City Attorney Jazmine Preston-O'Neill provided opening statements. Witnesses testifying at the request of the Department appeared in the following order:*

1. Jennifer Moy, Assistant Director, City of Miami, Department of Solid Waste.

Angelo Perry, Sanitation Supervisor arrived at 12:05pm, during the testimony of Jennifer Moy. Chair Sutton asked Mr. Perry why he didn't appear on time. Mr. Perry responded that he was not made aware of today's hearing. Chair Sutton asked Mr. Perry to confirm his contact information with the Executive Secretary. Mr. Perry responded that he changed his email address; however, he forgot to notify the Civil Service Board staff. Mr. Perry said he had contacted his attorney and didn't know why he was not present. The Executive Secretary advised that the Office was unaware of any legal representation, and had sent hearing notification to the contact information provided by Mr. Perry.

Following discussion, the Board permitted Mr. Perry an opportunity to partake in the hearing. Witnesses continued as follows:

2. Wade Sanders, Director, City of Miami, Sanitation Department.

The Department rested. Appellant called no witnesses and rested. The parties proceeded with closing arguments. The Department entered its exhibits. No exhibits were entered on behalf of the Appellant. Following review and consideration of testimony, and exhibits, Chair Sutton called for Board deliberations and asked the Executive Secretary to read into the record as to violations of the Rules cited, which were the following:

City of Miami Civil Service Rules and Regulations:

- 14.2 (e) Has violated any lawful and reasonable official regulation or order; or failed to obey any lawful or reasonable direction made and given by his/her superior, where such violation or failure to obey amounts to:
- 14.2 (h) Has been guilty of actions which amount to insubordination or disgraceful conduct, whether committed on duty or off; or
- 14.2 (i) Has been wantonly offensive in conduct or language toward the public or City officers or employees; or
- 14.2 (k) Is incompetent, negligent, or inefficient in the performance of the duties of the position held; or
- 14.2 (r) Is antagonistic toward superiors and fellow employees, criticizing orders, rules and policies, and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the public service; or"

City of Miami Administrative Policy 1-99 Workplace Violence:

Prohibited Behaviors: Violence in the workplace may include, but is not limited to, the following list of behaviors directed at or by a co-worker, supervisor or member of the public:

1. Direct threats or physical intimidation
2. Implications or suggestions of violence
1. Loud, disruptive, or angry behavior or language that is not part of the typical work environment.
1. Any other act that a reasonable person would perceive as constituting a threat of violence.

City of Miami Department of Solid Waste Work Rules:

1. Personal Conduct and On-The-Job Behavior
1. Professional Conduct

Be mindful that the Department of Solid Waste is a place of business, and everyone is expected to conduct themselves in a professional and decorous manner. Any type of horseplay or disgraceful conduct towards any city employee or the general public will not be tolerated. Failure to adhere to this rule will result in immediate disciplinary action up to and including dismissal.

D. Supervision

Follow the directives given to you by your supervisor. If you are unsure of your work assignment, discuss it with your supervisor. If you should have a concern, respectfully advise your supervisor who will personally discuss your concern with the appropriate management staff and/or refer you to the appropriate management staff person.

Having reviewed and considered testimony, exhibits and argument of counsel, the Board made a motion to consider all charges at once, 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

Following discussion, the Board entered a motion to find the Appellant GUILTY of all charges as cited in the charging document, 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

**PENALTY PHASE:**

Having found Appellant guilty of all the charges, the Board entered into discussion regarding recommendations to make to the City Manager. Following discussion, a motion was made to recommend that the City Manager SUSTAIN the 40-hour suspension imposed by the department director, 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

**H.2** Appeal Hearing on behalf of Angelo Perry, Waste equipment Operator, concerning his Demotion, effective August 23, 2022.

**NOTE: Items H.1 and H.2 witnesses testimony was consolidated for efficiency.**

The Board entered into the scheduled Appeal Hearing of Angelo Perry, Waste Equipment Operator, concerning his Demotion (from Sanitation Supervisor), effective August 23, 2024, and the charging document was placed in the official records. The Board proceeded pursuant to Civil Service Rule 14.7, "Failure of Parties to Appear", which states in part, "If the employee notified shall fail to appear at the time fixed for the hearing, the Board shall hear the evidence and render judgment thereon."

*Jazmine Preston O'Neill, Assistant City Attorney, Office of the City Attorney, represented the department. Angelo Perry (Appellant), failed to appear at the onset of the hearing.*

*Assistant City Attorney Jazmine Preston-O'Neill provided opening statements. Witnesses testifying at the request of the Department appeared in the following order:*

1. *Jennifer Moy, Assistant Director, City of Miami, Department of Solid Waste*

*Mr. Perry arrived at 11:24pm, during the testimony of Jennifer Moy. Chair Sutton asked Mr. Perry why he didn't appear on time. Mr. Perry responded that he was not made aware of today's hearing. Chair Sutton asked Mr. Perry to confirm his contact information with the Executive Secretary. Mr. Perry responded that he changed his email address; however, he forgot to notify the Civil Service Board staff. Mr. Perry said he had contacted his attorney and didn't know why he was not present. The Executive Secretary advised that the Office was unaware of any legal representation, and had sent hearing notification to the contact information provided by Mr. Perry.*

*Following discussion, the Board permitted Mr. Perry an opportunity to partake in the hearing. Witnesses continued as follows:*

1. *Wade Sanders, Director, City of Miami, Sanitation Department.*

*The Department rested. Appellant called no witnesses and rested. The parties proceeded with closing arguments. The Department entered its exhibits. No exhibits were entered on behalf of the Appellant. Following review and consideration of testimony, and exhibits, Chair Sutton called for Board deliberations and asked the Executive Secretary to read into the record as to violations of the Rules cited, which were the following:*

*City of Miami Civil Service Rules and Regulations:*

- *14.2 (e) Has violated any lawful and reasonable official regulation or order; or failed to obey any lawful or reasonable direction made and given by his/her superior, where such violation or failure to obey amounts to:*
- *14.2 (h) Has been guilty of actions which amount to insubordination or disgraceful conduct, whether committed on duty or off; or*
- *14.2 (i) Has been wantonly offensive in conduct or language toward the public or City officers or employees; or*
- *14.2 (k) Is incompetent, negligent, or inefficient in the performance of the duties of the position held; or*
- *14.2 (r) Is antagonistic toward superiors and fellow employees, criticizing orders, rules and policies, and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the public service; or"*
- *14.2 (m) Has used, or threatened, or attempted to use political influence in securing promotion, leaves of absence, transfer, change in pay, change in character of work, or revision of examination grade; or*

*City of Miami Department of Solid Waste Work Rules:*

1. *Personal Conduct and On-The-Job Behavior*
1. *Professional Conduct*

*Be mindful that the Department of Solid Waste is a place of business, and everyone is expected to conduct themselves in a professional and decorous manner. Any type of horseplay or disgraceful conduct towards any city employee or the general public will not be tolerated. Failure to adhere to this rule will result in immediate disciplinary action up to and including dismissal.*

*D. Supervision*

*Follow the directives given to you by your supervisor. If you are unsure of your work assignment, discuss it with your supervisor. If you should have a concern, respectfully advise your supervisor who will personally discuss your concern with the appropriate management staff and/or refer you to the appropriate management staff person.*

*Having reviewed and considered testimony, exhibits and argument of counsel, the Board entered a motion to consider all charges at once, 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

*Following discussion, Member Cabrera made a motion to find the Appellant GUILTY of all charges as cited in the charging document, 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

***PENALTY PHASE:***

*Having found Appellant guilty of all the charges, the Board entered into deliberations regarding the recommended penalty. Following discussion, a motion was made to recommend that the City Manager SUSTAIN the Demotion, imposed by the department director, 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

**ADJOURNMENT:**

A break was taken at: 10:25 am – 10:59 am.

There being no further business before the Board, a motion was entered to adjourn the meeting at 1:02 pm, 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

**SIGNATURE: Troy Sutton, Board Chairperson**

**ATTEST: Tishria L. Mindingall, Executive Secretary**