

City of Miami

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

Meeting Minutes

Tuesday, November 14, 2023
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 10:21 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 |

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 Jimenez, 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 - October 31, 2023, 10:00 AM

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.

B. Personnel Matters

C. Military Leaves of Absence

C.1 Jim Cadestin, Police Officer, requests re-employment as a Police Officer, 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.

C.2 Jim Cadestin, Police Officer, requests Active Duty Military Leave without pay effective November 3, 2023 for a period of 365 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, Jackson, Jr.

C.3 Daniel Quintana. Stable Attendant, requests Active Duty Military Leave extension without pay from October 20, 2023 through November 3, 2023. Copy of Orders submitted. (NOTIFICATION)

- C.4** Daniel Quintana, Stable Attendant, requests re-employment as a Stable Attendant, following his return from Military Leave. Copy of his DD214 from the Air Force indicating Honorable Discharge 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, Jackson, Jr.

D. Disciplinary Matters

- D.1** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Marche Curry, Police Officer, of a 10-hour suspension, effective November 10, 2023. (NOTIFICATION)
- D.2** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Rony Rodriguez, Police Officer, of an 80-hour suspension, effective November 13, 2023. (NOTIFICATION)
- D.3** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying David Valuja, Police Officer, of a 10-hour suspension, effective November 5, 2023, and 40-hour forfeiture. (NOTIFICATION)
- D.4** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying David Valuja, Police Officer, of a 10-hour suspension, effective November 12, 2023, and 90-hour forfeiture. (NOTIFICATION)
- D.5** Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Emmanuel Luy, Police Officer, of a 10-hour forfeiture, effective November 3, 2023. (NOTIFICATION)
- D.6** Copy of a letter from Arthur Noriega, V., City Manager, notifying Tyler Banks, Police Officer, of his Termination, effective November 7, 2023. (NOTIFICATION)

E. General Items

- E.1** Copy of a Motion to Dismiss from Stephanie Panoff, Chief of Labor & Employment Division, on behalf of the City of Miami, concerning the Appeal Hearing of Edwin Gomez, retired Police Sergeant (CSB# 20-04D). (DISCUSSION) Hearing is scheduled for May 13-14, 2024.

Stephanie Panoff, Assistant City Attorney, appeared before the Board and reiterated her reason for the "Motion to Dismiss," which was discussed on October 31, 2023.

William Amlong, Attorney, appeared on behalf of Edwin Gomez, retired Police Sergeant; both appeared via Zoom.

Special Counsel advised the Board that he did some research and found that in other cases similar to this, previous Boards had both gone forward with Appeal Hearings, as well as dismissed Hearings. He went on to say, in this case he would ask the Board to have an evidentiary hearing and/or discussion because Sergeant Gomez alleges that he was forced to resign or retire.

Following questioning of Sergeant Gomez, and discussion by the Board, a motion was made GRANT the Motion to Dismiss, which resulted as follows:

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

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

- E.2** Status update concerning the Appeal Hearing on behalf of Shane Tardieu, Police Officer, relative to his 10-hour suspension, effective December 10, 2022. (DISCUSSION)

Jazmine Preston-O'Neil, Assistant City Attorney, advised the Board that both parties reached an amicable resolution and are awaiting execution of an agreement. Chair Sutton directed the Executive Secretary to schedule a status update in 30 days.

- E.3** Status update concerning the Appeal Hearing on behalf of Luis G. Rodriguez, Police Sergeant, relative to his 40-hour suspension, effective January 8, 2023. (DISCUSSION)

ACA Preston-O'Neil advised the Board that both parties reached an amicable resolution and are awaiting execution of a settlement agreement. Chair Sutton directed the Executive Secretary to schedule a status update in 30 days.

- E.4** Settlement Agreement between the City of Miami and Rodolfo Diaz, Police Officer, concerning his Appeal Hearing, relative to his 220-hour suspension, effective October 10, 2022, (CSB#22-28D). (NOTIFICATION)

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

- E.5** Settlement Agreement between the City of Miami and Luis Loureiro, Police Officer, concerning

his Appeal Hearing, relative to his 10-hour suspension, effective April 9, 2022, (CSB#22-07D).
(NOTIFICATION)

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

F. Reports

F.1 Hearings Pending List as of November 14, 2023. (NOTIFICATION)

G. Requests for Hearings

G.1 Copy of a Request from Osnat K. Rind, Attorney, on behalf of Hector Macias De Coro, former Grounds Tender, pursuant Civil Service Rule 2.7- Appearances before the Board, as it relates to his Resignation pursuant to AFSCME Local 1907 collective Bargaining Agreement, Article 17 or Termination, pursuant to Civil Service Board Rule 14, effective September 11, 2023.
(DISCUSSION)

Osnat K. Rind, Attorney, appeared on behalf of Macias De Coro, former Grounds Tender, to explain her reason for her request. Attorney Rind alleges her client was Terminated, pursuant to Civil Service Rule 14 and should be afforded a hearing. Attorney Rind went on to explain although her client's disciplinary letter cites Article 17.1, Section 3 – Abandonment of Position, as the sole reason for his dismissal, he is not precluded from exercising his appeal rights under Civil Service Rule 14. She contends that Sean Moy, President, AFSCME Local 1907, requested a meeting concerning this matter with Angela Roberts, Director, Department of Human Resources to no avail.

Stephanie Panoff, Sr. Assistant City Attorney, expressed an objection to the request. She went on to say, the Civil Service Board was not the right avenue to hear contractual issues and the employee could have elected to go through the Grievance Procedure in accordance with the Labor Contract.

Discussion ensued regarding the application of case law to the matter of conducting a hearing before the Board.

Following discussion, a motion was made to GRANT a hearing pursuant to Civil Service Rule 14, which resulted as follows:

Motion by Board Member Jackson, Jr., seconded by Board Member Garcia96, that this matter be Approved, passed by the following vote:

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

H. Today's Hearings

H.1 Appeal Hearing on behalf of David Flanders, Police Officer, concerning his 40-hour suspension, effective May 22, 2022.

The Executive Secretary advised the Board of an email received this morning from Eugene Gibbons, Attorney, on behalf of David Flanders, Police Officer, advising the Board of a settlement in this matter.

Following discussion, Chair Sutton instructed the Executive Secretary to schedule an update for the meeting of November 28, 2023.

H.2 Appeal Hearing on behalf of Ruben Lameira, Police Officer, concerning his 20-hour suspension, effective January 12, 2023.

The Executive Secretary advised the Board of an email received this morning from Eugene Gibbons, Attorney, on behalf of Ruben Lameira, Police Officer, advising the Board of a settlement in this matter.

Following discussion, Chair Sutton instructed the Executive Secretary to schedule an update for the meeting of November 28, 2023.

H.3 Appeal Hearing on behalf of Jermaine Douglas, Police Lieutenant, concerning his 20-hour suspension, effective January 28, 2023.

Chair Sutton called for the Appeal Hearing of Jermaine Douglas, Police Lieutenant. The Board entered into the scheduled Appeal hearing on behalf of Jermaine Douglas, Police Lieutenant, concerning his 20-hour suspension, effective January 28, 2023. The charging document was placed in the official record.

The Department of Police was represented by Jazmine Preston-O'Neill, Assistant City Attorney, Office of the City Attorney.

The Appellant was represented by Griska Mena, Staff Counsel, Staff Florida Police Benevolent Association.

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

1. Chiquita Thomas-Butler, Assistant Chief, City of Miami, Department of Police. Questions were posed by Members Jimenez, Cabera, Garcia, and Sutton.

The Department rested.

Staff Counsel Mena provided opening statements. The Appellant testified on his own behalf. Questions were posed by Members Jimenez, Cabrera, García, and Sutton.

The Employee rested.

Both the Appellant and the Department provided closing arguments, then the Board entered into deliberations.

Chair Sutton asked if any Member wished to say anything. Member Jackson opined that Major Butler asked Lieutenant to conduct an investigation upon his return from leave. He went on to say he reviewed evidence submitted and he did not see anything indicating Lieutenant Douglas refused or was insubordinate, he asked for legal representation due to the line of questioning presented in the email. He added within a week of this incident, he had been written up for responding to an email with a similar line of questioning.

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

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

Following further discussion, the Board made a motion to find the Appellant NOT GUILTY of all charges, 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:

Breaks were taken at: 11:30 AM -12:01 PM

There being no further business before the Board, a motion was entered to adjourn the meeting at 2:35 pm, which resulted as follows:

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

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

SIGNATURE: Troy Sutton, Board Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary