

City of Miami

3500 Pan American Drive  
Miami, FL 33133

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Meeting Minutes  
Tuesday, August 20, 2019  
10:00 AM

Commission Chambers

Civil Service Board

Troy Sutton, Chairperson  
Michael Dames, 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 10:14 am, with the Pledge of Allegiance. At commencement of the meeting, attendance was as follows:

Attendee Name	Title	Status
Troy Sutton	Chairperson	Present
Michael Dames	Chief Examiner	Absent
Rafael Cabrera	Board Member	Present
Ulysses Garcia	Board Member	Present
Wilbur M. Jackson, Jr.	Board Member	Late

Member Jackson, arrived at the meeting at 10:20 AM.

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

**AYES:** Sutton, Cabrera, Garcia

A. Approving of the Minutes

A.1 Civil Service Board - Special Meeting - August 5, 2019

A motion was entered to approve the Minutes as presented, 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, Cabrera, Garcia

A.2 Civil Service Board - Regular Meeting - August 6, 2019

A motion was entered to approve the Minutes as presented, 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, Cabrera, Garcia

B. Personnel Matters

B.1 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, informing Maxie Espinosa, Legal Services Assistant, of her return to her former classification of Information & Referral Aide, effective August 2, 2019. (NOTIFICATION)

- B.2 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, informing Malikia Barnett, Crime Scene Investigator I, of her return to her former classification of Public Service Aide, effective August 2, 2019. (NOTIFICATION)
- B.3 Copy of a memorandum from Chief Jorge R. Colina, Director, Department of Police, requesting an extension of probationary period of Briana Campbell, Emergency Dispatch Assistant, for three (3) additional months beyond August 20, 2019. (DISCUSSION)

Following an appearance by the employee, who responded to questions by the Board, a motion to GRANT the request of the department was considered and 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, Cabrera, Garcia

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 indicating Honorable Discharge submitted. (DISCUSSION)

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

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

**AYES:** Sutton, Cabrera, Garcia

- C.2 Roberto Luna, Firefighter, requests Military Leave without pay from July 21, 2019 through September 29, 2019. 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 Garcia, that this matter be Approved, passed by the following vote:

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

D. Disciplinary Matters

- D.1 Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Lucas Rodrigues, Police Officer, of an 80-hour forfeiture, effective August 6, 2019. (NOTIFICATION)

E. General Items

- E.1 Status update concerning the Hearing of Appeal on behalf of Kenya Crocker, relative to her 80-hour suspension, effective January 16, 2018 (CSB#18-03D). (DISCUSSION)

Adanna Ferguson, Assistant City Attorney, advised the Board that she forwarded a copy of the executed Settlement Agreement to the Civil Service Board Office.

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

- E.2 Civil Service Board Amended Manual of Procedures. (DISCUSSION)

The Executive Secretary explained that over the years, the Board periodically would review the Manual of Procedures, make revisions and approve them. She explained the changes they had before them were primarily cosmetic. The Manual included revisions such as changing "Chairman" to "Chair," it addressed the issue regarding non appearance of appellants pursuant to the Civil Service Rule (which is before them today) and removed language as it relates to having a court reporter present. She went on to say, that some updates were made including the exchange of information section, the number of copies of exhibits needed and that the meetings are recorded on DVDs and those recordings can be requested through the Office of Communications, which is another notice added to the Manual. She then responded to questions from the Board.

Following discussion, the Board entered a motion to APPROVE the amended Manual of Procedures, which resulted as follows:

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

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

F. Reports

F.1 Hearings Pending List as of August 20, 2019. (NOTIFICATION)

G. Requests for Hearings

G.1 Request from Maximiliano Valdes, Police Sergeant, for an Investigation Hearing pursuant to Civil Service Rule 16.1 - Investigation by the Board and a Grievance hearing pursuant to Civil Service Rule 16.2- Complaint by Employee, alleging a violation of Civil Service Rules 6.2- Promotional Examinations and 7.3- Duration of Registers, concerning the examination process for the 2017 Police Lieutenant's exam. The Board granted reschedule request at the meeting on August 6, 2019. (DISCUSSION)

Teri Guttman-Valdes, Attorney, appeared before the Board on behalf of Maximiliano Valdes, Police Sergeant and explained the reasoning behind her request.

Attorney Guttman-Valdes, advised the Board that her client took and passed the examination for Police Lieutenant and his name was placed on an eligible register, which was established July 12, 2017 and expired July 11, 2019. Subsequently, another exam took place, in which two employees were added to the eligible register on January 29, 2019, and ultimately, they were promoted. It is her contention that allowing the employees to take the test six months later was a violation.

Adanna Ferguson, Assistant City Attorney, appeared on behalf of the Department and objected to the request for hearing. She advised that the two employees were allowed to take the test pursuant to the Americans with Disabilities Act, which requires the City of Miami to provide accommodations. She further explained and read that pursuant to Civil Service Rule 7.3 - Duration of Registers, "The term of eligibility of each register and the names appearing thereon shall be fixed by the Director of Human Resources Department at not less than one year nor more than two years... For the purpose of this rule the life of an eligible register begins on the date that the eligible register is established. " The life of the register is not extended because a supplemental register was established. ACA Ferguson asked the Board to DENY the request before them.

Following continued discussion, and responses to the Board Members' questions, Attorney Guttman-Valdes, WITHDREW her request.

H. Today's Hearings

H.1 Hearing of Appeal on behalf of Schonton Harris, former Police Officer, concerning her termination, effective November 16, 2018.

The Chair called for the Appeal hearing on behalf of Schonton Harris, Police Officer (former), concerning her Termination, November 16, 2018. He asked if the Department was prepared to go forward with its case today.

Adanna Ferguson, Assistant City Attorney (ACA), appeared before the Board and answered in the affirmative.

Chair Sutton asked if anyone was present on behalf of the Appellant. Seeing none, the Board entered into the hearing of Appeal on behalf of Schonton Harris, Police Officer (former), in accordance with Civil Service Rule 14.7 - Failure of Parties to Appear. The charging document was entered into evidence.

Assistant City Attorney Ferguson provided opening statements and provided the Board with a copy of a Judgment from the United States District Court, Southern District of Florida.

The Department rested. No exhibits or testimony was entered on behalf of the Appellant.

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

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

**PENALTY DISCUSSION:**

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 uphold the Termination, which resulted as follows:

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

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

H.2 Hearing on behalf of Edwin Gomez et. al., Police Sergeants, relative to his Grievance hearing, concerning the examination process for Police Lieutenant, pursuant Civil Service Rules 16.1 - Investigation by the Board and 16.2 - Complaint by employee, alleging violation of Civil Service Rules 6.3 - Contents of Examination, 6.5 - Method of Rating, and 6.7 - Seniority.

Prior to entering into the scheduled Grievance hearing, Attorney Guttman-Valdes requested to amend the original request before the Board to include a violation of Civil Service Rule 6.7 - Seniority, as it relates to the 2015 examination process for Police Lieutenant's exam. ACA Ferguson expressed an objection.

Following discussion, the Board voted to GRANT the amended request as follows:

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

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

Following approval of the amended request, the Board entered into the scheduled Hearing on behalf of Edwin Gomez and others, Police Sergeants, pursuant to Civil Service Rule 16.1 – Investigation by the Board and 16.2 – Complaint by Employee, alleging a violation of Civil Service Rules 6.7 – Seniority, as it concerns the 2015 Lieutenants exam and a violation of Civil Service Rules 6.3 - Contents of Examination, and 6.5 - Method of Rating, as it concerns the 2017 Police Lieutenants exam.

The Grievant was represented by Teri Guttman Valdes, Attorney, Teri Guttman Valdes, PA. The Human Resources Department was represented by Adanna Ferguson, Assistant City Attorney, Office of the City Attorney.

The hearing began today, with presentation of the employee's case in chief, and due to time constraints will be continued on October 3, 2019. The Board heard testimony from Eyrán Kraus, Testing and Validation Supervisor, Department of Human Resources. The Minutes from this hearing will be placed, in their entirety, in the Minutes of the October 3, 2019 Civil Service Board meeting.

Following discussion, a motion was entered to CONTINUE the hearing to the special meeting of October 3, 2019, which resulted as follows:

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

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

H.3 Hearing on behalf of Jeovanny Herbello, Police Officer, relative to his Grievance hearing, concerning the examination process for the 2017 Police Sergeant, pursuant to Civil Service Rule 16.2 - Complaint by Employee, alleging a violation of the Americans with Disabilities Act, and Civil Service Rules 5.1- Announcement, 5.2- Application Forms, 6.2- Promotional Examinations and 17.1- Prohibited Practices.

The Board entered into the scheduled Grievance hearing on behalf of Jeovanny Herbello, Police Officer, concerning the 2017 examination process for Police Lieutenant, pursuant to Civil Service Rules 16.2 - Complaint by Employee, alleging a violation of the Americans with Disabilities Act, and Civil Service Rules 5.1 - Announcements, 5.2 - Application Forms, 6.2 - Promotional Examinations and 17.1 - Prohibited Practices.

The Grievant was represented by Teri Guttman Valdes, Attorney. The Department of Human Resources was represented by Adanna Ferguson, Assistant City Attorney, Office of the City Attorney.

Teri Guttman-Valdes, Attorney provided opening statements. Adanna Ferguson, Assistant City Attorney provided opening statements.

Witnesses testifying at the request of the Grievant appeared in the following order:

1. Dr. Anais Nadal, licensed Clinical Psychologist (private citizen), Orlandini Psychology Group. Questions were posed to witness Nadal by Members Sutton and Jackson.
2. Grievant testified on his own behalf. Questions were posed to Grievant by Members Jackson, Garcia, and Sutton.

The Grievant rested.

The Department asked each member if additional information was needed to which they responded in the negative.

The Department did not present witnesses and waived rebuttal.

Closing statements were provided by both the Grievant and Department. Upon review of exhibits entered by both the Grievant and the Department, the Board entered into deliberations.

Member Jackson opined that the Department did well in providing accommodations for Officer Herbello. He went on to say, Officer Herbello did not deny receiving the letter and he just did not read the letter that was sent to him and it is his fault that he showed up to the wrong location.

Following discussion, Member Garcia made a motion to vote on all violations at once, which resulted as follows:

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

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

Following discussion, Member Jackson made a motion to find that the City DID NOT violate any of the charges as cited in the grievance, which resulted as follows:

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

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

ADJOURNMENT:

Lunch Break 12:40 PM - 1:40 PM.

There being no further business before the Board, meeting adjourned at 5:02 PM.

SIGNATURE:

**Troy Sutton, Chairperson**

**ATTEST:**

Tishria L. Mindingall, Executive Secretary