

City of Miami

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

Meeting Minutes

Tuesday, January 09, 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 10:19 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, 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 - December 12, 2023 10:00 AM

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.

B. Personnel Matters

B.1 Copy of a memorandum from Juvenal Santana, Director, Department of Resilience and Public Works, requesting a 3rd request to extend the probationary period of Martin Ukpai, Arborist, for six (6) additional months beyond January 15, 2024. (DISCUSSION) ITEM ADDTION

Appearances were made by Raphael Gonzalez, Parks Recreation Coordinator and Martin Ukpai, Arborist, Department of Resilience and Public Works. Mr. Gonzalez relayed to the Board that Mr. Ukpai needs additional time to obtain certification.

Chair Sutton and Member Jackson advised the employee, that should the department bring forth another request, they will not be amendable with granting another extension. Chair Sutton further requested the employee to submit to Civil Service Board staff the next testing date for the State certification. Following questioning by the Board, and responses by Mr. Ukpai, the Board entered a motion to GRANT the extension, 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, Jackson, Jr.

C. Military Leaves of Absence

C.1 Michelangelo Rojas, Police Lieutenant, requests a second extension of Active Duty Military Leave without pay from November 2, 2023 through December 29, 2023. Copy of Orders extending leave submitted. (DISCUSSION)

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

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

C.2 Michelangelo Rojas, Police Lieutenant, requests re-employment as a Police Lieutenant, following his return from Military Leave. Copy of his DD214 from the Navy indicating Honorable Discharge submitted. (DISCUSSION)

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

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

C.3 Johnny Fonseca, Police Officer, requests a third extension of Active Duty Military Leave without pay from December 14, 2023 through March 31, 2024. Copy of Orders extending leave 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.4 John Romero, Police Officer, requests re-employment as a Police Officer, following his return from Military Leave. Copy of memorandum from the Air Force indicating Honorable Discharge submitted. (DISCUSSION)

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

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

C.5 John Romero, Police Officer, requests Active Duty Military Leave without pay from December 27, 2023 through April 26, 2024. 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.6 Alfredo Soler, Assistant Supervisor of Payroll, requests Active Duty Military Leave without pay from January 9, 2024 through April 7, 2024. Copy of Amended 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.

ITEM ADDITION

D. Disciplinary Matters

D.1 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Carlos Josic Reyes, Police Officer, of a 10-hour forfeiture, effective December 8, 2023. (NOTIFICATION)

D.2 Copy of a letter from Chief of Police Manuel A. Morales, Department of Police, notifying Derek Charles, Police Officer, of a 20-hour suspension, effective December 14, 2023, and suspension to work extra duty time for the next 60-days. (NOTIFICATION)

D.3 Copy of a letter from Asael Marrero, Director, Department of Building, notifying Andre Perez, Senior Building Inspector, of a 5-day suspension, effective December 18, 2023, and a request to Appeal from Andre Perez, Senior Building Inspector. (NOTIFICATION)

E. General Items

E.1 Proposed Amendment to Civil Service Rule Section 14.2(g) - Grounds for Dismissals, Suspensions and Demotions and 14.6 - Resignation Before Appeal. (DISCUSSION)

The Board was presented with a copy of a memorandum from the Executive Secretary, recommending deletion of Civil Service Rule 14 – Grounds for Dismissal, Suspension and Demotion, Sec. 14.2(g) and amendment to Rule 14.6 to affirm that resignation and retirement should be treated the same as it concerns Appeal hearings before the Board.

Special Counsel Clyne explained that pursuant to a request from the Board, he and the Executive Secretary are submitting the indicated amendments to the Civil Service Rules. He reviewed the drafted language concerning the rationale behind removing Sec. 14.2(g) and adding language concerning resignation and retirement. He explained that the Rule change will make it clear that both are treated the same as it concerns Appeal hearings before the Board.

Member Cabrera asked Special Counsel to also review Civil Service Board Rule 6.7 – Seniority, Sec. 6.7(c) and 6.7(e), as it relates to the Court Ordered Consent Decree and how seniority is calculated. Special Counsel responded in the affirmative.

Chair Sutton asked if there were any questions or comments from anyone at the meeting regarding the amendments. Following discussion, the Board made a motion to APPROVE the amendments, 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, Jackson, Jr.

E.2 Settlement Agreement between the City of Miami and Shane Tardieu, Police Officer, concerning his Appeal Hearing, relative to his 10-hour suspension, effective December 10, 2022, (CSB#22-31D). (NOTIFICATION)

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

E.3 Settlement Agreement between the City of Miami and Luis G. Rodriguez, Police Sergeant, concerning his Appeal Hearing, relative to his 40-hour suspension, effective January 8, 2023, (CSB# 23-02D). (NOTIFICATION)

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

E.4 Settlement Agreement between the City of Miami and David Flanders, Police Officer, concerning his Appeal Hearing, relative to his 40-hour suspension, effective May 22, 2022, (CSB#22-16D). (NOTIFICATION)

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

E.5 Settlement Agreement between the City of Miami and Ruben Lameira, Police Officer, concerning his Appeal Hearing, relative to his 20-hour suspension, effective January 12, 2023, (CSB#23-05D). (NOTIFICATION)

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

E.6 Status update concerning the Appeal Hearing on behalf of Barbara Reyes, Public Service Aide, relative to her 80-hour suspension, effective February 18, 2023. (DISCUSSION)

Jazmine Preston O'Neill, Assistant City Attorney, advised the Board that a copy of the Settlement Agreement was forwarded to the Department for signature. She further advised that once signature is obtained from the Department, the final executed copy will be forwarded to the Civil Service Board Office.

Without objection, Chair Sutton directed the Executive Secretary to carry this item over to the meeting of January 23, 2024.

E.7 Copy of the response from Stephanie K. Panoff, Chief of Labor and Employment Division, Office of the City Attorney, concerning the Public Record Request from Civil Service Board Members, as it relates to the 2022 Lieutenant Exam. (DISCUSSION)

The Executive Secretary provided the Board with an email from Stephanie Panoff, Chief of Labor & Employment Division, Office of the City Attorney, with attachments of the emails requested.

E.8 Notice of Withdrawal submitted by Libby Navarrete, Attorney, Phillips, Richard & Rind, Esquire, on behalf of Dana Byrd, Administrative Aide I. Hearing of Appeal is scheduled for today. Hearing is considered withdrawn and will be removed from the Board's docket.

(ITEM ADDITION)

F. Reports

F.1 Hearings Pending List as of January 9, 2024. (NOTIFICATION)

F.2 2023 Civil Service Board Annual Report to the City Commission. (DISCUSSION)

The Executive Secretary advised that the Report was updated and sent to all members, then asked if there were any questions. Hearing none, the Board entered a motion to APPROVE the Annual Report, 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, Jackson, Jr.

G. Requests for Hearings

H. Today's Hearings

H.1 Appeal Hearing on behalf of Dana Byrd, Administrative Aide I, concerning her 16-hour suspension, effective April 27, 2023.

Removed from Docket; Refer to Item E.8

H.2 Appeal Hearing on behalf of Gary Sampson, Police Sergeant, concerning his 10-hour suspension, effective March 7, 2023.

Robert Buschel, Bushel & Gibbons Law, appeared via Zoom to request a continuance on behalf of his client, Gary Sampson, Police Officer. 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:

A breaks was taken at: 11:17am – 12:12pm. There being no further business before the Board, a motion was entered to adjourn the meeting at 12:25 am, 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.

SIGNATURE: Troy Sutton, Board Chairperson

ATTEST: Tishria L. Mindingall, Executive Secretary