

City of Miami

*3500 Pan American Drive
Miami, FL 33133
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Meeting Minutes *(REVISED)*

Tuesday, July 24, 2018
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 10:03 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	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 Cabrera, that this matter be Approved by the following vote:

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

A. APPROVING OF THE MINUTES**A.1 Civil Service Board - Regular Meeting - July 10, 2018**

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, Dames, Cabrera, Garcia, Jackson, Jr.

B. PERSONNEL MATTERS

B.1 Copy of a memorandum from Angela Roberts, Director, Department of Human Resources, advising Latasha Towles, Paralegal, of her return to her former classification. Latasha Towles is being rolled back to Legal Assistant, effective July 9, 2018. (NOTIFICATION)

- B.2** Copy of a memorandum from Manuel Morales, Assistant Chief, Department of Police, requesting an extension of probationary period of Gerald Rivero, Police Officer, for 12 additional months beyond September 27, 2018. (DISCUSSION)

Following appearances by the employee, and responses to questioning by the Chair, the Board entered a motion to GRANT the extension as requested, 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, Dames, Cabrera, Garcia, Jackson, Jr.

C. MILITARY LEAVES OF ABSENCE

- C.1** Marc Sauld, Police Officer, requests Active Duty Military Leave (ADT), effective July 4, 2018 for a period of 32 days. (NOTIFICATION)
- C.2** Michael Rivera, Police Officer, requests Active Duty Military Leave (ADT), effective July 1, 2018 for a period of 90 days. (NOTIFICATION)
- C.3** Tomas Hernandez, 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 return as requested, and thanked the employee for his service.

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

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

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Michael Aguilera, of a 20-hour suspension, effective July 22, 2018. (NOTIFICATION)
- D.2** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Stephanie Ulmer, Police Officer, of a 10-hour suspension, effective July 19, 2018. (NOTIFICATION)

- D.3** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying John Askew, Police Officer, of a 40-hour suspension July 17, 2018. (NOTIFICATION)
- D.4** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Jose Moreno, Police Officer, of a 40-hour suspension July 13, 2018. (NOTIFICATION)

E. GENERAL ITEMS

- E.1** Status update concerning the Grievance hearing pursuant to Civil Service Rule 16.1 and 16.2, from Osnat K. Rind, Attorney on behalf of all affected employees, alleging violations of Section 36 of the Charter. (DISCUSSION)

The Executive Secretary advised withdrawal of the hearing. It will be closed and removed from the Board's docket.

F. REPORTS

- F.1** Pending Hearings as of July 24, 2018. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

H. TODAY'S HEARINGS

- H.1** Hearing of Appeal on behalf of Barbara Reyes, Public Service Aide, concerning a 40-hour suspension, effective January 8, 2018.

The Board entered into the scheduled Appeal hearing on behalf of Barbara Reyes.

The Appellant was represented by Attorney Osnat K. Rind, of Phillips, Richard and Rind, P.A.

The Department of Police was represented by Barbara Diaz, Assistant City Attorney, Office of the City Attorney.

Assistant City Attorney Diaz provided opening statements. Opening statements were deferred by Appellant. Witnesses testifying at the request of the Department appeared in the following order:

1. Annette Valdivia, Police Sergeant, Department of Police. Questions were posed to Witness Valdivia by Members Dames, Jackson, Cabrera and Sutton.
2. Christina Gomez, Police Lieutenant, Department of Police. Questions were posed to Witness Gomez by Member Jackson.
3. Barbara Reyes, Appellant. Questions were posed to Witness Reyes by all members.

The Department rested. No witnesses were called by Appellant. The Appellant rested. Both attorneys presented closing arguments.

The Board entered into discussion. Member Dames stated that exhibit C-7 specifically says that "E-days" were still cancelled for Public Service Aides (PSA); it doesn't reference "V" or other days off for PSAs.

Member Jackson found that there was a lack of communication between the Appellant and her supervisors, and had Appellant asked for the time off, he is 99% sure that the request would have been granted and the Board would not be hearing this matter today.

Member Cabrera opined that he did not interpret it (exhibit C-7) in the same way as Members Dames and Jackson. He went on to say that he believed that the email was referring to the Appellant as a PSA. He reminded the Board that the Appellant's email of the 17th advised that she had an E-day scheduled, when she knew that E-days were cancelled, so he believed that she abandoned her duties, and he could not support [that behavior]. He continued that he was sympathetic to Appellant being sick, but he cannot get over her leaving on vacation when according to the emails, all time off, specifically E-days were cancelled.

Chair Sutton agreed with Member Jackson that communication was lacking and he is giving Appellant the benefit of the doubt, and hopes that she sees her mistakes. He added that he hopes her attendance is impeccable in the future.

Following discussion, the Board entered a motion to rule on the charges at once, rather than one at a time, which resulted as follows:

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

AYES:	Troy Sutton, Michael Dames, Ulysses Garcia, Wilbur M. Jackson, Jr.
NAYS:	Rafael Cabrera

Determinations

The Board entered a motion to find the Appellant NOT GUILTY of all charges, which resulted as follows:

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

AYES:	Troy Sutton, Michael Dames, Ulysses Garcia, Wilbur M. Jackson, Jr.
NAYS:	Rafael Cabrera

Board Member Comments

The Board subsequently stated the following:

Member Cabrera found that it was clear that Ms. Reyes' "E-Days" were still canceled when she left on vacation on September 17, 2017 (her E-Day).

Member Sutton addressed the Appellant and stated that he hopes that she sees her mistake, that the tax payers and citizens have a right to be protected and she signed up to provide this service, that he does not question the lieutenant's or sergeant's integrity, but that he gave her the benefit of the doubt and that in the future her attendance is impeccable and that she needs to be there and that this never happen again.

Member Jackson further found that this incident was a lack of communication and lack of detail and hoped to never see Appellant [before the Board] again.

Lastly, Member Cabrera disagreed with his colleagues and stated that Appellant should have sought clarification if there was some confusion and that the burden was on her.

H.2 Hearing of Appeal on behalf of Maria Wilson, Automotive Equipment Operator II, relative to her 5-day suspension, effective April 25, 2017.

The Executive Secretary advised that the employee retired from the City, did not appear for today's hearing, nor did she respond to any correspondence from the Office. Following discussion regarding options, without objection, the Board agreed to DISMISS the hearing and remove it from the docket.

ADJOURNMENT:

Breaks were taken at: 10:13 AM – 10:27 AM and 1:23 PM – 1:31 PM. There being no further business before the Board, the meeting adjourned at 2:20 PM.

SIGNATURE:

Troy Sutton, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary

