

City of Miami

3500 Pan American Drive

Miami, FL 33133

www.miamigov.com



Meeting Minutes

Tuesday, August 21, 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 10:08 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, passed by the following vote:

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

A. APPROVING OF THE MINUTES**A.1 Civil Service Board - Regular Meeting - August 7, 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 Dames, 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 Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Jermaine Lattimore, Police Officer, for one (1) additional month beyond September 27, 2018. (DISCUSSION)

Following Officer Lattimore's appearance before the Board and response 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 Dames, that this matter be Approved, passed by the following vote:

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

- B.2** Copy of a memorandum from Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Andy Garcia, Police Officer, for six (6) additional months beyond December 13, 2018.
(DISCUSSION)

Following Officer Garcia's appearance before the Board and response 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 Dames, that this matter be Approved, passed by the following vote:

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

- B.3** Copy of a memorandum from Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Anthony Lopez, Police Officer, for six (6) additional months beyond December 13, 2018.
(DISCUSSION)

Following Officer Lopez's appearance before the Board and response 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.

- B.4** Copy of a memorandum from Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Lizabetha Cruz, Police Officer, for six (6) additional months beyond October 4, 2018.
(DISCUSSION)

Following Officer Cruz's appearance before the Board and response 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.

- B.5** Copy of a memorandum from Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Shareka Lewis, Police Officer, for twelve (12) additional months beyond November 22, 2018. (DISCUSSION)

Following Officer Lewis' appearance before the Board and response 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.

- B.6** Copy of a memorandum from Dennis M. Jackson, II, Assistant Chief, Department of Police, requesting an extension of probationary period of Ana Gan Cuba, Police Officer, for one (1) additional month beyond October 25, 2018. (DISCUSSION)

Following Officer Gan Cuba's appearance before the Board and response 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** Juan Ortega, Police Officer, requests Active Duty without pay, effective June 15, 2018 for a period of 108 days. (DISCUSSION)

The Board thanked the employee for his service, and entered a motion to approve the leave 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.2** Matthew Conway, Firefighter, requests Active Duty Training military leave without pay from July 20, 2018 through December 15, 2019. Copies of Orders submitted. (NOTIFICATION)

D. DISCIPLINARY MATTERS

- D.1** Copy of a letter from Jose Camero, Building Director, notifying Daniel Lemaitre, Building Inspector, of a 10- day suspension, effective August, 10, 2018 and a copy of a letter from Osnat K. Rind, Attorney, on behalf of Daniel Lemaitre, Building Inspector, requesting a hearing of appeal. A hearing has been scheduled for February 19, 2019. (NOTIFICATION)
- D.2** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Tahyesha Ridgeway, Emergency Dispatch Assistant, of a 8- hour suspension, effective August, 11, 2018 and a copy of a letter from Osnat K. Rind, Attorney, on behalf of Tahyesha Ridgeway, Emergency Dispatch Assistant, requesting a hearing of appeal. A hearing has been scheduled for March 5, 2019. (NOTIFICATION)
- D.3** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Joshua Ortiz, Police Officer of a 10-hour suspension, effective August 7, 2018. (NOTIFICATION)
- D.4** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Maximilian Kenhan, Police Officer of a 10-hour suspension, effective August 16, 2018. (NOTIFICATION)
- D.5** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Magdiel Perez, Police Officer of a 20-hour suspension, effective August 13, 2018. (NOTIFICATION)
- D.6** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Roman Rodriguez, Police Officer of a 20-hour suspension, effective August 9, 2018. (NOTIFICATION)
- D.7** Copy of a letter from Chief Jorge R. Colina, Director, Department of Police, notifying Brandon Carmona, Police Officer of a 10-hour suspension, effective August 11, 2018. (NOTIFICATION)

E. GENERAL ITEMS

- E.1** Status update concerning the Hearing of Appeal on behalf of Catina Anderson, Police Officer, relative to a 40-hour suspension, effective October 25, 2017 (CSB #17-27D). (DISCUSSION) Hearing continued from July 10, 2018.

Prior to discussion, the Executive Secretary advised that a Settlement Agreement had been received in the Office on August 20th, and copies were provided to the Board. She added that the hearing would be removed from the Board's docket.

- E.2** Copy of a Request to Continue from Barbara A. Diaz, Assistant City Attorney, concerning the appeal hearing of Xiao-Wen Michelle Choi, Principal Staff Analyst, relative to her Demotion, effective, November 14, 2017. (DISCUSSION) Hearing scheduled for today.

ACA Diaz appeared before the Board and advised that a pivotal witness for the Department was unavailable for today's hearing, and asked that the Board grant a continuance on her behalf. Charles Mays, Attorney on behalf of Ms. Choi, appeared before the Board and advised that he did not have an objection, but reminded the Board that his client had suffered this action for almost a year without redress. He asked that the matter be placed on the Board's first available meeting date for hearing. Following discussion, the Board considered a motion to GRANT the continuance 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.

F. REPORTS

- F.1** Pending Hearings as of August 21, 2018. (NOTIFICATION)

G. REQUESTS FOR HEARINGS

- G.1** A copy of a Request for a Grievance hearing from Matthew Sarelson, Attorney, on behalf of his client Steven Miro, former District Liaison, Commissioner Carollo's Office, requesting a Whistleblower hearing, pursuant to Florida Statute 112.3187. (DISCUSSION)

Attorney Sarelson appeared before the Board, referred the Members to his request, and explained that the basis of this request is that his client was engaging in protected activity and was fired.

Kevin Jones, Assistant City Attorney Supervisor (ACAS), Office of the City Attorney, appeared before the Board, and responded that the City had no objection to a hearing. He went on to say that there is a long way from allegation to the truth. Member Jackson asked if the Civil Service Board was the appropriate venue for this Request for Grievance Hearing, to which ACA Jones responded in the affirmative.

Chair Sutton stated that he read the complaint and expressed that his personal opinion is that he is concerned about this hearing creating a negative view of the employees and the City as a whole. He went to ask if the Florida Commission on Human Relations request for investigation, which Mr. Miro submitted in June, would solve the matter. Additionally, he asked for the Board to consider requesting a preliminary investigation to obtain additional information.

ACAS Jones responded that the grievance hearing operates as the investigation as there is no way to "shade the greys" and operating in the sunshine, the actual hearing will be the most appropriate vehicle.

Attorney Sarelson opined that [it is highly likely that this matter will] be filed in Circuit Court. He added that it makes sense for there to be a preliminary investigation due to this being a statutory claim.

Following discussion, the Board considered a motion to GRANT the Request for Hearing 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.
--------------	--

G. 2 Preliminary Investigation - Steven Miro Investigation Request

Chair Sutton asked the Board to consider conducting a preliminary investigation to obtain additional information regarding this matter. Assistant City Attorney Jones responded that he thought that a preliminary investigation was redundant. The Executive Secretary asked if the Board could narrow the focus of any investigation granted, so that the Chief Examiner would have direction. Member Jackson agreed with the need to obtain more information. Following discussion, the Board entered a motion to direct the Chief Examiner to conduct a Preliminary Investigation, 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, Cabrera, Garcia, Jackson, Jr.
NAYS:	Dames

H. TODAY'S HEARINGS

- H.1** Hearing of Appeal on behalf of Xiao-Wen Michelle Choi, Principal Staff Analyst, concerning a Demotion, effective November 14, 2017.

The Hearing was Continued at today's meeting, and will be rescheduled.

ADJOURNMENT:

There being no further business before the Board, the meeting adjourned at 10:45 am.

SIGNATURE:

Troy Sutton, Chairperson

ATTEST:

Tishria L. Mindingall, Executive Secretary