

City of Coral Gables City Commission Meeting
Agenda Item G-2
July 13, 2021
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias (Absent)

Assistant City Manager, Ed Santamaria

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Naomi Levi-Garcia

Human Resources Director, Karla Green

Public Speaker(s)

Agenda Item G-2 [Start 4:56 p.m.]

A Resolution of the City Commission re-adopting the City's Civility Code, establishing a Civility Code for members of the City Commission and for City Employees. (Sponsored by Mayor Lago)

Mayor Lago: I think we can do G-2, my item, is a Resolution of the City Commission re-adopting the City's Civility Code, its pretty standard. I think we already discussed that. It just deals with civility amongst staff and the Commission.

City Attorney Ramos: And that is related, Mayor, to I-2. At the last Commission meeting when this was deferred. There was a question about how staff handles complaints about employees, and they've put together, HR has put together a presentation explaining how that's done.

Ms. Levi-Garcia: You've covered it Madam City Attorney. Karla and Raquel are both here to present that presentation; the resolution remains the same from the June meeting.

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Assistant City Manager Santamaria: Karla is coming up from the City Manager’s office.

Mayor Lago: While we wait for that we’ll go to G-3, Commissioner Menendez the floor is yours.

[Note: The Mayor resumed item G-2]

HR Director Green: Good afternoon, Karla Green with the Department of Human Resources. Today we have a brief presentation to provide you with an overview of process and documentation of outside employment complaints. So, when we receive complaints, the city receives complaints they are taken very seriously and the city’s upper management and the Office of Labor Relations, as well as Human Resources, as part of the process we have to go through a triage at an early stage. Not all complaints require the same level of priority or investigation. So as part of the triage process, we have to review and assess the complaints. We have to investigate what is deemed necessary. We also have to take appropriate action and at times in certain instances the outcome of an investigation may result in a disciplinary action, but it is important to note that before a determination is made, every employee has to be afforded with a due process. So, when we are going through the review and assessment process, there are several factors that we consider. We determine the nature and severity of the conduct for proper handling, and we take into consideration the type of allegations. We take into account whether the individual has repetitive behavior or there are performance patterns, like violations of the Code of Conduct, rudeness, unprofessionalism, and then we also look and see how many employees, if there are multiple employees involved or not. Another important factor is that we determine the type of employee that is involved with the allegations. For union employees, the Office of Labor Relations manages their disciplinary processes. For non-union employees, who are referred to as excluded employees, Human Resources as well as the Office of Labor Relations handles those disciplinary actions; and all employees are governed by rules and regulations, as well as departmental SOP’s, Standard Operating Procedures, but one thing important to note is that union employees, there is collective bargaining agreements that we have to abide by. So, we determine whether the any interim action might be necessary as part of the review and assessment. We determine the priority of the allegation, whether an investigation must be conducted, the type of investigation. It could be formal or informal. Who will handle the investigation? – who should oversee or respond? For example, it could be Internal Affairs, it could be an outside agency handling the allegation or the investigation. And then we have to be mindful about the applicable provisions in the collective bargaining agreements referred to as CBA, any Florida Statutes and due process. We take into account the seriousness, the complexity, urgency, and then finally we determine if there is any potential violation that has occurred as a result of the allegation. And then, when we are conducting the investigation, there are several key principals required of us to conduct an appropriate investigation. One of the things that we do, again, we review the allegation, we make sure that we provide procedural fairness and are in compliance with the CBA, Florida Statutes Rules and Regulations. We make sure that we’re conducting the investigation in a timely fashion, thoroughness, and we analyze the information that we have gathered, and if it’s a formal claim allegation, an investigation that we are conducting, we are going to prepare a written report. Then upon the conclusion of the investigation, a determination is made whether any rules and regulations have been violated. If so, the potential courses of action that may include training, retraining the

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employee, a policy change, perhaps the individual was acting because there was an inflexible policy and they couldn't change, that's what they had to offer. Counseling is another type of course of action discipline, but one thing to remember, like I previously did mention that all employees must be provided with due process. And then the types of disciplinary actions could be written warning, suspension, demotion, and termination. One important thing to note is that as per the Florida Retention Schedule, records of complaints resulting in employee discipline are placed in the employee's personnel file for 50 years and they do remain for 50 years after separation or termination. At this point, this concludes the presentation, the brief presentation. Do you have any questions for us, we are happy to answer anything? Our Director of Labor Relations is here. She deals with the unions, and I deal with the rest of the employees.

Mayor Lago: Brings clarity to me. How do you feel?

Vice Mayor Mena: Its your item, but I was comfortable with it as drafted. The question is whether we are going to have that item or not.

Mayor Lago: At the end of the day, I feel comfortable with it. Its fine. I want to build consensus amongst the Commission, and the end goal is what we are doing. We are bringing attention to the fact that we all need to work as a group to bring civility back into our daily discussions. We are seeing it across the board. We just set the example.

City Attorney Ramos: And right now, the ordinance is drafted, the resolution. It simply says a city employee that violates a code may be subject to discipline in accordance with those procedures.

Mayor Lago: I have no issues with that.

Commissioner Fors: I'm fine with it as drafted as well.

Commissioner Anderson: I'm fine with it.

Mayor Lago: But beyond this, its beyond that. This is just the beginning, we as a community and it starts with the Commission, starts with the business community, starts with the residents, it starts with the employees. We need to set an example. Trust me, I make mistakes. I'm the first one to hold myself accountable. We need to work on how we treat each other, because its very easy just to discard somebody; discard your friendship, discard your acquaintance, we really need to work on that, especially in today's temperature that we are seeing across the board. It starts with the federal government, all the way down to the local government. The example is very poor that we are setting for our children, for our family members, as a community as-a-whole. Yes, its about the employees today, but its not really about the employees, its about all of us as-a-whole. So, I'll entertain a motion.

Vice Mayor Mena: I'll move it.

Commissioner Menendez: I'll second.

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Commissioner Menendez: Yes
Commissioner Anderson: Yes
Commissioner Fors: Yes
Vice Mayor Mena: Yes
Mayor Lago: Yes
(Vote: 5-0)

Mayor Lago: Thank you. Thank you to your department, I appreciate it. Thank you for your effort.