



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Karl Ross

Case: PI 18-061	Case Name: Animal Services Employee Union Leave Issue	Date Open:	Date Closed:
Complainant(s): Filed by anonymous caller	Subject(s): Ushediera Jordan, Dept. of Animal Services Collections Specialist I	Dec. 28, 2018	CASE CLOSED

Date: 2/19/19

Allegation(s):

COE received a tip that a County employee is allegedly receiving what amounts to free vacation time because her sister, the AFSCME Local 199 Union President, is requesting her assistance for “union duty” over the holidays and that the employee is not conducting actual union business.

The employee was identified as Ushediera Jordan, a collection specialist at Animal Services, and her sister was identified as Se'Adoreia Brown, <https://www.afscmelocal199.com/officers>.

The anonymous caller stated that Jordan is scheduled to take two weeks off from January 1-14, and that she made similar use of union-related time off last year over the holidays. The caller said she considered this to be “unfair” and opined that Jordan should use her annual leave like any other County employee. The caller said the Union Hall is located at 4349 NW 36th Street, #102, in Miami Springs.

Relevant Ordinances:

The Miami-Dade County Conflict of Interest and Code of Ethics ordinance states, in Subsection (g) titled *Exploitation of official position prohibited*, that: “No person ... shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances or resolutions ...”

Investigation:

Interviews

Alex Munoz, Director
Miami-Dade Department of Animal Services
Jan. 7, 2019

Director Munoz advised on the above date that he is aware of the leave situation as it pertains to the subject of this inquiry, Ushediera Jordan. He said she goes by a nickname, "Bootsie." He confirmed she is presently out on union-related leave and said she has done so on other occasions, most recently on or about the time she had a discrimination lawsuit against her supervisor dismissed in court. He said the lawsuit was filed against Virginia Diaz.

Munoz said that he also knew Jordan's half-sister, the Union president, Ms. Brown. He said Brown previously worked for Animal Services but that he signed an order to terminate her back when he started with the agency in late 2011. "On paper I fired her," Munoz said, adding that it was his predecessor as director who set the process in motion. He said that as far as he is aware, Brown is no longer working in government service.

Munoz said the union leave strikes him as "weird," but added that has no knowledge as to whether Jordan is performing union business while on leave. He said he would provide COE with requested copies of her leave as it pertains to the alleged union activity.

On Jan. 7, this investigator visited the building housing the AFSCME Local 199 office, at 4349 NW 36th Street. The main entrance was locked. Photographs were taken of the building and also of several vehicles parked in the lot immediately behind the building. On Jan. 8, COE reviewed the license plates on the state motor vehicles database (DAVE) and none of the tags traced back to the subject of the inquiry, Jordan, or her sister, Brown.

Se'Adoreia "CeeCee" Brown, President
AFSCME Local 199
4349 NW 36th Street, Suite 106
Miami Springs, FL 33166

Brown agreed to an interview at the request of COE and was accompanied by Local 199 Executive Vice President Salvador Pagan and Marcellous Stringer, president of AFSCME Local 3292. COE investigators Karl Ross and Robert Steinback conducted the interview.

Brown stated that she previously worked at the County's Animal Services Department and resigned her position after successfully filing a discrimination lawsuit against the agency. She claimed she was treated unfairly by a supervisor, Virginia Diaz, and noted that her sister has also had issues with the same supervisor, as evidenced by a recent grievance against Diaz that was resolved this past year. She stated she believes this antagonistic relationship is related to the anonymous tip that gave rise to the present COE inquiry. She said that these concerns have been elevated as high as the Mayor's office, and said that, in her view, the Local 199 has had a poor relationship with the Animal Services Department in recent years.

Brown said Ushediera Jordan is her full, biological sister – not a half-sister, as had been suggested to COE by the anonymous source. She said Jordan was recently elected as a Trustee of the Local 199 and provided documentation to this effect. She said the documents were filed with Animal Services last year, and that Jordan’s union activism is well-known.

Brown said the Trustee’s position is for a three-year term but noted that her sister had been active in union affairs since the onset of her 20-plus career with Miami-Dade County. She said she has, in the past, frequently called upon her sister to help out with union business and administrative matters. “Everything we’ve done since we pulled her off work has been in keeping with the Collective Bargaining Agreement,” Brown said.

Brown provided COE with a copy of the CBA and noted Sections (4.) and (5.) of Article 32 in the CBA relate to the use of employees for so-called “Y time.” She said that Y time is typically granted for one of two reasons – first, “to administer the contract” or CBA, and, second, “to attend union functions.” She said that her sister’s leave on Y time has related to one or both of these approved purposes. She said elected board members and union officials tend to receive more Y time than rank-and-file employees but this is not always the case.

Brown said that her sister’s Y time – roughly 200 hours since late 2017 – represents but a small percentage of the 6,500 hours of Y time the union can request each year under the terms of the CBA. She said some County employees have been granted leave for several months on end to assist with union affairs, mentioning Huin Charles and Derrick Bennet of Internal Services. She said the union is not required to document employees’ activity while they are on Y time. “The county only requires that we classify the time accordingly,” she said.

Asked to account for her sister’s Y time dating back to December 2017, Brown stated that eight hours of leave on Dec. 19, 2017, was to attend the local’s General Assembly, normally held on the third Tuesday of every month. It was noted that two other union members from Animal Services – Shop Steward Anthony Casas and Board Secretary Mireille Janvier – also received Y time on that same date to attend the assembly. Brown said that the leave time granted to Jordan on or about Nov. 20, 2018, was also to allow her to attend a General Assembly that day and to help with some end-of-the-year business.

Brown stated that her sister was granted Y time again in March to prepare for her arbitration against the Animal Services Department (ASD), and that, in her view, this was legitimate union business since the grievance was brought against the agency through the union. She said that the Y time allotted her sister in July from the 9th through the 20th was to allow her to cover the administrative functions at the Local 199 offices while union leadership attended an out-of-town conference in Boston, AFSCME’s International Convention.

Lastly, Brown said that she requested Y time again for her sister, during the first two weeks of this year because Lorraine Brown (no relation), the local’s Secretary Treasurer, was on vacation and her sister was tapped to help out. Brown noted Jordan, as a collection specialist, has the accounting skills needed to help during Lorraine Brown’s absence, including day-to-day operations such as paying bills and collecting dues.

Mr. Stringer, president of the AFSCME local serving the County’s Solid Waste Department,

added that Y time is requested from the agency and must be approved in advance. "The department has the right to deny the time or raise concerns if they have any," he said. He said that it is unusual for the use of Y time to be called into question because the agency granting the time has the right to deny such requests or to raise inquiries as to its usage.

Stringer added that relations with Animal Services have been troublesome in recent years. He said that some 170 County employees were hired at a higher pay rate than they were entitled to under the AFSCME CBA and that the union had to have those employees' wages reduced in order to achieve compliance with the CBA. He said this was done out of fairness to more senior employees who did not get to skip one or more pay steps. He said this created resentment among a large number of new-hires in ASD. He noted that of the 10 or so bargaining units AFSCME has with Miami-Dade County, the union has had the most difficulty in maintaining good relations with management at Animal Services. Stringer questioned why concerns about Jordan were not handled in a more forthright manner. He called Jordan "a stellar employee," and said she has consistently received "outstanding" evaluations.

Brown stated that she felt that long-standing personal animosity was to blame for the anonymous complaint against her sister. Brown also provided investigators a copy of her sister's grievance against Animal Services, filed in February 2017, and resolved after a hearing last March. The complaint alleges Jordan was discriminated against and denied a preferential work schedule because she's a black female and also due to her activism and involvement as a union member, as well as her sister's leadership position with the Local 199. The complaint alleged that a white co-worker who lacked Jordan's seniority was provided a preferential schedule.

A copy of the complaint, since resolved in arbitration, was added to the file.

Alex Munoz, director
Miami-Dade County Animal Services Department
Jan. 23, 2019

Munoz stated in a telephone interview that he is not aware of any requirement under the CBA for the Local 199 to substantiate or document the work being performed by employees who have been granted Y time such as Jordan. He further advised that Jordan is an employee in good-standing with the department and has received consistently favorable annual evaluations. "The dictating document is definitely the CBA," Munoz said, adding that other County rules pertaining to nepotism would not apply to the union agreement. "There's an appearance issue," he said, but acknowledged that there was nothing improper inasmuch as the CBA does not require any further accountability on the part of the union or employee.

Document/Audio/Video Review:

A copy of Jordan's union-related leave requests was obtained from Animal Services, reflecting a total of 132 hours between Dec. 19, 2017, and Nov. 21, 2018.

These included eight (8) hours for a union holiday party on Dec. 19, 2017; as well as four days or (32) hours prior to a court hearing for her lawsuit against her supervisor; a total of ten days

or (76) hours in July; and the two days or (16) hours prior to Thanksgiving 2018.

The above records do not include the nearly two weeks or (76) hours of leave time requested by Brown on her sister's behalf from Dec. 30, 2018, through Jan. 15, 2019.

It should be noted that Jordan was identified in one of the request letters as a member of the AFSCME Local 199 Executive Board. By contrast, the Local 199 Shop Steward for the Animal Services Department, Anthony Casas, was awarded 48.5 hours of paid leave in 2017, while Mireille Janvier, the Board Secretary, was awarded 112 hours from Dec. 19, 2017 – the date of the union holiday party – to Dec. 8, 2018, according to the leave records.

The records were added to the file.

Also added to the file were two letters from Brown requesting that Jordan be granted paid leave. The first was dated Nov. 5, 2018 and stated Jordan would “attend Union functions” on November 20 and 21. The Thanksgiving holiday was on November 22.

The second letter was dated Dec. 19, 2018 and stated that Jordan should be granted paid leave in order “to administer the contract” from December 30 through January 15, 2019.

Also obtained by COE was a copy of the collective bargaining agreement presently in force – titled, Collective Bargaining Agreement Between Miami-Dade County Florida and American Federation of State, County and Municipal Employees A.F.L.-C.I.O. General Employees, Local 199, October 1, 2014-September 30, 2017. No subsequent CBA has been approved.

Of particular interest was Article 32 Leave with Pay, stating in applicable part that leave county be granted for, among other reasons ... when, as in subsection (4), “The Union President and Vice President or equivalent Union designee will be released from duty with pay to administer this Agreement,” or as in subsection (5), “to attend Union functions.”

The CBA and pertinent excerpts were added to the file.

The state motor vehicle database was searched and, according to records, Union President Brown and her sister live in the same residence in Miami Gardens, according to the records. The records further indicate Jordan does not own a motor vehicle and that Brown owns a white Dodge (plate No. ESG W28) and black Cadillac (plate No. GAR M01). The records were added to the file.

On Jan. 10, COE visited the “officers” page of the Local 199 Website as retrieved from the following address: <https://www.afscmelocal199.com/officers>. According to this page, Brown's sister – Ushediera Jordan – was not listed as an Executive Board Member, as had been stated in Brown's Dec. 19, 2018, letter to Animal Services' HR director, Tyrone Williams. A copy of the webpage was added to the investigative file.

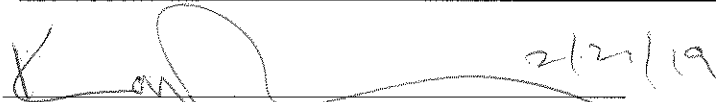
On Jan. 10, COE located and viewed personal Facebook pages for Brown and Jordan. No relevant posts were identified. Brown's page did state she lives in Pembroke Pines.

On Jan. 10, COE investigators Ross and Robert Steinback attempted to locate Jordan at the Local 199 Union Hall at 4349 NW 36th Street. As investigators sought to gain entrance, Brown was observed departing through a back door. Subsequent efforts to gain entry through an intercom at the front door were unsuccessful.

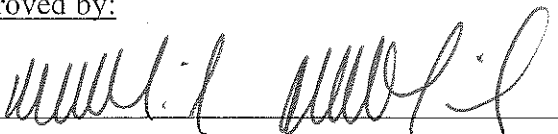
On January 15, COE received a copy of a January 14 letter from Brown to Tyrone Williams of the Miami-Dade Human Resources Department requesting additional Y time for Jordan, as well as two other employees – Merielle Janvier, also of Animal Services, and Orlinda Anderson of the County's Department of Transportation and Public Works. COE was advised by Director Munoz that Anderson is rumored to be Brown's mother.

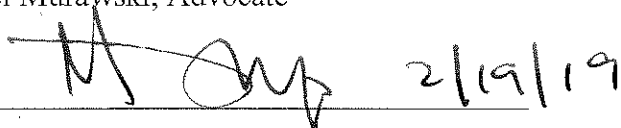
Conclusion(s):

After discussion with the Ethics Advocate it was decided that this matter should be closed with no further action. The use of "Y-time" is consented to and approved by the County and is part of the CBA. The evidence does not substantiate the claim of the anonymous reporter that Ms. Jordan is receiving "free vacation."


Karl Ross, COE Investigator 2/27/19

Approved by:


Michael Murawski, Advocate


Jose Arrojo, Executive Director 2/19/19