

MIAMI-DADE COUNTY
DISCIPLINARY ACTION REPORT

Employee Name: John Labriola Date of DAR: 3/5/2021
Classification: Commission Media Aide Date of Hire: 06/13/2013 ID# 210098
001 22 001 Employee Status: Permanent Probational Other
Department Division Area AC Exempt
Board Of County Commissioners

You are hereby charged with violating the County's Personnel Rules, Chapter VIII, Section 7: Paragraph:

- That the employee has been guilty of conduct unbecoming an employee of the County whether on or off duty, provided allegations shall be specific and shall describe the conduct which is the basis of the charge.
- That the employee has violated the provisions of departmental rules.
- That the employee has violated any of the provisions of the Act or the Rules.

(Attach additional sheets as necessary)

FACTS: (Description of specific actions, statements made by employee; attach statements of witness, if any, and attach copies of other documents if appropriate. Also state reasons for recommendation).

(Continued page 2)

(Attach additional sheets as necessary)

[Signature] 03/05/21
Supervisor's Signature Date

In signing this Report I acknowledge only that it has been discussed with me and that I have received a copy. I understand that I may respond orally or in writing and that such response will be made a part of this Report and taken into consideration prior to a final determination being made.

Employee's Signature Date

RECOMMENDED ACTION: Written Reprimand Day(s) Suspension Demotion
 Dismissal Effective Date(s) 03/08/21 - 03/10/21

FINAL ACTION: _____ **FINAL APPROVAL:** *[Signature]* Chairman of BCC
Signature Title 03/05/2021
Date

Disciplinary Action Report

Jose Labriola

Page 2

I recently read a comment article that you wrote expressing your concerns about the U.S. Congress passing a proposed law called the Equality Act. Your article went well beyond discussing the policy implications of the law. Instead, you made several inflammatory and insulting statements that are offensive to the community we both serve. Let there be no doubt, these insulting statements are unacceptable. These inflammatory and insulting statements are also inconsistent with long-standing anti-discrimination policies adopted by the Board of County Commissioners, including Miami-Dade County Implementing Order 7-45.

In your position as a Media Aide for the Board of County Commissioners, you are responsible for drafting and communicating this Board's policies in an effective and positive manner to this County's diverse population. Publishing insulting language that attacks people based on gender identity and sexual orientation is inconsistent with your position as a Media Aide where you are tasked with communicating this Board's policy objectives to the community. At a minimum, this article exhibited poor judgment that reflects negatively on your work in public relations on behalf of the County.

I have taken into consideration your County service and recognize that you have not received a disciplinary action or a less-than-favorable performance evaluation. However, you have received a record of counseling previously. Consequently, I have decided to issue you a three day suspension without pay. I am also mandating that you participate in training regarding the County's anti-discrimination policies. You must contact the Human Resources Department within the next 7 days to schedule the training. I expect you to have completed this training within the next 30 days.

In the meantime, please read the attached copy of Implementing Order 7-45. I expect you to comply with this important and mandatory Board policy and remind you that the County's Personnel Rules provide that an employee may be disciplined or dismissed from employment for conduct unbecoming a County employee, whether the conduct is on or off-duty.

I trust that you will comply with these and other County policies and will exercise better judgment in the future.



John Labriola <jflabriola@gmail.com>

Fwd: Disciplinary Action Report

7 messages

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: "jflabriola@gmail.com" <jflabriola@gmail.com>

Fri, Mar 5, 2021 at 7:52 PM

Sent from my iPhone

Begin forwarded message:

From: "Lopez, Isidoro (Office of the Chair)" <Isidoro.Lopez@miamidade.gov>
Date: March 5, 2021 at 7:36:03 PM EST
To: "Labriola, John F. (Office of the Chair)" <John.Labriola@miamidade.gov>
Cc: "Cuellar, Arleene (HR)" <Arleene.Cuellar@miamidade.gov>
Subject: Disciplinary Action Report

Good evening Mr. Labriola,

As we discussed over the phone, please find attached to this email the Disciplinary Action Report setting forth your suspension from County service from Monday, March 8, 2021, through Wednesday, March 10, 2021, and returning on Thursday, March 11, 2021. Please sign the attached document and email it back to me as soon as possible. Should you have any questions do not hesitate to contact me.

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

305.375.2879 or 305.458.2020


Please be advised that lobbyists must register prior to a meeting with the Commissioner.

Lobbyist Register: Clerk of the Board, 111 NW 1st Street, 17th Floor-305-375-5137

4 attachments

 **DAR - John Labriola.pdf**
738K

 **ATT00001.htm**
1K

 **IO7-45.pdf**
179K

 **ATT00002.htm**
1K

John Labriola <jflabriola@gmail.com>
To: averdugo@cfcflorida.net


Fri, Mar 5, 2021 at 7:53 PM

[Quoted text hidden]

4 attachments

 **ATT00001.htm**
1K

 **DAR - John Labriola.pdf**
738K

 **IO7-45.pdf**
179K

 **ATT00002.htm**
1K

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: John Labriola <jflabriola@gmail.com>

Sun, Mar 7, 2021 at 10:45 PM



John Labriola

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Follow us:



From: Labriola, John F. (Office of the Chair)
Sent: Sunday, March 7, 2021 10:27 PM
To: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>
Subject: RE: Disciplinary Action Report

Hi Izzy,

Please know that I first received your DAR after hours on Friday, March 5, 2021 at 7:36 p.m. I trust you will agree that everyone is entitled to reasonable notice as well as reasonable time to consult with counsel. I am not comfortable rushing into a hasty resolution of a DAR that might prejudice me as well as set a bad precedent for all Miami-Dade County employees.

At this time, I am not consenting or acquiescing to any suspension of my assigned work duties and I am ready, willing, and eager to report to work remotely this Monday as I have been doing.

As far as any response to the DAR is concerned, please afford me more time to review.

Sincerely,



John Labriola

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John Labriola <jflabriola@gmail.com>
To: averdugo@cfcflorida.net

Sun, Mar 7, 2021 at 10:50 PM

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13 attachments



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Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: John Labriola <jflabriola@gmail.com>

Mon, Mar 8, 2021 at 3:50 PM



John Labriola

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Follow us:



From: Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>
Sent: Monday, March 8, 2021 2:28 PM
To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Subject: RE: Disciplinary Action Report

John,

The newsletter can wait until Thursday when you return to work.

Thanks,

OLGA VEGA

Director of Communications | Office of Chairman Jose "Pepe" Diaz, District 12
District Office: 305-599-1200 | 8345 N.W. 12th Street, Miami, FL 33126

Cell: 786-258-1635 | Fax: 305-470-1791

olgav@miamidade.gov | [Website](#) | [Facebook](#) | [Twitter](#)



From: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Sent: Monday, March 8, 2021 2:16 PM
To: Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>
Subject: RE: Disciplinary Action Report

Hi Olga. Thanks for your call a little while ago around 1:30. Could you please send me an email summarizing what you told me, just so I have it in writing? I would really appreciate it.

Thanks,

John Labriola



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From: Labriola, John F. (Office of the Chair)
Sent: Monday, March 8, 2021 9:47 AM
To: Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>
Subject: FW: Disciplinary Action Report

Hi Olga. I noticed you weren't copied on this. Trying to wrap up the newsletter today. After all the work I already put into it, I don't want to leave it hanging.

[Quoted text hidden]

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: John Labriola <jflabriola@gmail.com>

Mon, Mar 8, 2021 at 4:15 PM



John Labriola
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Follow us:



From: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Sent: Monday, March 8, 2021 3:58 PM
To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>
Subject: RE: Disciplinary Action Report

Good afternoon Mr. Labriola,

This is in response to your email of March 7, 2021, wherein you state that you will not acquiesce or consent to the three day suspension issued on Friday March 8, 2021. Please understand that as an exempt employee you are not entitled to an administrative hearing under section 2-47 of the Miami Dade County Code to challenge the three day suspension. Accordingly, your suspension from Monday March 8, 2021 through Wednesday March 10, 2021 stands. As a reminder you are expected to report back to the BCC media office on Thursday, March 11, 2021.

Sincerely,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

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Lobbyist Register: Clerk of the Board, [111 NW 1st Street, 17th Floor](#)-305-375-5137

[Quoted text hidden]

John Labriola <jflabriola@gmail.com>
To: Anthony Verdugo <averdugo@cfcflorida.net>

Mon, Mar 8, 2021 at 4:16 PM

----- Forwarded message -----

From: **Labriola, John F. (Office of the Chair)** <John.Labriola@miamidade.gov>

Date: Mon, Mar 8, 2021, 4:15 PM

Subject: FW: Disciplinary Action Report

To: John Labriola <jflabriola@gmail.com>

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13 attachments



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John Labriola <jflabriola@gmail.com>

Fwd: Disciplinary Action Report

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: John Labriola <jflabriola@gmail.com>

Thu, Mar 18, 2021 at 10:11 AM



John Labriola

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From: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Sent: Wednesday, March 17, 2021 5:15 PM
To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>; Green, Elda A. (CSS) <Elda.Green@miamidade.gov>
Subject: RE: Disciplinary Action Report

Hello John:

Pursuant to the Disciplinary Action Report, you were instructed to contact the Human Resource representative within 7 days in order to schedule training on the County's anti-discrimination policies.

As such, you are directed to contact Elda Green by 5 pm Friday March 19, 2021.

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

3/21/2021

Gmail - Fwd: Disciplinary Action Report

Miami-Dade County

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RE: Reminder - Training

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>

Sat 3/27/2021 5:10 PM

To: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>

Cc: Cuellar, Arlene (HR) <Arlene.Cuellar@miamidade.gov>; Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>

Hi Izzy,

This is to confirm receipt of your email. Please know that I find all of this extremely distressing. Why am I being harassed and discriminated against for voicing my personal religious beliefs in what I believe is a violation of the County's Human Rights and Fair Employment Practices and policies? Why am I being singled out for disciplinary action and remedial "sensitivity training" as punishment for exercising my right to express my views on my private time as a private citizen? Why is the County surrendering to the unjust demands of ideological extremists seeking to crush everyone who disagrees with proposed legislation that many Americans consider severely detrimental to public health, safety, welfare and freedom of speech and religion? Other than the desire to placate outside extremist pressure groups, the County has not provided me with any other credible reason for the discipline nor identified any specific words in my online published commentary which could have triggered this action.

The County has already suspended me for three days without pay, over my stated objections, and placed a disciplinary action report in my personnel file. Now the County is singling me out for further humiliation, under threat of further reprisals, by trying to coerce me into signing up for a "sensitivity training," amounting to an unwanted ideological re-education session, which is not currently being scheduled for County employees in general but is being specifically imposed on me as punishment for my opinion piece, in order to put me on record as acknowledging that the beliefs I expressed as a private citizen are somehow unacceptable. It is not enough for the County that I have been punished with a three days' unpaid suspension; now I am being told I must also repudiate my beliefs. I'm being asked to violate my own conscience, which is too much to ask. I believe that agreeing to this would also be a betrayal of all other County employees who share my beliefs, because it would set a precedent that would allow them to be subjected to similar punitive action and harassment in the future.

Thank you for your understanding.

Regards,



John Labriola

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Follow us:



From: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>

Sent: Friday, March 26, 2021 2:38 PM

To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>

Cc: Cuellar, Arlene (HR) <Arlene.Cuellar@miamidade.gov>; Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>

Subject: FW: Reminder - Training

Importance: High

Good afternoon Mr. Labriola,

Please confirm receipt of the email below.

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

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From: Lopez, Isidoro (Office of the Chair)

Sent: Thursday, March 25, 2021 5:07 PM

To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>

Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>; Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>

Subject: Reminder - Training

Importance: High

Good afternoon Mr. Labriola,

On March 5, 2021, you were issued a Disciplinary Action Report ("DAR") that among other things, stated the following:

I am mandating that you participate in training regarding the County's anti-discrimination policies. You must contact the Human Resources Department within the next 7 days to schedule the training. I expect you to complete this training within the next 30 days.

On March 8, 9, and 10, 2021, you served the three-day suspension without pay ordered in the DAR. On March 11, 2021, you returned to duty in full-pay status and you have remained in full-pay status to this day. The written direct order to contact the HR Department in the DAR stated that you "must" contact the HR Department within 7 days from the March 5 DAR which meant that you were required to contact the HR Department by March 12, 2021 to schedule the mandated training. Despite being in full-pay status on Thursday March 11 and Friday March 12, you did not timely comply with the clear written direct order in the DAR to contact the HR Department to schedule the required training. On Monday March 15, Tuesday March 16, and Wednesday March 17, 2021, you were on duty in full-pay status and again you did not contact the HR Department in violation of the March 5 written direct order in the DAR to do so.

On March 17, 2021, at 5:15 pm, you were sent an email reminding you of the direct order in the DAR to contact the HR Department within 7 days. To attempt to obtain your compliance with the March 5 direct order, the March 17 email concluded with the following: "you are directed to contact Elda Green by 5pm Friday March 19, 2021." On Thursday March 18 and Friday March 19, you were on duty being paid by the County to work and yet

you still did not comply with the direct order to contact Ms. Green or anyone at the HR Department to schedule the training required by the DAR.

On March 22, 23 and 24, 2021, you were again on duty in full-pay status being paid by the County to work. As of 5:00 pm on March 24, 2021, you still had not complied with these two direct orders. You have not contacted Elda Green or anyone else at the HR Department to schedule the required training. To be clear, the required training will be conducted through remote technology during a regular workday during the week during a time when you would be in pay status and during normal working hours. The training session should last approximately two hours. You are not being mandated to participate in this training after normal working hours or on weekends. And the nature of the training is to explain the County's anti-discrimination policies that have been adopted as official County policy by the Board of County Commissioners including Implementing Order 7-45.

At this point, you have received two written direct orders to simply make contact with the HR Department to schedule a training session regarding official County policy. You have not complied with either written direct order despite having been on duty being paid by the County since March 11.

No reasonable person can assert that being given a direct order to attend a training session on anti-discrimination policies for approximately two hours while on duty getting paid is an unlawful order.

You are being granted a last chance to comply with the prior two written direct orders to schedule training by complying with the following direct order:

You are hereby **ordered and directed** to contact Elda Green by 4pm tomorrow Friday, March 26, 2021, by sending her an email to Elda.Green@miamidade.gov and providing her with a proposed date for the training on any weekday from March 30, 2021 to and including April 16, 2021 to be conducted at any time between 9am and 3pm using remote electronic technology.

You are an at-will employee with no civil service appeal rights that may be dismissed from employment at any time without cause. You are being granted a final opportunity to comply with a lawful order that simply requires you to contact Ms. Green to schedule a day and time for training as mandated by this order and the prior two orders.

If you do not timely contact Ms. Green in the time and in the manner mandated by this direct order, you will be violating a direct order and committing an act of insubordination among other violations which will subject you to discipline up to and including dismissal from employment.

I encourage you to comply with this simple and lawful order.

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

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From: Diaz, Jose "Pepe" (Office of the Chair) <JPDIAZ@miamidade.gov>
Subject: RE: Personnel Inquiry
Date: March 25, 2021 at 5:52:53 PM EDT
To: Diaz, Jose "Pepe" (Office of the Chair) <JPDIAZ@miamidade.gov>

Yes, if he complies, then he can continue to work. If he does not comply by tomorrow at 4pm, please send him paperwork dismissing him from employment effective immediately tomorrow.

Regards,

JPD

From: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Sent: Thursday, March 25, 2021 5:40 PM
To: Diaz, Jose "Pepe" (Office of the Chair) <JPDIAZ@miamidade.gov>
Subject: Personnel Inquiry

Good afternoon Chairman,

Mr. Chair, as you know, Mr. Labriola still has not complied with the March 5 order in the DAR to contact HR to schedule training on the County's anti-discrimination policies even after I sent him a reminder email on March 17. I just sent him a third written order to contact HR by tomorrow at 4pm to schedule the training. I am attaching a copy of that email.

It is my understanding that if he complies on time, he can continue to work. If he does not comply by 4pm tomorrow, what should I do?

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

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John Labriola <jflabriola@gmail.com>

Fwd: Reminder - Training

Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
To: "jflabriola@gmail.com" <jflabriola@gmail.com>

Mon, Mar 29, 2021 at 12:54 PM

From: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Sent: Monday, March 29, 2021 12:24 PM
To: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>; Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>
Subject: RE: Reminder - Training

Hi John,

Your claim of distress is self-imposed. All you had to do last Friday March 26 was send an email to the HR Department with a proposed date and time of your choice for a virtual training session regarding County policy to be conducted while you are being paid. That was a simple task that you were ordered to perform and yet you still have not complied. The order did not mention or demand that you surrender your conscience or your beliefs as you mention in your email.

The County's anti-discrimination policy in Implementing Order 7-45 was adopted unanimously by the Board of County Commissioners in 2019. That Board policy is the subject of the training you have been ordered to complete. The order for you to be trained while on duty being paid regarding the Board's anti-discrimination policy is not harassment or discrimination. It is the opposite of that. The purpose of the training is to prevent unlawful discrimination and unlawful harassment. Employers all over the Country train employees on such anti-discrimination policies.

John, whether you disagree with the DAR is not the issue today. Right now, what needs to happen is you need to send an email by 4 pm today to schedule this training in the manner required in the March 25 email you received. If you do not, you may be dismissed from employment since this email is now your fourth chance in writing to comply with a simple direct order to send an email while on duty being paid.

Once again, I encourage you to comply today.

Kind Regards,

I. Lopez

Isidoro R. Lopez, Esq.

Chief of Staff

Office of the Honorable Chairman Jose "Pepe" Diaz – Commission District 12

Miami-Dade County

111 N.W. 1 Street, 2nd Floor

Miami, Florida 33128

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Lobbyist Register: Clerk of the Board, [111 NW 1st Street, 17th Floor](#)-305-375-5137

From: Labriola, John F. (Office of the Chair) <John.Labriola@miamidade.gov>
Sent: Saturday, March 27, 2021 5:10 PM
To: Lopez, Isidoro (Office of the Chair) <Isidoro.Lopez@miamidade.gov>
Cc: Cuellar, Arleene (HR) <Arleene.Cuellar@miamidade.gov>; Vega, Olga R. (Office of the Chair) <Olga.Vega@miamidade.gov>
Subject: RE: Reminder - Training

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Thank you for your understanding.

Regards,



John Labriola

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