Call to Order
The EAC Representative meeting was called to order at 2:30 p.m. by Chair Lisa Arispe.

Approval of Minutes
• The July 17, 2019 Representative meeting minutes were approved with a change to the Appointing Authorities portion under the HR Director. Motion made by Charles Toney and seconded by Bill Gorman. Approved by all. Motion Carried.
• The July 25, 2019 Delegate meeting minutes were approved with clarification regarding responses from the room. Motion made by Randy Rose and seconded by Henry Gomez. Approved by all. Motion Carried.

Comments from Holly Schoenherr, Director of Human Resources
• Holly congratulated Bill Gorman for graduating CPM
• Workplace Visits – List provided showing which visits are still outstanding. The visits that have been conducted so far have exceed her hopes and expectations.
• Bylaws – A red line version of the approved bylaws should be sent to Peggy Sellar for inclusion at the next Personnel Board meeting. Charles will send the completed version to Peggy.
• Merit Pay – Two phases of merit pay. Phase I is a critical process which will include a focus on making sure that Supervisors are providing fair and accurate performance reviews.
• Class and Compensation – wrapping up the Exempt Pay plans. Once that process is complete, we will begin looking at career ladder recommendations and compression.
• Benefits – Planning to keep the same programs in place. Meeting with OMB regarding premium changes and will let the EAC know when there has been a decision.
• Question was asked regarding the setting of meetings for the benefits committee – who sets the meetings? Holly stated that she currently schedules the meetings as she was selected by the other Appointing Authorities. The benefits committee will focus on total rewards.

Comments from Barry Burton, Pinellas County Administrator
• Merit Pay – We must spend the time to make sure that we have a fair system; that we are consistent. We must ensure that when we roll out a new merit pay system it is done right. The system must be right, and it must be balanced. We also have to make sure that there is a plan for where the money will come from.
  o Lisa Arispe mentioned the concern around Clerk’s employees, since the majority are state funded – Mr. Burton responded that the Clerk is aware of the limitations and works to get them resolved
Employee Relations Director – County Administrator added the position to his staff as a way to address employee concerns and issues with pay and performance
  - We hear your concerns and we are going to work with HR to address them
  - Training will be a key part of this. Goal is to create a supportive environment.

Comments on the Bullying Report – EAC Reps, Holly Schoenherr, Barry Burton
A discussion was held regarding members feelings on the Bullying Report that was released by Leslie Fann. Many Representatives voiced their opinions regarding the way that Holly chose to address the situation. It seemed that most of the representatives, and Mr. Burton, felt that there were other more affective means of handling the situation, such as bringing the concerns to the council and talking it out. It was also mentioned that the report was not to be handled by Holly however she instructed Mrs. Fann on how to handle many of the issues that arose during the entire process. The Bullying Policy is something that should not be used lightly as the outcome can have long lasting effects as employees are subject to possible disciplinary action.
  - We really need to focus on recovery and moving forward
  - Trust is everything and we need to repair ours
  - Suggested that we consider attending a retreat to work on communication and trust

Personnel Board 08/01/19 Comments
- Ron Walker is unable to complete his term on the Personnel Board. Peggy O’Shea was selected to complete his term.
- Charles Toney talked to the Board about Merit Pay
- Charles Toney mentioned that Ken Burke and Canaan McCaslin attended the EAC Delegate meeting
- The personnel board questioned the necessity of the EAC bylaw changes.

Committee Reports
- Awards Committee – Next meeting scheduled for September 6th.
- Advocate Committee – Leena Delli Paoli to give a speak at the September EAC Delegate meeting

Old Business
- SOPs – Needs to be collaborative. Bill created an outline, but together we need to come up with the procedures.
  - SOPs will help us stay on track, will help new members and fill-ins understand the process.
- Voluntary Benefits – Henry sent a Survey monkey to his department regarding Voluntary Benefits. We will ask delegates if they are interested in Voluntary Benefits and bring the results to the next meeting
- Elections – The election process begins in October.

New Business
- EAC Goals – Bring a list of goals to the next meeting. Goals should be things that employees would like the EAC to work on.
• Pen – Lisa stated that the EAC used to have a section in the Pen. We may want to consider bringing that back.

**Adjourned**
Bill Gorman made a motion to adjourn at 4:35 p.m.

<table>
<thead>
<tr>
<th>Lisa Arispe*</th>
<th>Donna Beim*</th>
<th>Linda Cahill*</th>
<th>Richard Carvale*</th>
<th>Kevin Connelly*</th>
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<tr>
<td>Leena Delli Paoli*</td>
<td>Henry Gomez*</td>
<td>Bill Gorman*</td>
<td>Clare McGrane*</td>
<td>Doris McHugh</td>
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<tr>
<td>Marion Nuraj*</td>
<td>Randy Rose*</td>
<td>Ashley Skubal*</td>
<td>Christian Steiermann*</td>
<td>Charles Toney*</td>
</tr>
</tbody>
</table>

*EAC Representatives in attendance at this meeting.*
To:  Ken Burke  
Barry Burton  
Holly Schoenherr  

CC:  Lisa Arispe  
Leena Delli Paoli  
Marion Nuraj  
Ashley Skubal  
Charles Toney  

From:  Leslie Fann, SPHR  
HR Generalist, Pinellas County Tax Collector  

Re:  Investigation Into Accusations of Violation of Anti-Bullying Policy  

Date:  July 18, 2019  

I have been asked to investigate a possible violation of the Respectful Workplace Behavior/Anti-Bullying Policy. One of the complainants is employed by the Human Resources Department (HR) and one of the accused sits on the Board of the Office of Human Rights (OHR) and so I was asked to investigate in lieu of HR or OHR in order to avoid conflict of interest.

The timeline of this investigation is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
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<tbody>
<tr>
<td>5/31/19</td>
<td>Made aware of the allegations and discussion with Tax Collector leadership regarding availability to assist with the investigation.</td>
</tr>
<tr>
<td>6/4/19</td>
<td>Meeting to discuss process of the investigation with UPS and TCO leadership. Advised to keep UPS HR out of planning and developing of materials and outcome to avoid conflict of interest.</td>
</tr>
<tr>
<td>6/5/19</td>
<td>Meeting with Holly Schoenherr and Ken Burke regarding process of investigation. Advised to follow up with the accused’s Directors to determine when the accused were informed.</td>
</tr>
<tr>
<td>6/11/19</td>
<td>Advised by Tax Collector leadership to begin.</td>
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<tr>
<td>6/12/19</td>
<td>Reached out to Directors of accused to determine if they had been informed. Spoke to Addie Javed who advised he has not informed the accused in his department. Also contacted complainants to schedule meeting. Leena Delli Paoli scheduled for 6/21/19 and Ashley Skubal scheduled for 6/20/19.</td>
</tr>
<tr>
<td>6/14/19</td>
<td>Holly Schoenherr advised she informed Lisa Arispe of the accusation and asked me to follow up with Lisa to schedule a meeting. I spoke with Megan Ross, who advised she has not informed the accused in her department.</td>
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<tr>
<td>6/14/19</td>
<td>Reached out to Lisa Arispe and Charles Toney to schedule meetings with each. Scheduled meeting with Lisa Arispe for 6/28/19 and Charles Toney for 7/1/19.</td>
</tr>
<tr>
<td>6/17/19</td>
<td>Ashley Skubal requested delaying initial meeting to 6/24/19.</td>
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<tr>
<td>6/21/19</td>
<td>Met with Leena Delli Paoli to discuss the accusations.</td>
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<tr>
<td>6/24/19</td>
<td>Ashley Skubal requested delaying initial meeting to 6/26/19.</td>
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<tr>
<td>6/25/19</td>
<td>Ashley Skubal requested delaying initial meeting to 6/28/19.</td>
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<td>Date</td>
<td>Event</td>
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<tr>
<td>6/28/19 - AM</td>
<td>Met with Ashley Skubal to discuss the accusations.</td>
</tr>
<tr>
<td>6/28/19 - PM</td>
<td>Met with Lisa Arispe to discuss the accusations.</td>
</tr>
<tr>
<td>7/1/19</td>
<td>Met with Charles Toney to discuss the accusations.</td>
</tr>
<tr>
<td>7/3/19</td>
<td>Sent invitations to witnesses to schedule meetings the following week.</td>
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<tr>
<td>7/8/19-7/16/19</td>
<td>Met with witnesses to discuss their observations.</td>
</tr>
<tr>
<td>7/15/19</td>
<td>Met with Ashley Skubal at her request to clarify specifics of her accusation.</td>
</tr>
<tr>
<td>7/18/19</td>
<td>Finalized report and submitted to Clerk of the Court, Human Resources Director, county Administrator and the Employee Advisory Council.</td>
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The information provided for review included interviews with the complainants, Ashley Skubal and Leena Delli Paoli; the accused, Lisa Arispe, Charles Toney and Marion Nuraj; and the following witnesses:

- Donna Beim (comments submitted via email)
- Linda Cahill
- Richard Carvale
- Kevin Connelly
- Henry Gomez
- Bill Gorman
- Clare McGrane
- Doris McHugh
- Randall Rose
- Chris Steiermann
- Carol Strickland
- Jim Valliere
- Terri Wallace

In addition, I reviewed minutes from the Employees’ Advisory Council (EAC) Meetings and United Personnel Board (UPB) meetings as well as documents supplied by Ms. Arispe, Ms. Strickland, and Ms. Skubal.

There was some question initially about Marion Nuraj’s status as an accused or witness. Following information gathered from the complainants, his participation as an accused is based on a single statement which is included below.

The objective of the Respectful Workplace/Anti-Bullying Policy is to communicate to employees at all levels that respectful behavior shall be the standard for Pinellas County and that the County will not tolerate and will promptly address bullying behavior towards employees, applicants for employment, and others in the workplace environment, including contractors and members of the public.

The policy defines examples of prohibit conduct under this policy to include:

- **Power bullying (could also be labeled favoritism):** Applying made up or arbitrary rules to an individual, selectively enforcing workplace rules, threatening or intimidating individuals, preventing access to necessary information, consultation, training, resources, or other opportunities;
- **Exclusion bullying:** Socially or physically excluding or disregarding a person from work-related activities, such as appropriate meetings and team events

The policy further states *This list is not all-inclusive. Individuals determined to have engaged in these and other similar behaviors that are determined to be bullying may face disciplinary action regardless of their intent.*

The complete policy is attached to this report.
Ms. Skubal alleges she was bullied via power bullying and exclusion bullying as a result of her publicly disagreeing with information submitted with the performance review of the Human Resources Director, Holly Schoenherr, to the UPB by Ms. Arispe on behalf of the EAC. This alleged bullying occurred solely in the context of Ms. Skubal’s role as a representative on the EAC. Ms. Delli Paoli alleges that she did not feel free to speak in front of the UPB in contradiction to the letter submitted to the UPB by Ms. Arispe out of fear of retaliation by Ms. Arispe. This alleged bullying occurred solely in the context of Ms. Delli Paoli’s role as a representative on the EAC.

The background appears to be as follows:

Ms. Skubal has been employed as in the Classified service of Pinellas County since 2013. Ms. Skubal initially served as an EAC representative in the context of her position with the Clerk of the Court’s office, representing the Clerk of the Circuit Court Group 1 -North County. Ms. Skubal continued in this role through May 2018, when she moved to a position with the Consumer Protection Bureau, which required her to step down from the EAC as their seat was occupied. Ms. Delli Paoli stepped in to the EAC representative position vacated by Ms. Skubal in May 2018. In September 2018, Ms. Skubal began her current position as HR Technician with the Wellness Team. Ms. Skubal began attending the EAC Meetings as an observer after beginning her new position. Ms. Skubal approached several EAC members about potentially rejoining the EAC as she enjoyed serving in that role on behalf of the Classified service.

On or about October 2019, Kevin Connelly, HR Analyst with the Organization & Talent Development team, became the representative of the Other Appointing Authorities group to the EAC. He ran unopposed and began his term during the January EAC meeting. During that same meeting, Randy Rose nominated Ms. Skubal to fill the At Large Representative position, which was duly seconded and passed by the other council members in attendance according to the EAC Bylaws. The complainants, accused, and witnesses I spoke to indicated there was no concern raised about Ms. Skubal’s filling of that seat during the January EAC meeting other than one comment by Mr. Toney to the effect of “She (Ms. Skubal) is HR.” Ms. Skubal was not present at that meeting and was informed of her election after the fact.

On February 20, 2019, there was a special EAC meeting to decide on feedback to be included as part of the 2018 performance review of Ms. Schoenherr. Ms. Delli Paoli and Ms. Skubal stated to me that the conversation about Ms. Schoenherr’s review was extremely negative and focused on a small portion of the interactions between the EAC and Ms. Schoenherr over the course of 2018. This was concerning to Ms. Skubal and Ms. Delli Paoli. Ms. Delli Paoli stated as such to the EAC during the meeting, at which point, she asserts, the tone of the conversation changed, and the discussion began including conversations of a positive nature regarding Ms. Schoenherr’s performance.

In order to finalize the scores, each EAC member present was asked to verbally state their numeric score of each of the categories on Ms. Schoenherr’s review after which an average would be taken and used as the final score. Mr. Connelly stated that, due to his not joining the EAC until January 2019, he felt it wasn’t appropriate to vote on Ms. Schoenherr’s review but was advised that he could not recuse himself. Three EAC members arrived late to the special meeting and were told they could not vote by Ms. Arispe and so did not contribute to the numerical score gathering. One of them indicated he arrived late on purpose as he was new to the Council and it was his first meeting.
At the end of that meeting, Ms. Arispe informed the EAC representatives that she would prepare a cover letter and submit it along with the review to the Personnel Board for consideration.

On or about February 27, 2019, Peggy Sellards forwarded a copy of the performance review and cover letter sent by Ms. Arispe to the UPB to the rest of the EAC representatives. Ms. Arispe did not include the other members of the EAC board in her email, so Ms. Sellards forwarded the attachment to the other EAC members. Upon reading it, Ms. Skubal, Ms. Delli Paoli and Mr. Connelly separately had the perception that the letter did not include everything that the EAC had discussed in the course of preparing Ms. Schoenherr’s review.

Ms. Skubal, Ms. Delli Paoli and Mr. Connelly all independently sought advice about the appropriate way to respond to the letter submitted by Ms. Arispe. Ms. Skubal and Ms. Delli Paoli felt that the letter did not accurately reflect the full opinion of the EAC on Ms. Schoenherr’s performance. Ms. Delli Paoli stated that she felt the letter and review focused on the negative comments and did not include any of the positive comments discussed at the meeting. Ms. Delli Paoli further stated that the EAC did not agree to include the emails that Ms. Arispe attached to the review submitted to the UPB.

Ms. Skubal inquired about presenting a letter to the Unified Personnel Board (UPB) with Terri Wallace, HR Manager whose position includes Employee Relations. Ms. Wallace affirmed that all citizens are entitled to speak up during the Citizens to Be Heard portion of the UPB meetings but did not advise Ms. Skubal further.

Ms. Delli Paoli reached out to Camille Evans, an HR Specialist, to inquire about how to respond to Ms. Arispe’s letter. Ms. Evans directed Ms. Delli Paoli to Ms. Sellards who advised Ms. Delli Paoli that she should contact Carole Sanzeri at the County Attorney’s office. Ms. Sanzeri advised that Ms. Delli Paoli could write her own letter if Ms. Delli Paoli disagreed with the letter submitted by Ms. Arispe.

Ms. Arispe acknowledges that the cover letter attached to the review she submitted to the UPB reflected her personal opinion of Ms. Schoenherr and that she should have sent the letter to the other EAC representatives but was following the process from the previous year. Ms. Arispe asserts that the scores and comments included in the performance review document itself were all discussed and agreed upon by the EAC representatives during the meeting on February 20.

On March 7, 2019, Ashley Skubal requested time under the Citizens to Be Heard portion of the UPB meeting. During that time, she read aloud from a letter she prepared, which is attached to this report. The letter states that the information submitted by Ms. Arispe excludes some of the comments made during the EAC Council’s discussion of the review. The letter also indicates that Ms. Arispe’s personal feelings impacted the content of the information submitted to the UPB. The letter further stated that Ms. Skubal did not feel the review and letter submitted by Ms. Arispe truly reflects how the EAC feels as a whole about Ms. Schoenherr’s performance. Ms. Skubal stated she was afraid to read the letter because she ‘knew Lisa would retaliate against her’ for doing so but felt ‘it was important for the Personnel Board to know the full context of the EAC’s discussion about the performance review’.

At the same meeting, Ms. Delli Paoli intended to speak during the Citizens to Be Heard portion of the meeting. She decided that she ‘was not brave enough’ to do so. She stated that the presence of Ms. Arispe was intimidating and that she decided not to speak because she felt doing so would result in a negative reaction from Ms. Arispe. Ms. Delli Paoli recounted an instance approximately 2 years ago when she, as an EAC delegate, submitted a question to the EAC via Ms. Skubal, who at the time was the
representative from the Clerk of the Circuit Court Group 1 - North County. Ms. Delli Paoli stated that ‘Lisa wasn’t happy’ with the question she submitted via Ms. Skubal. Ms. Delli Paoli was later confronted by another EAC member who informed Ms. Delli Paoli that she ‘knew that Ms. Delli Paoli had asked that question’ even though Ms. Delli Paoli had submitted the question anonymously. Ms. Delli Paoli stated that, following that questions submission, she was treated differently by Ms. Arispe, with whom she served on the advocate committee. Further, when Ms. Delli Paoli became the representative for Clerk of the Circuit Court Group 1 – North County in May 2018, Ms. Arispe told Ms. Delli Paoli that she would not be allowed to serve on the same committee as Ms. Delli Paoli’s predecessor and was not given a reason why. This occurred after Mr. Toney had inquired with Ms. Delli Paoli if she was interested in serving on that committee to which Ms. Delli Paoli had agreed. Ms. Delli Paoli interpreted that as retaliation against her previous question.

Mr. Connelly stated that he wanted to speak to about the review to the UBP on March 7 but, when he realized Ms. Skubal was going to speak, he decided to forgo it. Mr. Connelly wanted to avoid looking like he was ‘piling on’ by speaking and also felt that, as new member to the Council, he was not entirely sure what was going on.

Ms. Arispe indicated she had no idea that Ms. Skubal or Ms. Delli Paoli felt the way they did about her letter and was mortified to hear them speak at the Personnel Board meeting. Ms. Arispe stated she was ‘floored at the disrespect’ demonstrated by Ms. Skubal. Ms. Arispe stated to me that ‘it was a big test of my professionalism’ to speak to the UBP following the reading of the letter. Ms. Skubal stated that she realizes she should have shared the letter with the other members of the EAC prior to reading it at the Personnel Board meeting but that she experienced technical issues when writing the letter and was unable to send it out in advance of the meeting.

Ms. Delli Paoli and Ms. Skubal stated that neither had previously experienced bullying from Ms. Arispe but they both had previously witnessed Ms. Arispe verbally ‘shutting down’ EAC Representatives who expressed opinions contrary to Ms. Arispe’s opinions during EAC Meetings and believe that speaking out against her opinions results in a difference in how Ms. Arispe treats them. By the term ‘shutting down’, Ms. Skubal clarified that she believes members of the EAC do not voice their opinions that may differ from Ms. Arispe and Mr. Toney. Other witnesses indicated they have seen conversation about opinions that differ from Ms. Arispe cease due to the influence of Ms. Arispe.

Ms. Skubal stated that the tone at the EAC meetings has been very negative and that she has witnessed Ms. Arispe doing things that support Ms. Arispe’s personal interests rather than that of the employees she represents. Ms. Skubal stated that she has observed Ms. Arispe pushing hard for Ms. Arispe’s preferred outcomes and that she doesn’t allow for contrary discussion on matters of importance to her.

Ms. Arispe asserts that is not true and that she will suggest debate conclude because she personally does not enjoy conflict and wants to move past it when it arises. Ms. Arispe asserts that she takes steps to make sure all EAC members are heard before concluding conversation on any given topic, including polling all of the members during the roundtable portion of the meeting to ensure those less inclined to speak up have an opportunity to share their thoughts and ideas. Further, Ms. Arispe contests that it is not possible for her to retaliate against Ms. Skubal or Ms. Delli Paoli in her role as EAC Chair as all EAC business is conducted outside of the scope of its members’ employment.

Several of the witnesses I spoke to indicated Ms. Arispe can have a strong personality, uses a sharp tone at times, that she comes across as bold and intense at times, that she can demonstrate negative body
language, and that she has a powerful personality that can be displayed at the EAC meetings. Other witnesses stated they view Ms. Arispe as professional and calm during the meetings. The witnesses I spoke to generally agreed that Mr. Toney comes across as calm and professional during the meetings. The witnesses generally agreed that the meetings can involve heated debate.

At the March 20, 2019, EAC meeting, there was discussion about the letter Ashley Skubal read at the Personnel Board meeting. Lisa Arispe stated that Ms. Skubal’s letter was unprofessional. Marion Nuraj stated that if someone doesn’t agree with what was sent to the Personnel Board, that that person ‘should remove themselves from the EAC’. Mr. Nuraj also recalls stating that there were ‘better ways of going about this then sending the letter to the board.’ Ms. Skubal stated that the comment was stated towards her even though Mr. Nuraj did not specifically use her name. The witnesses I spoke to said that comment is different from Mr. Nuraj’s normal contributions, which are typically fair and balanced.

All of the witnesses in attendance to that meeting recall there being a lot of commentary made by multiple members of the EAC regarding Ms. Skubal’s actions. Examples of what was recalled include:

- Ms. Skubal’s actions were unprofessional
- Ms. Skubal’s actions were an overreaction
- Ms. Skubal’s actions were shocking/surprising
- Ms. Skubal did not follow the chain of command
- Ms. Skubal acted inappropriately
- Ms. Skubal did a bad thing and no one was happy about it
- The EAC should have had to opportunity to discuss Ms. Skubal’s letter and approve it prior to her reading it to the UPB

Several witnesses recall Arispe’s tone as she discussed Ms. Skubal’s actions as scolding or emotionally charged. Another witness stated that Ms. Arispe and Mr. Toney were annoyed by Ms. Skubal’s actions and stated that Ms. Skubal ‘shouldn’t have done that’. Another witness stated that Ms. Arispe stated she was disappointed by Ms. Skubal’s letter. Another witness stated that Ms. Arispe wouldn’t let up’ on Ms. Skubal about the letter, continuing to verbally chastise her throughout the conversation. One of the witnesses took notes during the meeting that include the phrase ‘HS review – Ashley’s HR Lisa – not personal; attacking Ashley re: surprise to PB letter.’ One of the witnesses stated she felt ‘Ms. Skubal was attacked’ verbally during the meeting.

Other witnesses recall the letter was discussed but don’t remember anything out of the ordinary occurring during that meeting. Mr. Nuraj stated that, while he believes Ms. Arispe and Mr. Toney could have used a different approach, Mr. Nuraj does not feel their behavior towards Ms. Skubal at the March meeting was disrespectful or bullying.

Ms. Skubal stated that, while she expected there to be discussion of the letter, she was taken aback and in a state of disbelief at the tone. Ms. Skubal cannot recall specific statements made, other than the statement from Mr. Nuraj, but recalls them as being heated. One of the witnesses recalls Ms. Skubal asking Ms. Arispe if Ms. Arispe was attacking Ms. Skubal, which Ms. Arispe denied. Ms. Skubal stated she hoped the matter could be discussed by the EAC but that she became upset because of these responses and did not want to speak up while emotional, as she was concerned she would not convey her thoughts accurately. Ms. Skubal did not opt to take notes on what was said because she knew that doing so would make the statements part of the public record and she did not want those statements to have
Further negative impact on those who expressed them. Several of the witnesses recall Ms. Skubal’s behavior changing, stating she appeared to be reacting emotionally and defensive.

Ms. Delli Paoli stated the things that were being said to Ms. Skubal left her feeling ‘disgusted’ and that she felt the comments made were retaliation against Ms. Skubal speaking out in contradiction to Ms. Arispe’s letter.

Ms. Arispe stated that the EAC members all discussed Ms. Skubal’s letter at length during that meeting. Ms. Arispe stated that another of the members stated that Ms. Skubal ‘shouldn’t air her dirty laundry’ at the Personnel Board meeting. Mr. Toney stated he intended to speak up about Ms. Skubal’s letter but didn’t need to in light of the other comments made during the meeting.

Ms. Wallace spoke up towards the end of the discussion of Ms. Skubal’s letter during the March EAC meeting. Ms. Wallace felt it was necessary to advise the group to take a step back and to think about the context of their discussion. Ms. Wallace stated that the EAC was instrumental in implementing the anti-bullying policy and reminded them that EAC was inclusive and about all voices. Ms. Wallace advised that the behavior she just witnessed could be seen as contradictory to that and it could be interpreted as pressure to not speak up against a prevailing opinion. Ms. Wallace observed negative body language displayed by Ms. Arispe following Ms. Wallace’s comments.

Mr. Toney and Ms. Arispe both stated to me that the meetings can be unpleasant and uncomfortable at times, but that difficult conversation have to happen in order for things to get done for the employees. Ms. Arispe attributes the tension in the EAC to the presence of HR staff in the room during the meetings, mostly from Ms. Schoenherr and Ms. Wallace.

Following that meeting, Ms. Skubal stated she has seriously considered stepping down from her position. She states that EAC meetings have become very uncomfortable for her to attend. She has not done so because she feels it would look bad on her for not standing her ground. Ms. Skubal believes many members of the EAC do not speak out against Ms. Arispe and Mr. Toney in order to avoid retribution. Several of the witnesses see how Ms. Skubal could interpret Ms. Arispe and Mr. Toney’s actions/tone as bullying but did not personally think that was what happened.

On or about the following day, Charles Toney approached Ms. Skubal following a wellness class he attended that she taught and told her that the reactions to the letter were ‘nothing personal’ to which Ms. Skubal did not engage outside of conversational pleasantries as she was uncertain if the Sunshine Law applied.

Following the EAC meeting on March 20, Ms. Skubal and Ms. Delli Paoli spoke with Ms. Wallace and Ms. Schoenherr about the actions of Ms. Arispe, Mr. Toney and Mr. Nuraj. Ms. Wallace stated to me that what she observed in the EAC Meeting on March 20 prompted to her to instigate an investigation into possible bullying, with or without a formal complaint filed. Ms. Wallace has over 30 years of employee relations experience and a degree in organizational psychology and observed a reaction in Ms. Skubal at that meeting that is consistent with a person experiencing bullying behavior. Ms. Wallace believes that ethically and professionally she is obliged to investigate behavior of that nature as it is in the best interest of Pinellas County for her to do so.
On April 17, there was an EAC meeting. Under the New Business portion of the EAC Council meeting, the bylaw changes proposed by Charles Toney were discussed. Mr. Toney’s suggested bylaw changes include:

- Article IV, Section 5 be amended to include the following: No member of the Council may be under employment of the Human Resources Department. Human Resources has advisory and liaison capacity to the Council and the classified employees in the Human Resources Department are represented by the council member serving the Other Appointing Authorities Group.
- Article VI be amended as follows: (The At Large Representative) shall serve for a one-year term and is eligible for reappointment by a quorum vote of the Council at the end of each one-year term.
- Insert a new article between the Operational Year article and the Amendments article to read as follows: The Council’s annual evaluation of the Director of Human Resources shall occur no later than the first week in December for review of the previous year. The Council may call a Special Meeting for the purpose of this discussion and review. The review and comments will be presented at the scheduled December Council meeting for discussion and approval. Upon approval by the Council, the evaluation will be forwarded to the Personnel board and to the Human Resources Liaison to the Council.

The current bylaws of the EAC, Article X state the following:

The Council may later amend, revise, add to, or repeal these Bylaws and/or adopt new Bylaws at pleasure by a two thirds (2/3) vote of the members of the Council after two (2) weeks’ notice to the members and the Director of Human Resources and approval of the Personnel Board.

It has been approximately 2 years since the bylaws were last amended.

During that April EAC meeting, Ms. Arispe stated that members of HR should not be on the Council. Ms. Arispe stated that her thoughts were not personal to Ms. Skubal and that Ms. Skubal was well suited for the At Large position because of her heavy interaction with County employees using the gym and attending the workout classes she teaches. Ms. Skubal asserts that Ms. Skubal and not Ms. Arispe made that comment, which also included the duties related to teaching wellness classes and working with the Wellness Champions. Ms. Skubal asserts that Ms. Arispe stated Ms. Skubal was not well suited for the At Large Position.

Leena Delli Paoli inquired during the meeting why the bylaw changes were proposed but Ms. Skubal does not recall the answer. Ms. Skubal indicated it was never stated why the bylaw changes were proposed but that she believes it was done in retaliation to the letter she read at the Personnel Board meeting on March 7. Ms. Skubal came to this conclusion based on the timing of the proposed bylaw changes.

Mr. Toney stated that his reasoning for submitting proposed changes to the bylaws was due to the timing of the discussion of Ms. Schoenherr’s performance review. He felt that it was important that the EAC representatives who worked with the HR Director had the opportunity to comment and vote on her performance review and that, due to the timing of EAC elections, December was preferable to make sure that took place. Additionally, Mr. Toney stated that conversation about limiting the At Large Representative’s tenure to one year had been discussed periodically over the past 2-3 years and that the benefit to doing so was to create an opportunity to retain a member who was elected off the board by their department but had a lot of knowledge that EAC wanted to retain. Finally, he stated that he
believes it is a conflict of interest for a member of the HR staff to participate in the HR Director’s performance review.

Mr. Toney felt that Mr. Connelly’s and Ms. Skubal’s assessments of Ms. Schoenherr were less objective than the assessments of the other EAC members and that future HR staff elected to the EAC could potentially be less objective. Several of the witnesses I spoke to stated that they could not understand how Mr. Connelly and Ms. Skubal could possibly objectively assess Ms. Schoenherr while other witnesses stated that they don’t perceive a conflict of interest with HR staff participating in the process. Many of the witnesses believe that the proposed bylaw changes are in response to Ms. Skubal’s letter and are intended to limit her and other HR staff members participation on the EAC, although not done so maliciously. Mr. Nuraj disagrees with the proposed bylaw changes although Mr. Nuraj did state he does not believe he could objectively review his Appointing Authority.

Mr. Toney asserts that his proposed bylaw changes were related to the potential conflict of interest in future EAC meetings if staff of the HR team have the ability to vote. He further asserts that he believes that Ms. Skubal and the other HR team member currently serving on the EAC do a great job and does not doubt their ability to be objective, however he has concerns that future HR staff on the board would not be able to remain objective, especially in the matter of the HR Director’s performance review.

At the April EAC meeting, it was decided the proposed bylaw changes will be sent to the County Attorney for review and that no changes will be made without the approval of the council.

On May 15, there was an EAC meeting. During the EAC Council Meeting, several motions were made and withdrawn regarding the creation of SOPs as well as related to the proposed bylaw changes. Lisa Arispe was to send Personnel Board members notice of intent to amend the bylaws. The minutes from that meeting state the following:

*Each of the EAC Representatives are able to suggest Bylaw changes and/or ideas for SOPs and send them to Lisa Arispe. Lisa will compile the submissions for discussion at the next meeting.*

During the June 19, 2019 meeting, Ms. Delli Paoli submitted a different set of proposed bylaw changes that were similar to Mr. Toney’s but did not include making HR staff ineligible for service on the EAC. During that meeting, she was told by Ms. Arispe and Mr. Toney that ‘we’ve already submitted the changes to the board.’ Ms. Delli Paoli and a witness stated that Mr. Toney’s tone was insistent and made it very clear that he was not interested in other proposed By Law changes to be raised at that time. Another witness stated Ms. Delli Paoli and Mr. Toney had an argument over the minutes regarding the proposed bylaw changes.

The EAC Bylaws, Article V, Section 5 state the following:

*REMOVAL OF OFFICERS AND/OR MEMBERS: Any officer and/or member may be removed by the Council whenever, in the judgment of the Council, the best interest of the Council will be served thereby, by a two thirds (2/3) vote of the Council, after two (2) weeks’ notice and reason for removal to the members of the Council and the Human Resources Director. Members missing three (3) consecutive monthly meetings or six (6) meetings over a twelve (12) month period shall have a review by the Council with the possible action of removal.*
Ms. Arispe and Mr. Toney stated that no conversation was initiated by them regarding removing Ms. Skubal under this provision. A witness I spoke with stated that no EAC member has ever been removed from the council under this provision.

Mr. Toney and Ms. Arispe assert these actions are not personal against Ms. Skubal but that they are concerned for the long-term wellbeing of the EAC and seek to avoid any future conflicts of interest.

Ms. Arispe believes that these allegations stem from Ms. Schoenherr and Ms. Wallace as they have ‘issues with Ms. Arispe’. Ms. Arispe believes the letter Ms. Skubal read to the UPB was written by ‘someone with a Ph.D.’ Ms. Arispe believes these allegations stem from political issues that go back to Ms. Schoenherr not having total control over employee benefits with the creation of the Benefits Committee that will provide input in future benefit plan selections. Ms. Arispe stated that the accusation of violation of the Sunshine laws was detrimental to the EAC and that Ms. Skubal and Ms. Schoenherr are trying to make this issue personal about Ms. Arispe. Ms. Arispe stated that members of the EAC have discussed quitting the EAC due to this issue and that the meetings have changed since Ms. Schoenherr became HR Director. Ms. Arispe further stated this never would have happened if there was a different HR Director. Ms. Arispe felt it was a good choice to vote Ms. Skubal into the At Large position but had ‘had no idea Ashley would undermine (Ms. Arispe’s) integrity 3 months later.’

Mr. Toney asserts that these accusations are incorrect because the exclusion bullying hasn’t occurred. Mr. Toney asserts the proposed bylaw changes aren’t personal. Mr. Toney stated he would love to keep Ms. Skubal and Mr. Connelly on the EAC but ‘feel the effectiveness of the Council is impacted’ by their participation.

Ms. Arispe submitted an email exchange she had with Ms. Delli Paoli on April 11, 2019, regarding a personal matter Ms. Delli Paoli was experiencing. The email exchange closed with Ms. Arispe’s message ‘Prayers my friend, God bless.’

Ms. Arispe submitted another email exchange between her and Ms. Skubal that occurred on May 23, 2019. During the course of that exchange, Ms. Skubal stated she would no longer assist as an employee advocate. Ms. Arispe replied ‘Is there a reason you no longer want to assist? Hate losing one of my best.’ Ms. Skubal replied that her current responsibilities would prevent her from committing her full attention to an employee and that she didn’t think that was fair to the employee needing assistance. Ms. Arispe responded ‘Ok, I understand very well, just miss one of my best 😔’ Ms. Skubal responded ‘I appreciate that Lisa, Have a safe and wonderful Memorial Day weekend.’ The email exchange closed with Ms. Arispe’s message ‘You as well! Hope you get to relax a little . . .’

Ms. Arispe contends that these email exchanges are evidence that she was not bullying or retaliating against Ms. Skubal or Ms. Delli Paoli and in fact was expressing concern for their well-being.

Mr. Nuraj stated that Ms. Arispe advised the EAC in the May or June EAC meeting that Ms. Arispe had asked Ms. Schoenherr to have members of HR leadership stay away from the EAC meetings because their presence causes pressure on the EAC members. Mr. Nuraj stated he made a comment in response to that similar to the comment made to Ms. Skubal during the March 20 EAC meeting. That comment was something to the effect of ‘HR’s presence at the meeting shouldn’t have an impression – if members can’t handle the pressure of being on the EAC, they shouldn’t be there.’
As of the June 19, 2019 meeting, the proposed bylaw changes have not been voted on by the EAC and continue to be deliberated on by the EAC members. According to the witnesses I spoke with, the matter is divisive, with part of the council for the changes and part against. There are differing views about the potential for conflict of interest as well as to whether or not it is appropriate for the EAC to limit participation on the council by any member of the Classified Service. The proposed bylaw change reducing the At Large Representative’s term to 1 year has been removed from consideration due to a conflict with the statute creating the UPS and EAC. Ms. Arispe and Mr. Toney continue to be in favor of passing Mr. Toney’s other proposed By Law changes.
Leslie,

Thanks for your email. Your response is disappointing. An investigation should include all relevant and pertinent information. Factual data left out may take away from the integrity of the report.

Ken

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Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida
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kburke@mypinellasclerk.org | www.mypinellasclerk.org

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From: Leslie Fann
Sent: Thursday, July 18, 2019 1:04 PM
To: Burke, Ken <kburke@co.pinellas.fl.us>
Cc: Delli Paoli, Leena M <ldelliipaoli@co.pinellas.fl.us>
Subject: RE: EAC Issue- resolution

Good afternoon Ken,
I appreciate the feedback and understand the reason for your request. However, I am not inclined to amend the report, both because I feel, as the investigator, that it is complete as is and also because allowing one amendment would potentially open it for additional amendments. I appreciate your understanding in this matter.

Thanks,
Leslie

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From: Burke, Ken
Sent: Thursday, July 18, 2019 9:26 AM
To: Leslie Fann <lfann@taxcollect.com>
Cc: Delli Paoli, Leena M <ldellipaoli@co.pinellas.fl.us>
Subject: RE: EAC Issue- resolution

Leslie,
Can the report be amended to include this information. I think it’s an important component. It should also be on the timeline chart in my opinion.
Ken

Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
From: Leslie Fann  
Sent: Thursday, July 18, 2019 9:24 AM  
To: Burke, Ken <kburke@co.pinellas.fl.us>  
Cc: Delli Paoli, Leena M <ldelli paoli@co.pinellas.fl.us>  
Subject: RE: EAC Issue- resolution

Good morning Ken,

She stated as much to me on the phone. I told Holly that and she advised I would need to speak with Leena regardless, which is consistent with my previous experience conducting investigations. I didn’t mention that in the final report.

Thanks,
Leslie

From: Burke, Ken  
Sent: Thursday, July 18, 2019 8:52 AM  
To: Leslie Fann <lfann@taxcollect.com>  
Cc: Delli Paoli, Leena M <ldelli paoli@co.pinellas.fl.us>  
Subject: FW: EAC Issue- resolution

Leslie,

It was my impression based on the below email that Leena did not wish to proceed with a bullying complaint. Was this included in your report?

Ken

Ken Burke, CPA  
Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
kburke@mypinellasclerk.org | www.mypinellasclerk.org

From: Delli Paoli, Leena M  
Sent: Friday, June 07, 2019 8:25 AM  
To: Burke, Ken <kburke@co.pinellas.fl.us>  
Subject: EAC Issue- resolution

Good morning Ken,

I just wanted to thank you again for meeting with me on the 24th; it is really nice to work for someone who cares so much for their employees and is willing to set aside so much time to help them.

I also wanted to let you know that I thought long and hard about the things that we discussed, and I have decided that I do not want to proceed with a bullying complaint. When we were talking I had said that my goal is for everyone to feel like they can come to the meetings and speak freely and not feel like they are being silenced. When I said everyone, I truly meant everyone and that includes Lisa and Charles. I think if I proceed the two of them will feel like they are unable
to speak and that is the exact opposite of what I would like to see. I also really liked your idea about a retreat, so I would be okay with you mentioning it to Lisa.

Thank you and have a great day!

Leena M Delli Paoli  
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Civil Court Records  
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Tell us how we’re doing by filling out a comment card!
July 30, 2019

Dear Holly,

The County Administrator and Clerk of the Circuit Court offices believe it is important to have a supportive and inclusive workplace where employees feel heard and valued. The Anti-Bullying Policy plays an important role in ensuring that we have a workforce that is treated with dignity and respect. Therefore, we take any accusations of bullying very seriously and appreciate the investigation into the most recent allegation involving EAC Representatives from our departments.

After receiving the final investigation report regarding the workplace bullying accusation, we reviewed the information carefully and met to discuss the best path forward. We both agree that the investigation report did not reveal any conclusive evidence or actionable information. Therefore, we have determined that there does not appear to be a violation of the Anti-Bullying Policy, and believe that no further action is necessary for employees under the County Administrator and Clerk.

Now that the investigation has concluded, we are hopeful that the EAC can move forward in a positive manner and put this issue behind them. The EAC plays a critical role in setting the tone for the Unified Personnel System (UPS), and having good working relationships amongst EAC Representatives is central to creating a positive and supportive workplace. Our offices stand ready to work with HR to implement initiatives and trainings that can build consensus and improve the working relationships between the EAC Representatives.

Please let us know if you have any further questions or concerns regarding this matter.

Sincerely,

Barry A. Burton
County Administrator

Ken Burke
Clerk of the Circuit Court and Comptroller

CC: Employees’ Advisory Council (EAC)

Paul Valenti, Director, Office of Human Rights