

III.1

Clearwater, Florida, December 1, 2011

The Unified Personnel Board (UPB) met in regular session at 6:28 P.M. on this date in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, with the following members present: Daniel M. Andriso, Chair; Joseph Smith, Vice-Chair; George E. Tragos; and Joan Vecchioli.

Not Present: Lounell C. Britt; Ricardo Davis; James P. Koelsch.

Also Present: Peggy Rowe, Director of Human Resources; Robert C. Swain, Senior Assistant County Attorney; Arlene L. Smitke, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

EAC

Item I. Employees' Advisory Council Representative

Item II. Consent Agenda

Human Resources

1. Request Approval of the Minutes of the Regular Personnel Board Meeting held October 13, 2011.

Human Resources

2. Request Approval of the Minutes of the Regular Personnel Board Meeting held November 3, 2011.

Human Resources

3. Request Approval of Housekeeping Revision and Title Changes of Class Specifications in the Pay and Classification Plan.

Building & Development Review Services

4. Request Approval of the Cyclic Review of Technical, Specialist, and other Positions in the Building & Development Review Services Department.

Item III. Appeal of Termination

Clerk of the Circuit Court

1. Theresa A. Rodgers – Clerk of the Circuit Court.

CALL TO ORDER

Chair Andriso called the meeting to order at 6:28 P.M.; whereupon, he led the members and attendees in the Pledge of Allegiance to the Flag. Chair Andriso noted that this will be Mr. Smith's last meeting as a member of the Board; that Mr. Smith had instituted the tradition of reciting the pledge at Personnel Board meetings; and that the tradition will continue after his retirement from the Board.

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Later in the meeting, Chair Andriso presented Mr. Smith with a plaque in appreciation of over 12 years of dedicated service as a member of the Unified Personnel Board.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chairman Charles E. Toney expressed appreciation on behalf of the EAC and employees to Mr. Smith for his years of service and wished him well in his future endeavors.

Thereupon, Mr. Toney reported that Jane Muhrlin, Community Development Department, had attended the November Delegate meeting to provide information regarding the next employee community involvement project, a Habitat for Humanity project involving three homes in the St. Petersburg area scheduled for January 16, and indicated that close to 100 volunteers will be needed.

Mr. Toney referred to the Annual Leave Exchange Program changes announced at last month's Personnel Board meeting and related that, overall, the employees are taking the changes in stride, partly due to Ms. Rowe's "Ask Peggy" newsletters which provided an explanation of the change and answered specific questions.

Mr. Toney related that one of the EAC's objectives for last year was to gain additional time off for employees receiving *Meets Expectations* or *Exceeds Expectations* ratings on their annual performance evaluations; and that, although that did not happen, County Administrator LaSala has increased the number of Administrative Leave hours to be granted to his employees during the holiday season from four hours to eight hours; whereupon, Ms. Rowe related that the increase was extended by each of the Appointing Authorities to all of their employees.

Mr. Toney indicated that the EAC plans to invite Mr. LaSala to attend its December Representative and January Delegate meetings to provide a year-end update; that he hopes to invite the County's new Human Rights Director to attend the January Delegate meeting; and that the meetings are open to any County Commissioner or Personnel Board member who would like to attend.

CONSENT AGENDA ITEMS NOS. II.1 THROUGH II.4 – APPROVED

Motion - Mr. Smith
Second - Mr. Tragos
Vote - 4 – 0

- #1 Minutes of regular meeting held October 13, 2011, approved.
- #2 Minutes of regular meeting held November 3, 2011, approved.
- #3 Revision and title changes of class specifications in the Pay and Classification Plan approved; changes reflect the current duties and responsibilities of the classifications, are housekeeping in nature, and will not affect the pay grade level of the classifications (Human Resources).
- #4 Cyclic Review of 49 Technical, Specialist, and other positions in 25 classifications in the Building & Development Review Services Department approved, resulting in upward reclassification of five positions, downward reclassification of one position, and lateral reclassification of seven positions; eight positions to receive title changes and 28 positions to remain the same.

REAPPOINTMENT OF RICARDO DAVIS TO THE UNIFIED PERSONNEL BOARD – APPROVED

Deviating from the agenda, Chair Andriso indicated that Mr. Davis's term on the Board will expire at the end of the year; whereupon, Ms. Rowe related that Mr. Davis serves on the Personnel Board as the appointee of the members; that she has spoken with him; and that he would like to be reappointed by the Board.

Thereupon, Chair Andriso moved, seconded by Mr. Smith and carried, that Ricardo Davis be re-appointed to the Pinellas County Unified Personnel Board for a two-year term.

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The meeting was recessed at 6:39 P.M. and reconvened at 6:57 P.M.

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APPEAL OF TERMINATION OF THERESA A. RODGERS – CLERK OF THE CIRCUIT COURT – DENIED

Chair Andriso indicated that the Appellant did not appear to be in attendance; whereupon, he inquired for the record whether Ms. Rodgers or anyone representing her was present in the audience and, hearing no response, requested that Attorney Swain review the options of the Board.

Attorney Swain indicated that Ms. Rodgers is appealing the case on the assertion that the disciplinary action taken by the Appointing Authority was not warranted; that she has agreed that the acts were committed and that they were in violation of the Personnel Rules; that under the appellate rules, the Appointing Authority would present its case first, or it could choose to rest, hear the Appellant's case, and present its case in rebuttal; and that the burden of persuasion is on the Appellant. He indicated that the Board's options were as follows:

- = Uphold the Appointing Authority's action based on the Appellant's failure to appear.
- = Issue a show cause order, requiring that the Appellant file a written response within a specified time and, absent a response, the order would become final, upholding the Appointing Authority's decision.
- = Hold the matter in abeyance until the next Unified Personnel Board meeting.

Responding to query by Mr. Tragos, Attorney Swain indicated that the Appellant was provided notice of the date and time of tonight's hearing in the Notice of Pre-Hearing Conference, sent by the County Attorney's Office via Certified Mail on October 18, 2011.

In response to Chair Andriso's call for the Appellee, Myriam Irizarry, Chief Deputy and General Counsel for the Clerk of the Circuit Court, stated that she represents Ken Burke, the Appointing Authority. She indicated that the Appellant has stipulated to four items of evidence: Exhibits B, C, D, and L.

Responding to query by Ms. Vecchioli, Attorney Swain confirmed that the Appellant has not submitted any documentary evidence in connection with the appeal, noting that under the rules, evidence was required to be exchanged at the time of the pre-hearing conference; that it could have been submitted, subject to objection, no later than November 15;

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and that, at the very latest, it could be submitted at tonight's hearing and admitted at the discretion of the Board.

Upon inspection of the documents, Mr. Tragos moved, seconded by Ms. Vecchioli and carried, that the Notice of Pre-Hearing Conference cover letter to Theresa Rodgers dated October 18, 2011 from Attorney Swain and the Certified Mail receipt signed by Ms. Rodgers be admitted into the record of tonight's hearing.

Mr. Tragos inquired whether the Board could make a decision based on the record before it, rather than on the Appellant's failure to appear; and Attorney Swain stated his opinion that the Board could do so, based on the stipulation of the parties as to specific exhibits and based upon the Board's rule that the entire personnel file is in evidence.

Mr. Tragos moved, seconded by Ms. Vecchioli, that the decision of the Appointing Authority be upheld and that the punishment was appropriate based on the record before the Board, including documentation of progressive discipline, and the Appellant's admission that she was absent on the days shown; whereupon, Chair Andriso suggested that the word *punishment* be changed to *discipline*, and Mr. Tragos concurred. Upon call for the vote, the motion carried unanimously.

Responding to query by Chair Andriso regarding options available to the Appellant, Attorney Swain indicated that Ms. Rodgers can file a petition for certiorari with the Circuit Court.

MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Management and Supervisory Notes for December 2011.
2. Training Schedule for December 2011.
3. Minutes of the EAC Representatives meetings of September 21 and October 19, 2011 and the EAC Delegates meeting of September 22, 2011.

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ADJOURNMENT

The meeting was adjourned at 7:11 P.M.

Chair