

Clearwater, Florida, November 1, 2012

The Unified Personnel Board (UPB) met in regular session at 6:33 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; George E. Tragos, Vice-Chair; Andrea S. Daggett; Ricardo Davis; Keith C. Dekle; James P. Koelsch; and Joan Vecchioli.

Also Present: Peggy Rowe, Director of Human Resources; Lisa Wombles, Employees' Advisory Council; Arlene L. Smitke, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

EAC

Item I. Employees' Advisory Council Representative

Item II. Consent Agenda

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| Human Resources | 1. | Request Approval of the Minutes of the Regular Personnel Board Meeting held October 4, 2012. |
| Human Resources | 2. | Request Approval of Housekeeping Title Changes, Revisions, Deletion and Re-Instatement of Class Specifications in the Pay and Classification Plan. |
| Airport | 3. | Request Approval of the Audit of One Encumbered Administrative Support Specialist Position and One Encumbered Senior Office Specialist Position at the St. Petersburg-Clearwater International Airport. |
| Parks & Conservation Resources | 4. | Request Approval of the Audit of One Encumbered Accounting Support Specialist Position in the Parks & Conservation Resources Department. |

Item III. Information Item

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| Human Resources | 1. | Employees' Advisory Council Personnel Board Reappointment for 2013-2014. |
| Human Resources | 2. | Update on Alternative Discipline in the Appeal of Gary Giddens, Transportation & Stormwater, DEL. |

Item IV. Appeal

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| Clerk's Office – Records & Information Management | 1. | Appeal of Grievance Hearing Findings – Elizabeth Hentrich. |
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CALL TO ORDER

Chair Andriso called the meeting to order at 6:33 P.M.; whereupon, he led the Pledge of Allegiance to the Flag.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Vice-Chairman Lisa Wombles reported on the EAC's recent meeting with the Appointing Authorities, indicating that topics of discussion included the one-time cost of living wage disbursement and administrative leave, the availability of information on the Supervisor of Elections' website relative to the upcoming elections, and the Employee Advocate Program, noting that Clerk Burke had suggested that the Advocate Committee contact the Public Defender's Office for assistance.

Ms. Wombles presented a plaque to Mr. Tragos, thanking him on behalf of the Advocate Committee, the EAC, and the County employees for his service as the EAC appointee to the Unified Personnel Board. Mr. Tragos indicated that tonight is his last meeting as a member of the Board, as he is resigning due to scheduling conflicts; whereupon, he expressed his thanks to the employees, Ms. Rowe, and the members for the opportunity to serve on the Board.

CONSENT AGENDA ITEMS NOS. II.1 THROUGH II.5 – APPROVED

Motion	-	Ms. Vecchioli
Second	-	Mr. Davis
Vote	-	7 – 0

- #1 Minutes of regular meeting held October 4, 2012, approved as submitted.
- #2 Title Changes, Revisions, Deletion, and Re-Instatement 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.
- #3 Audit of One Encumbered Administrative Support Specialist Position, Pay Grade CL11, and One Encumbered Senior Office Specialist Position, Pay Grade CL8, at the St. Petersburg-Clearwater International Airport approved. Administrative Support Specialist position laterally reclassified to Accounting Support Specialist. Senior Office Specialist Position remains as presently classified.

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- #4 Audit of One Encumbered Accounting Support Specialist Position, Pay Grade CL11 (\$32,697 – \$50,169), in the Parks & Conservation Resources Department approved; position reclassified to Accountant I, Pay Grade CL13 (\$36,046 – \$56,056), without benefit of examination and with the establishment of a probationary period as outlined in Personnel Rule IX.

EMPLOYEES' ADVISORY COUNCIL PERSONNEL BOARD REAPPOINTMENT FOR 2013-2014 - POSTPONED

Ms. Rowe indicated that the appointment has been postponed, due to the resignation of Mr. Tragos, and requested that the members contact Ms. Wombles if they have suggestions for any potential candidates.

UPDATE ON ALTERNATIVE DISCIPLINE IN THE APPEAL OF TERMINATION OF GARY GIDDENS, FORMERLY OF THE DEPARTMENT OF ENVIRONMENT AND INFRASTRUCTURE (DEI)

Ms. Rowe referred to the Appeal of Termination filed by Gary Giddens, formerly of the Department of Environment and Infrastructure, noting that the approved alternative discipline would have allowed Mr. Giddens to return to work if he could provide proof of an unrestricted drivers' license by September 24, 2012; that Mr. Giddens had been unable to produce such license, despite extension of the deadline; and that he has effectively resigned from his position.

Responding to query by Mr. Tragos, Ms. Rowe related that Mr. Giddens was unable to obtain an unrestricted license due a subsequent driving offense which occurred approximately one month after his appeal.

APPEAL OF GRIEVANCE HEARING FINDINGS RE ELIZABETH HENTRICH VERSUS KEN BURKE, CLERK OF THE CIRCUIT COURT – FINDINGS AFFIRMED

Appeal of Grievance filed by Elizabeth Hentrich, Records Specialist I, Records and Information Management, was presented by the Appellant and by Myriam Irizarry, Chief Deputy and General Counsel, representing the Clerk of the Circuit Court.

Chair Andriso confirmed that the parties were in attendance and inquired as to any exceptions to be raised, and none were noted.

Referring to Appellate Rule Section IX, Paragraph 3, Attorney Swain advised the Board that the parties in a grievance appeal shall be limited in their presentations to the issues and evidence presented at the Informal Grievance Hearing, unless they establish to the satisfaction of the Board that a good faith effort was made to do so. He indicated that the Board has been provided with a copy of the entire Grievance Appeal package including all documents considered by the Informal Grievance Committee, as well as the Committee's decision and the discipline and personnel files. Responding to query by Mr. Tragos, he confirmed that the Board has the ability to waive the limitation.

Responding to query by Attorney Swain, Ms. Hentrich indicated that no witnesses testified on her behalf at the Informal Grievance Committee hearing; that e-mails which she previously submitted attesting to her integrity and character were dismissed by Ms. Irizarry as hearsay; and that she wishes to bring forward witnesses at tonight's hearing to confirm their statements on her behalf. Ms. Irizarry indicated her objection to the allowance of such testimony at tonight's hearing on the basis that the witnesses had the opportunity to appear before the Informal Grievance Panel and did not do so, further noting that the employees in question were not involved in any of the particular incidents that led to the grievance. Responding to queries by Mr. Tragos, Ms. Irizarry related that she was present at the Informal Grievance Hearing; and that Ms. Hentrich had read the e-mails to the panel as part of her presentation; and Ms. Hentrich confirmed that testimony of any witness would be limited to the subject of her character and integrity.

Thereupon, Mr. Tragos moved, seconded by Mr. Dekle, that the witnesses be allowed to testify on the basis that they are not a surprise to the Appointing Authority, indicating that their testimony would be restricted to the content of the e-mails and their witness as to Ms. Hentrich's character. Discussion ensued wherein Chair Andriso noted that the information is already in the record; and at the suggestion of Ms. Vecchioli, Ms. Irizarry withdrew her hearsay objection; whereupon, Mr. Tragos withdrew his motion.

Attorney Swain reviewed the specific exceptions expressed by the parties at the Pre-Hearing Conference, as noted on the Pre-Hearing Conference Statement, and following discussion, the Board ruled as to their admissibility, as follows:

- = Appellant's Exhibits 2, 3, and 4 – Accepted as a result of Ms. Irizarry's waiver of hearsay evidence.
- = Appellant's Exhibit 5 – Excluded – Subject incident occurred beyond the time period in question (Motion by Mr. Tragos, seconded by Mr. Davis and carried unanimously).

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- = Appellant's Exhibit 6 – Excluded – Article's author is not present to provide testimony (Motion by Mr. Tragos, seconded by Mr. Koelsch and carried unanimously).
- = Appellee's Exhibits A and B – Ruling postponed pending testimony by Appellee's witnesses.
- = Appellee's Exhibit D – Objection overruled – File has been automatically entered into evidence as a standard exhibit in an appeal (motion by Mr. Tragos, seconded by Mr. Davis and carried unanimously).

Chair Andriso confirmed that no conflicts of interest exist and, at his request, the Appellant and witnesses proceeded to the microphone, stated their names, and were sworn by the Deputy Clerk; whereupon, Attorney Swain reviewed the procedural rules for the hearing, indicating that the Appellant would bear the burden of proving by a preponderance of the evidence that the four events upon which the discipline is based were not a violation of Personnel Rule XXIV, J(38) and that the one-day suspension imposed as discipline was not warranted.

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During testimony, the meeting was recessed at 8:17 and 10:07 P.M. and reconvened at 8:31 and 10:18 P.M., respectively.

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Following completion of the testimony and final statements, Chair Andriso noted that the appeal relates to a grievance, not a termination; whereupon, Attorney Swain indicated that the Appellant must prove her case that the discipline imposed was not appropriate and that the action complained of should be modified or revoked; and that, if the Board believes a modification is warranted, it must decide what modification would be appropriate.

Thereupon, Mr. Tragos moved, seconded by Mr. Davis, that the Appellant did not satisfy the burden of proof. Discussion ensued, and responding to query by Ms. Vecchioli, Attorney Swain indicated that Ms. Hentrich's request for transfer to another department is not a disciplinary matter; that such action would be within the discretion of the Appointing Authority; and that, while the members could endorse the request, the Clerk could ignore it as being beyond the Board's jurisdiction. Following additional comments by the members and upon call for the vote, the motion carried unanimously.

A digital audio recording of this proceeding has been filed and made a part of the record.

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MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Management and Supervisory Notes for November 2012.
2. Training Schedule for November 2012.
3. Minutes of the EAC Representatives meeting of September 19, 2012.

ADJOURNMENT

The meeting was adjourned at 10:40 P.M.

Chair