

Clearwater, Florida, August 14, 2014

The Unified Personnel Board (UPB) met in regular session at 6:31 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; Ricardo Davis, Vice-Chair; Keith Bailey; Andrea S. Daggett; Keith C. Dekle; and Joan Vecchioli.

Not Present: Angela Outten.

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

AGENDA

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| EAC | <u>Item I. Employees' Advisory Council Representative</u> |
| Human Resources | <u>Item II. Consent Agenda</u> |
| | 1. Request Approval of the Minutes of the Regular Personnel Board Meeting held May 1, 2014 |
| | 2. Request Approval of the Minutes of the Special Personnel Board Meeting held May 22, 2014 |
| Human Resources | <u>Item III. Informational Items</u> |
| | 1. Action Taken Under Authority Delegated by the Personnel Board |
| | 2. Other Informational Items |
| Department of Environment and Infrastructure | <u>Item IV. Appeal of Grievance Hearing Findings</u> |
| | 1. Albert Tague |

CALL TO ORDER

Chair Andriso called the meeting to order at 6:31 P.M.; whereupon, he led the Pledge of Allegiance to the Flag.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chairman Charles E. Toney welcomed and congratulated new County Administrator Mark Woodard and provided a brief update regarding EAC activities. He related that Supervisor of Elections Deborah Clark was the guest speaker at the July Delegate meeting,

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and Department of Environment and Infrastructure Director David Scott will speak in September; that the Personnel Rules review is ongoing; that the annual EAC Representatives election will be held in September; and that a joint EAC/Appointing Authority meeting will take place on October 23.

CONSENT AGENDA – APPROVED

Minutes of regular meeting held March 6, 2014 and Special Meeting held May 22, 2014, approved.

Motion	-	Mr. Dekle
Second	-	Mr. Davis
Vote	-	6 – 0

Human Resources Director Action Taken Under Authority Delegated by the UPB

Ms. Rowe related that Pay and Classification studies conducted in recent months have resulted in various classification and title changes, as delineated in the document titled *Action Taken Under Authority Delegated by the Personnel Board*, which has been attached and made a part of the minutes.

Thereupon, Ms. Rowe introduced staff members Raina Holliday and Bertha Battle, noting that Ms. Holliday has recently joined the Human Resources Department and is working as a facilitator, helping various departments with strategic planning.

APPEAL OF GRIEVANCE HEARING FINDINGS RE ALBERT TAGUE – DENIED

An Appeal of Grievance was filed by Albert Tague, Department of Environment and Infrastructure (DEI). Maintenance Section Manager Alan Bollenbacher, DEI Water and Sewer, represented the Appointing Authority, and Lisa Carter, Employee Advocate, represented the Appellant.

In response to query by Chair Andriso as to the presence of all relevant parties, Ms. Carter related that none of the witnesses for the Appellant are in attendance. Discussion ensued, and responding to further queries by the Chair, Attorney Wallace related that the parties are responsible for notifying their own witnesses; and that instructions were provided to the Appellant and his advocate prior to the pre-hearing conference. Ms. Carter related that she did

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not notify the witnesses; that she was under the impression that notification would be provided by the County Attorney's Office; and that she had represented Mr. Tague at the pre-hearing conference; whereupon, Mr. Tague confirmed that he had received the instruction packet.

Chair Andriso called for the Appointing Authority, and responding to his queries, Mr. Bollenbacher indicated he had received the instructions, noting that they were discussed at the pre-hearing conference; that the Appointing Authority's witnesses are all in attendance; and that he is ready to proceed.

In response to query by the Chair as to available options, Attorney Wallace advised that the Board could proceed as planned; that doing so could prejudice the Appellant, although the witness situation is of his own doing; and that the matter could be continued to the next available hearing date; whereupon, Ms. Rowe related that unless a special meeting were convened, the next available date would be in November.

Thereupon, Ms. Vecchioli moved that the hearing proceed, noting that barring evidence that proper notice of procedures was not given, continuation would set a bad precedent. Mr. Bailey seconded, and upon call for the vote, the motion carried by a vote of 5 to 1, with Mr. Dekle dissenting.

Attorney Wallace noted that James Valliere is listed as a witness for both the Appellant and the Appellee; that Mr. Valliere did not testify at the informal grievance hearing; and that, absent good cause shown by the parties, he should not testify at tonight's proceedings. Discussion ensued, and responding to queries by the Chair, Attorney Wallace indicated that the rules state that any new evidence, including witnesses, should not be introduced; that neither side has objected to Mr. Valliere testifying; and that allowing his testimony would be a decision for the Board.

In response to queries by the Chair, Mr. Valliere indicated that he is aware of his being called to testify by both parties; that he feels comfortable doing so; and that he was not called by either party to testify at the informal grievance panel meeting; whereupon, Mr. Bollenbacher offered to withdraw Mr. Valliere's name from his witness list if doing so would facilitate moving forward. Ms. Rowe noted that Mr. Valliere, in his position as Employee Relations Manager, is frequently involved in counseling employees and departments dealing with difficult situations; and that it is not the practice of any Human Resources employee to reveal information of a confidential nature to another party.

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Ms. Vecchioli suggested that the Board defer its ruling on whether to allow Mr. Valliere's testimony; and Mr. Davis clarified that the ruling would be on a case-by-case basis based on the admission of the various documents into evidence; and Chairman Andriso concurred.

At the request of Chair Andriso, the Appellant and witnesses proceeded to the microphone, stated their names, and were sworn by the Deputy Clerk; whereupon, Mr. Dekle disclosed that he had worked with several of the witnesses during his tenure as a County employee, noting that he does not feel any conflict exists.

Attorney Wallace related that the Appellant has submitted objections regarding several of the Appellee's exhibits, including Items I-1, UU-110, SS-1, UU-111, UU-112, and UU-113; and Ms. Carter related that the documents are numerous and directed the Board's attention to the exhibit table contained in the document titled *Pre-Hearing Conference Statement – Exceptions*. Discussion ensued wherein Ms. Vecchioli indicated that the primary concern appears to be relevance of the documents, and Ms. Carter concurred; whereupon, responding to query by Mr. Davis, Mr. Bollenbacher confirmed that everything in the exhibit packet was discussed or presented at the informal grievance panel, noting that many items have since been removed. Following further discussion with input by Ms. Carter, Ms. Vecchioli moved, seconded by Mr. Davis and carried, that any item considered a Personnel File document be considered relevant to the proceeding and admitted as evidence.

Responding to query by Chair Andriso as to additional objections, Ms. Carter objected to various exhibits on the basis of relevancy to the items for which the Appellant was disciplined; whereupon, Ms. Vecchioli reiterated her suggestion that the Board reserve ruling on the objections until such time as each item is introduced; and Ms. Carter concurred; whereupon, Attorney Wallace suggested that the Appellee's objections be treated accordingly, and Mr. Bollenbacher stated that he wished to waive the objections and allow the hearing to proceed.

During testimony and responding to objections by Ms. Carter as to the relevance of various exhibits, Ms. Vecchioli moved, seconded by Mr. Dekle, that testimony and evidence pertaining to issues that took place prior to March 25, 2011 (Appellee's Exhibit R) not be considered as part of the hearing; and upon call for the vote, the motion carried by a vote of 5 to 1, with Mr. Davis dissenting. In response to further objection by Ms. Carter, Ms. Vecchioli indicated that it was not her intention to include Exhibit V-1 as part of her motion; and that reference to the 2002 incident, not the entire exhibit, should be excluded from evidence.

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During testimony, the meeting was recessed at 8:19 P.M. and 12:24 A.M and reconvened at 8:28 and 12:30, respectively.

* * * *

Following testimony and closing remarks, Attorney Wallace noted that the appeal relates to a grievance, not a termination; and that the burden is on the Appellant to show by a preponderance of the evidence that the action taken by the Appointing Authority should be modified or revoked; whereupon, she requested that the Board determine whether the Appellant has shown that the action complained of should be modified or revoked; and, if so, what modification should take place.

Responding to query by Ms. Vecchioli pertaining to Personnel Rule XXIV, Ms. Rowe related that the Board is allowed to consider any offenses that would rise to the level of discipline.

Discussion ensued, and Mr. Davis indicated that many of the offenses discussed could have been captured under Rule XXIV, Item 38, which pertains to conduct that is offensive or antagonistic toward superiors, fellow employees, or the public; that he believes there is agreement on all the offenses except the insubordination offense; that the behavior described by the witnesses does constitute insubordination; that the exhibits admitted as evidence are sufficient to justify the discipline that was imposed; and that he does not believe the Appellant has proven an alternative discipline is warranted.

Ms. Daggett concurred with comments by Mr. Davis, and expressed additional concerns with regard to the severity of the incident that occurred in October 2013, noting that it would have been helpful to see a written policy regarding the use of County vehicles; whereupon, she stated that she does not believe there is a preponderance of evidence to overturn the decision of the Appointing Authority.

During continued discussion, Chair Andriso discussed the Appellant's failure to conduct himself in a manner that would be expected of a supervisor, noting that he supports the action taken by the department.

Emphasizing that he does not support the misuse of County materials or resources, Mr. Dekle indicated that he disagrees with the opinion of his colleagues with regard to

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various circumstances and conditions in the workplace, noting that the demotion seems to be based largely upon a poor perception of Mr. Tague as a supervisor. He stated that he does not see the demotion as a counseling or growth opportunity for the employee; that it has a significant financial impact; and that it will limit his future advancement within the County; whereupon, he suggested that the Board consider an alternative discipline such as a suspension and possibly a reduction in pay.

Mr. Bailey acknowledged Mr. Bollenbacher and other staff members for their thoughtfulness, empathy, and professionalism, and indicated that he does not support the appeal.

Thereupon, Ms. Vecchioli moved, seconded by Mr. Davis, that the appeal of Albert Tague be denied; and that the disciplinary action taken by the Appointing Authority be upheld. Upon call for the vote, the motion carried by a vote of 5 to 1, with Mr. Dekle dissenting.

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

MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Minutes of the EAC Representative meetings of April 16 and May 21, 2014.
2. Minutes of the EAC Delegate meetings of March 27 and May 22, 2014.
3. Management and Supervisory Notes of July 2014.
4. Training Schedule for June, July, and August, 2014.

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ADJOURNMENT

The meeting was adjourned at 12:49 A.M. on August 15.

Chair

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III. 3

Human Resources Director

Action Taken Under Authority Delegated by the Unified Personnel Board

The Human Resources Director, having been granted delegated authority to act on behalf of the Unified Personnel Board, has taken the following action from JUNE 1, 2014 thru July 25, 2014.

UPWARD RECLASSIFICATIONS

<u>Dept</u>	<u>Position</u>	<u>Current Classification</u>	<u>PG</u>	<u>Recommended Classification</u>	<u>PG</u>
BDRS	Encumbered BCC/C2083	Office Spec	CL6	Bldg Svcs Spec	CL10
BDRS	Encumbered BCC/C45	Office Spec, Sr	CL8	Bldg Svcs Spec	CL10
BDRS	Encumbered BCC/C1934	Office Spec, Sr	CL8	Bldg Svcs Spec	CL10
BDRS	Encumbered BCC/C2086	Office Spec, Sr	CL8	Bldg Svcs Spec	CL10
BDRS	Encumbered BCC/C3469	Office Spec, Sr	CL8	Bldg Svcs Spec	CL10
BDRS	Encumbered BCC/C3884	Office Spec, Sr	CL8	Bldg Svcs Spec	CL10
REM	Encumbered BCC/C317	Flt Mech Trainee	CL7	Tire Tech	CL10
DEI	Encumbered BCC/C3665	Wtr/Wstr Plant Opns, Sr	CL19	Solid Waste Prog Mgr	CL20

ADDITIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>EEO4 CODE</u>	<u>OT CODE</u>	<u>PG</u>
10282	Building Services Specialist	Technician	Classified	CL10 (BDRS)
12966	Tire Technician	Skilled Craftsman	Classified	CL10 (REM)
15890	Claims Case Manager, RN	Professionals	Classified/Excluded	CL18 (Risk)

TITLE/PAY GRADE CHANGE

<u>SPEC NO.</u>	<u>PRESENT CLASSIFICATION</u>	<u>PG</u>	<u>RECOMMENDED CLASSIFICATION</u>	<u>PG</u>
18153	Veteran Service Manager	SM8	Veterans Services Director	SM7

REVISIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
10870	911 Geographic Base Technician	CL9
10826	911 Public Safety Telecommunicator 1	CL10
10794	911 Administrative Specialist	CL11
10876	911 MSAG Coordinator	CL12
10830	911 Public Safety Telecommunicator 2	CL12
10840	911 Public Safety Center Supervisor 1	CL14
10800	Radio Communications Analyst	CL15

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Action Taken Under Authority Delegated by the Unified Personnel Board
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REVISIONS (continued)

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
10850	911 Public Safety Center Supervisor 2	CL16
10810	Radio Systems Coordinator	CL17
14130	Network Technician, Senior	CL18
10854	911 Public Safety Center Manager	CL20
14440	Programmer/Analyst, Senior	CL20
16968	Solid Waste Program Manager	CL20
14442	Lead Programmer/Analyst	CL23
10880	911 Computer Systems Manager	SM4a
10860	911 Systems Manager	SM4a
22782	Deputy Director, Airport Finance & Administration	SM3a

DELETIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
08450	Buyer	CL13
08452	Procurement Analyst	CL16
08454	Procurement Analyst, Sr	CL18