

Clearwater, Florida, September 4, 2014

The Unified Personnel Board (UPB) met in regular session on this date in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, with the following members present: Ricardo Davis, Vice-Chair; Keith Bailey; Andrea S. Daggett; Keith C. Dekle; Angela Outten; and Joan M. Vecchioli.

Not Present: Daniel M. Andriso, Chair.

Also Present: Gene Pressoir, Human Resources Manager; Michelle A. Wallace, Senior Assistant County Attorney; Laura M. Todd, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

EAC Item I. Employees' Advisory Council Representative

Human Resources Item 2. Informational Items

1. Action Taken Under Authority Delegated by the Personnel Board
2. Other Informational Items

Real Estate Management Item III. Appeal of Termination

1. Cindy Adkison

CALL TO ORDER

Vice-Chair Davis called the meeting to order at 6:30 P.M.; whereupon, he led the Pledge of Allegiance to the Flag.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chairman Charles E. Toney reported that in an attempt to recruit additional advocates to represent employees, an advertisement was placed in the *Pinellas PEN* newsletter; that some responses were received; and that he is hopeful to start more training sessions for the new advocates soon; whereupon, he related that a joint meeting with the appointing authorities will take place in October.

Mr. Toney stated that the last EAC meeting was jointly held with the Human Resources Department; that Clerk Ken Burke and County Administrator Mark Woodard stopped by and suggested that since the primary election has concluded, employees discuss their concerns

September 4, 2014

regarding the Florida Retirement System with their legislators and inquire as to any changes the legislature might be contemplating next session; whereupon, he related that Peggy Poole will be the new representative for Clerk's South, noting that she has been a delegate for several years; and that a replacement will be necessary for Elaine Billey at the end of the year.

Responding to query by Mr. Dekle, Mr. Toney stated that, currently, there are five or six advocates; that several others are standing in the wings; and that because of workloads, several of the advocates are not actively participating, noting that he will attempt to get them involved again.

INFORMATIONAL ITEMS

This item was not addressed in the meeting. The document titled *Action Taken Under Authority Delegated by the Personnel Board* has been attached and made a part of the minutes.

APPEAL OF TERMINATION OF CINDY ADKISON, FORMERLY OF THE DEPARTMENT OF REAL ESTATE MANAGEMENT (REM) – MATTER REMANDED TO DEPARTMENT FOR ALTERNATIVE DISCIPLINARY ACTION; ALTERNATIVE ACTION APPROVED

Appeal of Termination filed by Cindy Adkison, Senior Office Specialist, Real Estate Management, was presented by Employee Advocates Lisa Wombles and Steve Yeatman, representing the Appellant, and by Paul Sacco, Director of Real Estate Management, representing REM.

Attorney Wallace confirmed that no exceptions to the prehearing conference statement have been made; and that the Appellee filed an objection to certain documents that the Appellant would present; whereupon, she closed that portion of the proceeding.

Responding to query by Vice-Chair Davis, Attorney Wallace related that the witnesses could be sworn in as a group; whereupon, at the request of Vice-Chair Davis, the witnesses proceeded to the microphone, stated their names, and were sworn by the Deputy Clerk.

Mr. Sacco stated that he represents the Appointing Authority; that he objects to Appellant's Exhibit F, photographs of attire worn by other employees in the office; and that the objection is based on the following: (1) the pictures were taken without the knowledge of the people being photographed; (2) the employees photographed did not consent to the pictures

September 4, 2014

being taken or used for the hearing; (3) the pictures are a violation of the employees' privacy; and (4) the appointing authority's decision to terminate was based on offensive conduct, not on dress attire.

Thereupon, following brief discussion, Ms. Vecchioli moved, seconded by Mr. Bailey, that the objection of Appellee as to the photographs taken of employees based on privacy concerns be overruled. Upon call for the vote, the motion carried unanimously.

Attorney Wallace related that the Appellant has indicated evidence will be presented that has not previously been seen by the Board; whereupon, Ms. Wombles explained that there had been a two week delay in Appellant obtaining emails between Director Sacco, his supervisor, and Human Resources Manager Jim Valliere; and that she would like to offer the emails as evidence, along with the termination letter from Mr. Sacco and the denial of Appellant's unemployment claim from the state.

* * * *

At this time, 7:02 P.M., the meeting was recessed to give the Appellee time to review the emails and reconvened at 7:25 P.M. with all members in attendance.

* * * *

Following lengthy discussion, the Board decided and the parties stipulated the following: (1) the fact-based witnesses will be permitted to testify first; (2) two character-based witnesses per side will be permitted; (3) the emails presented to the Board will be permitted except for the emails found on page 57 through page 62 of Appellant's packet; (4) the termination letter of Appellant will be allowed; and (5) the letter from the state unemployment office denying the claim of Appellant can be introduced as evidence.

Following testimony and during discussion by the members, Mr. Dekle proposed that the Board recommend that Real Estate Management give the appellant an oral reminder on the profanity, a three-day suspension without pay for being offensive to her supervisor, but otherwise to reinstate her to her position with back pay, and discussion ensued regarding the procedures to be followed.

Thereupon, Mr. Dekle moved that the employee did violate the dress code, and the motion died for lack of a second. Mr. Dekle then moved, seconded by Ms. Outten, that the Appellant did not willfully violate written rules, regulations, policies, or statutes in accordance

September 4, 2014

with Personnel Rule 16. Upon call for the vote, the motion carried 4 to 2, with Mr. Bailey and Ms. Daggett casting the dissenting votes.

Thereupon, Mr. Dekle moved, seconded by Ms. Vecchioli, that the employee did not violate decency or morality in accordance with Personnel Rule 26. Upon call for the vote, the motion ended in a tie vote 3 to 3, with Messrs. Bailey and Davis and Ms. Daggett casting the dissenting votes; whereupon, responding to queries by the members, Attorney Wallace confirmed that the violation of Personnel Rule 26 stands as it is, noting that the Board believes she violated Rule 26; and that the range of punishment for violation of Rule 26 goes up to and includes dismissal.

Thereupon, Mr. Dekle moved, seconded by Ms. Vecchioli, that the Appellant is guilty of violating Personnel Rule 38 in that the employee was offensive and antagonistic towards superiors, fellow employees, or the public, or whose conduct interferes with the proper cooperation of employees or impairs the efficiency of County service. Upon call for the vote, the motion carried 6 to 0; whereupon, Attorney Wallace clarified that the members found that there had been a violation of Rules 25, 26 and 38; and that the Board would need to determine if cause existed for the disciplinary action in that she violated those rules.

During discussion and in response to an observation by Ms. Outten, Attorney Wallace stated that the Board rendered a tie vote with respect to Rule 26; and that Rule 10.3 states that, in the event the Board renders a tie vote and no affirmative vote finding cause for the disciplinary action resulted, the action should be reversed.

Mr. Dekle moved that the Board change disciplinary action for the infractions, and the motion died for lack of a second; whereupon, Vice-Chairman Davis pointed out that the one offense that is potentially terminable is reversed as a result of the tie vote, and Attorney Wallace concurred.

Thereupon, Mr. Dekle moved, seconded by Ms. Vecchioli, that the Board direct that the alternative discipline for the offenses be a 3-day suspension; whereupon, following lengthy discussion, Mr. Dekle withdrew his motion and offered an alternate motion that the Board remand the matter back to the Appointing Authority for an alternative discipline, and the alternative discipline be brought back to the Board within three weeks, and the motion died for lack of a second.

September 4, 2014

Following further discussion, Ms. Vecchioli moved, seconded by Ms. Daggett, that the matter be remanded to the Appointing Authority for alternative discipline. Upon call for the vote, the motion carried 6 to 0.

Responding to query by Mr. Sacco, Attorney Wallace advised that under the current rules, the Board no longer has the power to determine if the reinstatement of employment would be with or without pay, and Mr. Pressoir concurred.

Thereupon, Mr. Sacco stated that it is the decision of the Appointing Authority to request that the Board approve a 3-day suspension with no back pay and reinstatement of the employee to a lateral position at the Star Center; whereupon, Ms. Vecchioli moved, seconded by Mr. Bailey, that the decision of the Appointing Authority be approved. Upon call for the vote, the motion carried 5 to 1, with Mr. Dekle casting the dissenting vote.

This proceeding has been digitally recorded 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 meeting of July 16, 2014.
2. Minutes of the EAC Delegate meeting of July 24, 2014.
3. Management and Supervisory Notes of September 2014.
4. Training Schedule for September, October, and November, 2014.

ADJOURNMENT

The meeting was adjourned at 11:45 P.M.

Vice-Chair

September 4, 2014



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 JULY 27, 2014 thru AUGUST 23, 2014.

ADDITIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>EEO4 CODE</u>	<u>OT CODE</u>	<u>PG</u>
16422	Entomology & Education Support Specialist	Technicians	Classified	CL12
18911	Clerk's Technology, Assistant Chief Information Officer	Ofcls & Mgrs	Exempt	150
21074	PAO Staff Counsel	Professionals	Exempt	150

TITLE CHANGE

<u>SPEC NO.</u>	<u>PRESENT CLASSIFICATION</u>	<u>RECOMMENDED CLASSIFICATION</u>	<u>PG</u>
19149	Director, Inspector General Audit Division	Inspector General/Chief Audit Executive	150

REVISION

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
16796	Engineering Specialist 3	CL22

EXTENSION OF TEMPORARY EMPLOYMENT

<u>POSITION</u>	<u>CLASSIFICATION</u>	<u>PG</u>	<u>EXTENDED</u>	<u>DEPARTMENT</u>
BCC/T1106	Special Project Assistant A	CL55	6 months	DEI/Traf Eng Sect
CCC/T98	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T101	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T102	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T105	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T108	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T109	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T110	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds
CCC/T118	Special Project Assistant A	CL55	6 months	CCC/Civil Crt Reds
CCC/T119	Special Project Assistant A	CL55	6 months	CCC/Civil Crt Reds
CCC/T120	Special Project Assistant A	CL55	6 months	CCC/Civil Crt Reds
CCC/T128	Special Project Assistant A	CL55	6 months	CCC/Civil Crt Reds
CCC/T154	Special Project Assistant A	CL55	6 months	CCC/Crim Crt Reds