

Clearwater, Florida, October 2, 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: Daniel M. Andriso, Chair; Ricardo Davis, Vice-Chair; Andrea S. Daggett; Keith C. Dekle; Angela Outten; Joan M. Vecchioli; and Ron Walker.

Also Present: Peggy Rowe, Director of Human Resources; Michelle A. Wallace and Jason C. Ester, Senior Assistant County Attorneys; Laura M. Todd, Board Reporter, Deputy Clerk; and other interested individuals.

#### AGENDA

EAC Item I. Employees' Advisory Council Representative

Human Resources Item II. Consent Agenda

1. Request Approval of the Minutes of the Regular Personnel Board Meeting held August 14, 2014
2. Request Approval of the Minutes of the Regular Personnel Board Meeting held September 4, 2014

Human Resources Item III. Informational Items

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

Department of Environment  
And Infrastructure Item IV. Appeal of Termination

1. Motion Regarding Appeal
2. Alfonsa Riley

#### CALL TO ORDER

Chair Andriso 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 welcomed new Board Member Ron Walker and thanked the members for their patience and diligence during the last few months regarding appeals of termination, noting that such decisions are not always easy. He reported that employees will be receiving a three-percent pay increase in October; that a new performance evaluation system has been initiated; that the EAC has been asking for the old system to be replaced; that the new system involves more interaction between employees and their supervisors and places more responsibility on the employees; and that it is an improvement over the previous evaluation system. He stated that the EAC would like to discuss the employee benefits package next year, as well as increases in both the base pay and the upper level of the pay grades, noting that market surveys done by Hillsborough and Pasco Counties revealed they were lagging behind in wages.

Mr. Toney indicated that Department of Environment and Infrastructure Director David Scott was the guest speaker at the EAC Delegate meeting in September; that the EAC Representative elections are coming up at the end of the year for about half of the representatives, including his position; and that he is looking forward to working with the Board in the future; whereupon, Ms. Rowe related that a three-percent raise was also given last year; and that a lump sum payment was given to all employees the year before.

CONSENT AGENDA – APPROVED

Minutes of regular meeting held August 14, 2014 and September 4, 2014, approved.

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

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 ALFONSA RILEY

EMPLOYEE'S MOTION FOR USE OF INDEPENDENT LEGAL ADVISOR FOR PERSONNEL BOARD – DENIED

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Motion for Use of Independent Legal Advisor was filed by Appellant Alfonsa Riley, Department of Environment and Infrastructure (DEI), represented by Michelle Nadeau, Esquire. Kelley Lewis, Assistant County Attorney, represented the Appointing Authority.

Ms. Nadeau indicated that the appellant filed a motion for the Board to employ independent counsel in the appeal of termination of Alfonsa Riley; and that it was her contention that the Board should always employ outside counsel rather than utilize the County Attorney's Office, noting that the law is clear in that the same person cannot serve as both the prosecutor and advisor.

Following arguments, rebuttal, and lengthy discussion by the members, Mr. Davis moved, seconded by Mr. Dekle, that the motion for use of independent legal advisor be denied. Upon call for the vote, the motion carried 6 to 1 with Ms. Outten casting the dissenting vote.

EMPLOYEE'S OBJECTIONS TO THE APPOINTING AUTHORITY'S EXHIBITS

1. Objection to Witness Paul Valenti

Ms. Nadeau indicated that the only knowledge Mr. Valenti has regarding the appeal is related to the investigation conducted by the Office of Human Rights, which is a separate proceeding, noting that he does not have direct knowledge of any of the events leading up to the suspension or termination of the appellant; and that he is not a proper witness.

Following arguments, rebuttal, and discussion by the members, Ms. Vecchioli moved, seconded by Mr. Davis, that the objection to Mr. Valenti being called as a witness be overruled. Upon call for the vote, the motion carried unanimously.

2. Objection to Exhibits B, C, D, E, and F

Ms. Nadeau indicated that Exhibits B, C, D, E, and F are prior disciplinary notices and counseling forms from 2007 to 2013; that they are not at issue, nor are they relevant; and that they do not pertain to the discipline that led to the suspension or termination of the appellant.

Following arguments and rebuttal, Ms. Vecchioli moved, seconded by Mr. Davis, that the objection to Exhibits B, C, D, E, and F be overruled. Upon call for the vote, the motion carried 6 to 1, with Ms. Outten casting the dissenting vote.

3. Objection to Exhibit L – Statements from Fred Johnson

Ms. Nadeau indicated that Exhibit L consists of multiple copies of the same document, noting that some are illegible; that the handwriting on them constitutes hearsay; and that it is unclear who made the annotations.

Following arguments, rebuttal, and discussion by the members, Mr. Davis moved, seconded by Ms. Vecchioli, that the objection to Exhibit L be tabled until the hearing; whereupon, Chair Andriso noted that, pursuant to *Robert's Rules of Order*, a vote is not required to table the item.

4. Objection to Exhibit M – Computer Forensics Investigation Report

Ms. Nadeau indicated that Exhibit M is a report which the County intends to use to show that documents were falsified; that it constitutes hearsay; and that it is not relevant to the proceeding.

Following arguments, rebuttal, and discussion by the members with input by DEI Section Manager Alan Bollenbacher, Ms. Vecchioli moved, seconded by Mr. Davis, that the objection to Exhibit M be overruled. Upon call for the vote, the motion carried unanimously.

5. Objection to Exhibit U – Memorandum from Office of Human Rights

Ms. Nadeau indicated that Exhibit U should be excluded, as any determination made by the Office of Human Rights has no bearing on the proceeding; and that the admission of the document would invade the province of the Personnel Board and its independent decision making power.

Following arguments, rebuttal, and discussion by the members, Ms. Vecchioli moved, seconded by Mr. Dekle, that the objection be sustained. Upon call for the vote, the motion carried 6 to 1, with Mr. Walker casting the dissenting vote.

## APPOINTING AUTHORITY'S OBJECTIONS TO THE EMPLOYEE'S WITNESS AND EXHIBIT LIST

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### 1. Objection to Witness List – Witnesses Nos. 3 through 13

Ms. Lewis indicated that the Appointing Authority is objecting to Witnesses Nos. 3 through 13 on the grounds that they are a part of the investigation by the Office of Human Rights; that the testimony is not relevant to the facts of the case; that all of the testimony would be cumulative, providing general allegations of discrimination; and that the only issue to be determined is whether the appellant committed the act for which he was suspended or terminated.

Following arguments, rebuttal, and discussion by the members, Ms. Vecchioli moved, seconded by Mr. Davis, that the objection be overruled as to the relevancy objection; that it be sustained as to the objection based upon the cumulative nature of the testimony; and that the Board shall instruct counsel to limit the testimony of witnesses who provide redundant information. Upon call for the vote, the motion carried unanimously.

### 2. Objection to Employee's Exhibit List

Ms. Lewis indicated that the Appointing Authority objects to Exhibits Nos. 1, 2, 4, 5, 7, 9, 11, and 12 on the grounds of relevancy, stating that that the exhibits are self-serving hearsay.

Following arguments, rebuttal by counsel, and discussion by the members, Ms. Vecchioli moved, seconded by Mr. Davis, that the objection be overruled. Upon call for the vote, the motion carried unanimously.

This proceeding has been digitally recorded and made a part of the record.

## MISCELLANEOUS DISCUSSION

Ms. Vecchioli opined that it would be helpful if the Board entertains objections and motions prior to future appeal hearings, suggesting that it might be a good idea to agenda those matters prior to the presentation of the evidence, and Ms. Daggett concurred; whereupon, Ms. Rowe added that the timing of the hearing worked out well this time, which might not always be the case, as it may delay the hearing by a month or more. Responding to query by Ms.

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Vecchioli, Ms. Rowe related that the Board could endeavor to work with the County Attorney's Office and Human Resources (HR) on the issue.

Chair Andriso, with input by Ms. Rowe, stated that a letter was received in August from a citizen concerning issues at Animal Services; that the members of the Board received a copy of the letter from HR; and that he would suggest responding to the letter on behalf of the Board. Discussion ensued, and Ms. Vecchioli provided suggestions as to the content of the response; whereupon, the members directed Attorney Wallace to draft a letter for signature by the Chair. Ms. Rowe added that the employees mentioned in the letter had the opportunity for due process through the Office of Human Rights if harassment or discrimination was alleged; and that there is also a grievance appeal process through HR and the UPB.

#### MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Minutes of the EAC Representative meeting of August 20, 2014.
2. Management and Supervisory Notes for October 2014.

#### ADJOURNMENT

The meeting was adjourned at 8:17 P.M.

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Chair