

Clearwater, Florida, October 1, 2015

The Unified Personnel Board (UPB) met in regular and work session at 6:32 P.M. on this date in the Clerk's Fourth Floor Conference Room, 315 Court Street, Clearwater, Florida, with the following members present: Ricardo Davis, Chair; Keith C. Dekle, Vice-Chair (late arrival); Andrea S. Daggett; James Dates; William Schulz; Joan M. Vecchioli; and Ron Walker.

Also Present: Beverly Waldron, Interim Director of Human Resources; Peggy Rowe, former Director of Human Relations; Michelle A. Wallace and Carole Sanzeri, Senior Assistant County Attorneys; Lynn M. Abbott, Board Reporter, Deputy Clerk; and other interested individuals. Minutes by Laura M. Todd, Board Reporter, Deputy Clerk, and Helen Groves.

AGENDA

PLEDGE OF ALLEGIANCE

- |   |   |
|---|---|
| EAC   | I. EMPLOYEES' ADVISORY COUNCIL REPRESENTATIVE   |
| Human Resources                             | II. NEW BUSINESS  |
|   | 1. Request Approval of Proposed Changes to the Employees' Advisory Council Bylaws                       |
| Human Resources                             | III. INFORMATIONAL ITEMS  |
|   | 1. Action Taken Under Authority Delegated by the Personnel Board  |
|   | 2. Appointment of the following Personnel Board Member: Bill Schulz, by the Employees' Advisory Council |
|   | 3. Personnel Board Appointments   |
|   | 4. Other Informational Items  |
| Parks & Conservation Resources<br>Withdrawn | IV. TERMINATION APPEAL  |
|   | 1. Richard Mason  |
| Human Resources                             | V. PERSONNEL RULES WORKSHOP   |
|   | 1. Continued from September 15, 2015  |

CALL TO ORDER

Chair Davis called the meeting to order at 6:32 P.M.; whereupon, he led the Pledge of Allegiance to the Flag.

October 1, 2015

### EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chairman Lisa Wombles welcomed new member Bill Schulz to the UPB; whereupon, Chair Davis clarified that Mr. Schulz is serving an unexpired term which will expire in 2016.

### NEW BUSINESS

#### Request Approval of Proposed Changes to the Employees' Advisory Council Bylaws

In response to query by Chair Davis, Ms. Waldron indicated that she had reviewed the Bylaws; and that the electronic ballots will make the employee voting process easier; whereupon, she requested approval by the Board.

Thereupon, Mr. Dates moved, seconded by Mr. Walker, that the Proposed Changes to the Employees' Advisory Council Bylaws be approved, and upon call for the vote, the motion carried unanimously.

Relating that the Affirmative Action Committee is an additional Board that he sits on by virtue of being the Chairman of this Board, Chair Davis stated that he has submitted a list of recommendations for changes to the ordinance that created the Affirmative Action Committee; and that most of the changes are administrative in nature, but two are substantive and have been referred to counsel; whereupon, he indicated that he has recommended that (1) some of the duties associated with the Office of Human Rights be transferred to this Board, as the Director of the Office of Human Rights, Paul Valenti, reports to the Affirmative Action Committee, and many of the decisions he makes directly affect members who sit on that Committee; and (2) that an independent board, similar in make-up to the Unified Personnel Board, be created to replace the current Affirmative Action Committee.

In response to query by Ms. Vecchioli, Chair Davis explained that the Director of the Office of Human Rights has three sets of duties: (1) to conduct investigations for employment or housing discrimination within the county; (2) to investigate complaints within the Unified Personnel System; and (3) to serve as the Affirmative Action Officer for County Government and, as such, is responsible for the Affirmative Action Plan.

October 1, 2015

\* \* \* \*

At this time, 6:40 P.M., Mr. Dekle entered the meeting.

\* \* \* \*

### INFORMATIONAL ITEMS

#### Action Taken Under Authority Delegated by the Personnel Board

Ms. Waldron reviewed the routine actions taken over the last month, noting that there was an extension of a temporary appointment and some title and career ladder changes; whereupon, in response to query by Mr. Dates, she indicated that an extension of a temporary position must be approved by the Director of Human Resources; and that the extension is limited to one year.

#### Bill Schulz Appointed to the Personnel Board by the Employees' Advisory Council

#### Personnel Board Appointments

Ms. Waldron related that four Unified Personnel Board member positions are up for appointment and reappointment, noting that the appointing parties have been informed; whereupon, in response to queries by Chair Davis, she stated that those who make the appointments are in the process of selecting the candidates, and action should be taken by the end of the year; whereupon, Chair Davis indicated that his term is also up for reappointment and that the UPB will need to take action between now and the December Board meeting if it wishes him to remain as its representative.

#### Other Informational Items

Ms. Waldron indicated that Business Technology Services (BTS) is realigning some of its responsibilities; and that the Human Resources Department will be taking over the technical training for Microsoft and Oracle, and two BTS employees will be transferred into the Department; whereupon, in response to queries by the members, she indicated that BTS no longer wishes to be in the training business; and that Human Resources will be receiving the funding for the two positions, as well as the necessary computers and the licenses for the *Oracle User Productivity Kit* and the *You Learn It Portal*, which support online training.

### TERMINATION OF APPEAL

Chair Davis noted for the record that the appeal of termination of Richard Mason has been withdrawn.

### MISCELLANEOUS DISCUSSION RE APPEALS

In response to query by Chair Davis regarding upcoming appeals of termination, Ms. Waldron indicated that the next three Board meetings will have an appeal of termination; whereupon, discussion ensued regarding the procedure for handling appeals, including holding special meetings if the Special Act so allows and the members agree, or having an earlier starting time for meetings when appeals are scheduled to be heard.

Following discussion, Chair Davis indicated that it appears there is a consensus to schedule the appeals as soon as possible after they are filed; whereupon, Attorney Wallace stated that she will check with the parties involved in the hearings already scheduled to ensure they would have ample time to prepare, and Ms. Waldron related that she will identify a number of dates for the hearings and confirm them with the members.

### PERSONNEL RULES WORKSHOP

Chair Davis indicated that Rules 1, 2, 3, and 8 were discussed at the last workshop; and that Rules 4 through 7 would be addressed tonight.

Ms. Waldron related that she did not attend the last meeting, but has been reviewing the notes made by Ms. Rowe and the verbatim prepared by the Board Reporter to ensure all amendments are included; and that she is building an amended and annotated set of Rules to bring before the Board.

#### Rule 4 – Time Off

Ms. Waldron pointed out that the proposed Rule 4 - Time Off is quite sizable, as parts of three or four other Rules have been moved and incorporated in order to make the finished product more cohesive. She reviewed some changes made at the last workshop, relating that the Appointing Authorities agreed to the EAC requests that (1) funeral leave be permitted for grandparents and grandchildren of spouses, and (2) two floating holidays will be added for employees who have

October 1, 2015

completed 25 years of service, which must be treated as scheduled leave and used during the calendar year.

In response to query by Chair Davis, Ms. Waldron confirmed that another change in new Rule 4 - Time Off is that employees must use all of their annual leave before taking leave without pay, except for those cases under the Family and Medical Leave Act (FMLA) or declared emergencies; whereupon, in response to query by Ms. Vecchioli, Attorney Sanzeri discussed the two exceptions, explaining that they will be covered in the FMLA Handbook and Rule 3 in the new Rules, respectively, and discussion ensued.

#### Rule 5 – Reduction in Force

Ms. Waldron indicated that Rule 5 is unchanged from the current rule.

#### Rule 6 – Discipline

Ms. Waldron indicated that a committee comprised of classified and exempt employees, supervisors, and managers was given the task of examining the Discipline Rule. She related that the new chart is slightly different from the old one, as some lines have been collapsed and others added, and some infractions have been combined and others added.

In response to query by Ms. Vecchioli, Ms. Waldron confirmed that the language regarding actions *not subject to grievance* has been pulled from various Rules, as the Board directed, and is now found in Rules 6 and 7, and Attorney Sanzeri provided input, noting that in some instances, the language has been tagged but not yet pulled.

In response to the concerns of Mr. Dekle that the changes to Infraction D5, Insubordination, located in the Disciplinary Guidelines Chart, are more punitive to the employees, Ms. Waldron, with input by Ms. Vecchioli, related that the Appointing Authorities asked that they be given latitude in disciplining depending upon the severity of the insubordination; whereupon, Ms. Rowe provided examples, indicating that an employee who refuses to do something they have been directed to do by their superior might be terminated while an employee being rude might only receive verbal or written counseling, and discussion ensued.

Attorney Sanzeri explained that the current Rule Chart and Rules are only guidelines intended to assist a department; that all discipline is appealable to some degree; that a dismissal is appealable to this Board; and that one of the issues the Board faces on every appeal is whether the discipline was appropriate under the circumstances; whereupon, Mr. Shultz remarked that the language in

October 1, 2015

the column headings in the Rule Chart has been changed from “first offense” to “first level,” and discussion ensued, with Ms. Rowe providing input.

Chair Davis commented that he is comfortable with the Rule addressing insubordination, as it is almost impossible to write rules that anticipate all scenarios. He related that managers, by definition, have some amount of discretionary authority and judgment; that if they misuse the authority, they should be removed from a managerial position; and that when the Rules are applied inappropriately, an appeal can be made to this Board.

Thereupon, Ms. Vecchioli moved, seconded by Mr. Walker, that the Disciplinary Guideline for infraction D5, Insubordination, be approved. Following discussion, Ms. Vecchioli withdrew her motion, and strongly suggested that the Board provide guidance to the Personnel Department as to the language they would prefer; whereupon, she stated for the record that she, herself, does not expect anything further in defining this particular Rule. While withdrawing his second, Mr. Walker suggested that the Board move the package forward today and wait until Human Resources brings the final document back before deciding whether the Rule governing insubordination opens new opportunities for punitive treatment of employees.

Ms. Dekle stated that the language in Infraction D8 indicating that unauthorized absences constitute voluntary resignation is redundant and should be removed, as it is used in other places, and EAC Representative Charles E. Toney commented upon the inability to grieve “unauthorized leave.” Ms. Waldron indicated that the Rule has not changed; whereupon, Mr. Davis asked that the Human Resources Department review the section.

During discussion about terminated employees who, after winning the appeal of termination, are not compensated for being out of work, Attorney Wallace indicated that the Unified Personnel Board has no budget and cannot grant the employees money, but could recommend that the employee be given back pay; whereupon, Ms. Wombles indicated that she would bring the subject up at the next meeting between the EAC and the Appointing Authorities, and Attorney Sanzeri provided input.

Referring to Infractions D10 and D11 and in response to queries by Mr. Dekle, Ms. Waldron, with input by Ms. Rowe, related that the determination of whether the destruction or misuse of property was intentional or unintentional would drive the decision about the level of discipline to be taken; whereupon, Chair Davis commented that managerial judgment would come into play, noting that the decision is appealable, and discussion ensued.

October 1, 2015

Responding to comments by Mr. Dekle that discipline throughout the new Rules seems to be more severe, Ms. Rowe, with input by Ms. Vecchioli, cited the employee survey, and related that the employees made loud and clear their concern that poor performers should not be tolerated in County government. She indicated that the employee committee wanted to encourage swift action and decided to give managers more latitude; whereupon, she pointed out that employees would have the right to appeal the decision in cases of unscrupulous managers, and discussion ensued.

\* \* \* \*

At this time, 8:04 P.M., the meeting was recessed and reconvened at 8:18 P.M. with all members present.

\* \* \* \*

Mr. Dekle commented that Infractions D10, D13, and D14 appear to be redundant and suggested they be combined; whereupon, Ms. Vecchioli disagreed, stating that the employee committee took time to go over each guideline, one by one, and the Board should give some deference to their work, and discussion ensued.

Mr. Dekle pointed out that he could not find the definition associated with the asterisk for *moral turpitude*, and Attorney Sanzeri stated that the explanation would be added.

Referring to the Anti-Harassment Policy, Infraction D23, Ms. Vecchioli expressed concern that the first level of discipline for the violation of the anti-harassment policy is a three-day suspension, and asked what constitutes a violation; whereupon, noting that the Office of Human Rights investigates harassment cases, Ms. Waldron indicated that D23 applies to cases in which that Office has made a finding. Following discussion, Chair Davis summarized that Infraction D23 would be tied to a finding by the Office of Human Rights, and D28 would cover those instances when the violation, or inappropriate behavior, does not rise to the level of a formal complaint to the Office of Human Rights, and discussion ensued.

Attorney Sanzeri indicated that one of the reasons the wording was changed from *unlawful* harassment is because the Pinellas County Anti-Harassment Policy prohibits behavior that would rise to the level of unlawful, noting that the County and its Appointing Authorities expect a higher standard of behavior.

October 1, 2015

During discussion and in response to comments by Messrs. Dekle and Toney, Chair Davis asked that Human Resources review Infraction D24 regarding reasonable accommodations for mental or physical disabilities.

Following discussion, Chair Davis noted that the consensus of the Board under Discipline Guideline Infraction D38 is that Human Resources would come back to the Board with more information regarding the meaning and reasoning behind the language *violated the department's or Appointing Authority's stated values*.

During discussion and in response to queries by the members, Attorney Wallace related that appeals of termination require five members for a quorum and non-appeal meetings require four; and that a super-majority of the members will be needed for final adoption of the Rules.

Thereupon, hearing no objection, Chair Davis ended the Workshop and stated that Rule 7 would be revisited at the next meeting.

#### MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

Minutes of the EAC Representatives meeting of August 19, 2015.

#### ADJOURNMENT

The meeting was adjourned at 9:09 P.M.

---

Chair



October 1, 2015



**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 September 6, 2015 thru September 26, 2015.

**ADDITIONS**

<b><u>SPEC NO.</u></b>	<b><u>TITLE</u></b>	<b><u>EEO4 CODE</u></b>	<b><u>OT CODE</u></b>	<b><u>PG</u></b>
14762	Park Ranger 1	Protective Services	Classified	CL9
14764	Park Ranger 2	Protective Services	Classified	CL11
14766	Park Ranger 3	Protective Services	Classified	CL13
10884	911 Quality Assurance Specialist	Administrative Support	Classified	CL13

**TITLE CHANGE**

<b><u>SPEC NO.</u></b>	<b><u>PRESENT CLASSIFICATION</u></b>	<b><u>RECOMMENDED CLASSIFICATION</u></b>	<b><u>PG</u></b>
15880	Risk Management Analyst	Risk Management Insurance Analyst	CL16

**REVISIONS**

<b><u>SPEC NO.</u></b>	<b><u>TITLE</u></b>	<b><u>PG</u></b>
16550	Traffic Signal Technician, Ld	CL15
14772	Chief Park Ranger 1	CL15
13622	Field Operations Supervisor	CL16
14774	Chief Park Ranger 2	CL17
16792	Engineering Specialist 1	CL17
16794	Engineering Specialist 2	CL20

**EXTENSION OF TEMPORARY EMPLOYMENT**

<b><u>POSITION</u></b>	<b><u>CLASSIFICATION</u></b>	<b><u>PG</u></b>	<b><u>EXTENDED</u></b>	<b><u>DEPARTMENT</u></b>
CCC/T178	Special Project Assistant A	150	6 months	CCC/Crim Ct Reds

October 1, 2015

Human Resources Director  
Action Taken Under Authority Delegated by the Unified Personnel Board  
Page 2

**ESTABLISHING CAREER LADDER**

**PCR**

Park Ranger 1	CL9	Park Ranger 2	CL11
Park Ranger 2	CL11	Park Ranger 3	CL13

**UPDATED CAREER LADDER**

**Engineering & Technician Support (ETS)**

Engineering Technician	CL14	Engineering Specialist 1	CL17
Engineering Specialist 1	CL17	Engineering Specialist 2	CL20