

Clearwater, Florida, October 19, 2015

The Unified Personnel Board (UPB) met in regular session at 6:30 P.M. on this date in the Clearwater Courthouse, Clerk's Large Conference Room, 315 Court Street, Clearwater, Florida, with the following members present: Ricardo Davis, Chair; Keith C. Dekle, Vice-Chair; James Dates; William Schulz; Joan M. Vecchioli; and Ron Walker.

Not Present: Andrea S. Daggett.

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

AGENDA

PLEDGE OF ALLEGIANCE

Human Resources

I. PERSONNEL RULES WORKSHOP

1. Proposed Rules
2. Proposed Policies

CALL TO ORDER

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

PERSONNEL RULES WORKSHOP

Chair Davis indicated that today's agenda would be a review of Rule 7, Employee Grievances, followed by a review of the Employee Policies and Procedures; and that after the meeting on October 26, revisions will be provided to the members for final comments and recommendations; whereupon, Ms. Waldron stated that only the Policies that are changing are being brought before the Board, and most Policies being reviewed tonight were previously Rules; and that amendments to other Rules that have been previously reviewed will be provided electronically to the Board later in the week. In response to a request by Ms. Vecchioli that the revisions be redlined to show the changes from the last draft, Ms. Waldron related that minor tweaks have not been redlined, but all substantive changes have comments next to them explaining what was done and why.

Mr. Dekle requested that in both the draft and the final version, the Policies be numbered consecutively.

During discussion and in response to query by Mr. Walker regarding the process of replacing the Rules, Ms. Waldron indicated that at a future UPB meeting, the Board would repeal the existing Rules and approve the new Rules and Policies; that the repealed Rules would be removed from the Human Resources website, and the new Rules uploaded, noting that a blast email would be forwarded to employees. Attorney Wallace indicated that when the Rules are changed, they become respective, and not prospective; whereupon, in response to query by Mr. Dates, Ms. Vecchioli explained that this means that if the conduct occurs after the date the Rule has changed, it would fall under the new Rule whether or not one is aware of the change.

Mr. Dekle stated that a Rule requires a super majority vote of the Board and a Policy requires a majority vote, and in response to his query, Ms. Waldron indicated that designating items as Policies if they do not rise to the level of a Rule makes it easier to keep the Rules and Policies manageable.

Rule 7A (3) – Employee Grievances

In response to query by Mr. Dekle, Ms. Waldron, with input by Chair Davis, related that the language is in the current Rules; and that the Rule is an explanatory statement indicating that when a specific Rule or Policy exists, it would take precedence over this Rule, and this Rule would not apply, and provided some examples; whereupon, Ms. Vecchioli asked that the word “already” be changed to “otherwise,” and no objections were noted.

Following discussion, with input by Ms. Waldron and Attorney Sanzeri, Chair Davis indicated that Attorney Sanzeri would continue to massage the language to improve the clarity of the Rule.

Rule 7E – Level of Appeal Available (Table)

Employees’ Advisory Council (EAC) Representative Charles E. Toney indicated that he has concerns regarding the section Discretionary Pay Increase Decisions as it relates to the Position Audit Questionnaire (PAQ) and the inability to grieve or to appeal above the panel of individuals who made the initial determination. Following discussion, Chair Davis opined that, at some point, the UPB has to determine what management should decide and what is appealable to the Board; and that the PAQ process involves a Human Resource Department review, which is

where the expertise and classification resides, and should remain there, and no objections were noted.

Rule 7G – Procedure for Grievance

In response to queries by Mr. Dekle as to what starts the 15-day clock, Attorney Sanzeri indicated that the submission of a written grievance form would start the clock running. Following discussion, Ms. Vecchioli suggested that the following language be added in (4-a): that the grievance must be initiated *as described below* within *15 calendar days*.

Mr. Dekle asked that the Policy clarify that if day 15 falls on a weekend or a holiday, it would fall on the next business day; and that, to be consistent throughout the Rules, Items 4-d-i and 4-d-ii be changed to 15 days; whereupon, Ms. Waldron indicated that the policies are continuing to be developed.

Mr. Dekle requested that the language in 4-c-ii and 4-c-v be changed to established *Personnel Board Policy*, and no objections were noted.

Rule 7C (ii) – Step 2: Informal Grievance Committee

During discussion and in response to queries by Mr. Dekle, Ms. Waldron explained that a timely response would be 15 days; and that if an employee is terminated, there would be no grievance process, noting that appeals of termination would be heard by the UPB; whereupon, Ms. Vecchioli suggested that for consistency purposes, numerical references be made in Arabic.

In response to queries by Mr. Dekle, as to the makeup of the Informal Grievance Committee, Ms. Waldron indicated that the Board has approved the placement of the grievance process language in the Human Resources Policy; and that the language will require modification to match the language in the Rule; whereupon, following discussion, Chair Davis pointed out another instance of the need to change the term Human Resources Policy to the *Personnel Board Policy*.

Rule 7C (d) (i and ii) – Step 3: Unified Personnel Board Appeal of Grievance Hearing

During discussion and in response to comments by Mr. Dekle, Attorney Sanzeri, with input by Chair Davis, confirmed that the Board could change the number of days to file an appeal of the grievance hearing from ten to 15, noting that she preferred to refer to it as 15 calendar days, and no objections were noted; whereupon, Ms. Vecchioli indicated that the change should be reflected in section ii as well.

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At this time, 7:28 P.M., the meeting was recessed and reconvened at 7:35 P.M., with all members in attendance.

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Rule 8 – Prohibited Political Activities

Chair Davis commented that while reviewing Rule 8, the Board attempted to avoid areas where it did not have specific authority; that if the Appointing Authorities all had their own rules, there would be no consistency throughout County Government; and that by recommending some unified system policies, the Board is exhibiting leadership, not usurping authority; whereupon, Ms. Waldron indicated that references to Exempt employees have been removed from Rule 8; that Attorney Sanzeri has drafted a Policy that will be presented to the UPB next Monday night; and that the Policy will be presented at the next Appointing Authority meeting.

EMPLOYEE POLICIES AND PROCEDURES

Outside or Non-County Employment

Mr. Dekle commented that a refusal to allow non-County employment should be grievable to the UPB, and Mr. Toney discussed disciplinary actions that could be taken by the Appointing Authorities if an employee does not obtain permission to work outside or in non-county employment. Attorney Sanzeri related that prior approval from the Appointing Authorities and withdrawal of permission are in the current Rules, and Attorney Wallace provided input. Chair Davis opined that the decision of what is ethical, moral, or a conflict regarding non-County employment should not be considered by the UPB, but by management, as it is more familiar with the duties and responsibilities of the various employment positions.

Following discussion, Chair Davis concluded that the majority of the Board members are inclined to leave the Policy as proposed.

Personnel Files

Ms. Waldron indicated that the entire section under Public Records Requests would be stricken. During discussion, she indicated that requiring notification to employees or the appearance of an employee during a viewing of the records would qualify under law as having a “chilling” effect on the person requesting the information. In response to query by Ms. Vecchioli, Attorney Sanzeri advised that a records request is required under the law; and that appropriately redacted information would be removed from the record.

Nepotism

Ms. Waldron indicated that Nepotism language has been added to the Policy.

Resignation from County Service

In response to the concerns of Mr. Toney that Item 2, Unauthorized Absence Considered Voluntary Resignation may be too severe in that it cannot be grieved, Attorney Sanzeri indicated that the word *may* means that if more information is received, the decision can be reversed, and that the current Rule does not allow the decision to be grieved. Following discussion, Attorney Sanzeri agreed to redraft the section to add some “saving” language.

Transfer to Inactive Status

Attorney Sanzeri provided the history of inactive status, and related that it was drafted 15 years ago in an effort to address situations where an employee is either out of work, on light duty, or restricted duty, and unable to perform the essential functions of their job for a significant period of time, and cannot be accommodated with another position for which they are qualified. She explained that this is an effort to accommodate employees in their current position or another vacant position within the county in instances where one has used their entire post-family medical leave.

During discussion and responding to comments by the members, Attorney Sanzeri indicated that the Family and Medical Leave Act was removed from the revised version, and agreed to add the language back in; whereupon, she pointed out that once an employee is on inactive status, they are no longer a County employee.

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Tampering with Evidence

Following discussion regarding evidence tampering, witness subpoenas, perjury, and supervisor retaliation of employees, Chair Davis indicated that the language would be changed to protect not just the employee bringing the complaint, but potential witnesses.

ADJOURNMENT

The meeting was adjourned at 8:48 P.M.

Chair