

Clearwater, Florida, October 26, 2015

The Unified Personnel Board (UPB) met in special session at 6:31 P.M. on this date in the Clerk's Fourth Floor Conference Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, with the following members present: Ricardo Davis, Chair; Andrea S. Daggett; James Dates; William Schulz; Joan M. Vecchioli; and Ron Walker.

Not Present: Keith C. Dekle, Vice-Chair.

Also Present: Beverly Waldron, Interim Director of Human Resources; Michelle A. Wallace and Carole Sanzeri, Senior Assistant County Attorneys; Charles Toney, Employees' Advisory Council; Jack Loring, Workforce Development Manager; other interested individuals; and Christopher Bartlett, Board Reporter, Deputy Clerk. Minutes by Mr. Bartlett and Helen Groves.

#### AGENDA

#### PLEDGE OF ALLEGIANCE

Human Resources

#### I. NEW BUSINESS

1. Motion Regarding Grievance Appeal
2. Discussion – Start Time of 2016 UPB Meetings

Human Resources

#### II. 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.

#### NEW BUSINESS

#### Motion Regarding Grievance Appeal

Referring to Appeals Case No. 15-06, *Andrew Belich versus Pinellas County Safety and Emergency Services*, Chair Davis indicated that the Appointing Authority has filed a motion to continue the case beyond the scheduled December 3, 2015 hearing date; and that Mr. Belich opposes the motion; whereupon, Ms. Waldron noted that a key witness for the Appointing Authority is attending to a family matter out of state and would be unavailable for the hearing.

Ms. Vecchioli stated that this is an appeal of a suspension and not a termination; that no prejudice would result from a continuance since the employee is currently working; and that she would be inclined to grant the motion. Discussion ensued, whereupon she moved, seconded by Mr. Schulz and carried unanimously, that the Motion to Continue be granted.

#### Discussion – Start Time of 2016 UPB Meetings

Chair Davis indicated that due to concerns regarding late meetings, the Board could consider changing the start times of its 2016 meetings, specifically meetings that include appeal hearings; whereupon, Ms. Waldron suggested that meetings with appeals could start at 4:00 P.M. while all other meetings could retain a 6:30 P.M. start time, and discussion ensued.

Ms. Waldron noted that the remaining two meetings in 2015 are scheduled for 4:00 P.M.; that these might help the Board to decide; and that the Board could postpone its decision on changing the start times of 2016 meetings, and Chair Davis concurred.

#### PERSONNEL RULES WORKSHOP

##### Proposed Rules

Noting that the Policies have been numbered as requested by the Board, Ms. Waldron indicated that the members have provided feedback on all proposed Rules and Policies; and that the corresponding edits have been completed and are indicated within the agenda packet with only two exceptions:

- UPB Policy No. 11, Grievance Process

Ms. Waldron distributed a draft copy of Policy No. 11, a copy of which has been filed and made a part of the record, and stated that the Policy was written earlier today; and that the current grievance Rule contains procedural details that were removed from the proposed Rule and were used to create this Policy with some minor changes.

- UPB Policy No. 12, Appeals Process

Ms. Waldron stated that Policy No. 12 is still being updated and will be provided to the members within the next week for their review.

Thereupon, Chair Davis proposed that the Board only review the items with revisions and not review the ones that have not been changed, and the members agreed.

### Introduction

Ms. Waldron noted that the Board requested that the Rules include an Equal Employment Opportunity (EEO) statement; that the EEO statement applies to all Rules; and that a new introduction page was created to include the EEO statement.

### Rule 2. Filling Positions

During review of the written comments noted in Rule 2, Section B, Voluntary Demotions, and in response to query by Ms. Daggett, Ms. Waldron estimated that 15 to 20 voluntary demotions occur each year; that they occur more often for personal accommodations than for work-related issues; and that voluntary demotions are more common than involuntary or disciplinary demotions within the County.

In reference to Section C, Other Types of Positions, Ms. Waldron noted that there are inconsistencies regarding special project and related positions; that some are classified as temporary positions with no leave accrual, and others are classified as regular employees with leave; whereupon, she recommended that they all be treated as regular employees with special exception.

Mr. Dates expressed concern about including these as regular employees, indicating that the positions are not filled competitively; and that there is potential for abuse in circumventing EEO hiring. Ms. Vecchioli noted that these types of positions were intended for short-term hiring flexibility; that they allow for temporary assignments to be completed without over-hiring or having layoffs at the end of a project; and that there is no reason to grant them the full rights of a regular employee.

Following discussion, Chair Davis noted that there is little support from the Board to grant the positions the same rights as regular employees; whereupon, Ms. Waldron stated that the Rule would be adjusted as needed to reflect the temporary status.

Referring to Grant Worker positions, Ms. Waldron stated that these are regular positions paid for by grants; that the positions are terminated when the grant expires; and that grant workers do not serve a probationary period. She indicated that the lack of a probationary period is an oversight,

and recommended that grant workers should serve the same probationary period as regular employees, and the members concurred.

### Rule 3. Compensation

During review of the written comments noted in Rule 3 and responding to queries by the members, Ms. Waldron related that general pay increases will be based on the midpoint of each classification; and that merit increases based on salary are included, but do not have a funding source at this time, and discussion ensued.

In response to query by the members, Ms. Waldron, with input by Mr. Loring, indicated that alternative methods for increases using midpoint or salary as the base can be accommodated; and that understanding the needs of the organization is challenging, as the Appointing Authorities have different pay philosophies; whereupon, Chair Davis stated that employees need to have an understanding of how their compensation works; and that the Board can help the Appointing Authorities define the County's overall pay philosophy going forward.

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At this time, 7:38 P.M., the meeting was recessed and reconvened at 7:46 P.M., with all members in attendance.

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In reference to Rule 3, Section C, Item 2, Base Pay Decreases, Ms. Waldron indicated that base pay decreases for voluntary demotions do not require the approval of Human Resources to deviate from the recommended decrease of four to ten percent; that increases for promotions do require Human Resources approval to deviate; and that direction is needed from the Board on whether to require approval in both scenarios, and discussion ensued. Chair Davis, with input by Ms. Vecchioli, indicated that the Rule should remain discretionary, as drafted, and no objections were noted.

In reference to Rule 3, Section D, Item 7, Market Driven Skills Supplement, Ms. Waldron indicated that the item was added to the list of tasks and responsibilities that have been delegated to the Director of Human Relations per the Board's direction, but without an official vote; and

that the resolution governing delegation will be modified and presented to the Board when finalizing all the Rules and Policies.

#### Rule 6. Discipline

During review of the written comments noted in Rule 6, Mr. Toney noted that the Rule allows for a suspension pending judicial review when an employee is accused of specific types of crimes; and suggested that a similar accommodation could be made for general terminations as a way to determine if a termination should be reduced to a suspension; whereupon, Ms. Waldron stated that it is the responsibility of the Appointing Authorities, not the Unified Personnel Board, to grant back pay in that situation.

Ms. Vecchioli indicated that as an Appellant Board, it would be inappropriate for the Board to Rule in any judicial capacity; that some employees accept their termination and would not seek an appeal; and that she would not be in favor of the suggested addition to the Rule. Chair Davis concurred, and stated that the Board should remain within its granted authority and avoid possibly infringing on the discretionary rights of the Appointing Authorities.

Referring to the written notes in Rule 6, Chair Davis related that the Board has previously discussed the term *moral turpitude*; whereupon, Ms. Waldron stated that she sourced the definition from a footnote in the current Rule and moved it directly into the body text of the Rule. Following discussion, Chair Davis concluded that the term is difficult to define and should be removed from the Rule, and the members agreed.

#### Rule 7. Employee Grievances

The written comments noted in Rule 7 were reviewed by the members, and no changes were noted.

#### Rule 8. Political Activities

Following review of the written comments noted in Rule 8, Chairman Davis commented that the Rule has been modified to cover Classified employees only; however, if the Appointing Authorities would adopt it for Exempt personnel, it would promote consistency throughout County Government.

### Definitions

Ms. Waldron indicated that the list is preliminary; and that the members should continue to provide feedback regarding which terms to include or omit from the final list.

### Proposed Policies

#### UPB Policy No. 8 – Resignation from County Service

During review of the written comments noted in UPB Policy No. 8, Attorney Sanzeri related that wording has been added to protect persons under the Baker Act.

#### UPB Policy No. 9 – Transfer to Inactive Status

During review of the written comments noted in UPB Policy No. 9, Ms. Waldron stated that the reference to Classified employees has been removed; and that the Policy now includes both Classified and Exempt employees, and no changes were noted.

#### UPB Policy No. 10 – Discipline Policy

During review of the written comments noted in UPB Policy No. 10, Ms. Waldron related that wording from the current philosophy statement was used to create this Policy. Ms. Daggett suggested that the relevancy of past incidents should be addressed; whereupon, Chair Davis, with input by Attorney Sanzeri, indicated that it would be difficult to set a timeline regarding past incidents; and that the Board would retain discretion to decide which incidents are relevant to each situation, and Mr. Walker concurred.

#### UPB Policy No. 11 – Grievance Process

Ms. Waldron noted that a draft copy of the Policy is available for the Board to review; and that it will be discussed at the next meeting, along with UPB Policy No. 12 – Appeals Process.

### OTHER DISCUSSION

- Responding to queries by the members regarding transitioning to the new Rules, Ms. Waldron stated that the Board would need to first repeal the existing Rules, and then determine an effective date to enact the proposed Rules; whereupon, Chair Davis indicated that the Board would limit discussion at its November 10 meeting to UPB Policy No. 12 and

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anything else that it needs to see; and that at its December 3 meeting, the Board will make its final decision to repeal the current Rules, enact the new Rules, and establish an effective date of January 1, 2016.

- In response to query by Mr. Toney regarding favoritism and bullying in the workplace, Ms. Waldron, with input by Attorney Sanzeri, indicated that treating everyone fairly is part of the new introduction; that the Office of Human Rights and the Affirmative Action Committee have an anti-harassment Policy that offers some protections; and that there are existing provisions in Rule 24, Discipline, Section J, Item 38, that would apply when the employee is offensive in his conduct or antagonistic toward superiors, fellow employees, or the public; whereupon, Ms. Vecchioli suggested that the word *subordinates* be included in the provision. Mr. Toney stated that specific wording such as *bullying and favoritism in the workplace at any level is not to be tolerated* could be a part of the introduction, and discussion ensued.
- Ms. Waldron related that the Board of County Commissioners will likely adopt a Wage Theft Ordinance in November; and that she will have discussions with the attorneys to identify options for incorporating the ordinance into the Personnel Rules, and discussion ensued.

#### ADJOURNMENT

Chair Davis related that no further items for discussion remain on the agenda; whereupon, the meeting was adjourned at 9:07 P.M.

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Chair