

Clearwater, Florida, November 5, 2015

The Unified Personnel Board (UPB) met in regular session at 4:02 P.M. 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, Chair; Keith C. Dekle, Vice-Chair; James Dates; Bill Schulz; and Ron Walker.

Not Present: Andrea S. Daggett and Joan M. Vecchioli.

Also Present: Beverly Waldron, Interim Director of Human Resources; Michelle A. Wallace, Senior Assistant County Attorney; Christopher Bartlett, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

PLEDGE OF ALLEGIANCE

EAC

I. EMPLOYEES' ADVISORY COUNCIL REPRESENTATIVE

Human Resources

II. CONSENT AGENDA

1. Request Approval of the Minutes of the Regular Personnel Board Meeting held September 3, 2015

Human Resources

III. NEW BUSINESS

1. Upcoming Personnel Board Meetings: December 3, 2015; December 8, 2015; January 7, 2016; and February 4, 2016
2. Review Rules and Policies
3. Review Edits of the Personnel Board Appeal Procedures

Human Resources

IV. INFORMATIONAL ITEMS

1. Action Taken Under Authority Delegated by the Personnel Board
2. Personnel Board Appointments for 2016-2017:
 - A. Joan Vecchioli, Constitutional Officers
 - B. Keith Dekle, Employees' Advisory Council
 - C. Board of County Commissioners, Application Process Underway
 - D. Personnel Board Appointee, TBD
3. Other Informational Items.

Communications

V. TERMINATION APPEAL

1. James Devine.

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CALL TO ORDER

Chair Davis called the meeting to order at 4:02 P.M.; whereupon, he led the Pledge of Allegiance.

EMPLOYEES' ADVISORY COUNCIL REPRESENTATIVE

Employees' Advisory Council (EAC) Chairman Lisa Wombles reported that the EAC election process has been extended one week; that employees who are due certification pay could receive the funds by Christmas; and that all County employees can enjoy free access to County parks on Veteran's Day. She thanked Mr. Dekle for accepting his reappointment as the EAC Representative to the Board, and noted that the interactions of the EAC with the County Administrator, Appointing Authorities, and County Commissioners have been very collaborative.

CONSENT AGENDA – APPROVED

Minutes of regular meeting held September 3, 2015, approved.

Motion	-	Mr. Dates
Second	-	Mr. Walker
Vote	-	5 – 0

NEW BUSINESS

Upcoming Personnel Board Meetings

Ms. Waldron noted that the meeting on December 3 will start at 6:30 P.M.; and that the December 8 meeting has been cancelled and the appeal of termination rescheduled for January 7. Responding to queries by Ms. Waldron, Attorney Wallace stated that the January 7 meeting will start at 6:30 P.M. to accommodate the appellant's schedule; and that all parties involved with the February 4 hearing are agreeable to a 4:00 P.M. starting time; whereupon, Chair Davis confirmed that the February 4 meeting will begin at 4:00 P.M.

Ms. Waldron requested direction as to the starting time for future meetings, and following discussion, Chair Davis indicated that regular meetings will continue to start at 6:30 P.M.; and that meetings with appeal hearings may be moved to start at 4:00 P.M.

Review Rules and Policies

Ms. Waldron reviewed the changes discussed at the last meeting and related that they are now incorporated into the proposed Rules and Policies. Responding to queries by the members, she indicated that the pay rate reduction for disciplinary demotions should indicate a maximum of five percent; that the Market Driven Skills Supplement would continue for as long as the skills remain on the list; and that the need for each skill set is reevaluated every two years.

Ms. Waldron noted that an updated draft of Rule 4, Time Off, was provided to the members; that a modification was made to include two additional exceptions for when an employee does not have to expend annual and other paid leave prior to going on leave without pay; that *one month* was changed to *30 days* at the request of Payroll; and that a paragraph was added to explain regular holiday pay for employees who work longer than 8-hour shifts.

Referring to Rule 6, Discipline, Ms. Waldron indicated that the definition of the term *moral turpitude* was removed per the Board's direction at the previous meeting, and discussion ensued. Mr. Dekle stated that definitions of many terms within the rules should be included for clarity; whereupon, Chair Davis, with input by Mr. Schulz, noted that legal definitions for *moral turpitude* lack clarity and the term is sometimes omitted from law dictionaries; that the members could make an interpretation if the matter comes before the Board; and that most of the members do not feel the need to define the term within the Rules.

Ms. Waldron noted that an amended copy of Rule 7, Employee Grievances, has been sent to each Board member for review; and that it has been edited for clarity. She related that Rule 8, Political Activities, includes a corrected reference; and that proposed UPB Policies Nos. 1 through 11 have not changed since the Board last reviewed them.

Review Edits of the Personnel Board Appeal Procedure

Ms. Waldron presented updates to the appeal procedure and noted that a quorum has been defined as five members; that procedures for handling tie votes have been clarified; and that minor corrections have been made to unify various terms with the new Rules, and discussion ensued.

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Ms. Waldron indicated that an updated resolution delegating authority to the Human Resources Director to act on behalf of the UPB has been provided for review; and that the updates will bring the resolution in line with the proposed changes to the Rules. Mr. Dekle indicated that delegating authority is not the same as delegating responsibility; and that the Board will retain responsibility to review, change, and modify its rules and procedures, and Ms. Waldron and Chair Davis concurred.

INFORMATIONAL ITEMS

Action Taken Under Authority Delegated by the Personnel Board

The document titled *Action Taken Under Authority Delegated by the Unified Personnel Board* has been attached and made a part of the minutes.

Personnel Board Appointments for 2016/2017

Chair Davis indicated that action must be taken at this meeting or the December meeting to select the Personnel Board Appointee. Mr. Dekle stated that it could be decided in December, and Chair Davis agreed; whereupon, Ms. Waldron added that the selection of Chair and Vice-Chair would be part of the January meeting.

Other Informational Items

A news release titled *Vacancy Announced on the Unified Personnel Board* has been filed and made a part of the record.

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The meeting was recessed at 4:43 P.M. and reconvened at 4:51 P.M.

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APPEAL OF TERMINATION OF JAMES DEVINE, FORMERLY OF COMMUNICATIONS
– DENIED

Appeal of Termination filed by James Devine, formerly of the Communications Department, was presented by James Devine, representing himself as the Appellant, and by Tim Closterman, Communications Director, representing the Appointing Authority.

At the Chair's request, the witnesses were sworn by the Deputy Clerk; whereupon, Chair Davis confirmed that no exceptions to the prehearing conference statement have been made.

Following the completion of the testimony and closing statements, Chair Davis reviewed the issues to be resolved by the Board and indicated that the first issue is whether the Appellant did commit the activities for which he was disciplined.

Following discussion, Mr. Walker moved, seconded by Mr. Dates and carried unanimously, that the Appellant engaged in the activities for which he was terminated.

Chair Davis indicated that the second issue is whether the Board finds that cause existed for the disciplinary action in that the Appellant's activities violated Personnel Rule XXIV, Paragraph J, Items Nos. 16 and 38; whereupon, the members considered the resolution of each item separately.

Mr. Walker moved, seconded by Mr. Dekle and carried unanimously, that the Appellant's actions violated Item No. 38.

Following discussion, Mr. Dekle moved, seconded by Mr. Schulz, that the Appellant's actions did not violate Item No. 16. Upon call for the vote, the motion carried 3 to 2, with Mr. Dates and Chair Davis casting the dissenting votes.

Chair Davis indicated that the third and final issue is whether the disciplinary action taken by the Appointing Authority was appropriate. Following discussion, Mr. Dates moved that the disciplinary action was appropriate and, after consulting with Attorney Wallace, Chair Davis seconded the motion. Following further discussion and upon call for the vote, the motion carried unanimously.

A digital recording of the proceeding has been made a part of the record.

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MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Minutes of the EAC Representatives Meeting of September 16, 2015.
2. Leadership Notes for October 2015.
3. Training Schedule for October, November, and December 2015.

ADJOURNMENT

The meeting was adjourned at 7:55 P.M.

Chair



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IV.1

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 **October 4, 2015 thru October 31, 2015.**

RE-INSTATED with PAYGRADE CHANGE

SPEC		EEO4	OT	PREVIOUS	PROPOSED
<u>NO.</u>	<u>TITLE</u>	<u>CODE</u>	<u>CODE</u>	<u>PG</u>	<u>PG</u>
17620	Director of Utilities	Officials & Manager	Exempt	E-3	SM1

TITLE CHANGE

SPEC	PRESENT	RECOMMENDED	
<u>NO.</u>	<u>CLASSIFICATION</u>	<u>CLASSIFICATION</u>	<u>PG</u>
10990	Bureau Director, Public Safety Svcs	Bureau Director, Safety & Emergency Svcs	SM2a

TITLE/PAY GRADE CHANGE

SPEC	PRESENT		RECOMMENDED	
<u>NO.</u>	<u>CLASSIFICATION</u>	<u>PG</u>	<u>CLASSIFICATION</u>	<u>PG</u>
11140	County Commissioner Assistant	P4	Executive Aide	P3

REVISIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
10910	Emergency Management Coordinator, Senior	CL19
16842	Section Manager 1	SM5a
16844	Section Manager 2	SM4a
16846	Section Manager 3	SM3a

Human Resources Director

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DELETION

SPEC NO.

10982

TITLE

Division Director, SES

PG

SM3a

EXTENSION OF TEMPORARY EMPLOYMENT

POSITION

BCC/T1112

CLASSIFICATION

Special Project Assistant "A"

PG

CL55

EXTENDED

6 months

DEPARTMENT

Utilities

ESTABLISHING CAREER LADDERS BDRS

Environmental Specialist

CL13

Environmental Specialist 1

CL14

Environmental Specialist 1

CL14

Environmental Specialist 2

CL16