

Appeal Procedures

V.1.

Appendix F - Motion For Reconsideration, Modification, or Amendment

DATE

Director of Human Resources
Pinellas County Florida
Fourth Floor
400 So. Ft. Harrison Avenue
Clearwater, FL 33756

Subject: Motion For Reconsideration

Dear Director:

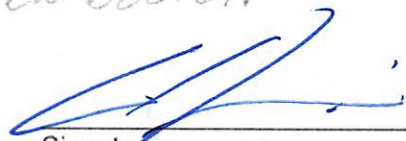
By the filing of this letter, I hereby move the Pinellas County Unified Personnel Board to reconsider the decision it reached on 2-18, 2016, regarding my disciplinary action.

My request is based on the following grounds: SEE ATTACHED

(Party should list reasons for reconsideration, modification, or amendment, such as: mistake of fact existed; there was collusion or fraud involved; new evidence has been discovered in my favor; etc...)

Thank you.

Sincerely yours, ANDREW BELICH



Signature
Address

Request for Reconsideration

We feel, at the very least, there are few issues that were either not communicated properly or overlooked due to the many items of evidence presented on both sides. It's difficult to have a game plan when there are so many points of contention.

One issue: The emails and surfing history that we argued to keep out because of the exaggerated case they had against Andrew. We covered this at the informal Grievance hearing and felt we didn't have to defend this again. We feel that nobody noticed to start with that the giant pile of internet searches were not what was presented to the board, we feel this was a deliberate misdirection by management. Luckily we used the links that HR provided to study the contents of the searches. This is also where we discovered that Andrew was supposedly on the Internet surfing on two separate holidays, Jan. 1st and Jan. 2nd. Of course, we were stunned when they continued to insist it was Andrew at the site doing these things. As Leena pressed Pam about this alleged event, she eventually said " well, somebody with Andrews ID was doing this".. We are concerned for two reasons about this. First, you cannot access the building after hours because of the security system they use, and Andrew has been denied access before by trying to get back in after hours because he left something at work. Also, this was a holiday and shouldn't have access that day either. The other point about this is when they discovered this incident, why was he not terminated for that? We believe he easily could have been terminated for this if in fact he did enter a secured building without proper authorization to do personal computer use. This is one perfect reason to not hear this evidence, this is one part of Jim Holbrook's testimony that was vague and said "it's all right there in that stack". Unfortunately, our BTS person got tied up that night due to a fiber break on the court street construction, but he did text me a couple of questions to ask Jim. The questions Leena asked had Jim stumbling a bit, and pointed to the stack that was on the table again, and when Leena pressed him for the evidence about the pages of reports showing the actual identified "virus or worm or

Trojan signature”, he said he didn’t have it or didn’t bring it. Our BTS guy could testify to any of these inaccuracies and embellishments by Jim Holbrook. The other serious problem we had with Jim Holbrook’s testimony was his embellishment of Andrews’s internet usage and was first introduced by Pam. One example of this was the pages in their Case book that supposedly gave you a small sampling of his internet searches. Managements Section 4c-“BTS and Summary of Appellants computer usage”. The first page you come to is the percents of internet usages not work related. As we will show you in the following pages, this page is manufactured to make it look like he was hardly working at all when he was on the net. The next page is quite humorous to us, because it was typical water cooler conversations for some fun throughout the day, most are quite silly and in good fun and didn’t take hardly any time away from the day to look these up. 1st page on the searches, they show highlighted searches they felt Andrew should not have done, it has a date stamp, time of day stamp, where the search was, and how much time he spent on that site. You can see on the first page he was on the strawberry festivals site for 1:35(one minute and 35 seconds). Take note that was March 2nd, 2015 at 8:55:16am. That’s it for the entire day, he didn’t search anything else non-job related until 3 days later on March 5th. He searched for 2:31 on two sites. His next day of non job related searches was March 9th; he searched for a total of 2:45 on two sites. Next search was for 30 seconds on 3/11/15, after that on 3/12/15 he searched for 9:46 that day, which is by far his worst day as far as wasting time on the internet is concerned. Hopefully the board will understand this and see that none of this constitutes abuse of the internet or has very little bearing on the outcome of the day or number of trips billed. You may continue to read through the rest of the pages and you will conclude that there is nothing here. Furthermore, after we studied through all the pages, and we certainly did before the grievance hearing, the numbers on the cover page didn’t even come close to what Jim said he did concerning percentages of Non job related searches. When advocate Steve Yeatman questioned Jim’s honesty during the hearing, he was chastised by the board for being unprofessional. Please take note of the link that has internet searches, starting with Jan. 1st, 2015 and Jan. 2nd, 2015. These were obvious holidays and we argued that night that he was

not even on the property. An important note is your ID pass to get into the build does not work at all before 5am and after 5pm., everyone must exit the building by 5pm daily. Please look beyond those first two obvious falsehoods and look to the next date labeled 1/7/2015. He started his searches at 15:40:35 and ended at 23:20:46. That's working until 11:20:46PM?? Not true. Look at the next date 1/8/2015. According to this report, he stayed at his desk and started searches again at 00:44:46. That's a quarter to 1am, and continued his searches until 12:17:49, just after noon. Obviously, we know this is not true. We looked at many more of these and its mind boggling that this could even be in evidence at all. We tried to cross reference some dates where management said he had some gaps in his work day. Not surprisingly, from March 24th 2015 thru April 24th 2015, all of his search history is missing from this chapter, we didn't find it until about the 2000th page.. March 24 and April 24 dates are actually on the same page, so Andrew went missing for an entire month, or these documents have been tampered with in some way so that we wouldn't notice. About 2000 pages in, we discovered a couple of interesting dates and also found some partial days that were missing from the previous half of this entire report. We were trying to cross reference his May 5th PDH gaps that he has, those dates were March, 14th, 21st, 31st and April 1st and the 11th. March 14th shows he started searching at 00:29:11 and didn't stop until 11:11:10. Completely false. March 21st he started at 05:41:55 and ended his searches at 22:38:54. Completely false. March 31st, nothing stands out that day, looked like normal work day, 4/1/2015 started day at 2am and ended the day at 16:34. Completely false. 4/11/2015 day is missing from this report.

After 2000 pages of research, we believe we did our due diligence to dismiss this entire report as garbage and would not be allowed as evidence in any situation.

In conclusion of this issue, this whole internet search evidence in our opinion should have been thrown out along with any of Jim's testimony. It's full of inaccuracies, embellishments and most of these charges are just false.

2nd Issue is about the honesty of Pam Bell and Jodie Sechler when they confirmed that Andrew was the lowest performer, lower than anybody else

there. This was completely false and we need you to turn to our Documentation starting in our book, section D-“The numbers game” starting on page 32. Andrew is at 5.96 for June, page 37 July up to 6.25, page 42 in August 5.45 (Training that month), page 47 Sept. started his upswing to 6.63, Oct. he went up to 7.59. At the end of September Shalonda was at 5.58, lower than Andrew. Sabrina, was at 6.90, slightly above Andrew who had 6.63 in Sept. Management said Sabrina was new but in fact she was hired from the temp service and she did the exact same job, unfortunately, they had already decided to discipline him. They handed him a PDH Oct 2. Now let’s look at the end of October, Andrew was still moving up and averaged 7.59, management had the opportunity to review his numbers, especially since the quotas were lowered to 8 an hour. Somebody couldn’t make the Oct. 2nd PDH meeting so it was rescheduled to October 15th. Again, Management could have reviewed his new progress and Leena even explained these new numbers to Jodie and Pam Bell. Almost an entire month went by before he was terminated. He was finally approved for OT because he made the criteria, but his numbers were above the Min of 8 runs per hour at 9.07. Our second to last page shows where Andrew was compared to his coworkers at the end of October before he was terminated. Sabrina and Shalonda were lower than Andrew and the other three billers were right there close to Andrew. The Statement that management made to you about Andrew being the lowest was false. Also, we would like to touch on two additional subjects that came out of this. Cherry picking the runs and the conversation about this “Bell Curve”. Every biller would testify that cherry picking was a common practice among most billers, It’s known that Temeka is one of their top billers, she is also known as the best cherry picker, even grabbing runs out of other billers Queues. Debra and Shalonda testified to that fact, we wanted to ask Jason that question but didn’t want to answer that for fear of retaliation. As a matter of fact, Jason was under extreme stress that night because he didn’t want to testify at all. Management acted like because Andrew threw some back in the queue he hurt other billers. That goes to our point exactly. When Andrew started his cherry picking (Just like everyone else), their numbers dropped. The fact that management wouldn’t even acknowledge that people could cherry pick, and, their claim is they would know if somebody

was doing it. That's total nonsense. Because the board doesn't know the business of ambulance billing and the inter-workings of the practices of billing, you had to take their word at face value. In the end, not even management knows the billing process. That's why they ended up with more than 80 HIPAA violations, which we will cover later. Just a quick point on the Bell Curve conversation. We failed to show the board the after effects of this bell curve as it was stated by one board member. Proof was there that night. The Joyce Pruss study they did a couple of years ago shows exactly what happens. Shalonda Love and Deborah Peters were making their numbers (That Jodie came up with Back in 2009 Page). After the study, the write-ups began. Management drove both of them crazy with uncaring, mean spirited emails designed to be hurtful and full of tough love. You can read some of them in our chapters. Where are these people now? Deborah quit and went to work for utilities, Shalonda quit county employment all together (14 years). Sabrina Quit county employment, and Andrew was terminated. Now, they have their highest performers.

3rd Issue is about the gaps Andrew had in his day. There was a day on October 28th 2015 in which Andrea watched Andrew and his every move the entire day. Please look at Managements page 198. On this page Andrea details Andrews entire work day, and the video evidence shows him going in and out of the building fairly close to the times Andrea mentions. If you look at the following page on 199, this is where things don't make sense. Andrea doesn't mention anything in her report about his whereabouts between 12:22pm and 12:39pm. She shows a gap on this page and she didn't account for it in her timeline of the day. So, does that mean Andrew was actually at his work station looking something up but not keying? Or did Andrea throw an extra 17 minutes in there for good measure? We are focusing on this day in particular because in the midst of all this "tracking of his day" and commenting on his phone usage, which Andrew says he was on the phone (Dads medical emergency). He did 75 runs that day! That's 8.33 runs an hour, above the 8 required by management. This page shows he only did 58 runs, but the actual runs (trips) page on page 230 shows 75. The managements accounting of days shown have errors in his work days, some are just mathematical errors as well as gaps where he could

have been at his work station, but was held against his time as well. Two other things to note about this day. Was Jason disciplined for being late from lunch or breaks like Andrew? The answer is no, we asked him. Also, we don't see any ADA time built into that day, remember the 100 minutes? That doesn't show up on any of the daily accountings in this chapter.

Finally, some observations that just don't make any sense to us.

First, Paul Valenti, he was brought there to just explain the interpretations of the ADA rules. Does the board remember asking Paul if he was actually testifying for management or was there to be neutral? Well, if you didn't know, his niece works there as a temp and Paul actually recused himself and his department from Andrews Bullying complaint and referred him to the EEOC, but investigated Pam Bells Racial complaint. We were certainly not happy about this at all, and eventually, after we complained, they did a joint effort with HR to investigate.

Another thing that totally puzzled us was their ability to persuade the board on the reasons why they needed an attorney. Nancy Meyer was their attorney and she personally assigned herself to the case. After the case was continued she stepped down as their attorney. This last continuance really hurt because we all had planned events and were battling this case on every front. The actual reason we believe Nancy stepped in for them is because Pam how nasty she could be during the pre-hearing conference. I think Michelle Wallace had some insight into that.

The biggest point to make though, as you all know, they violated HIPAA that night! It wasn't just that in of itself that was mind blowing, it was the fact that Pam Bell, Manager of Billing didn't know what she had done, the Director Jodie Sechler didn't even know what she was even looking at. When Leena asked her what that was (Or she was being untruthful) she really struggled. It was embarrassing. Not even the Director Mr. Cooksey of both departments knew what he was looking at, Jim Holbrook the IT guy had to tell him that shouldn't be up there. Before all this took place they were beating their chests about how trained they are in HIPAA compliance and how important their jobs were in

keeping the confidentiality of patients. We are totally embarrassed for the entire department, and all along they were just trying to prove that Andrew quit keying minutes longer than he should have. Now, are anybody's head going to roll over this? Should they all be terminated just like they're own rules say, there is zero tolerance for these kinds of violations? The board about a year and a half ago upheld the termination of an employee who just "looked" at a family members ambulance run (which that person was deceased).

In closing, I would like to say that I was wrongfully terminated on many levels. There were so many things thrown at me during the short time I spent there, it was an unpleasant experience from start to finish. Many employees have left just for the management practices alone. Can any of the members of the board feel comfortable having to use Sunstar Ambulance services and have your bill end up in the right place or your Personal Health information kept secured. I sure don't and hope I don't need those services any time soon.

Thank you very much for your time, and thanks again for hearing my case so quickly after the continuance.

A handwritten signature in blue ink, appearing to read 'Andrew Belich', with a stylized, sweeping flourish at the end.

Andrew Belich