

Clearwater, Florida, March 3, 2016

The Unified Personnel Board (UPB) met in regular session at 4:01 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; James Dates, Vice-Chair; Keith C. Dekle; Louise Dolsay; Bill Schulz; Joan M. Vecchioli; and Ron Walker (late arrival).

Also Present: David Blasewitz, Interim Director of Human Resources; Carl Brody, Senior Assistant County Attorney; Lynn M. Abbott, 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 January 7, 2016
2. Request Approval of the Minutes of the Regular Personnel Board Meeting held February 4, 2016

Human Resources

#### III. INFORMATIONAL ITEMS

1. Update on the Human Resources Director Search Process
2. Employee Survey – Discussion Only
3. Action Taken Under Authority Delegated by the Personnel Board
4. Other Informational Items

Communications

#### IV. TERMINATION APPEAL

1. Norris Watson

#### CALL TO ORDER

Chair Davis called the meeting to order at 4:01 P.M.; whereupon, he led the Pledge of Allegiance.

#### EMPLOYEES' ADVISORY COUNCIL REPRESENTATIVE

Chair Davis noted that there is no EAC representative in attendance.

CONSENT AGENDA – APPROVED

Minutes of regular meetings held January 7 and February 4, 2016, approved.

Motion	-	Mr. Dekle
Second	-	Mr. Dates
Vote	-	6 - 0

MISCELLANEOUS

Election of Vice-Chairman - Discussion

Chair Davis discussed concerns raised during the January 7, 2016 Special Meeting of the UPB, noting that after several failed motions, he seconded a motion to elect James Dates as Vice-Chairman. He indicated that the procedure has since been researched in Robert's Rules of Order and reported that when a chairman or president is a member of the voting body, he or she has the same rights and privileges of all of the members, including the rights to make motions and speak to the debate of the Board on all questions.

Chair Davis related that he normally refrains from seconding motions; that he did so to progress the meeting further; and that he believes that the will of the Board is important, noting that if any member feels that the vote was not representative of the will of the body, that member has the opportunity to reconsider the vote and resolve the issue.

Ms. Vecchioli explained her understanding of the standard procedure for motions per Robert's Rules, noting that the chairman passes the gavel on said motion item, votes, and once the item is disposed of, the gavel returns to the chairman, and Chair Davis agreed. In response to query by Chair Davis, she indicated that a revote is unnecessary; and that the members would prefer that the Chair refrain from seconding future motions unless necessary, and no objections were noted.

Motion to Reconsider - Andrew Belich - Continued

Chair Davis indicated that on March 2, 2016, he received a motion to reconsider the Board's most recent hearing decision and recommended that the item be set for the next regular meeting in April; whereupon, Mr. Schulz opined that the Board has already made its decision and does not need to revisit the issue.

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Attorney Brody discussed the Personnel Rules governing the appeal procedure and clarified that the Board is not required to review its decisions; that the Board has 90 days to schedule the motion to reconsider; and that it is his opinion that the Appointing Authority would not have sufficient opportunity to review the matter, noting that the Rules suggest that the Appointing Authority has ten days to respond. He explained that the Board may make the decision now, should it feel that it has enough information, or could allow the final decision to rest with the Appointing Authority, noting that the Rule says the motion should be heard at *the next available meeting* and is ambiguous regarding the time frame, and discussion ensued.

In response to a request by Mr. Dekle, Attorney Brody provided his interpretation of Section 11 of the Rules, noting that an appellant can request a reconsideration of termination by the Board; and that the Board may grant a reconsideration if the proposed modification or amendment is based upon previously presented evidence or newly discovered evidence which, by due diligence, could not have been discovered prior to the hearing, *and* a showing is made that the Board made its decision through or based upon fraud, collusion, deceit, or mistake of law or fact.

Chair Davis reiterated his recommendation to schedule the motion for the next meeting, and Ms. Vecchioli related that she is inclined to allow the involved parties an opportunity to be present and heard; whereupon, Mr. Blasewitz confirmed that no other appeal is scheduled or anticipated for April 7, 2016; and that the meeting will start at 6:30 P.M.

## INFORMATIONAL ITEMS

### Update on the Human Resources Director Search Process

Mr. Blasewitz provided an update regarding the search process and announced that the Selection Committee has finished selecting three candidates for presentation to the Board. He related that an email received earlier today from Waters and Company Senior Vice President Art Davis listed additional work to be done prior to the final interviews, noting that it will take approximately ten days to schedule the interview dates, book travel for the candidates, conduct reference, academic, and background checks, and compile an interview packet that includes suggested questions and responses to the candidate questionnaires.

Mr. Blasewitz indicated that Art Davis is available March 23, March 24, and March 30 to provide guidance to the Board, noting that the first step would be to coordinate an interview date with the Board, Mr. Davis, and the candidates. He related that he would discuss alternative dates with Mr. Davis as an option.

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Mr. Blasewitz provided an overview of suggested guidelines and approximate time frames, and in response to queries by Ms. Vecchioli, he, with input by Attorney Brody, indicated that videos and transcripts from the candidates' previous interviews can be made available for member preview; and that an interim workshop in advance of the interview and an informal "meet and greet" meeting can be scheduled as long as notice requirements are followed, and discussion ensued.

Chair Davis explained that the Board has full discretion in determining the interview process; that it should not feel that there are any questions that cannot be asked; and that members should not feel inhibited by the selection process or guidance provided by HR.

Mr. Blasewitz discussed the methods available to access the videos and estimated the length and content of the videos, noting that an informational packet can be emailed to the members if they forego the workshop, and discussion ensued.

Chair Davis suggested that the interviews be scheduled for March 23; that the "meet and greet" be held from 4:00 p.m. to 4:30 p.m.; and that the interviews start at 4:30 p.m., noting that if that date does not work, it could become the workshop date. He discussed the benefits of having a workshop and requested that Art Davis send information that had been previously utilized by the Selection Committee to the Board in preparation for the interviews.

Responding to query by Mr. Dekle, Mr. Blasewitz indicated that the bulk of the information, except for the background checks, could be provided to the members by next week. Mr. Dates suggest that a local media check be done on the candidates; whereupon, Mr. Blasewitz related that a brief check was performed as part of the initial application process, and discussion ensued.

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At this time, 4:45 P.M., Mr. Walker entered the meeting.

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#### Employee Survey – Discussion Only

Mr. Blasewitz indicated that an employee survey was conducted last November as a follow-up to the survey taken two years ago, and the results will be presented as an agenda item at the April 7 meeting, noting that one-on-one meetings with the Appointing Authorities will be held to review their results within the next week; and that the employees will receive the results soon.

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.

Other Informational Items

The following miscellaneous informational items were received for filing:

1. Minutes of the EAC Representatives Meeting of January 20, 2016.
2. Leadership Notes for March 2016.
3. Training Schedules for March, April, and May 2016.

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The meeting recessed at 4:50 P.M. and reconvened at 4:59 P.M.

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APPEAL OF TERMINATION OF NORRIS WATSON, FORMERLY OF UTILITIES – DENIED

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Appeal of Termination filed by Norris Watson, formerly of Utilities, was presented by Employee Advocate Lisa Carter, representing the Appellant, and by Alan Bollenbacher, Manager, Utilities, Maintenance Section, representing the Appointing Authority.

At the request of Chair Davis, the witnesses were sworn by the Deputy Clerk; whereupon, Chair Davis confirmed that no exceptions have been made.

EMPLOYEE'S OBJECTIONS TO THE APPOINTING AUTHORITY'S EXHIBITS

Objection to Exhibit B1 – Pre-Disciplinary Hearing Notice dated July 7, 2015

In response to objection by Ms. Carter and following discussion, Chair Davis directed that Exhibit B1 be replaced with the corrected document; and that Exhibits B6, B7, and B8 be removed by agreement of the parties.

Objection to Exhibit R – Chart of Appellant Computer Access in June 2015

Ms. Carter stated her objection to Exhibit R, noting that she questions the authenticity of the document; whereupon, Mr. Bollenbacher stated that Utilities Maintenance Supervisor Bernie Maloney will testify to its authenticity.

Following discussion, Chair Davis stated that the Board has decided that the document will remain in evidence; and that the Board will pass judgment on it at a later time.

Objection to Exhibit S1 – Chart Noting Unscheduled Leave from March 16 through July 10, 2015

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Ms. Carter stated her objection to Exhibit S1, noting that she questions the authenticity of the document; whereupon, Mr. Bollenbacher stated that Utilities Maintenance Supervisor Bernie Maloney will testify to its authenticity.

Following discussion, Chair Davis stated that the Board has decided that the document will remain in evidence; and that the Board will reserve judgment, noting that there will be opportunity to cross-examine and challenge the information.

Objection to Exhibit S2 – Chart Noting Unscheduled Leave from July 10 through August 7, 2015

Ms. Carter stated her objection to Exhibit S2, noting that she questions the authenticity of the document.

Following discussion with input by Attorney Brody, Ms. Vecchioli requested that copies of the backup documents be supplied to the Appellant for review if the Appointing Authority plans to introduce the exhibit.

Objections to Exhibits T, V, W, X, Y, and Z – Backflow Test Reports

Ms. Carter stated her objections to Exhibits T, V, W, X, Y, and Z, indicating that she questions the authenticity of the documents; whereupon, Mr. Bollenbacher responded that the exhibits are one type of document; and that the person who created the documents will testify to their authenticity.

Following discussion, Chair Davis indicated that the documents will remain in evidence; and that the Board will reserve judgment, noting that there will be opportunity to cross-examine with regard to their authenticity.

Ms. Carter indicated that the Appointing Authority assured her that the software vendor would testify as to the authenticity of the reports; whereupon, Chair Davis explained the role of the Board, noting that it allows the presentation of evidence with appropriate cross-examination, judges the credibility of the evidence, and decides whether documents are admissible. Following discussion, he indicated that the evidentiary rulings will be postponed pending testimony by the witnesses; and that the objections can be made at the time the documents are introduced.

At the request of Chair Davis, the parties presented their opening statements, and presentations by the witnesses commenced. During testimony and following discussion pertaining to the items objected to by Ms. Carter, Chair Davis indicated that it is the consensus of the members that Exhibits B, R, S1, T, V, W, X, Y, and Z be admitted as evidence, noting that the Appointing Authority had agreed that Exhibit S2 should be disregarded.

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The hearing was recessed at 8:42 P.M. and reconvened at 8:52 P.M.

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Following the completion of the testimony and closing statements, Attorney Brody reviewed the charges and indicated that the first issue to be resolved by the Board is whether the Appointing Authority met its burden by showing by a preponderance of the evidence that the Appellant committed the activities for which he was terminated; whereupon, Chair Davis related that the Board members are in agreement that each violation should be voted on separately.

#### Personnel Rule XXIV(J)(5) – Insubordination

Following discussion, Ms. Dolsay moved, seconded by Mr. Dekle and carried unanimously, that the Board does not find that the Appellant committed insubordination.

#### Personnel Rule XXIV(J)(8) – Leaving Work Station Without Authorization

Following discussion, Mr. Walker moved, seconded by Mr. Dates and carried unanimously, that the Appointing Authority did prove that the Appellant left the work station without authorization.

#### Personnel Rule XXIV(J)(9) – Absence Without Authorized Leave

Ms. Vecchioli moved, seconded by Ms. Dolsay, that the Appointing Authority did prove that the Appellant committed the offense of absence without authorized leave; whereupon, following discussion and upon call for the vote, the motion carried by a vote of 4 to 3, with Messrs. Dates, Dekle, and Schulz dissenting.

Personnel Rule XXIV(J)(10) – Intentional Falsification of Records

Following discussion, Mr. Dekle moved, seconded by Ms. Vecchioli, that the burden has not been met with regard to the intentional falsification of records. Upon call for the vote, the motion carried 5 to 2, with Messrs. Dates and Walker dissenting.

Personnel Rule XXIV(J)(14) – Unauthorized Use of County Equipment or Property

Following discussion, Mr. Walker moved, seconded by Mr. Dekle and carried unanimously, that the Appointing Authority did prove that the Appellant committed the offense of unauthorized use of County equipment or property.

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At this time, 10:35 P.M., Ms. Dolsay left the meeting.

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Personnel Rule XXIV(J)(16) – Willful Violation of Written Rules, Regulation Policies or Statutes

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Following discussion, Mr. Dekle moved that the Appointing Authority did not meet the burden of proof with regard to the willful violation of written rules, regulation policies, or statutes, and the motion died for lack of a second; whereupon, Mr. Walker moved that the Appointing Authority did meet the burden of proof, and the motion died for lack of a second.

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At this time, 10:38 P.M., Ms. Dolsay returned to the meeting.

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Mr. Dekle then moved, seconded by Mr. Schulz, that the Appointing Authority did not prove that the Appellant committed the offense of willful violation of written rules, regulation policies, or statutes. Following discussion and upon call for the vote, the motion failed 2 to 5, with Messrs. Schultz and Dekle casting affirmative votes; whereupon, Chair Davis noted that a new motion is needed.



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Thereupon, Mr. Walker moved, seconded by Ms. Vecchioli, that the Appointing Authority did prove willful violation of written rules, policies, or statutes, and upon call for the vote, the motion carried 5 to 2, with Messrs. Dekle and Schulz dissenting.

Personnel Rule XXIV(J)(36) – Intentionally Falsified a Time Record or Made a False Claim for Leave or Failed to Report Absence from Duty to Supervisors

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Following discussion and after clarification provided by Attorney Brody regarding the requirement for an affirmative finding, Ms. Vecchioli moved, seconded by Mr. Walker and carried unanimously, that the Appointing Authority met the burden of proof, noting that the Appellant failed to report an absence from duty to his supervisors.

Chair Davis indicated that the second issue to be determined by the Board is whether cause existed for the disciplinary action in that the above-mentioned activities violated Personnel Rule XXIV, Paragraph J, Items 8, 9, 14, 16, and 36; whereupon, Mr. Walker moved, seconded by Ms. Vecchioli and carried unanimously, that the Board does find that the Appellant violated the Personnel Rules, as specified.

Chair Davis indicated that the third and final issue to be resolved is whether the disciplinary action taken by the Appointing Authority was appropriate. Discussion ensued, and Attorney Brody clarified that the previous Personnel Rules govern the proceedings; and that the Board has the option of remanding the matter back to the Appointing Authority to recommend alternative action.

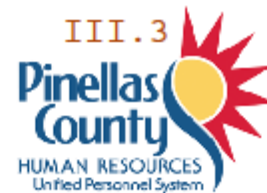
Mr. Walker moved, seconded by Ms. Vecchioli, that the Board does find that the disciplinary action pertaining to Personnel Rule XXIV, Paragraph J, Items 8, 9, 14, 16, and 36 was appropriate. Following further discussion and upon call for the vote, the motion carried 5 to 2, with Messrs. Dekle and Schulz dissenting.

ADJOURNMENT

The meeting was adjourned at 10:45 P.M.

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Chair



**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 January 24, 2016 through February 20, 2016.

**ADDITION**

<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>
14672	Information Technology Technician	Professionals	Exempt	P4

**PAY GRADE CHANGES**

<b><u>SPEC NO.</u></b>	<b><u>PRESENT CLASSIFICATION</u></b>	<b><u>PRESENT PAY GRADE</u></b>	<b><u>RECOMMENDED PAY GRADE</u></b>
15090	Asst Dir, Convention & Visitor Bureau	SM3b	SM2b
01568	Director, Strategic Plng & Initiatives	E4	E3

**REVISIONS**

<b><u>SPEC NO.</u></b>	<b><u>TITLE</u></b>	<b><u>PG</u></b>
20054	Animal Services Field Manager	SM7
16835	Engineering Support Services Supervisor	SM4b
16836	Engineering Support Services Supervisor-PE	SM4a
14678	Information Tech Analyst, Sr	P1
20723	PAO Appraiser 1	CL15
20725	PAO Appraiser 2	CL16
20727	PAO Appraiser 3	CL18
20729	PAO Appraiser 4	CL19

**DELETION**

<b><u>SPEC NO.</u></b>	<b><u>TITLE</u></b>	<b><u>PG</u></b>
14648	Database Administrator	CL20

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**Human Resources Director**

**Action Taken Under Authority Delegated by the Unified Personnel Board**

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**ESTABLISHING CAREER LADDER**

Information Technology Technician	P4	Information Technology Specialist	P3
Information Technology Specialist	P3	Information Technology Analyst	P2
Information Technology Analyst	P2	Information Technology Analyst, Senior	P1