Clearwater, Florida, December 6, 2018

The Unified Personnel Board (UPB) met in regular session at 6:31 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; Ron Walker, Vice-Chair; James Dates; Keith C. Dekle; Kenneth Peluso; William A. Schulz II; and Joan M. Vecchioli.

Also Present: Holly J. Schoenherr, Director of Human Resources; Carl E. Brody, Senior Assistant County Attorney; Chris Bartlett, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

PLEDGE OF ALLEGIANCE

I. Citizens to be Heard

EAC

II. Employees’ Advisory Council Representative

Personnel Board

III. CONSENT AGENDA

1. Request Approval of the Minutes of the Regular Personnel Board Meeting held September 6, 2018
2. Request Approval of the Minutes of the Regular Personnel Board Meeting held October 4, 2018
3. Request Approval of the Minutes of the Regular Personnel Board Meeting held November 1, 2018

Personnel Board

IV. NEW BUSINESS

1. UPB Review of BCC Resolution No. 18-90
2. Discuss Appeal Procedures Related to the 2018 Evergreen Study

Human Resources

V. INFORMATIONAL ITEMS

1. Action Taken Under Authority Granted by the Personnel Board
2. Classification & Compensation Study Update
3. Appointment of Personnel Board Members by the BCC: Jeffery Kronschnabl and Kenneth Peluso
4. Other Informational Items

Utilities

VI. TERMINATION APPEAL

Jermaine Bennett v. Pinellas County Utilities

All documents and handouts provided to the Clerk’s Office have been made a part of the record.

CALL TO ORDER

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

In response to the Chair’s call for persons wishing to speak, the following employees appeared and expressed their concerns related to the Evergreen study results and appeal process, and the creation of a new Benefits Advisory Committee:

William Russ, Crew Chief 2, Stormwater and Vegetation Division
Jesse Prissel, Crew Chief 2, Stormwater and Vegetation Division
Dennis Touchton, Senior Equipment Operator, Stormwater and Vegetation Division
Wren Smotherman, Senior Equipment Operator, Stormwater and Vegetation Division
Matthew Parolisi, Crew Chief 2, Stormwater and Vegetation Division
Kevin Rosekrans, Automotive Equipment Operator 2, Stormwater and Vegetation Division
Paul Haywood, Automotive Equipment Operator 1, Stormwater and Vegetation Division

Following the individuals’ comments, Ms. Schoenherr clarified that the consulting contract with Evergreen Solutions was for $150,000.00.

EMPLOYEES’ ADVISORY COUNCIL REPRESENTATIVE

EAC Chair Charles Toney welcomed Mr. Peluso to the Board and provided the following update:

- Noted that County Administrator Barry Burton attended the November Delegate meeting and fielded questions from the attendees; and that he met individually with Mr. Burton on November 26.

- Provided an update on the EAC election of representatives and the use of County email as part of the election process.

- Related that EAC Officers and the EAC representative at-large will be selected during the December EAC meeting.

- Indicated that the new Benefits Advisory Committee should be given enough time to be set up properly; and that after meeting with the Appointing Authorities on October 15, the Committee’s focus may go beyond only health benefits to include all available benefits to the employees.
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- Provided an update on the Merit Pay Committee, stating that it is currently looking at the costs of replacing an employee versus the benefits of having an employee stay long term. He noted that the Committee has identified the top three reasons that employees leave their positions as retirement, compensation, and management and supervisory issues.

- Identified certain statements found in the new pay policy that may be incorrect regarding merit pay policies and related budget concerns.

CONSENT AGENDA – APPROVED

Upon motion by Mr. Walker, seconded by Ms. Vecchioli and carried unanimously, the minutes of the regular meetings held September 6, October 4, and November 1, 2018 were approved. Following the vote, Chair Davis noted that UPB minutes are sometimes delayed; whereupon, he requested that Ms. Schoenherr consider options for the members to review regarding the timely production of its minutes.

NEW BUSINESS

UPB Review of BCC Resolution No. 18-90

Ms. Schoenherr introduced the item and provided background information. Chair Davis noted that correspondence regarding the matter has been received from Supervisor of Elections Deborah Clark and from the County Administrator’s Office; whereupon, Attorney Brody explained that the Board is being asked to acknowledge the resolution because it affects the Human Resources Director, who is under the authority of the UPB.

Chair Davis indicated that the Resolution includes the creation of a Benefits Advisory Committee, and called for discussion. Responding to query by Mr. Peluso, Ms. Schoenherr stated that the Resolution does not specifically address which benefits the Committee would be reviewing; that the Board of County Commissioners (BCC) is the plan sponsor of the Employees’ Benefits Health Plan, covering medical, dental, vision, and pharmacy benefits; and that it does not cover benefits such as paid leave, deferred compensation, and other benefits regulated by the UPB.

Ms. Schoenherr explained that because the Committee is being created by a BCC resolution, its scope would likely be limited to Health Plan benefits; and that some of the Appointing Authorities have expressed support for having the Committee review the complete portfolio of benefits offered to County employees.
Chair Davis clarified that the UPB and Human Resources (HR) are not expected to support the Committee’s administrative needs; and that he questions whether the UPB has any authority to change or expand the resolution, and discussion ensued.

Upon the Chair’s invitation, Special Assistant to the County Administrator Canaan McCaslin appeared and stated that Mr. Burton supports having the Committee review the total benefits portfolio of employees; and that from conversations with Ms. Schoenherr, an interagency agreement between the BCC and the Board might provide a proper avenue to delegate authority to the HR Director to handle benefits from both agencies.

Mr. McCaslin noted that the Committee is advisory in scope and would not make decisions; that its purpose is to provide an avenue to discuss ongoing concerns and issues; and that any recommendations it might make would be routed to the proper agency for formal discussion; whereupon, he discussed the need to establish the Committee and allow it to meet and set forth its structure, and responded to queries by the members regarding the proposed interagency agreement.

In response to queries by Ms. Vecchioli, Mr. McCaslin indicated that parts of the delegated authority laid out in the resolution have been informally practiced over the past seven years, and Chair Davis noted that the UPB has silently agreed to allow the HR Director to perform those functions without objection.

Mr. Dates indicated that County employees would likely want the UPB to make a formal commitment on how best to review all County benefits, and Ms. Vecchioli stated that input from the Appointing Authorities is needed before the Board could make any decision.

Ms. Schoenherr related that she will be meeting with the Appointing Authorities in February and that if the Board agrees, she could provide feedback from that meeting and provide a recommended course of action to the Board in March regarding the resolution; whereupon, Mr. Walker moved, seconded by Ms. Vecchioli and carried unanimously, that the Board defer the item until its March meeting.

**Discuss Appeal Procedures Related to the 2018 Evergreen Study**

Ms. Schoenherr indicated that Human Resources is seeking clarification from the Board regarding the secondary review process; that the process currently states that it is only available where a position has experienced a downward reclassification, which is defined as the new pay grade maximum being lower than the former pay grade maximum; and that some positions may have been upgraded in the first review process so that there is no longer a downward reclassification situation, but that the employee may not be satisfied with the upgrade and may still want to appeal.
Attorney Brody stated that based on the language and intent of Section 12, appeals are limited as to either upholding the downward classification or returning the classification to its original value; and that once the question has been addressed, that is the end of the case. In response to queries by the members, he indicated that if the downward classification was not fully remedied, then the employee would remain eligible to appeal, and discussion ensued.

Responding to queries by the members, Ms. Schoenherr related that the administration of career ladders is changing; that policies on how they can be developed need to be established; and that she will continue to meet with the Appointing Authorities to consider all options that are available.

Upon the Chair’s call for a motion, Mr. Peluso moved, seconded by Ms. Vecchioli and carried unanimously, that the Board accept Counsel’s interpretation of the Appeal Procedures.

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 made a part of the record.

Ms. Schoenherr noted that approximately 300 revisions to class specifications are part of the report; and that the Board delegated the authority to make those changes at its September meeting.

Classification and Compensation Study Update

Human Resources Officer Jack Loring referred to a document titled Phase 1 Implementation, Classified Metrics, December 3, 2018, a copy of which has been made a part of the record, and discussed the breakdown of the 523 requests for secondary review received from County employees. Responding to queries by the members, he related that the majority of requests came from employees under the BCC; and that several Appointing Authorities had no individuals who submitted a request. He noted that a few employees with hardships missed the deadline to submit a request; and that Human Resources was able to accommodate those individuals allowing them to submit their requests and be part of the secondary review process.

Appointment of Personnel Board Members by the BCC: Jeffery Kronschnabl and Kenneth Peluso

Chair Davis recognized Mr. Peluso on his appointment to the Board, and thanked Mr. Kronschnabl, who will join the Board in January, for observing the proceedings of tonight’s meeting.
Other Informational Items

The following miscellaneous information items were received for filing:

1. Minutes of the EAC Delegate meeting of September 27, 2018
2. Minutes of the EAC Representative meeting of October 17, 2018
3. Minutes of the EAC Merit Pay Committee meeting of October 17, 2018
4. Minutes of the EAC and Appointing Authorities joint meeting of October 15, 2018
5. Leadership Notes for November 2018
6. Training Calendars for December 2018 and January and February 2019

Chair Davis recognized the contribution of Mr. Dates and presented him with a plaque in recognition of his service to the Unified Personnel Board from 2015 through 2018.

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The meeting was recessed at 8:02 P.M. and reconvened at 8:17 P.M.

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APPEAL OF TERMINATION OF JERMAINE BENNETT, FORMERLY OF PINELLAS COUNTY UTILITIES – DENIED

Appeal of Termination filed by Jermaine Bennett, formerly of Pinellas County Utilities, was presented by Attorney Jawdet Rubaii, representing the Appellant, and by Pinellas County Utilities Director Megan Ross and Assistant County Attorney Yvette Acosta MacMillan, representing the Appointing Authority.

Chair Davis indicated that no exceptions were raised prior to the hearing, and called for it to begin. Following opening statements, testimony, cross-examination, and lengthy questioning of the parties and witnesses by the Board, Chair Davis called for closing arguments; whereupon, Ms. Acosta MacMillan summarized the Appointing Authority’s defense followed by Mr. Rubaii for the Appellant.
Thereupon, at the Chair’s request, Attorney Brody reviewed the three issues to be resolved, and following clarification, the Board deliberated on each separately.

1. **Does the Board find that the Appellant committed the activities for which he was terminated?**

   Mr. Dates indicated that the Appellant’s arguments do not fit well with the given testimony; and that he would like to hear the opinions of the other members, and Messrs. Dekle and Walker concurred.

   Mr. Schulz opined that the appearance of impropriety regarding the Appellant’s actions is strong; and that the taxpayers deserve better from County employees. Mr. Peluso concurred, noting that he will be voting in the affirmative on all three issues to be resolved.

   Ms. Vecchioli related that the burden of proof relies on the testimony given; that the evidence includes documents that corroborate parts of the witness’ testimony; and that due to the weight of the evidence, along with the Appellant’s pattern of conduct, she would agree that the burden of proof has been met.

   Upon the Chair’s call for a motion, Mr. Peluso moved, seconded by Mr. Walker, that the Board finds that the Appellant committed the activities for which he was terminated. Upon call for the vote, the motion carried 6 to 1, with Mr. Dekle casting the dissenting vote.

2. **Does the Board find that cause existed for the disciplinary action in that the above activities violated the Personnel Rules cited by the Appointing Authority?**

   Chair Davis related that Mr. Bennett was cited under Unified Personnel Rule 6, Items D10, D12, D33, and D35; whereupon, Mr. Dates moved, seconded by Mr. Walker, that the Board finds that cause did exist. Upon call for the vote, the motion carried unanimously.

3. **Does the Board find that the disciplinary action taken by the Appointing Authority was appropriate?**

   Mr. Peluso moved, seconded by Mr. Dekle, that the Board finds that the disciplinary action taken by the Appointing Authority was appropriate. Upon call for the vote, the motion carried unanimously. Chair Davis noted that the Board has upheld the termination; whereupon, he closed the hearing.

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

There being no further business, Chair Davis adjourned the meeting at 10:36 P.M.

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Chair