III.1.

Clearwater, Florida, February 7, 2019

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; Keith C. Dekle; Jeffrey Kronschnabl; 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

Personnel Board
I. Election of Chair and Vice-Chair of the Unified Personnel Board

II. Citizens to be Heard

EAC
III. Employees’ Advisory Council Representative

Personnel Board
IV. CONSENT AGENDA
1. Request Approval of the Minutes of the Regular Personnel Board Meeting held December 6, 2018

Human Resources
V. INFORMATIONAL ITEMS
1. Action Taken Under Authority Granted by the Personnel Board
2. Performance Review Timeline for the HR Director
3. Classification & Compensation Study Update
4. Decision and Findings of the December Termination Appeal
5. Other Informational Items

County Attorney
VI. Workshop
1. General Procedure Guidance Discussion
2. Review of the Sunshine Law

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.
ELECTION OF CHAIR AND VICE-CHAIR OF THE UNIFIED PERSONNEL BOARD

Mr. Dekle moved, seconded by Ms. Vecchioli and carried unanimously, that Ricardo Davis be re-elected Chair.

Thereupon, Ms. Vecchioli moved, seconded by Mr. Peluso, that Ron Walker be re-elected Vice-Chair. Upon call for the vote, the motion carried unanimously.

CITIZENS TO BE HEARD

No one appeared in response to the Chair’s call for citizens wishing to be heard.

EMPLOYEES’ ADVISORY COUNCIL REPRESENTATIVE

Outgoing EAC Chair Charles Toney introduced newly elected Chair Lisa Arispe to the members; whereupon, she welcomed the new Board members and provided the following update:

• The Merit Pay Committee is gathering cost information and working with Office of Management and Budget Director Bill Berger to discuss budget considerations. Further discussions with the Appointing Authorities will be part of the regular meeting in April.

• The February EAC meeting will begin an hour early in order to discuss the Human Resources Director review process and compile feedback in time to share it with the Personnel Board members for their review.

• The EAC complied with a recent investigation on whether its members violated the Sunshine Law. The County Attorney’s Office has since stated that no violation of the rules occurred.

CONSENT AGENDA – APPROVED

Upon motion by Mr. Peluso, seconded by Ms. Vecchioli and carried unanimously, the minutes of the regular meeting held December 6, 2018 were approved.
**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.

**Performance Review Timeline for the HR Director**

Ms. Schoenherr introduced the item and related that the model for her review was put in place by the Board in the previous year. She noted that evaluation forms have been provided to the Appointing Authorities, which they will complete and submit by February 20, to be included with feedback from the EAC; and that the Board members will have until February 28 to complete their individual evaluations, which will be shared with Chair Davis, who will lead the discussion at the Board’s March meeting.

Mr. Dekle commented that unlike in previous years, he would like the Board to produce a summary of the evaluation and share it with the Appointing Authorities and other stakeholders. Attorney Brody noted that there is no structure in place to do so as part of the existing timeline; and that it could be added at the Board’s direction, and discussion ensued regarding what information might be included in the summary.

Following the discussion, Chair Davis noted that there was consensus among the members to extrapolate a simple summary of the evaluation from the minutes of the meeting and make the summary available to all stakeholders.

**Classification and Compensation Study Update**

Ms. Schoenherr stated that Phase I of the study is near completion; that extra time has been allowed to ensure everyone has had an opportunity to provide feedback regarding the changes to pay grades and classifications; and that Evergreen Solutions has provided their preliminary recommendations on several of the employee requests received during the secondary review process.

Ms. Schoenherr indicated that HR has been facilitating conversations between department heads, Appointing Authorities, and Evergreen to provide full information in order to help reach the best recommendation for each situation; and that possibly as soon as the following week, affected employees should begin to receive notification of their secondary review decision and recommendation. She noted that should an employee who has received a downward
reclassification be unsatisfied with the results, they may first appeal to HR and, if still unsatisfied, a further appeal may be made to the Unified Personnel Board; and that notices of eligibility for those appeals will be included as part of the notification information.

Ms. Schoenherr stated that HR has started working on Phase II of the study and discussed its three primary components: addressing exempt pay plans, developing alternatives to the career ladder issues impacted in Phase I, and looking at internal equity issues.

Regarding exempt pay plans, Ms. Schoenherr related that the UPB has authority over exempt classifications but not the pay plans themselves; that four constitutionals and the BCC have their own exempt pay plan; and that HR is working with each entity in order to understand the direction they wish to take as far as establishing any changes for their areas.

Ms. Schoenherr stated that some changes in Phase I disrupted certain existing career ladders; and that HR is exploring alternative ways to recognize career development and progression as an employee implements more advanced job skills within their current pay grades. She noted that HR is seeking feedback from the Appointing Authorities which will then be shared at a future EAC meeting and with other focus groups for further ideas and suggestions; and that a proposal could be available for the Board’s consideration as soon as April.

Regarding internal equity issues, Ms. Schoenherr indicated that compression will be addressed to ensure a supervisor’s pay rate has sufficient distance from those they supervise; and that range compression will be reviewed as to how employees within the same pay range are situated relative to each other. She noted that the BCC has allocated a certain amount of funding in the current fiscal year for addressing those types of issues; and that it may be necessary to request additional funding in the next fiscal year to complete the process.

Responding to query by Mr. Peluso, Ms. Schoenherr stated that while there is no formal plan for a Phase III in the study, it may be necessary depending on what issues remain to be addressed after the previous phases are completed.

Discussion ensued regarding the timeline for appeals, and in response to queries by the members, Human Resources Officer Jack Loring stated that HR responds to an employee’s request for appeal within 15 calendar days; and that the Appointing Authority is also contacted in that timeframe. Ms. Vecchioli noted that the Personnel Rules allow employees 15 calendar days to request an appeal before the UPB if they are not satisfied with the initial appeal to HR; and that the Board would then have 120 days to complete the process, and Attorney Brody concurred.
Decision and Findings of the December Termination Appeal

Ms. Schoenherr noted that the decision and findings are included in the agenda packet as follow-up to the previous meeting. Attorney Brody responded to queries by the members regarding what the former employee may or may not do to further pursue his action, noting that the employee could pursue a new case at the Federal level or appeal the Board’s decision to the State Circuit Court.

Discussion ensued regarding the level of investigation needed by the County to facilitate any future court action in the case or others in the future; whereupon, Ms. Vecchioli stated that the Board functions as a review board and not as prosecutors; that the Board reviews the evidence provided by the Appointing Authority to determine whether the Personnel Rules were followed, due process was applied correctly, and the proper discipline was administered; and that any further litigation would be a matter for the County Attorney.

Other Informational Items

Ms. Schoenherr introduced two new members of her staff, Human Resources Coordinator Tywanna McGee and HR Business Partner Maria Roberts. Ms. McGee thanked the Board for the opportunity to attend the meeting, and Ms. Roberts stated her appreciation for the supportive environment that she has experienced within the Human Resources Department.

The following miscellaneous information items were received for filing:

1. Minutes of the EAC Representative meeting of November 14, 2018
2. EAC Delegate Straw Poll Regarding the Classification and Compensation Study
3. Benefits Feedback and Communication
4. Communication Plan for 2019 Annual Enrollment
5. 2018 Benefits Satisfaction Survey
6. Minutes of the EAC Merit Pay Committee meeting of November 14, 2018
7. Minutes of the EAC Delegate meeting of November 15, 2018
8. Leadership Notes for December 2018
WORKSHOP

General Procedure Guidance Discussion

Attorney Brody related that the Board is informally guided by Robert’s Rules of Order but does not follow them in the strictest sense; that the Board does not have its own bylaws; and that a quorum of the Board is the majority of the full membership body, or four members.

Referring to a document titled Chart for Determining When Each Motion is in Order, Attorney Brody discussed the use of motions by the members to conduct the business of the Board, and specifically reviewed the use of motions to lay an item on the table, motions to amend, and motions to refer an item to committee, and discussion ensued.

In response to query by Chair Davis, Attorney Brody noted that the Board could decide to establish a set of bylaws; that it would be a way to address requirements of officers, a quorum, or other issues the members may see a need to address; and that he is not advocating for bylaws and has only brought it to the Board’s attention should any member wish to review the matter.

Review of the Sunshine Law

Attorney Brody conducted a PowerPoint presentation titled 2019 Florida Statutes 119 and 286: “The Sunshine Law” and discussed an individual’s right of access to inspect or copy public records. He related that anything created to help conduct the business of the UPB becomes a public record; and that written documents, texts, emails, and other public documents must be kept and made accessible to the public. He noted that personal notes taken by a member during a meeting are not considered public record as long as they are not shared with other members; and that any personal discussions unrelated to the business of the Board are also excluded.

Attorney Brody related that some records are exempt and can still be released at the Board’s discretion; and that there are confidential records that cannot be released under any circumstance. He discussed the procedures for responding to a public records request, noting that the Board has a Public Records Liaison who will comply with all legal requirements, and discussion ensued.

Attorney Brody indicated that a public meeting is created whenever two or more members of the Board gather to discuss a matter that may possibly come before the Board for consideration; that the meeting can be in person, through email or text, over the phone, or through social media and other means; and that accidentally creating a public meeting will violate the law in several ways. He noted that for regular meetings and work sessions, County staff ensures that the requirements
are met; whereupon, discussion ensued regarding how violations may affect the decisions of the Board.

Responding to queries by the members, Attorney Brody stated that the Board has discretion on when to allow a citizen to be heard during a meeting; that a person who wishes to speak specifically to an agenda item could be heard at the time the item is called or could instead speak to the item during the Citizens to be Heard section of the agenda; and that a person should only speak once on a matter as directed by the UPB Chair, and discussion ensued.

**ADJOURNMENT**

There being no further business, Chair Davis adjourned the meeting at 7:45 P.M.

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Chair