The Unified Personnel Board (UPB) met in regular session at 6:32 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; Joan M. Vecchioli, Vice-Chair; Paul Rogers; Peggy O’Shea; Kenneth Peluso; and William A. Schulz II.

Not Present: Jeffery Kronschnabl.

Also Present: Holly J. Schoenherr, Director of Human Resources; Carl E. Brody, Senior Assistant County Attorney; Jenny Masinovsky, 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. NEW BUSINESS

1. Request Approval of Proposed Meeting Schedule for 2020

Human Resources

IV. INFORMATIONAL ITEMS

1. Action Taken Under Authority Delegated by the Personnel Board

2. Other Informational Items

Parks and Conservation Resources

V. TERMINATION APPEAL

Patricia Kelley v. Pinellas County Parks and Conservation Resources

All documents 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 6:32 P.M.; whereupon, he led the Pledge of Allegiance.

CITIZENS TO BE HEARD

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

EAC Chair Lisa Arispe provided the following update regarding the last EAC meeting and other matters:

- Pinellas County Property Appraiser Mike Twitty was the guest speaker at the meeting.
- Health insurance costs will not increase next year.
- Special Assistant to the County Administrator Canaan McCaslin has resigned.
- The Council held a discussion regarding initiatives and long-term goals for addressing employee concerns.

NEW BUSINESS

Meeting Schedule for 2020 – Approved

Upon motion by Mr. Peluso, seconded by Ms. O’Shea and carried unanimously, the meeting schedule was approved.

INFORMATIONAL ITEMS

Action Taken Under Authority Delegated by the Personnel Board

Ms. Schoenherr noted that the document titled Action Taken Under Authority Delegated by the Unified Personnel Board is included in the agenda backup packet.

The meeting was recessed prior to the Appeal at 6:35 P.M. and during testimony at 9:58 P.M. and reconvened at 6:48 P.M. and 10:09 P.M., respectively.
Appeal of Termination filed by Patricia Kelley, formerly of Pinellas County Parks and Conservation Resources, was presented by Attorney Alex V. Hajaistron, representing the Appellant, and by Pinellas County Parks and Conservation Resources Director Paul Cozzie and Assistant County Attorney Ashley N. Donnell, representing the Appointing Authority.

Chair Davis administered the Oath to persons planning to give testimony and called for discussion of any exceptions; whereupon, Attorney Brody noted that there are exceptions filed by the Appellee and outlined the process for considering the exceptions for the Board.

Attorney Donnell referred to Appellant’s Exhibits Nos. 2 and 3, Personnel Rules regarding offenses and discipline, and requested that they be excepted from the Appellant’s testimony as outdated, irrelevant, and not in an original form. Following discussion regarding the latest rules update, exhibit relevancy, and the current rules, with input by Attorney Hajaistron and Ms. Schoenherr, Mr. Peluso moved, seconded by Ms. Vecchioli and carried unanimously, that the Board consider only the most current Personnel Rules in their decision-making; and that the exceptions, as requested by the Appellee, be granted.

Following opening statements, testimony, cross-examination, and lengthy questioning of the parties and witnesses by the Board, the members consented to forego the closing arguments.

Thereupon, Chair Davis reviewed the three issues to be resolved, and Attorney Brody provided input.

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

Mr. Peluso stated that he finds that the Appellant committed the activities for which she was terminated since no significant evidence has been presented to demonstrate otherwise; and that he agrees with the Appointing Authority’s action of termination. Ms. O’Shea concurred, noting that the Appellant’s work was never questioned, but rather her ability to get along with her co-workers.

Upon the Chair’s call for a motion, Mr. Peluso moved, seconded by Ms. Vecchioli, that the Board finds that the Appellant committed the activities for which he was terminated. Upon call for the vote, the motion carried 4 to 2, with Messrs. Rogers and Schultz casting the dissenting votes.
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 referred to Appellee’s Exhibit No. 2 and indicated that Ms. Kelley was cited under Unified Personnel Rule 6, Items D12, D20, D23, D28, D29, and D35; whereupon, Mr. Peluso moved that cause for the disciplinary action with regard to infractions listed under the above items existed, and the motion died for lack of a second.

Ms. Vecchioli opined that while evidence has shown Ms. Kelley’s conduct toward her co-workers to be unbecoming, offensive, and antagonistic, no sufficient evidence has been presented to show that it rises to the level of an ethical violation or acts committed for personal gain, nor does it show harassment acts directed at an individual. She noted that the hearsay evidence is concerning; and that progressive discipline has been consistent over the years.

Chair Davis indicated that sufficient evidence has been presented to believe that the violations occurred with regard to all the aforementioned items, except for D35, Violation of Pinellas County Statement of Ethics, which, in his opinion, would likely not change the disciplinary action that was taken.

Thereupon, Ms. Vecchioli moved, seconded by Mr. Peluso, that the Board finds that cause did exist for all items except for D35. Upon call for the vote, the motion carried 4 to 2, with Messrs. Rogers and Schultz casting the dissenting votes.

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

Mr. Schultz opined that the presented evidence was mostly hearsay; that the disciplinary action to terminate the Appellant was excessive; and that management could have stepped in and eliminated the problems long ago, and Mr. Rogers noted that he has an issue with the 20-year employee losing her job over the violations as presented to the Board.

Mr. Peluso moved, seconded by Ms. O’Shea, that the Board finds that the disciplinary action taken by the Appointing Authority was appropriate. Upon call for the vote, the motion carried 4 to 2, with Messrs. Rogers and Schultz casting the dissenting votes; whereupon, Chair Davis 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 11:23 P.M.

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Chair