The Unified Personnel Board (UPB) met in regular session at 6:30 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; Louise Dolsay; William A. Schulz II; and Joan M. Vecchioli.

Not Present: James Dates.

Also Present: Carl E. Brody, Senior Assistant County Attorney; Holly J. Schoenherr, Director of Human Resources; Amanda M. Napier, Board Reporter; and other interested individuals.

AGENDA

PLEDGE OF ALLEGIANCE

EAC

I. Employees’ Advisory Council Representative

Personnel Board

II. CONSENT AGENDA

1. Request Approval of the Minutes of the Regular Personnel Board Meeting held February 1, 2018
2. Request Approval of the Minutes of the Regular Personnel Board Meeting held March 1, 2018

Personnel Board

III. NEW BUSINESS

1. Human Resources Fiscal Year 2019 Budget and Strategic Priorities

Human Resources

IV. INFORMATIONAL ITEMS

1. Action Taken Under Authority Delegated by the Personnel Board
2. Other Informational Items

Solid Waste

V. APPEAL OF FINAL DECISION OF THE INFORMAL GRIEVANCE COMMITTEE

1. Joseph Fernandez vs. Pinellas County Solid Waste Department

CALL TO ORDER

Vice-Chair Walker called the meeting to order at 6:30 P.M.; whereupon, he led the Pledge of Allegiance.

EMPLOYEES’ ADVISORY COUNCIL REPRESENTATIVE

EAC Chair Charles Toney addressed the Board as follows:
• The special committee is still working on leave accrual with the main focus of providing leave to new employees sooner; Human Resources Officer Jack Loring is a member of the committee and has been very helpful in gathering information.

• The guest speaker for the May meeting is Jeff Ling, a consultant working with Evergreen Solutions on the Classification and Compensation Study.

• Four students from St. Petersburg College were in attendance at the last committee meeting to observe.

• Risk Management has sent out the annual Employee Notification and Information Survey to ensure current information is on file in the event of an emergency.

CONSENT AGENDA – APPROVED

Upon motion by Ms. Vecchioli, seconded by Mr. Schulz and carried unanimously, the minutes of the regular meetings held February 1 and March 1, 2018 were approved.

NEW BUSINESS

Human Resources Fiscal Year 2019 Budget and Strategic Priorities

Ms. Schoenherr related that the Human Resources Department is close to finalizing a three-year Strategic Plan; that she anticipates being able to share the plan at the May meeting; and that she will be presenting information about the department and plans for the budget at the Board of County Commissioners meeting on May 10; whereupon, she highlighted the following departmental priorities:

• Implementation of the Classification and Compensation Study
• Following up with the Appointing Authorities on the results of last fall’s bi-annual Employee Voice Survey
• Continuing to address the diversity of the County’s workforce

Responding to query by Mr. Dekle, Ms. Schoenherr stated that she will be presenting the proposed budget to the Personnel Board before it goes to the County Commissioners.
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 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 Representative special meeting of February 13, 2018
2. Minutes of the EAC Representative regular meeting of February 21, 2018
3. Leadership Notes for March 2018
4. Training Calendars for March, April, and May 2018

* * * *

Chair Davis entered the meeting at 6:40 P.M.

* * * *

APPEAL OF FINAL DECISION OF THE INFORMAL GRIEVANCE COMMITTEE – DECISION UPHELD

Appeal of Final Decision of the Informal Grievance Committee filed by Joseph Fernandez, a Solid Waste Program Manager with the Solid Waste Department, was presented by Employee Advocate Lisa Arispe, and by Assistant County Administrator and Solid Waste Department Interim Director Paul Sacco, representing the Appointing Authority.

Attorney Brody related that the recently adopted hearing guidelines would be followed to streamline the process. He indicated that the first step would be to consider exceptions requested by the parties with regard to testimony and exhibits presented at the pre-hearing conference, as included in the record.

Discussion ensued, and following input by Mr. Sacco and Ms. Arispe, Mr. Walker moved, seconded by Ms. Vecchioli and carried unanimously, that Exceptions A and B, as requested by the Appellee, be granted; whereupon, Mr. Walker moved, seconded by Mr. Dekle and carried unanimously, that Exception C be rejected in order that it be heard by the members.
Mr. Dekle noted for the record that he worked for the Pinellas County Utilities Operations Department from 1999 to 2009 and knows Mr. Fernandez; whereupon, Attorney Brody stated that he discussed the matter with Mr. Dekle and has determined no conflict of interest.

Those planning to testify were sworn by the Chair, and following opening statements, testimony, cross-examination, and lengthy questioning of the parties and witnesses by the Board, Mr. Schultz inquired as to closing arguments; whereupon, Ms. Vecchioli recommended that closing be waived in the interest of time, and Chair Davis concurred.

Thereupon, noting that the burden is on the Appellant, Attorney Brody indicated that the issue before the Board to determine whether Mr. Fernandez has shown by a preponderance of the evidence that the decision of the Grievance Panel should be modified.

Attorney Brody responded to queries by Ms. Dolsay, confirming that the Grievance Committee had modified the reduction in pay from 5 percent to 2.5 percent, and discussion ensued pertaining to the permanency of the decrease, as the base pay on which increases are based was reduced. Mr. Walker expressed concern that Mr. Fernandez was disciplined for his performance during volunteer work, and Chair Davis pointed out that the County had cited four items as the basis for the action taken.

Following further discussion, Ms. Vecchioli moved that the action taken by the Grievance Committee be upheld, and the motion died for lack of a second.

Mr. Dekle moved, seconded by Mr. Shultz, that the preponderance of the evidence indicates that the decision of the Grievance Committee should be vacated and reversed. Discussion ensued as to the intent of the motion and the available options; whereupon, the motion failed by a tie vote, with Mr. Walker and Mses. Dolsay and Vecchioli dissenting.

Mr. Dekle moved, seconded by Mr. Shultz, that the action of the Grievance Committee be modified and the Appellant’s reduction in pay be zero. Upon call for the vote, the motion failed, with Chair Davis, Mr. Walker, and Mses. Dolsay and Vecchioli dissenting.

In response to a proposed motion by Ms. Dolsay, Attorney Brody referred to a provision in the rules, indicating that in the event of a tie vote, the action of the Grievance Committee is upheld; whereupon, Chair Davis clarified that the 2.5-percent pay reduction remains in effect.

_A digital recording of the proceeding has been made a part of the record._
ADJOURNMENT

April 5, 2018

There being no further business, Chair Davis adjourned the meeting at 12:04 A.M on April 6, 2018.

__________________________
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 November 26, 2017 through January 20, 2018.

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