

Clearwater, Florida, April 11, 2013

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: Daniel M. Andriso, Chair; Ricardo Davis, Vice-Chair; Keith Bailey; Keith C. Dekle; Angela Outten; and Joan Vecchioli.

Not Present: Andrea S. Daggett.

Also Present: Peggy Rowe, Director of Human Resources; Jason Ester, Senior Assistant County Attorney; Charles Toney, Employees' Advisory Council Chair; Michael P. Schmidt, Board Reporter, Deputy Clerk; and other interested individuals.

AGENDA

- | | |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| EAC | <u>Item I. Employees' Advisory Council Representative</u> |
| | <u>Item II. Consent Agenda</u> |
| Human Resources | 1. Request Approval of the Minutes of the Regular Personnel Board Meeting held March 7, 2013. |
| Human Resources | 2. Request Approval of the Audit of One Encumbered Administrative Support Specialist, CL11, in the Human Resources Department. |
| | <u>Item III. Information Item</u> |
| Human Resources | 1. Action Taken Under Authority Delegated by the Unified Personnel Board to the Human Resources Director. |
| | <u>Item IV. Appeal of Termination</u> |
| Clerk of the Circuit Court and Comptroller | 1. Elizabeth Hentrich, Records Specialist 1, Clerk of the Circuit Court and Comptroller, Records and Information Management Department. |

CALL TO ORDER

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

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

Mr. Toney reported that Property Appraiser Pam Dubov had conducted a presentation at the March 2013 EAC Delegates meeting; that the presentation was informative

April 11, 2013

and well received by the attendees; and that such presentations foster positive interactions between classified employees and management; whereupon, he indicated that the Personnel Rules Committee continues to review the Rules and has meetings scheduled for April, May, and June.

Mr. Toney reported that changes to the Florida Retirement System (FRS) Pension Plan have been proposed by both legislative chambers; that House Bill 7011 would exclude newly-hired employees from participating in the Pension Plan and would only make available an investment option; that the EAC is not in favor of the proposed changes and is concerned that an investment-only option would stop future dollars from being allocated to the Pension Plan; and that the Plan could become insufficiently funded for current and future retirees. Mr. Toney discussed Senate Bill 1392, and indicated that while the FRS Pension Plan would remain open to regular class employees under the Senate bill, senior management employees would simply be offered participation in an investment plan; that an incentive would be offered to encourage all new employees to join the investment plan; that the incentive would offer a two-percent contribution rate versus the required three-percent contribution rate of the current FRS Pension Plan; and that a cost analysis is currently in process; whereupon, he reiterated his concern that the Pension Plan could become insufficiently funded for current and future retirees.

In response to queries by Mr. Dekle, Mr. Toney indicated that approximately 60 percent of employees who begin work for an FRS employer never vest; that those employee contributions become part of the Pension Plan and help to pay retiree benefits; and that the legislature has not addressed what would happen to those funds.

On behalf of the EAC, Mr. Toney suggested that Pinellas County Government re-implement a cost of living adjustment (COLA) for its classified employees, and proposed an adjustment figure of three percent; whereupon, he reported that Hillsborough County regular class employees are expected to receive a 3.5 percent raise this year and State of Florida employees are also receiving a pay increase; whereupon, Mr. Toney indicated that County Administrator Robert S. LaSala had recently indicated that regular class employees will receive financial compensation in the coming year that will go into their base pay.

Mr. Toney related that a semiannual meeting between the Appointing Authorities and the Employees' Advisory Council will likely take place in May, at which time the EAC will engage in discussion, provide updates, share employee concerns, and receive feedback from the Appointing Authorities.

CONSENT AGENDA ITEMS NOS. II.1 AND II.2 – APPROVED

Motion - Mr. Bailey
Second - Ms. Vecchioli
Vote - 6 – 0

#1 Minutes of regular meeting held March 7, 2013, approved as amended.

Mr. Toney noted that Page 2, Paragraph 4 under EAC Representative, should reflect that he met with the Pinellas County Legislative Delegation locally, and had not traveled to Tallahassee; whereupon, Mr. Bailey moved, seconded by Ms. Vecchioli and carried, that the minutes of the March 7, 2013 meeting be approved as amended.

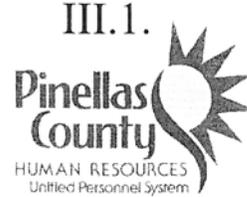
#2 Audit of One Encumbered Administrative Support Specialist Position, Pay Grade CL11 (\$32,697 – \$50,169), in the Human Resources Department approved; position reclassified to Human Resources Technician, Pay Grade CL13 (\$36,046 – \$56,056), without benefit of examination and with the establishment of a probationary period as outlined in Personnel Rule IX.

INFORMATION ITEM

Human Resources Director Action Taken Under Authority Delegated by the UPB

Ms. Rowe referred to the following memorandum dated April 4, 2013, titled *Human Resources Director Action Taken Under Authority Delegated by the UPB* and related that the document summarizes the actions she has taken subsequent to having been granted certain delegated authority to act on behalf of the Unified Personnel Board:

April 11, 2013



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.

Effective April 7, 2013

ADDITIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>EEO4 CODE</u>	<u>OT CODE</u>	<u>PG</u>
20273	PAO Appraiser 1 (PAO Appr 1)	Technician	Classified	CL15 (19.11)
20275	PAO Appraiser 2 (PAO Appr 2)	Technician	Classified	CL16 (20.06)
20277	PAO Appraiser 3 (PAO Appr 3)	Professional	Classified	CL18 (22.12)
20279	PAO Appraiser 4 (PAO Appr 4)	Professional	Classified	CL19 (23.23)

TITLE CHANGE

<u>SPEC NO.</u>	<u>PRESENT CLASSIFICATION</u>	<u>RECOMMENDED CLASSIFICATION</u>	<u>PG</u>
01460	Contractors Cert Field Invest I	Contractors Cert Field Invest (Contract Cert Fld Invest)	CL16 (Contract Bd (20.06))

DELETIONS

<u>SPEC NO.</u>	<u>TITLE</u>	<u>PG</u>
20722	Appraiser 1	CL7
20724	Appraiser 2	CL9
20726	Appraiser 3	CL12

RE-INSTALEMENT

<u>SPEC NO.</u>	<u>TITLE</u>	<u>EEO4 CODE</u>	<u>OT CODE</u>	<u>PG</u>
03342	Museum Collection Custodian (Mus Col Cust)	Service Maint	Classified	CL3 PCR (10.64)

X *Margaret M...*
Peggy Rowe
Director of Human Resources

Date: 4-4-13

April 11, 2013

During discussion and in response to queries by Chair Andriso and Ms. Vecchioli, Ms. Rowe indicated that the actions taken constitute additions, title changes, deletions, and reinstatements of class specifications in the Pay and Classification Plan; and that those actions had previously been included as part of the Consent Agenda. Ms. Rowe clarified that while the Human Resources Department periodically purges the “deletion” category of those titles no longer in use, the purge does not involve encumbered positions; whereupon, Ms. Rowe related that if the format of the agenda memorandum were acceptable to the members, she would utilize a similar format in the future, and no objections were noted.

Miscellaneous

Thereupon, Ms. Rowe related that tragic events had recently befallen two county employees; and requested that the employees and their families be kept in the members’ thoughts and prayers.

APPEAL OF TERMINATION OF ELIZABETH HENTRICH, FORMERLY OF THE CLERK OF THE CIRCUIT COURT AND COMPTROLLER’S OFFICE – DENIED

Appeal of Termination was filed by Elizabeth Hentrich, Records Specialist 1, Records and Information Management. Myriam Irizarry, Chief Deputy and General Counsel, represented the Clerk of the Circuit Court and Comptroller.

Chair Andriso noted that Ms. Hentrich is not in attendance at this evening’s Appeal of Termination hearing. Ms. Irizarry confirmed that Ms. Hentrich was duly noticed and given the proper place and time regarding the hearing; and that as General Counsel for the Clerk, she is prepared to proceed; whereupon, Attorney Ester indicated that the procedures say nothing regarding what happens in the absence of the appellant.

Ms. Irizarry related that at the Pre-Hearing Conference, this evening’s hearing was scheduled for April 4, and was subsequently rescheduled for April 11; that Ms. Hentrich was fully aware of the change; and that the Clerk had requested the change to make sure that all of the witnesses were able to attend; whereupon, Ms. Irizarry asked for an affirmation of the termination and a dismissal of the appeal with prejudice; and related that it would be a burden on the Clerk to continue the hearing.

In response to queries by Ms. Vecchioli, Attorney Ester related that the Appointing Authority, by a preponderance of the evidence, must prove that the Appellant committed the activities for which she was terminated; that cause existed for the disciplinary action, i.e., termination; and that the activities violated the appropriate Personnel Rules. He

April 11, 2013

explained that the burden then shifts to the Appellant to show that the termination was not an appropriate action under those circumstances; whereupon, he related that in the absence of Ms. Hentrich, the Appointing Authority could put on its case and endeavor to sustain its burden of proof based on the appeal. Responding to queries by Mr. Davis regarding what would happen if the Board took no action, Attorney Ester related that it would be as if the case were continued; and that it would have to be rescheduled for a future date.

Ms. Vecchioli related that the Pre-Hearing Notice states that failure to appear at the scheduled Pre-Hearing conference shall constitute grounds for the Board to find that the Appellant has voluntarily withdrawn the appeal, and questioned if that includes failure to appear at the actual hearing. Attorney Ester responded that the Personnel Rules are specific to the Pre-Hearing Conference and do not mention the actual hearing; whereupon, Mr. Bailey opined that the members should hear the case, determine if the Appointing Authority has met the burden of proof, and then make a decision based on the evidence. Ms. Vecchioli related that if new evidence becomes available to show cause why the Appellant failed to appear, it can be considered at a later date; and that she is ready to proceed with the presentation of evidence. Chair Andriso agreed, opining that in order to reconsider the case, the Appellant would have to demonstrate the occurrence of a dire emergency; and directed that the case move forward; whereupon, Ms. Irizarry requested that if the burden of proof is met by the Clerk, the Board affirm the termination at this evening's hearing.

Chair Andriso confirmed that no conflicts of interest exist and, at his request, the witnesses proceeded to the microphone, stated their names, and were sworn by the Deputy Clerk; whereupon, Attorney Ester reviewed the procedural rules for the hearing, and related that the Appellant had filed a motion to exclude her entire Personnel File prior to her Appeal of Grievance hearing held on November 1, 2012; and that the members would need to rule on the motion. Following discussion, Mr. Bailey moved, seconded by Ms. Vecchioli, that the motion of the Appellant be denied. Upon call for the vote, the motion carried unanimously.

Following the completion of the testimony and final statements, Attorney Ester reviewed the issues to be resolved by the Board and indicated that the first issue to be resolved is whether the Appellant did commit the activities for which she was terminated; whereupon, following lengthy discussion, Mr. Dekle moved, seconded by Mr. Bailey, that the Board does find that the Appellant did commit the activities for which she was terminated. Upon call for the vote, the motion carried unanimously.

Attorney Ester related that the second issue to be resolved is whether the Board finds that cause existed for the disciplinary action in that the abovementioned activities violated Personnel Rule XXIV, Paragraph J, Items Nos. 1, 5, 16, and 38; whereupon, Mr. Bailey moved,

April 11, 2013

seconded by Mr. Davis, that the Board does find that such cause did exist. Following discussion and upon call for the vote, the motion carried 5 to 1, with Ms. Vecchioli casting the dissenting vote.

Attorney Ester related that the third and final issue to be resolved is whether the disciplinary action taken by the Appointing Authority was appropriate; whereupon, Mr. Bailey moved, seconded by Mr. Davis, that the Board does find that the disciplinary action was appropriate. Upon call for the vote, the motion carried unanimously

This proceeding has been electronically taped and made a part of the record.

MISCELLANEOUS INFORMATION ITEMS RECEIVED

The following miscellaneous information items were received for filing:

1. Management and Supervisory Notes for April 2013.
2. Training Schedule for April 2013.
3. Minutes of the EAC Representatives meeting of February 20, 2013.

ADJOURNMENT

The meeting was adjourned at 8:07 P.M.

Chair