

Unified Personnel Board
Pinellas County
August 4, 2022 Meeting Minutes

The Unified Personnel Board (UPB) met in regular session at 6:35 PM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Joan M. Vecchioli, Chair
Ricardo Davis, Vice-Chair
Kenneth Peluso
Ralph Reid
William A. Schulz II

Not Present

Jeffery Kronschnabl
Peggy O'Shea

Others Present

Kimberly Crum, Director of Human Resources (HR)
Jennifer Monroe Moore, Ogletree, Deakins, et. al., P.C., Board Counsel
Lisa Arispe, Employees' Advisory Council Representative
Sarah Rathke, Board Reporter, Deputy Clerk
Other interested individuals

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

CALL TO ORDER

Chair Vecchioli called the meeting to order at 6:35 PM; whereupon, she led the Pledge of Allegiance.

CITIZENS TO BE HEARD

None.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chair Lisa Arispe appeared and acknowledged the passing of former Board member Paul Rogers. She requested that the Board allow her to comment later in the meeting regarding Personnel Rule 3, and the members concurred.

Chair Vecchioli extended thoughts and prayers to Mr. Roger's family and expressed thanks for his service to the Board.

CONSENT AGENDA

Mr. Peluso moved that the minutes of the July 7, 2022 regular meeting be approved; whereupon, the motion was seconded by Mr. Reid and carried unanimously.

NEW BUSINESS

Request Approval of Revisions to Rule 3

Ms. Crum explained that the revisions to Rule 3 were developed through collaboration between HR staff, the EAC, and the Appointing Authorities. She discussed the following:

- When a general increase might be withheld due to discipline
- The Appointing Authorities have discretion to include the general increase in hiring salaries
- The addition of language to include a lump sum increase

Responding to concerns by Ms. Arispe, Ms. Crum and Attorney Sanzeri provided further clarification; whereupon, Ms. Arispe related that the EAC believes that verbal or written discipline should not be included in Rule 3, as it would change the grievance process.

In response to queries by the members, Ms. Crum reviewed the general increase proposal. During discussion, Attorney Sanzeri clarified that the Rule 3 revision draft can be changed by the Board; and that the intent of the language is to provide the Appointing Authorities discretion in granting the general increase to their employees.

Following input from Attorney Moore, Chair Vecchioli indicated that she is not ready to vote on the proposal; and that it needs to be further revised. She suggested that Attorneys Moore and Sanzeri collaborate on revising the verbiage with input from the Board.

Mr. Peluso made a motion to table the request, and Mr. Schulz seconded. Ms. Crum requested that the attorneys receive direction on the Board's exact recommendations.

During discussion, Chair Vecchioli noted several phrases and specific language that need to be clarified to address her concerns, and Messrs. Reid and Schulz concurred. Mr. Reid suggested that guidance be provided regarding what type of discipline is able to be brought to the Board; whereupon, Mr. Peluso amended his motion to table the item until the Board's September meeting, and Mr. Schulz amended his second. Upon call for the vote, the motion carried unanimously.

Agenda for Workshop with Appointing Authorities

Chair Vecchioli indicated that the Board would like to discuss the exit interview process and standardization, and any personnel rules and procedures impacted by the withholding of a general increase. Staff related that the workshop is scheduled for September 12.

INFORMATIONAL ITEMS

HR Update

Referring to a document included in the agenda packet, Ms. Crum discussed the following topics:

- The general increase and budget proposal
- Employee retention supplement
- The County turnover rate

In response to query by Mr. Reid, Ms. Crum explained that the turnover rate is holding steady; and that the department is working with hiring managers to promote stabilization in entry level positions.

Action Taken Under Authority Delegated by the Personnel Board

Referencing a report included in the agenda packet, Ms. Crum highlighted two voluntary demotions.

TERMINATION APPEAL

Attorney Moore noted that with five members present, there is a proper quorum for the appeal; and that this is Mr. Reid's second meeting as a member of the Board. She related that as part of Mr. Reid's former employment with Pinellas County Human Resources, Mr. Reid had occasion to address an item involving the appellant, Mr. Adkison; whereupon, she invited Mr. Reid to address certain concerns relating to the appeal hearing to ensure the Board can maintain its quorum.

Mr. Reid indicated that he has no preconceived ideas or thoughts relating to the appeal; and that he is prepared to make his decision based only on the evidence presented during the hearing. He noted that the previous matter was unrelated to tonight's proceedings.

Responding to query by Attorney Moore, the representative parties of both the Appellant and Appellee indicated that they had no objection to the aforementioned matter.

The UPB was recessed at 7:28 PM and reconvened at 7:47 PM.

The appeal of termination filed by Brian Adkison, formerly of Pinellas County Department of Safety and Emergency Services, was presented by Employee Advocate Kate Lilley, representing the Appellant, and by Assistant County Attorney Ashley Donnell, representing the Appointing Authority.

Those planning to testify were sworn in by the Deputy Clerk; whereupon, Chair Vecchioli invited the parties to address pre-hearing motions. Attorney Donnell requested that the following evidence and testimony be excepted from the Appellant's testimony:

- Drs. Melissa Bailey's and Christopher Lee's transcripts (as part of Exhibit No. 14)
- Testimony regarding events leading to the Appellant's discipline in November 2021
- Testimony about the Appellant's accommodated work schedule

Attorney Donnell indicated that the transcripts were collected by improper means; that the discipline in November 2021 was just a preceding event to the termination of the Appellant; and that the accommodated work schedule is irrelevant. In response, Advocate Lilley explained that the transcripts were obtained through lawful means; that the discipline issue is highly relevant, as it is the origin of the issue; and that the Board should be able to see all communications regarding requests for accommodations.

In response to queries by the members, Attorney Moore related that the proceedings do not violate the Health Insurance Portability and Accountability Act (HIPAA); whereupon, she provided background on the hearing process and structure.

Following discussion, Mr. Peluso made a motion to accept Dr. Bailey's statement. The motion was seconded by Mr. Reid and carried unanimously.

Advocate Lilley indicated that Dr. Lee's transcript is a recollection captured from the Appellant; whereupon, Mr. Reid moved to disallow Dr. Lee's transcript as evidence. The motion was seconded by Mr. Peluso and carried unanimously.

*During testimony, the meeting was recessed at 9:29 PM, and reconvened at 9:38 PM;
and recessed again at 12:34 AM, and reconvened at 12:41 AM.*

Following certain testimony, cross examination, and the questioning of 4 of the scheduled 15 witnesses by the Board, Mr. Peluso made a motion to continue the hearing to a date no later than September 1. The motion was seconded by Mr. Davis and carried 4 to 1, with Mr. Schulz dissenting.

Discussion and testimony continued briefly; whereupon, Chair Vecchioli recessed the appeal hearing and adjourned the meeting at 1:46 AM.

ADJOURNMENT – 1:46 AM