

Unified Personnel Board
Pinellas County
August 24, 2022 Meeting Minutes

The Unified Personnel Board (UPB) met in a special session at 3:19 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
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 3:19 PM.

TERMINATION APPEAL

Chair Vecchioli indicated that the meeting is a continuation of the August 4 hearing; whereupon, testimony, cross-examination, and questioning of the parties and witnesses proceeded before the Board.

During testimony, the meeting was recessed at 5:05 PM, and reconvened at 5:16 PM.

Attorney Moore indicated that the Board would need to decide whether or not to accept a deposition in lieu of live testimony, which both parties have agreed to accept. During

discussion, Mr. Peluso made a motion to not accept the deposition; whereupon, the motion was seconded by Schulz. Chair Vecchioli related that she would not support the motion since the deposition may include relevant material, and Mr. Davis concurred; whereupon, Mr. Schulz withdrew his second and Mr. Peluso withdrew his motion. Chair Vecchioli suggested that if the Board decides to accept the deposition, that they take a recess to review the document.

A motion was made by Mr. Peluso to accept the deposition. The motion was seconded by Mr. Reid and carried unanimously. With consensus from the Board, Chair Vecchioli related that closing statements, not to exceed 15 minutes, would be permitted after the recess.

The meeting was recessed at 7:24 PM and was reconvened at 8:08 PM.

Following closing arguments, Attorney Moore provided an overview of what matters qualify as evidence and indicated that the Board deliberation process might be different than usual as the appellant was terminated due to Rule D24; and that the questions before the Board are as follows:

- #1) Does the Board find that the appellant committed the activities for which he was terminated?
- #2) Does the Board find that cause existed for the disciplinary action in that the activities found to be committed by the appellant violated the Personnel Rules cited by the appellee Appointing Authority?
- #3) Does the Board find that the action taken by the Appointing Authority was appropriate?

Chair Vecchioli remarked that the questions are more entwined and less bifurcated; that the specific rule, Personnel Rule D24, includes the concept of “reasonable accommodation”; and that she would invite open discussion before addressing each question directly.

Mr. Peluso related that he feels reasonable accommodations were made; whereupon, he made a motion to uphold the County’s decision and discussion ensued.

Mr. Reid indicated that the question comes down to the reason Mr. Adkison was terminated; that he repeatedly heard that Mr. Adkison was unfit for duty; and that the Board must rely on the presented evidence related to the accommodations made by the Appointing Authority, noting that the Board is not tasked with determining what may be appropriate or not.

Mr. Davis stated that the evidence does not prove Mr. Adkison violated Rule D24, and provided his perspective regarding certain reports in evidence. He indicated that he believes Mr. Adkison is not considered to be a danger to others; and that the County has the available resources to further accommodate his situation, and discussion ensued.

Chair Vecchioli discussed the actions of management and stated that she believes there was good faith in trying to address Mr. Adkison's own admissions of inappropriate behavior. She noted that she is struggling with the reasonable accommodation, citing her reasons; and that she is inclined to not support the motion as presented.

Chair Vecchioli asked for a second to Mr. Peluso's motion to uphold the County's decision and the motion failed for lack of a second.

Mr. Davis made a motion that the Board find that the appellant did not commit activities that violated Rule D24, which was seconded by Mr. Schulz. Upon call for the vote, the motion carried 3 to 2, with Messrs. Peluso and Reid dissenting. In response to a query by Chair Vecchioli, Attorney Moore stated that the termination is overruled.

ADJOURNMENT

Chair Vecchioli adjourned the meeting at 8:52 PM.