

Unified Personnel Board  
Pinellas County  
November 2, 2023 Meeting Minutes

The Unified Personnel Board (UPB) met in regular session at 6:31 PM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Ricardo Davis, Vice-Chair  
Jeffery Kronschnabl  
Peggy O'Shea  
Kenneth Peluso  
William Schulz II

Not Present

Joan Vecchioli, Chair  
Ralph O. Reid IV

Others Present

Peggy Rowe, Interim Director of Human Resources (HR)  
Jennifer Monroe Moore, Ogletree, Deakins, et. al., P.C., Board Counsel  
Lisa Arispe, Employees' Advisory Council (EAC) Representative  
Krista Johnson, 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**

Acting Chair Davis called the meeting to order at 6:31 PM; whereupon, he led the Pledge of Allegiance.

**CITIZENS TO BE HEARD**

None.

## **EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE**

Ms. Arispe indicated that the joint Appointing Authorities and EAC meeting is scheduled for December 5; and that she will continue to represent the EAC.

## **CONSENT AGENDA**

Minutes of the Regular Personnel Board Meeting held September 7, 2023, and the Minutes of the joint Unified Personnel Board/Appointing Authorities Meeting held September 20, 2023

A motion was made by Mr. Peluso to approve the minutes of the meetings held on September 7 and 20. The motion was seconded by Ms. O'Shea and carried unanimously.

## **NEW BUSINESS**

### Anti-Harassment Policy

This item was not addressed.

### Revisions to Personnel Rule 3, Compensation

This item was not addressed.

## **INFORMATIONAL ITEMS**

### HR Budget

Ms. Rowe indicated that the HR budget was approved by the Board of County Commissioners; and that she will provide updates as the year goes on, as requested by the Board at a previous meeting.

### HR Update

Ms. Rowe referred to the *HR Update* document included in the agenda packet and highlighted the following items:

- Annual Enrollment for benefits
- Employee Voice Survey results
- Executive Assistant 3 job description
- New internal hires
- HR Director recruitment updates

Ms. Rowe related that iPads are being purchased in order to provide paperless information distribution for the Board members; and that it is anticipated that the iPads will be available at the next meeting.

#### Action Taken Under Authority Delegated by the Personnel Board

Ms. Rowe referred to the document titled *Action Taken Under Authority Delegated by the Unified Personnel Board*, which is included in the agenda packet, and indicated that it lists the HR Director's actions authorized by the Board.

#### Unified Personnel Board Schedule for 2024

Ms. Rowe indicated that a schedule of UPB meetings for 2024 has been included in the agenda packet, highlighting two dates that do not fall on the first Thursday of the month due to holidays.

Responding to queries by the members, she suggested that an upcoming termination appeal hearing could be scheduled for the January UPB meeting, to which the members had no objection.

### **TERMINATION APPEAL**

Attorney Moore provided an overview of the appeal proceedings; whereupon, Mr. Kronschnabl indicated that he would like to disclose that Mr. Guinta is a graduate of his St. Petersburg College program, however, he will make his decision based only on the evidence presented.

#### Dustin Guinta v. Pinellas County Department of Administrative Services

The appeal of termination filed by Dustin Guinta, formerly of Pinellas County Department of Administrative Services, was presented by Employee Advocate Craig Berman, representing the Appellant, and by Assistant County Attorney Kirby Kreider, representing the Appointing Authority.

Attorney Moore indicated that exceptions submitted by the Appellee would be considered first.

Attorney Kreider referred to Exhibit Nos. 1 and 3 provided by the Appellant and requested that they be excepted from the Appellant's testimony as they are not relevant to the hearing; whereupon, discussion ensued wherein Mr. Berman provided comments in rebuttal to Attorney Kreider regarding the relevance of the exhibits.

Following discussion, Mr. Peluso made a motion to exclude Exhibit No. 1. The motion was seconded by Mr. Schulz and carried unanimously.

Attorney Moore reminded the Board that Mr. Berman indicated that Exhibit No. 3 is included for impeachment purposes only. Mr. Peluso made a motion to include Exhibit No. 3 for impeachment purposes only. The motion was seconded by Mr. Schultz and carried unanimously.

Attorney Kreider explained that the County objects to the inclusion of some witnesses due to their lack of personal knowledge regarding the Office of Human Rights' (OHR) finding of a violation of the Anti-Harassment Policy and suggested excluding witnesses six through ten and limiting the scope of the testimony provided by witnesses two through five; whereupon, Mr. Berman withdrew witnesses six through ten and related that witnesses two through five are relevant to OHR's investigation and finding.

Following discussion, Attorney Moore indicated that the Board may choose to hear the testimony of witnesses two through five and allow the parties to reassert their objections at that time, at which point the Board could make a ruling on whether to allow continued testimony of that scope. Mr. Peluso made a motion to that effect, which was seconded by Ms. O' Shea and carried unanimously.

Those planning to testify were sworn in by the Deputy Clerk; whereupon, Attorney Kreider and Mr. Berman presented opening statements.

*During testimony, the meeting was recessed and reconvened as follows:*

*7:11 PM – 7:13 PM*

*7:32 PM – 7:36 PM*

*7:59 PM – 8:06 PM*

Following opening statements, testimony, cross-examinations, questioning of the parties and witnesses by the Board, and closing arguments, Attorney Moore provided an overview of the appeal and reviewed the three issues to be resolved.

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

Ms. O'Shea made a motion that the Board find that the Appellant committed the activities for which he was terminated. The motion was seconded by Mr. Peluso and carried unanimously.

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?

Mr. Peluso made a motion that the Board find that cause did exist. The motion was seconded by Ms. O'Shea and carried unanimously.

3. Does the Board find that the disciplinary action, in this case termination, taken by the Appointing Authority toward the Appellant was appropriate?

Following a brief discussion, Mr. Peluso made a motion that the Board find that the disciplinary action taken by the Appointing Authority was appropriate. The motion was seconded by Mr. Kronschnabl and carried unanimously.

Attorney Moore stated that the disciplinary action of the Appointing Authority is upheld.

## **ADJOURNMENT**

There being no further business, acting Chair Davis adjourned the meeting at 9:45 PM.