

**Unified Personnel Board  
Pinellas County  
April 3, 2024 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, Chair  
Ralph O. Reid IV, Vice-Chair  
Kenneth Peluso  
William Schulz II  
Joan Vecchioli

**Not Present**

Jeffery Kronschnabl  
Peggy O'Shea

**Others Present**

Wade Childress, Chief Human Resources (HR) Officer  
Jennifer Monroe Moore, Ogletree, Deakins, et. al., P.C., Board Counsel  
Leena Delli Paoli, Employees' Advisory Council (EAC) Representative  
Franchesca DiNapoli, 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 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**

EAC Representative Leena Delli Paoli indicated that HR is currently conducting a survey regarding how employees prefer to receive the Pinellas Employee Newsletter, which will conclude April 8, and that results will be presented at the next meeting of the Board.

Responding to a query by Ms. Vecchioli, Ms. Delli Paoli related that the EAC has not identified any specific items for the agenda of the upcoming joint workshop.

## **CONSENT AGENDA**

### Minutes of the Regular Personnel Board Meeting held March 7, 2024

A motion was made by Mr. Peluso to approve the March 7 meeting minutes. The motion was seconded by Ms. Vecchioli and carried unanimously.

## **NEW BUSINESS**

### Topics for Joint Workshop with Employees' Advisory Council on April 18, 2024

Referring to a previous discussion, Ms. Vecchioli indicated that she believes it would be helpful to discuss the goals for the new HR director with the EAC; whereupon, Vice-Chair Reid made a motion to approve the agenda of the upcoming joint workshop. The motion was seconded by Ms. Vecchioli and carried unanimously.

## **INFORMATIONAL ITEMS**

### HR Update

Mr. Childress referred to the *HR Update for April* document included in the agenda packet and indicated that it is not necessary to go through each item individually; whereupon, the members welcomed Mr. Childress to his first meeting of the Board.

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

Chair Davis indicated that a document containing the delegated actions is included in the agenda packet.

## **APPEAL OF TERMINATION**

### Patrice Perry v. Pinellas County Clerk of the Circuit Court and Comptroller

The appeal of termination filed by Patrice Perry, formerly of the Pinellas County Clerk of the Circuit Court and Comptroller Training Division, was presented by Attorney Yvette Everhart of Sass Law Firm, representing the Appellant, and by Assistant County Attorney Jeffrey Klein, representing the Appointing Authority.

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

- Attorney Klein requested that the following be excepted from the Appellant's testimony and evidence. Testimony regarding alleged violations of the Americans with Disabilities Act (ADA)
- Testimony regarding alleged violations of the Family and Medical Leave Act (FMLA) and related Exhibit Nos. 17, 19, 20, 23, 28, 29, and 30
- Testimony regarding alleged violations of the Public Employee Relations Act (PERA) and related Exhibit Nos. 14, 15, and 16

Attorney Klein indicated that the above-referenced evidence is duplicative, irrelevant, and prejudicial, and that the Board has no jurisdiction over violations of the ADA, FMLA, or PERA. In response, Attorney Everhart explained that she intends to put forth evidence that the Appellant has a medical condition, of which the Clerk's Office was aware, and which serves as a mitigating circumstance related to the Appellant's actions on September 12, 2023; that she does not request the Board decide matters of state and federal law; and that testimony related to actions the Appellant engaged in which may have constituted a motivating reason for her termination is highly relevant to the appeal.

In response to a query by Attorney Moore, Attorney Everhart clarified that she intends to argue violations of Unified Personnel Board policy 13 prohibiting bullying in the workplace and subsequent retaliation; that the dates the Appellant was on leave covered under FMLA are extremely relevant; and that while she does not intend to argue that the FMLA was violated, there is a need to demonstrate the dates of the Appellant's leave in order to provide context to the Board; whereupon, Attorney Klein provided comments in rebuttal.

Following discussion, Ms. Vecchioli made a motion to deny the objection, with a reservation of right to disallow any particular item of evidence or testimony as presented. The motion was seconded by Mr. Peluso and carried unanimously.

Referencing Exhibit Nos. 21, 22, 25, 26, and 34, Attorney Klein indicated that testimony regarding an HR investigation conducted by Maria Ciro regarding allegations of bullying is irrelevant and prejudicial, and requested that testimony related to the investigation, as well as the associated exhibits be excepted. In response to a query by Attorney Moore, Attorney Klein clarified that the investigation was regarding Shelly Beach, training administrator, and the Appellant's direct supervisor. Attorney Everhart indicated, in rebuttal, that the investigation, along with the Appellant's absences due to illness, constitute the claim that the Appellant's termination was not justified due to violation of Personnel Board policy 13.

In response to a query by Ms. Vecchioli, Attorney Everhart indicated that she believes that the draft report and information therein should be considered, but that certain records may be used for impeachment or refreshing recollection; whereupon, Attorney Klein responded that the investigation was outside of the scope of the current hearing.

Attorney Moore indicated that the Board may move that the report itself will not be accepted into evidence, but that testimony regarding the allegations of bullying may be heard; whereupon, Vice-Chair Reid made a motion to that effect. The motion was seconded by Ms. Vecchioli and carried unanimously.

Attorney Klein indicated that text messages between the Appellant and her supervisor were not relevant to any violation of the personnel rules; whereupon, Attorney Everhart stipulated that the text messages would only be used for rebuttal or refreshing recollection.

Attorney Klein further requested that notes written by the witnesses be excepted; whereupon, Attorney Everhart stipulated that the notes would be used only for impeachment or rebuttal purposes, noting that if testimony regarding the bullying complaints necessitates, then she will renew a request to admit the evidence.

Attorney Klein indicated that the Clerk's Office is willing to stipulate regarding the remaining objections and exceptions, and that the evidence may be used for impeachment or rebuttal purposes; whereupon, Attorney Everhart, noting that she reserves the right to renew a request for potential admission of evidence, agreed to the stipulation.

Attorney Moore indicated that the Appellant filed a request after the deadline to amend the pre-hearing statement to add additional exhibits; whereupon, both parties agreed to stipulate that the additional exhibits would be used only for rebuttal or impeachment purposes. Ms. Vecchioli made a motion to accept the stipulation. The motion was seconded by Mr. Peluso and carried 4 to 1, with Vice-Chair Reid dissenting.

*The meeting was recessed at 7:12 PM and reconvened at 7:21 PM.*

Following opening statements, those planning to testify were sworn in by the Deputy Clerk; whereupon, Attorney Moore requested that Attorney Klein call his first witness.

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

9:33 PM – 9:52 PM  
12:18 AM – 12:25 AM

Following testimony, cross-examination, 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 she was terminated?

Mr. Peluso made a motion that the Board find that the Appellant committed the activities for which she was terminated. The motion was seconded by Vice-Chair Reid and, following brief discussion, 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?

Attorney Moore indicated that the Board may discuss the three rules cited by the Appointing Authority together or separately; whereupon, she reviewed the Personnel Rules in question:

- Personnel Rule 6, Paragraph F, D5: Insubordination
- Personnel Rule 6, Paragraph F, D7: Leaving workstation without authorization
- Personnel Rule 6, Paragraph F, D29: Employee's conduct interferes with the proper cooperation of coworkers or impairs the efficiency, morale, good order or discipline of the workplace

Mr. Peluso made a motion that the Board find that cause existed for the disciplinary action in that the activities violated Personnel Rules D5, D7, and D29. The motion died for lack of a second. Thereupon, Mr. Peluso made a motion that the Board find that cause existed for the disciplinary action in that the activities violated Personnel Rule 6, Paragraph F, D5: Insubordination. The motion was seconded by Ms. Vecchioli and, following discussion, carried 3 to 2, with Chair Davis and Mr. Schulz dissenting.

Mr. Peluso made a motion that the Board find that cause existed for the disciplinary action in that the activities violated Personnel Rule 6, Paragraph F, D29: Employee's conduct interferes with proper cooperation of coworkers or impairs the efficiency, morale, good order or discipline of the workplace. The motion was seconded by Vice-Chair Reid and, following discussion, carried 3 to 2, with Chair Davis and Mr. Schulz dissenting.

Mr. Peluso made a motion that the Board find that cause existed for the disciplinary action in that the activities violated Personnel Rule 6, Paragraph F, D7: Leaving workstation without authorization. The motion died for lack of a second.

Following brief discussion and input from Attorney Moore, Mr. Peluso made a motion that the Board find that the disciplinary action taken by the Appointing Authorities toward the Appellant was appropriate; whereupon, Attorney Moore recommended an alternate motion that the Board find that the activities the Board found previously do not violate Personnel Rule 6, Paragraph F, D7: Leaving the workplace without authorization, and Ms. Vecchioli made a motion to that effect. The motion was seconded by Vice-Chair Reid and carried 4 to 1, with Mr. Peluso dissenting.

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

Mr. Peluso made a motion that the Board find that the disciplinary action taken by the Appointing Authority toward the Appellant was appropriate. The motion was seconded by Vice-Chair Reid and, following discussion, carried 3 to 2, with Chair Davis and Mr. Schulz dissenting.

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

## **ADJOURNMENT**

The meeting was adjourned at 2:24 AM.