

Clearwater, Florida, May 6, 2010

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; Joseph Smith, Vice-Chair; Lounell C. Britt; Ricardo Davis; James P. Koelsch; George E. Tragos; and Robert Angus Williams.

Also Present: Peggy Rowe, Director of Human Resources; Robert C. Swain, Senior Assistant County Attorney; Michael P. Schmidt, Deputy Clerk; and other interested individuals. Minutes prepared By Arlene J. Kennare, Deputy Clerk.

AGENDA

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| EAC             | <u>Item I.</u> Employees' Advisory Council Representative  |
|                 | <u>Item II.</u> Consent Agenda   |
| Human Resources | 1. Request Approval of the Minutes of the Regular Personnel Board Meeting held April 1, 2010.  |
| Human Resources | 2. Request Approval of Housekeeping Addition, Title Change, and Revisions of Class Specifications in the Pay and Classification Plan.                                    |
| Utilities       | 3. Request Approval of the Audit of 12 Encumbered Operations Specialist Positions in the Operations Division within the Utilities Department.                            |
| County Attorney | 4. Request Approval of the Cyclic and Maintenance Review Classification and Pay Study of Positions in the Office of the Supervisor of Elections. No Changes Recommended. |
|                 | <u>Item III. Old Business</u>  |
| County Attorney | 1. Request Approval of Revised Section 11. Request For Reconsideration of the Appeal Procedures of the Pinellas County Unified Personnel Board.                          |
|                 | <u>Item IV. New Business</u>   |
| Human Resources | 1. Request Approval of the Human Resources Department Budget for Fiscal Year 2011.   |
|                 | <u>Item V. Appeal</u>  |
| Tax Collector   | 1. Rachel Kabza  |

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CALL TO ORDER

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

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

EAC Chairman Paul A. Rogers indicated that the Director of Business Technology Services (BTS) Paul Alexander has announced that rather than use the approved retention score process, he will prepare new job descriptions for his department; that the jobs will be exempt; that he will invite his existing classified employees to interview for those jobs; that it appears that the employees who are not hired will be laid off; and that it is his intention to retain very few classified positions, which means most of his employees will have virtually no rights or protection.

Responding to queries by Chair Andriso, Ms. Rowe indicated that Mr. Alexander is following the lay-off process approved by the Board; that he has selected positions at the classified level to be eliminated; and that his intent is to create new positions within the exempt ranks, not new classifications. Noting that the classifications already exist, Ms. Rowe related that Mr. Alexander is creating more upper-level technical positions; that he is offering his employees an opportunity to interview for those positions; that when he is recruiting and selecting employees for the exempt ranks, he is not required to follow the rules for retention; and that his approach to the requested budget and staff reduction is quite different than the other departments.

In response to additional query by Chair Andriso, Ms. Rowe related that she cannot respond on behalf of Mr. Alexander relative to whether it is his intention to circumvent the retention process approved by the Board; and discussion ensued wherein Mr. Tragos provided information regarding the "super exemption" with respect to seniority which was granted to BTS last year; and indicated that it appears that Mr. Alexander is abusing that privilege and attempting to side-step the rules established by the Board; and Mr. Davis provided additional comment.

Responding to queries by the members, Ms. Rowe related that there are currently 166 employees in the BTS Department; that after Mr. Alexander's proposed reduction there will be 120 employees; that Mr. Alexander does not have the authority to determine whether a position is classified or exempt; that Human Resources staff and the office of the County Attorney will work with Mr. Alexander to make that determination; that Mr. Alexander does

have the authority to determine which positions in his organization are to be eliminated; and that he has determined that he is going to eliminate most of the classified positions. She indicated that if a question should arise relative to whether a position should be classified or exempt, further evaluation would be required; and noted that a technical exemption exists under the Fair Labor Standards Act (FLSA) relative to employees in the information technology area.

In response to queries and comments by Mr. Davis, Ms. Rowe indicated that, generally speaking, it would be difficult to say that any department had a business need which included only exempt positions; and that this action would raise a red flag. She provided information regarding the difference between the creation of a new classification and the creation of a new position within a classification; noted that once a classification is created, an appointing authority may create any number of positions within that classification; and related that Mr. Alexander is an appointing authority.

Discussion ensued wherein Chair Andriso indicated that while the Board in no way wishes to micromanage any department, it wants to be sure that Mr. Alexander is not acting with the intent to skirt the FLSA; and noted that Mr. Alexander should be informed that the Board is concerned with his actions. He requested that Ms. Rowe invite Mr. Alexander to address the Board at its next meeting and explain the rationale for his plans; whereupon, Mr. Williams expressed his concerns relative to the potential for broader policy implications which might result from this plan; and Messrs. Koelsch and Tragos requested that Ms. Rowe provide the members with minutes and backup materials relative to Mr. Alexander's request for an exception to the retention score policy last year.

Noting that the exception granted to Mr. Alexander last year appears to have been used as the basis for the retention score policy approved by the Board for the current fiscal year, Mr. Rogers expressed his concerns relative to the possibility that Mr. Alexander's proposed new policy may be put into place on a broader scale and have a negative effect on employees in the classified service.

CONSENT AGENDA ITEMS NOS. II.1 THROUGH II.4 – APPROVED

Motion	-	Mr. Davis
Second	-	Mr. Koelsch
Vote	-	7 – 0

#1 Minutes of regular meeting held April 1, 2010, approved.

- #2 Housekeeping title change and revisions of class specifications in the Pay and Classification Plan approved; changes reflect the current duties and responsibilities of the classifications, are housekeeping in nature, and will not affect the pay grade level of the classifications.
- #3 Audit of 12 encumbered Operations Specialist 1 Positions: BC/C1125, 1129, 2540, 1148, 1138, 2615, 1290, 1135, 1126, 1127, 1548, and 1282, Pay Grade CL 11, in the Operations Division within the Utilities Department approved; Operation Specialist 1 classification to receive pay grade change from CL 11 to CL 12.
- #4 Supervisor of Elections Cyclic and Maintenance Review Classification and Pay Study approved; no change is recommended.

OLD BUSINESS

REVISED SECTION 11 OF THE APPEAL PROCEDURES OF THE PINELLAS COUNTY UNIFIED PERSONNEL BOARD – APPROVED

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Mr. Smith moved, seconded by Mr. Davis, that the revision to Section 11 of the Appeal Procedures of the Pinellas County Unified Personnel Board be approved, and discussion ensued wherein Mr. Swain indicated that although the Board had express its concern with the time line relative to a request for reconsideration, the Personnel Rules require that a motion for reconsideration be filed within ten days of the Board's original decision; and that he has provided a suggested revision of the appeal procedure so that a motion for a request for reconsideration must be filed within ten days, but may be amended or supplemented at any point up to ten days prior to the hearing, which must be scheduled within 90 days of the Board's original decision.

Thereupon, upon call for the vote, the motion carried unanimously.

NEW BUSINESS

HUMAN RESOURCES DEPARTMENT BUDGET FOR FISCAL YEAR 2011 – APPROVED

Chair Andriso indicated that a memorandum has been received from Ms. Rowe, a copy of which has been filed and made a part of the record, regarding the Human Resources Department budget for Fiscal Year 2011.

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Ms. Rowe provided information relative to the budget; indicated that the comparison of fiscal years 2008 and 2009 does not accurately reflect a realistic representation of the cuts suffered by the department, since the Research and Focus Group and Volunteer Services had been folded into Human Resources without any additional staff; related that while a 15 percent reduction had been requested, the department was only able to provide a reduction of 11.4 percent; and noted that additional efficiencies and savings will be sought.

Responding to queries by the members, Ms. Rowe indicated that after the proposed cuts, the ratio of County employees to Human Resources employees will be approximately 100 to one; that the costs for Business Technology, Risk Management, and Fleet Services are allocated based on a formula; and that although the allocation makes it appear that the department will have an increase in total operating expenses, it will not have any additional funds to use for operating expenses; and Assistant Director of Human Resources Gene Pressoir provided additional information.

Mr. Koelsch moved, seconded by Mr. Tragos, that the Human Resources Department budget for Fiscal Year 2011 be approved.

Responding to query by Mr. Williams, Ms. Rowe indicated that there is no nonessential travel in the budget; but that in some cases employees must be paid a mileage reimbursement.

Thereupon, upon call for the vote, the motion carried unanimously.

#### MISCELLANEOUS DISCUSSION

Following discussion and in response to query by Ms. Rowe, it was noted that there will be no change to the manner in which the members receive their meeting packets.

Chair Andriso related that although he will be out of town for the summer, it is possible that he will return during the second week of August; requested that the August meeting be held on the second Thursday; and indicated that he intends to raise the issue for consideration at the next meeting.

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APPEAL OF TERMINATION OF RACHAEL KABZA, FORMERLY OF THE TAX COLLECTOR'S OFFICE – CANCELLED

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MISCELLANEOUS INFORMATION ITEMS RECEIVED

Upon direction by Chair Andriso, there being no objection, the following miscellaneous information items were received for filing:

1. Management and Supervisory Notes for May 2010.
2. Training Schedule for May 2010.
3. Minutes of the EAC Representatives meeting of March 17, 2010.
4. Minutes of the EAC Delegates meeting of March 25, 2010.

ADJOURNMENT

The meeting was adjourned at 7:18 P.M.

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Chair