

SEPTEMBER 19, 1980

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Friday, September 19, 1980 at 9:10 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Claude E. McGavic
L. H. Fortson, Jr.
Louis E. Driggers

Absent: Lamar S. Parrish, Vice Chairman

Also present were:

E. N. Fay, Jr., County Attorney
David B. Collier, County Administrator
Richard Ashley, Chief Deputy Clerk, representing R. B. Shore,
Clerk of Circuit Court

Representing the various news media was Mark Todd, Sarasota Herald-Tribune.

The meeting was called to order by Chairman Glass.

Ms Mary Baber, Court Reporter, Don Bell Court Reporting, administered the Oath to all witnesses.

PERSONNEL - GRIEVANCE (VARNER)

Hearing was opened for the purpose of considering a grievance by Ralph Varner, Sr., Plans Examiner, Planning and Development Department, pursuant to Step 4 of Grievance Procedure Policy.

PROCEDURE

After advising that all testimony will be sworn, the County Attorney outlined procedures to be followed.

COUNTY PRESENTATION

Frank Gilbert, Acting Director, Personnel Department, identified material submitted;

- Letter dated August 19, 1980, from Personnel Review and Advisory Board to Mr Varner (2 pages)
- Memorandum dated August 11, 1980, from Frank Gilbert to Mr Varner
- Letter dated August 11, 1980, from Frank Gilbert to Joseph C. Ferrell, Attorney for Mr Varner
- Letter dated August 1, 1980, from Joseph C. Ferrell to Robert E. Fowler
- Letter dated August 5, 1980, from Joseph C. Ferrell to Patricia Glass, Chairman of the Board of County Commissioners
- Memorandum dated August 1, 1980, from C.C. Carrington, Planning Director, to Bob Fowler (2 pages)
- Employee Grievance Form dated July 18, 1980 (2 pages)
- Resolution Reorganizing the Planning and Development Department (3 pages)
- Memorandum dated October 17, 1979, from Robert Fowler to Charles Carrington (Merit fund)
- Memorandum dated October 30, 1979, from Mr Carrington to Al Cogan, Chief, Inspection Services Division
- Manatee Pay Plan, (excerpt Re: Classification, 2 pages)

Mr McGavic moved to accept the material into the record. Motion was seconded by Mr Driggers and carried unanimously.

GRIEVANT PRESENTATION

Joseph C. Ferrell, Attorney for Mr Varner, detailed the grievance, wherein Mr Varner alleges that he has been continually harrassed and subjected to covert discrimination by Charles C. Carrington, Director of Planning and Development Department; that in 1979 a grievance was filed against Mr Carrington and certain wrongful acts toward Mr Varner were successfully corrected. Even since that time, however, he has been

- 1) Improperly remunerated commensurate with abilities, skills, responsibilities and efforts, inconsistent with other County employees
- 2) placed at a makeshift work station which is inappropriate for the execution of his required duties.

Mr Ferrell advised that Mr Varner has demanded the following actions to resolve the problems:

- (1) 20 percent increase in hourly wage retroactive to July 14, 1980
- (2) An acceptable work station
- (3) Reclassification from pay grade 30 to pay grade 32

Witnesses called and testifying were:

Jacob C. Walden, Head of the Plans Examining Department, Planning and Development, for approximately 7 to 8 years. Testified to: Participating in Steps 2 and 3 of this Grievance Proceeding on behalf of the County as Mr Varner's immediate supervisor (approximately 18 months); that Mr Varner understands the energy code and is familiar with it; that Mr. Varner does a good job; that he (Mr Walden) was unaware that the proceedings were being taped in Steps 2 and 3 until after the meeting had started. He named, to the best of his recollection, those in attendance at the previous hearings as Mr Carrington, Al Cogan, Ralph Varner, Sr, Vivian Cummings, and the Personnel Director.

Mr Walden has been employed by the Planning Department for 15 years and his pay grade is No. 32

Vivian Cummings, Administrative Assistant to the Director of Planning and Development Department. Testified to: Taking notes and taping the previous Steps of the Grievance Hearing at the request of Mr Carrington; that she did not inform Mr Varner of the taping because she did not know that she had to, nor did she know that Mr Varner was unaware of the taping; that the recorder was on the table during the entire proceeding; and that those in attendance at those hearings were: Messrs. (Robert) Fowler; Carrington; Varner, Sr; and Cogan.

Ms Cummings concluded her testimony.

Ralph Varner, Sr, testified to: Requesting that the hearing not be taped and to being unaware that Step 2 was taped until after the meeting had ended.

Al Cogan, Chief, Inspection Services, Planning and Development Department.

Testified to: Being supervisor of Mr Walden and Mr Varner; that Mr Varner does a good job and is familiar with the energy code; that Mr Varner took a course in construction earlier this year and made a good grade; that Mr Varner, in his most recent annual job performance rating was given a "Satisfactory" rating.

This concluded presentation by the Grievant.

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Cont'd

COUNTY PRESENTATION

Frank M. Gilbert, Acting Personnel Director, Manatee County. Testified to: Performance of a job audit of Mr Varner's department (October, 1979), upon the order of Robert Fowler, Personnel Director at that time, as requested by Mr Carrington. He explained how the audit was effected, and, that as a result, it was determined that the responsibilities, scope and nature of the position was relevant to a grade 30 classification, and was entitled "Plans Examiner". He personally recommended that Mr Varner be started at 5 percent below normal entry level, in that based on the qualifications and criteria established for the job, he did not meet specified requirements.

Mr Gilbert concluded his testimony.

Mr Varner was recalled and testified to his duties and responsibilities as Plans Examiner; to what he considers discrimination in the comparison of this position with that of Building Inspector (both are classified as grade 30); that his special education in building construction to upgrade his qualifications in his designated position was not given consideration in the merit rating process; and to unacceptable working conditions.

He admitted that the work area has since been considerably improved.

Mr Varner explained that he objected to Step 2 and Step 3 of the grievance hearing being taped because he knew the taped evidence would be used against him at the point of adjudication; that a previous letter of reprimand was purged from his personnel file and replaced by another letter of reprimand; that he did not understand why a past grievance was in his personnel file, but results of said grievance was not in the file.

Cross examination revealed that Mr Varner has been employed by the County for six years, and prior to time he was in the roofing over 20 years.

Mr Gilbert, was recalled and testified regarding the pay spread in pay grades 30 and 32; that Mr Varner was given the normal entry salary even though it had been recommended that he be entered at 5 percent below entry level; that the job audit preceded Mr Varner's placement, and that the audit was ordered for the purpose of creating a Plans Examiner position.

Mr Walden was recalled in regard to conducting plans examinations prior to establishment of the Plans Examiner position and testified that he handled it prior to Mr Varner coming into the Building Department.

There being no further questions, presentation of evidence was concluded.

RECESS/RECONVENE

After a brief recess, the meeting reconvened with all members present except Mr Parrish.

Mr Driggers recommended, in light of the testimony presented, that an audit be performed in this particular department, specifically pay grade 30, and that the audit possibly should be done by some one outside the County.

The County Administrator reported that a review of the County personnel pay plan and classification system is currently being performed by an outside consultant and the results will be available in three-four months; that the consultant can be instructed to concentrate spot reviews in the area under discussion and this information can be presented as a part of the overall report and recommendations.

RESPONSIBILITIES IN GRIEVANCE PROCEEDINGS - REQUEST DENIED

The County Attorney outlined responsibilities involved whereby

Grievant - has to prove that a grievance has been committed; that a grievance does exist; and that some relief should be granted.

Board - has to determine whether there was a grievance; whether relief should be granted; and determine the relief.

Mr McGavic moved that the request for relief on the application be denied. Motion was seconded by Mr Fortson.

Motion by Mr Driggers to amend the motion to withhold judgment on the third phase of the grievance (reclassification of pay grade 32) until after the job audit has been performed failed for lack of a second.

Original motion by Mr McGavic carried unanimously.

TAX ASSESSMENT ROLL

Archie Powell, County Property Appraiser, Bill Kersey, a Deputy Appraiser, and Larry Coleman, Attorney for the Property Appraiser, gave an update on the current status of the 1980 Manatee County Real Property Assessment Roll.

The Department of Revenue had notified Mr Powell by telephone on September 15, 1980, that the Manatee County Property Assessment Roll (at 86.4 percent) was not acceptable.

At a conference in Tallahassee (9/17/80) Mr Powell and Mr Kersey were advised that although the assessment roll is unacceptable, an interim tax roll can be used, pending adjustment, and normal governmental operation may be continued as if it were the final roll approved.

Under the new law (effective 7/1/80), the County or any other local taxing authority may initiate suit for relief through the Courts. Or, by agreement, the County, as the primary taxing authority, and the Property Appraiser has the ability, without Court order, to proceed on an interim roll. This can be done with no changes in the budgetary process if the Board of County Commissioners agrees with the Property Appraiser that the interim roll can be worked into an approved roll.

In this event, tax bills may be sent out, qualified to the extent that the amount may go either higher or lower based on the completion of the adjustment of the tax roll which the Department of Revenue may ultimately approve. The County may bill separately or delay billing and add the difference to the tax bills next year.

The County Administrator advised that the proposed budget submitted by his office earlier this week was based on the figures submitted by Mr Powell, and if adopted, the budget will be funded from the interim roll.

Charlotte Long, Mayor, City of Holmes Beach, recommended adoption of the interim roll.

Mr Powell advised that if the interim roll is adopted, it is not necessary for the Property Appraisal Adjustment Board to convene. He also advised that upon adjudication of the interim roll, tax bills can be mailed immediately, probably around November first.

Wally Eyeman, Clerk, City of Bradenton, questioned the time limitation after certification of a millage rate by the governing body to the Property Appraiser and when the budget hearing can be finalized.

MEETING RECESSED

There being no further business, the meeting was declared recessed until 1:30 p.m., Monday, September 22, 1980.