

**THE PINELLAS COUNTY
UNIFIED PERSONNEL SYSTEM BOARD**

**IN RE: Appeal of Termination
DERRICK CLARK,
Appellant,**

Appeal No.: 20-6

v.

**PUBLIC WORKS – DEPARTMENT FOR
PINELLAS COUNTY,
Appellee**

Motion to Dispute Propose Alternative Discipline

Appellant requests to dispute and further requests the Proposed Alternative Discipline submitted by Appellee and their counsel be reconsidered as it is additionally punitive in nature and whereas:

1. At the conclusion of the Personnel Board Hearing conducted on April 1, 2021, the Personnel Board issued a determination to overturn the punishment of ‘termination’ arising from disciplinary action taken on April 16, 2020 and made effective on April 17, 2020.
2. Due to Covid19, the appeal hearing was unable to be concluded within the required 120-day period and the Appellant’s earnings were continuously adversely affected by this delay.
3. As a result of the initial termination, the employee has been separated from Pinellas County employment for at least 1 year without pay, medical benefits, or any FRS contributions.
4. The annualized value of pay and benefits lost to the employee during this appeal process per the Office of Management and Budget’s “fully-loaded” calculations is equal to more than \$70,000.00.
5. Since the Appointing Authority can not be ruled to restore the employees standing and pay in any retro-active manner, the employee has essentially been suspended without pay or benefits for a period of 1 year and incurred monetary

losses related to pay and benefits of more than \$70,000.00 as a result of the overturned disciplinary action, with no hope to recover such losses.

Select Year Using Drop Downs ==>	Year 2
	FY20 Budget
Benefit Level Full, Exempt or Classified	
Hours per Week ==>	\$ 40.00
Weeks per Year ==>	\$ 52.00
Hourly Pay Rate ==>	\$ 19.67
Annual Salary	\$ 40,913.60
County-Paid Benefits:	
Group Health Insurance	\$ 21,660.00
Group Dental Insurance	\$ 850.00
Group Life Insurance	\$ 61.37
Long Term Disability Insurance	\$ 208.66
Short Term Disability Insurance	\$ 390.00
Retirement (Select Type) ==>	\$ 3,481.75
County-Paid Taxes:	
Social Security Tax	\$ 2,536.64
Medicare Tax	\$ 593.25
Total County-Paid Benefits & Taxes	\$ 29,781.67
Benefits & Taxes as % of Salary	\$ 0.73
Total Burdened Compensation	\$ 70,695.27
Total Burdened Hourly Rate	\$ 33.99

(OMB Salary Calculation worksheet)

As such, the Appellant would request that any alternative punishment proposed by the Appointing Authority inclusive of unpaid suspension time or pay reduction be determined as 'time and value served'. Currently the alternative presented in the proposal appears doubly punitive to the employee's pay (loss of an additional 5% or \$2,038.40 annually), especially considering the value of monetary loss already incurred on the part of the Appellant since the effective termination date of April 17, 2020.

Tammera Maloney 4-19-21

Tammera Maloney
Advocate for Derrick Clark