



TOWN OF PALM BEACH

Office of The Town Clerk

TOWN OF PALM BEACH, FLORIDA GRIEVANCE RESOLUTION BOARD

In the Matter of the Grievance of

Rafik Elias, Equipment Operator/Parks

Before Peter B. Elwell, Chairman;
Brian Fuller, Board Member;
Jeffrey Sanon, Board Member;

Mr. Elias was in attendance to present his grievance.

Acting Public Works Director Jay Boodheshwar, Assistant Public Works Director Eric Brown, Parks Supervisor Ed Armstrong and Facilities Maintenance Division Manager Joseph Ugi were in attendance to respond to the grievance on behalf of the Public Works Department.

Town Attorney John C. Randolph, Esquire, of Jones, Foster, Johnston and Stubbs, West Palm Beach, Florida, was present to advise the Board regarding procedural matters.

ORDER

This grievance, Mr. Elias' appeal of the termination of his employment with the Town, came before the Grievance Resolution Board on May 17, 2010 for a hearing, after due notice to the parties involved. At this hearing both parties were permitted the opportunity to provide opening statements, introduce exhibits, call witnesses, and made closing statements in support of their respective positions.

Acting Director Boodheshwar presented the Public Works Department's opening statement, provided background information, and stated the department's position, supplemented by Exhibits "A" and "B" and the following witnesses:

Assistant Public Works Director Eric Brown
Parks Supervisor Ed Armstrong
Facilities Maintenance Division Manager Joseph Ugi

Mr. Elias presented his position, supplemented by Exhibit "C".

Pursuant to Section 82-208 of the Code of Ordinances of the Town of Palm Beach, the Grievance Resolution Board conducted this hearing, took the evidence, deliberated, and voted in a public forum, and hereby renders this written decision.

FINDINGS OF FACT

1. Mr. Elias was hired by the Town of Palm Beach on January 5, 1989.
2. Out of twenty-one years of employment, there were only nine years that he scored a 3.0 or above on performance evaluations.
3. During his employment with the Town, Mr. Elias received fifty-one (51) disciplinary actions.
4. Since February 2009, Mr. Elias received five (5) disciplinary actions, three of those were for poor work performance or failure to complete an assignment.
5. In July 2009, Mr. Elias was suspended without pay for falsifying his time sheet. At the same time, his overall poor performance was noted and he was placed on a 90-day improvement plan.
6. Mr. Elias failed to sufficiently improve his performance, so his improvement plan was extended for forty-five (45) additional days.
7. Mr. Elias failed to sufficiently improve his performance, and his employment with the Town, was terminated on February 19, 2010, due to Overall Poor Performance.
8. Mr. Elias and the Public Works Department representatives provided conflicting testimony regarding some of the details of specific incidents cited as evidence of Mr. Elias' poor work performance.
9. The fullness of the record, both during the improvement plan period and throughout his twenty-one (21) year career with the Town, confirms that Mr. Elias' work performance failed to meet the Town's reasonable expectations for the positions in which he served.

DECISION

Based upon consideration of all evidence in the record, a motion was made by Board Member Fuller to deny the grievance and uphold Mr. Brazil's termination of Mr. Elias' employment with the Town. The motion was seconded by Board Member Sanon. The motion carried unanimously.

Pursuant to Section 82-208 of the Code of Ordinances of the Town of Palm Beach, the decision of this Board shall be final and binding unless appealed by either party to the Administrative and Personnel Committee of the Town Council within fifteen (15) days of receipt of this Order.

IT IS SO ORDERED.



TOWN OF PALM BEACH, FLORIDA
GRIEVANCE RESOLUTION BOARD
By: 
Joanna Cunningham
TOWN CLERK

Date Issued: May 21, 2010

Copies furnished this date to:

Mr. Rafik Elias via U.S. Postal Service Overnight Express Mail
Jay Boodheshwar, Acting Public Works Director
Peter B. Elwell, Chairman of Grievance Resolution Board
Brian Fuller, Member of Grievance Board
Jeffrey Sanon, Member of Grievance Board
Danielle Olson, Director of Human Resources
John C. Randolph, Town Attorney