

EXECUTIVE SUMMARY
RECOMMENDATION FOR SUSPENSION & TERMINATION
Tony Pierce, Custodian

I recommend that the School Board approve Tony Pierce's Suspension Without Pay, effective June 29, 2006, and Termination, effective fifteen (15) days after the June 28, 2006, Board Action subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for an administrative hearing is made within the (15) days stated herein pursuant to Sections 120.569 and 120.57, Florida Statutes, wherein Mr. Pierce will remain suspended without payment of salary and benefits until final School Board disposition is entered subsequent to the administrative proceedings.

On or about February 15, 2006, Mr. Pierce was evaluated, advised of performance deficiencies, rated as overall unsatisfactory, and placed on a thirty (30) calendar day assistance plan for improvement. Mr. Pierce was given timely written feedback, specific recommendations for improvement, and assistance in areas cited as deficient. Having failed to correct his deficiencies, Mr. Pierce's performance was rated overall unsatisfactory on March 22, 2006. Sufficient just cause exists to recommend termination of Mr. Pierce's employment in accordance with the requirements of the District's Evaluation Process for Levels 16 and Below, Article 12, Section 2C, Agreement Between the School District of Palm Beach County, Florida, and the National Conference of Firemen and Oilers, Local 1227, and Sections 1012.22(6)(f), 1012.27(7)(e) and 1012.33 Florida Statutes.

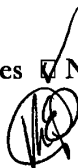
- ❖ 05/10/05 Mr. Pierce received an unsatisfactory **Annual Evaluation** from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, citing (9) areas of concern in **Job Knowledge, Self Motivation: Builds on strengths and works on deficiencies, Self Management: Personally well organized, Utilizes time effectively, Takes independent action, Adaptability to Change: Possesses the ability to react to and compensate for necessary changes in operations, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 10/04/05 Mr. Pierce received Chemical Training from Eddie Towns, Custodial Foreperson I, U.B. Kinsey/Palmview Elementary, due to the concerns noted in (3) areas in **Job Knowledge, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given**, and was given written improvement strategies.
- ❖ 11/30/05 Mr. Pierce received a written directive to meet including the right to bring representation from Alex Bembry, Assistant Principal, U.B. Kinsey/Palmview Elementary, to discuss job performance.
- ❖ 12/09/05 Mr. Pierce received Conference Notes from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (4) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Additional Factors (Safety)**, and was given written improvement strategies.

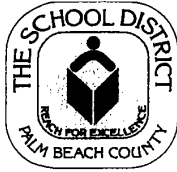
- ❖ 01/24/06 Mr. Pierce received Conference Notes from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 01/26/06 Mr. Pierce received a Custodial Inspection Report from Jose Pillot, Area Coordinator, U.B. Kinsey/Palmview Elementary, with an overall rating of unsatisfactory.
- ❖ 01/27/06 Mr. Bembry, Assistant Principal, U.B. Kinsey/Palmview Elementary, received an email from Angela Norman, Kindergarten Teacher, U.B. Kinsey/Palmview Elementary, regarding a complaint on Mr. Pierce.
- ❖ 01/30/06 Mr. Bembry, Assistant Principal, U.B. Kinsey/Palmview Elementary received an email from Angela Norma, Kindergarten Teacher, U.B. Kinsey/Palmview Elementary, regarding Mr. Pierce's unprofessional behavior.
- ❖ 02/03/06 Mr. Pierce received Conference Notes from Alex Bembry, Assistant Principal, U.B. Kinsey/Palmview Elementary, advising him of (1) areas of concern in **Interpersonal Effectiveness: Maintains effective working relationships with associates/students**, and was given written improvement strategies.
- ❖ 02/13/06 Mr. Pierce received a Training Record Form from Daniel Arias, Area Coordinator, U.B. Kinsey/Palmview Elementary, advising him of (4) areas of concern in **Job Knowledge, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 02/15/06 Mr. Pierce received a written directive to meet including the right to bring representation from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, to discuss job performance.
- ❖ 02/15/06 Mr. Pierce received a Memorandum of Assistance from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 02/15/06 Mr. Pierce received an overall unsatisfactory **Preliminary Evaluation** from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.

- ❖ 02/15/06 Mr. Pierce received Monitoring Conference Notes from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 02/28/06 Mr. Pierce received Monitoring Conference Notes from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 02/28/06 Mr. Pierce received an overall unsatisfactory rating on the custodial inspection report from Jose Pillot, Area Coordinator, U.B. Kinsey/Palmview Elementary.
- ❖ 03/10/06 Mr. Pierce received a follow up training record from Ronald Barnett, Area Coordinator, Maintenance/Plant Operations, documenting additional training.
- ❖ 03/17/06 Mr. Pierce received Monitoring Conference Notes from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 03/22/06 Mr. Pierce received Monitoring Conference Notes indicating the conclusion of the Memorandum of Assistance from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (5) areas of concern in **Job Knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given, Additional Factors (Safety)**, and was given written improvement strategies.
- ❖ 03/22/06 Mr. Pierce received an overall unsatisfactory **Final Evaluation** from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him of (4) areas of concern in **Job knowledge, Interpersonal Effectiveness: Maintains effective working relationships with associates/students, Written and/or Oral Assignments: Follows directions easily and effectively, Completes assignments on time and in compliance with directions given**, and was given written improvement strategies.
- ❖ 03/22/06 Mr. Pierce received a copy of a memorandum of request for District Review from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, for the purpose of determining disciplinary action up to and including termination.

- ❖ 03/23/06 In response to a concern in the area of **Attendance**, Mary Powers, Manager, Performance Standards, requested and received a copy of Mr. Pierce's employee monthly leave record from the (C.H.I.P.S.) payroll screen. Mr. Pierce was given specific written improvement strategies for the concern in attendance.
- ❖ 03/28/06 Alex Bembry, Assistant Principal, U.B. Kinsey/Palmview Elementary, received an email from Cindy Buscemi, Teacher, U.B. Kinsey/Palmview Elementary, citing (2) areas of concern regarding Mr. Pierce's behavior.
- ❖ 04/04/06 Mr. Pierce received an overall unsatisfactory rating on the custodial inspection report from Jose Pillot, Custodial Coordinator, U.B. Kinsey/Palmview Elementary.
- ❖ 04/05/06 Mr. Pierce received a memorandum for not following procedures from Helen Byrd, Principal, U.B. Kinsey/Palmview Elementary, advising him to follow correct procedures for obtaining sick leave.
- ❖ 04/05/06 Mr. Bembry, Assistant Principal, received a statement from Mr. Eddie Towns, Head Custodian, indicating that Mr. Pierce reported to work impaired and was unable to work.
- ❖ 05/10/06 Mr. Pierce was sent a notification of a pre-disciplinary meeting, both certified and regular U.S. mail, with the right to bring representation, from Raymond T. Miller, Director, Professional Standards.
- ❖ 05/16/06 A pre-disciplinary meeting was held and attended by Raymond T. Miller, Mary Powers, Frank Sosa, and Tony Pierce.
- ❖ ** 02/16/06 and 02/17/06 Copies of letters from teachers given to Ms. Killings, NCF&O, Labor Relations, in Mr. Pierce's defense.

LEGAL SIGN-OFF: Yes N/A





THE SCHOOL DISTRICT
OF PALM BEACH COUNTY, FLORIDA
Raymond T. Miller, Director
Department of Professional Standards
3370 FOREST HILL BLVD., A-115
WEST PALM BEACH, FL 33406-5780
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ANN KILLETS
CHIEF ACADEMIC OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT OF SCHOOLS

COPY

Sent Certified Mail # 7002-0860-0000-3571-6861 & Regular U.S. Mail

May 24, 2006

Mr. Tony Pierce
2200 North Australian Ave.
West Palm Beach, FL 33407

**NOTICE OF SUSPENSION AND RECOMMENDATION
FOR TERMINATION FROM EMPLOYMENT**

Dear Mr. Pierce:

Based upon substantial information presented to me, I must hereby inform you that I have just cause sufficient to warrant disciplinary action against you. I will recommend your suspension without pay and termination from employment with the School District at the June 28, 2006, School Board meeting.

On or about February 15, 2006, you were evaluated, advised of performance deficiencies, rated as unsatisfactory, and placed on a thirty (30) calendar day assistance plan for improvement. You were given timely written feedback, specific recommendations for improvement, and assistance in areas cited as deficient. Having failed to correct your deficiencies, you were rated unsatisfactory on March 22, 2005. Sufficient just cause exists to recommend termination of your employment in accordance with the requirements of the District's Evaluation Process for Levels 16 and Below, Article 12, Section 2C, Agreement Between the School District of Palm Beach County, Florida, and the National Conference of Firemen and Oilers, and Sections 1012.27(7)(e), 1012.22(6)(f) and 1012.33 Florida Statutes.

Please be advised that I will recommend at the June 28, 2006, meeting of the School Board of Palm Beach County, Florida, that your employment terminate effective upon expiration of fifteen (15) days subsequent to the June 28, 2006, Board meeting and shall be subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for an administrative hearing is made within the fifteen (15) days stated herein, pursuant to Sections 120.569 and 120.57, Florida Statutes, wherein you will remain suspended without payment of salary and benefits until final School Board disposition is entered subsequent to the administrative hearing proceedings. This action is taken in accordance with Sections 1012.22(6)(f) and 1012.27(7)(e), Florida Statutes. Failure to timely request an administrative hearing shall waive all rights to request a DOAH hearing on such matters and shall be subject only to appeal rights under Section 120.68, Florida Statutes. You have a choice of filing a grievance or requesting a hearing before the Division of Administrative Hearings (DOAH).

An Equal Education Opportunity Provider

--A Rated Schools--

Tony Pierce
May 24, 2006
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Should you desire a hearing, a request must be made in writing within or prior to the fifteen (15) days stated in this letter, and addressed to Gerald Williams, Chief Counsel to the School Board, 3318 Forest Hill Boulevard, C-302, West Palm Beach, Florida 33406. If you decide to appeal a decision made by the School Board with respect to any matters considered at this meeting or hearing, you will need a record of the proceedings, and for such purpose, you may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. You shall have the responsibility at your own cost, to arrange for the transcript. You were previously advised, that the competency process report concerning this matter and its contents are considered public record and will be released, upon request, minus any allowable exemptions, ten (10) days after the date of that Notification of Public Record correspondence.

The June 28, 2006, School Board meeting will be held in the Board Room at 3300 Forest Hill Boulevard, West Palm Beach, Florida. The Board has set aside the time of 4:30 p.m. so that you or your representative may make an oral statement of no more than three minutes relative to your suspension and dismissal. If you or your representative intend to speak before the School Board, please immediately notify Ms. Alicia Palmer, Board Office, at (561) 434-8139.

Sincerely,



Arthur C. Johnson, Ph.D.
Superintendent

ACJ:AK:MW:RTM:jw

- c. Ann Killets, Chief Academic Officer
- Melinda Wong, Director, Compensation and Employee Information Services
- Vicki Evans-Paré, Associate Counsel for Personnel
- Raymond T. Miller, Director of Professional Standards
- Helen Byrd, Principal, U.B Kinsey/Palmview Elementary
- Personnel File