

**CareerSource Pinellas  
Ad Hoc CEO/Counsel Selection Committee Minutes**

**Date:** October 14, 2021 – 10:00 AM

**Location:** Zoom Meeting

**Call to Order**

Board Chair, Barclay Harless called the meeting to order at 10:02 am. The following members participated.

**Committee Members in attendance**

Commissioner René Flowers, Barclay Harless, Michael Logal, Kevin Knutson

**Staff Present**

Jennifer Brackney, Steven Meier, Jacqueline DuChene-Heyward, Leah Geis

**General Counsel:**

Stephanie Marchman

**Action Item 1 – Approval of Minutes**

The minutes from the August 5, 2021, meeting of the Ad Hoc CEO/Counsel committee were presented for approval.

**Discussion:** None

Motion:	Commissioner René Flowers
Second:	Kevin Knutson

*The minutes were approved as presented. No further discussion. The motion carried unanimously.*

**Action Item 2 – General Counsel Performance Review**

On November 20, 2019, the Board of Directors approved the selection of Gray, Robinson, P.A. for legal counsel services to begin on December 1, 2019, as General Counsel to the Local Workforce Development Board, as well as Counsel to CareerSource Pinellas.

As outlined in the By-Laws, the Ad Hoc CEO/Legal Committee will conduct the annual performance and compensation for the General Counsel. The review addresses the approved General Counsel Performance Goals.

The recommendation from this Committee will be presented to the Board of Directors on November 17, 2021.

Performance Review: The members of the Ad Hoc CEO/Counsel Committee requested that the CEO of CareerSource Pinellas, complete the performance review, adding her comments prior to submitting it to the Ad Hoc Committee for consideration.

The CEO draft Performance Review was enclosed in the meeting packet.

**Recommendation**

Approval of the General Counsel Performance Review for Stephanie Marchman, Gray|Robinson for the PY'2020-2021.

**Discussion:** None.

Motion:	Commissioner René Flowers
Second:	Kevin Knutson

*The Committee made a motion for approval of the General Counsel Performance Review for Stephanie Marchman, Gray|Robinson for the PY'2020-2021. No further discussion. The motion carried unanimously.*

**Action Item 3 – General Counsel Letter of Engagement Renewal**

On November 20, 2019, the Board of Directors approved the selection of Gray, Robinson, P.A. for legal counsel services to begin on December 1, 2019, as General Counsel to the Local Workforce Development Board, as well as Counsel to CareerSource Pinellas.

Based on the General Counsel Performance review, the renewal of the Letter of Engagement for a two-year period is allowable. The Letter of Engagement expires on 11/30/2021.

**Recommendation**

Approval of the General Counsel Letter of Engagement Renewal for Ms. Stephanie Marchman, Gray|Robinson for a two-year period, effective as of 12/1/2021 through 11/30/2023.

**Discussion:** Jennifer Brackney stated that, on the recommendation of our internal monitors, there will be a not to exceed amount added to the new contract before bringing it in front of the full board. The contract will be finalized after this meeting, as this meeting needed to happen before they could finalize contract negotiations.

Motion:	Commissioner René Flowers
Second:	Kevin Knutson

*The Committee made a motion for approval of the General Counsel Letter of Engagement Renewal for Ms. Stephanie Marchman, Gray|Robinson for a two-year period, effective as of 12/1/2021 through 11/30/2023. No further discussion. The motion carried unanimously.*

**Action Item 4 – PY’2021-2022 General Counsel Performance Goals**

As outlined in the By-Laws, the Ad Hoc CEO/Legal Committee will conduct the annual review of performance for the General Counsel. The Performance Review provides the annual goals, initiatives, actions to be taken, and metrics.

The PY’2021-2022 General Counsel Performance Goals were included in the meeting packet.

**Recommendation**

To approve of the PY’2021-2022 General Counsel Performance Goals.

**Discussion:** None.

Motion:	Commissioner René Flowers
Second:	Michael Logal

*The Committee made a motion to approve of the PY’2021-2022 General Counsel Performance Goals. No further discussion. The motion carried unanimously.*

**Action Item 5 – CEO Performance Review**

On November 1, 2019, the Board of Directors approved a three-year employment contract for Jennifer Brackney, as the CEO of CareerSource Pinellas. The Board of Directors also approved the CEO performance review, which provided the annual goals, initiatives, actions to be taken, and metrics.

As outlined in the By-Laws, the Ad Hoc CEO/Legal Committee will conduct the annual review of performance and compensation for the CEO. The review addresses the approved CEO Performance Goals, including Financial Management, Legal Compliance, Strategic Planning, Governance, Accountability and Transparency, Workforce Development Performance, Key Relationships and Partnerships, and Organizational Leadership.

The recommendation from this Committee will be presented to the Board of Directors on November 17, 2021.

**Performance Review:** The members of the Ad Hoc CEO/Counsel Committee submitted their ratings and comments of the CEO’s performance review. Ms. Brackney also included her response to the feedback. The consolidated document is enclosed for your review.

**Recommendation**

Approval of the CEO Performance Review for Ms. Jennifer Brackney for the PY’2020-2021.

**Discussion:**

Motion:	Commissioner René Flowers
Second:	Michael Logal

*The Committee made a motion to approve of the CEO Performance Review for Ms. Jennifer Brackney for the PY2020-2021. No further discussion. The motion carried unanimously.*

**Action Item 6 – CEO Compensation Review**

On November 1, 2019, the Board of Directors approved a three-year employment contract for Jennifer Brackney, as the CEO of CareerSource Pinellas. The Board of Directors also approved the CEO performance review, which provided the annual goals, initiatives, actions to be taken, and metrics.

Grantee-Subgrantee Agreement

The Grantee-Subgrantee Agreement between Florida Department of Economic Opportunity and CareerSource Pinellas states that:

- No changes to compensation for executive staff of the Board are allowed without documented Board approval and must be in alignment with local policies and procedures. The Board shall ensure that all bonuses, pay raises, and benefits are reasonable and necessary for the successful performance of the award and are a prudent use of federal funds.

Reimagining Education and Career Help Act (HB 1507)

Additionally, during this past regular legislative session, House Bill 1507 (Workforce Related Programs and Services) was passed. The bill took effect on July 1, 2021. In part, the bill made several changes to Section 445.007, Florida Statutes, related to local workforce development boards, that affect the recently revised grantee/subgrantee agreement including issues around reporting of compensation originally required by Executive Order 20-44. This bill adds subsection (13) to Section 445.007 that clarifies and adds additional requirements to the executive order.

- A compensation schedule is due to DEO within 30 days after the end of the board’s fiscal year. The schedule will be based on the fiscal year, not the calendar year.
- The list of Board employees to be included in the schedule is expanded to include executives, officers, directors, trustees, key employees, and the highest compensated employees.
- A declaration from the CFO (or designee) attesting to the truthfulness of the information on the schedule is required.
- The schedule must be published on the board’s website for a period of three years after its first publication.

2020 and 2021 Salary Cap Information

The Consolidated Appropriations Act, 2021 (Public Law 116-260), signed into law on December 27, 2020, restricts the amount of direct salary that may be paid to an individual under a Federal grant, cooperative agreement, or applicable contract to a rate no greater than Executive Level II of the Federal Executive Pay Scale. **Effective January 2021, the Executive Level II salary level is \$199,300 (formerly \$197,300 in 2020).**

An individual’s institutional base salary is not constrained by the legislative provision for a limitation of salary. The rate limitation simply limits the amount that may be awarded and charged to Federal awards. For individuals whose salary rates are in excess of Executive Level II, the non-federal entity may pay the excess from non-federal funds.

Every year, each local workforce development board is required to complete a spreadsheet of executive salaries and Certify by the CEO and CFO that no salaries in excess of the cap have been charged to Federal grants whether directly charged or charged through indirect cost rates. The spreadsheet and certification are submitted to DEO by March 31.

Comprehensive Review

The Compensation Review approved by the Board of Directors on June 5, 2019, outlines the Job Title Families with their assigned Grade Level and associated salary range (Exhibit H). **The Chief Executive Officer (CEO) is a Grade Level 221 with an associated salary range of \$142,149 (minimum), \$184,794 (mid) and \$227,438 (max).**

Executive Staff Salary

The purpose of today’s discussion is the approval of the annual performance review and the range for the merit increase/one-time performance stipend of 0%-5% for the CEO.

**Recommendation**

Approval of the compensation for Ms. Jennifer Brackney, CEO effective December 1, 2021, through November 30, 2022, for presentation and approval by the Board of Directors on November 17, 2021.

**Discussion:** Commissioner René Flowers asked for a bit of an explanation of what has been given historically in the past and what Jennifer Brackney has received before. Jacqueline DuChene Heyward confirmed that Jennifer Brackney received a 5% merit increase for the past two reviews.

Motion:	Michael Logal
Second:	Commissioner René Flowers

*The Committee made a motion to approve of a 5% merit increase for Ms. Jennifer Brackney, CEO effective December 1, 2021, through November 30, 2022, for presentation and approval by the Board of Directors on November 17, 2021. Commissioner René Flowers, Michael Logal and Kevin Knutson voted to pass the 5% merit increase. Barclay Harless voted nay, against the 5% merit increase. The motion passed with a ¾ vote.*

**Action Item 7 – PY’2021-2022 CEO Performance Goals**

As outlined in the By-Laws, the Ad Hoc CEO/Legal Committee will conduct the annual review of Performance for the CEO. The Performance Review provides the annual goals, initiatives, actions to be taken, and metrics. The CEO Performance Goals are attached.

**Recommendation**

Approval of the PY’2021-2022 CEO Performance Goals.

**Discussion:**

Motion:	Michael Logal
Second:	Commissioner René Flowers

*The Committee made a motion to approve of the PY’2021-2022 CEO Performance Goals. No further discussion. The motion passed unanimously.*

**Other Administrative Matters**

**Public Comments**

**Committee Members Comments**

Barclay Harless put forth a motion to create an RFP or RFQ for a 3<sup>rd</sup> party vendor to conduct a 360-degree review of internal management of the organization. The motion did not pass. Commissioner René Flowers suggested an internal culture survey instead of a 360-degree review, stating that she felt there were a host of external factors that contributed to resignations. Some of those outside influencers she felt played a role in resignations were mental health factors, family issues, starting their own businesses and COVID-19. Commissioner Flowers stated there were many different things that played on their performance and employment. Commissioner suggested that the culture survey be tailored to CareerSource Pinellas and the values and objectives of our organization. Barclay volunteered to help set up the survey with the assistance of Human Resources. Jennifer Brackney recommended that the compensation committee be involved in creating the survey, as they have had a hand in internal employee surveys in the past. Michael Logal made an official motion for the creation of an internal culture survey. Commissioner René Flowers seconded the motion.

Jennifer Brackney stated that CareerSource Pinellas applied for two Get There Faster grants that were submitted to the state and suggested project Hope as a focus for those two grants.

**Adjournment** - The meeting was adjourned at 11:01 am.