



Parks & Recreation Department

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-837-4242 | Fax: 850-837-3267 | www.cityofdestin.com

DATE: January 19, 2021

TO: City Manager/Lance Johnson

THRU: Human Resources/Karen Jankowski *KJ*

FROM: Deputy City Manager/Webb Warren *WW*
Parks & Recreation Director/Lisa Firth *LF*

SUBJECT: Disciplinary Actions Relating to Mr. Scott Berish

After multiple attempts for corrective actions, Mr. Berish's insubordination & communication issues continue to violate general rules of behavior pursuant to City policy.

Due to his actions, I recommend immediate dismissal from City employment.

Mr. Berish is advised to consult Section 47 of the Personnel Rules and Regulations concerning any rights he may have with respect to the grievance procedure.

Attached
Supervisor Statement
Reprimand
Personnel Action Form
Section 47, Personnel Rules and Regulations

Approved / Disapproved (circle one)

L. Johnson
Lance Johnson
City Manager

TO: Mr. Scott Berish

02/01/2012 *KJ/HK*
(Date)





**Parks &
Recreation
Department**

Phone: 850-650-1241

MEMORANDUM

DATE: 12/2/2020

TO: Human Resources Department and To Whom It May Concern

FROM: Lisa Ann Firth, Director of Parks and Recreation Department

SUBJECT: Employee/Scott Berish, Deputy of Parks and Recreation/Insubordinate Behavior

On Wednesday, December 2nd, 2020, staff member: Mr. Scott Berish displayed insubordinate behavior, which created a hostile working environment including two staff members and myself. Mr. Berish had been out of the office Monday-Tuesday, November 30th-December 1st; He had sent an email during the previous weekend stating he would be out due to "injuring his back at the gym". Mr. Berish showed up Wednesday, December 2, 2020 to work. He was not on the schedule because I was not certain when he would return to work. However, Mr. Berish took it upon himself to make his own schedule for the week of November 30th – December 4th without consulting me. I am Mr. Berish's direct supervisor; he does not have authority to make his own schedule. Mr. Scott Berish scheduled himself to work from 8 am – 9:00 pm, December 2, 2020. I questioned Scott as to why he was working 12 hours today without asking me. I told Mr. Berish the Morgan Sports Center, where he was planning to work, was covered with staff from 5:00 pm – 10:00 pm and informed him he was not needed there. I told him there would be a score keeper staff working directly behind him and there would not be room for both employees in that space. Mr. Berish refused to leave; He said he "was going to work on stuff at his desk". I told him to help where he was needed. I informed him there was only one staff member working at the Community Center, another one of our Parks and Recreation Facilities, and he could help there. Mr. Berish refused by responding: "No, this is my office, my desk". I informed Mr. Berish I was "not authorizing" him to stay working at Morgan's Sports Center. I ended the conversation to dissolve the hostile work environment he was creating and to protect my present staff, as well as myself. Mr. Berish's insubordinate behavior is unacceptable and not tolerable. I immediately reported this situation to Human Resources and Deputy City Manager.

Thank you for your assistance in advance.

Sincerely,

Lisa Ann Firth
Director of Parks and Recreation
City of Destin
850-650-1241, Ext. 3001

BER1-000023

REPRIMAND FORMEmployee Name: Scott Berish Dept: Parks and Recreation Date: 12 / 10 / 20**Circle Item(s) that require Corrective Action:**

Attendance	Carelessness	<u>Insubordination</u>
Lateness/leave early	<u>Failure to follow instructions</u>	Violations of safety rule(s)
<u>Rude to co-workers/citizens</u>	Willful damage to City property	Working on personal matters
Unsatisfactory work quality	Violation of policies/procedures	Other:

Previous Attempts at Corrective Action:

	Oral	Written	By Whom
1 st Warning: <u>10</u> / <u>5</u> / <u>20</u>	X	_____	Lisa Firth
2 nd Warning: <u>10</u> / <u>9</u> / <u>20</u>	X	_____	Lisa Firth
3 rd Warning: <u>12</u> / <u>04</u> / <u>20</u>	_____	X	Lisa Firth

Employer Statement: Incident Date 12 / 04 / 20 Time: 9 : 0 : 0 am/pm
 (Provide specific details to include personnel involved and rule(s) violated. Also identify and define the area(s) needing improvement and inform the employee how the improvements can be made and the expected date of improvement.)

Scott has shown a pattern of behavior that is unacceptable for his position as a leader and deputy director in the organization. Even with continued attempts of corrective action with myself, Lisa Firth, Parks & Recreation Director and Karen Jankowski, HR/Risk Manager (HR conducted meetings attached)

* September 18th: I was asking to finish his Job description that we had been working on. I wanted to make sure Scott was clear with the final draft so I could finish his Eval over the weekend. Scott said "it is after 5 and I am not talking about this" and walked off the job site.

*October 8th: I tried again to discuss his job description; with no avail; no communication from him and he walked out using the phrase "Gas Lighting"

*October 9th: I asked when he came into work, we need to talk. Within 5 minutes at his job site he left to work the rest of the day at City Hall.

* The following week Scott worked at the Community Center (CC) in the boardroom instead of his normal location Morgan Sports Complex as agreed. However, he did not work his previously scheduled shift. Nor did he communicate with me during this week. He did not assist in preparation for his assigned tournament. Instead on Friday myself and 3 other staff members prepped the tournament: Evan Wright, Brody Myers, and Nick Reed. The Parks Supervisor, Ryan Reed worked a double shift to set for the soccer tournament as well.

*October 17: Scott sent the attached text to multiple staff members at the start of Saturdays tournaments. Nick Reed, Evan Wright, and Teresa Howard within minutes of receiving Scott's text notified me, "I don't think you were to see this" "Who do I listen to my supervisor or my Director?" This direction from Scott was against previous direction and conversation from myself, Lisa Firth.

*November 11th: Veterans Day holiday Scott called 2 employees; Kirk Reynolds, Nnamdi Ohamuo in to work a practice that was scheduled directly thru Scott at the last minute. This practice not previously on the schedule; therefore, did not have staff ready to work. I asked Scott why the practice was scheduled last minute and he said "no big deal" and walked away from me. Scott did not follow up with me on this; I found out after the fact.

*November 19th: I asked staff to make sure all programs and rentals were cancelled for the day before Thanksgiving and Christmas Eve since our department closes at 5:00 p.m. Scott said "no, he would work the holidays" and I again said no, if you were sick I would have to get someone to cover the shift and the public would get use to us being open on the holidays.

*December 2nd: I tried to address some questions I had with Scott as it pertained to his schedule. He had changed the original work schedule and scheduled himself till 9:00 p.m. He simply stated he was "going to work on stuff" I tried to let him know of the events for that evening so he could assist the departments programing. He again refused my direction.

*December 4th: I (Lisa) was out this day. Scott went to the Parks Supervisor, Ryan Reed and expressed his dislikes of me. He should have come to me with his concerns; as it is my expectation of all my staff to come to

BER1-000024

me if they have issues. Attached text Message shared by Mike Baird shows the Scott's disrespect to our team.
 *December (mid/second week): Brody Myers came to me with a concern – he shared with me how Scott explained how to circumvent the sick leave policy. Scott said that his sick leave time was getting close but he had this much more to use before he would be on probation. It appeared to Brody that Scott was telling him how to abuse the system.

*Scott does not work hours the departments programing requires; Scott tells me no when I ask him for information or to work a shift that would be helpful. Scott walks away when he does not want to hear something.

* Scott approaches staff and tells his dislikes of his Director. Scott pushes his authority in an unacceptable way to other employees. "I'm the Deputy I am in charge"

*Scott with withholds information and makes decisions that change the departments way of working or how I have asked process to be followed, not consulting our supervisors and coordinators for changes in our program rules that they are responsible.

My staff is very upset with the way the Deputy has disrupted our day to day working environment. I have no trust in him anymore and he has not shown any attempt to improve.

Recommended Action to be Taken: ☐ Warning ☐ Probation ☐ Suspension ☒ Dismissal ☐ Other

Employee Statement: ☐ I Agree ☐ I disagree with Employer's Statement

Consequence(s) should incident occur again:

I have read this Corrective Action Report and understand it.

Signature of Employee _____ Date ____/____/____

Signature of Supervisor *Lisa A. Smith* Date *1/19/21*

Signature of Department Head *[Signature]* Date *01/21/21*

Signature of City Manager _____ Date _____

**FORWARD ORIGINAL OF
THIS FORM TO HUMAN
RESOURCES**

Approved/Disapproved *[Signature]*

H:\Forms\City Forms\ REPRIMAND FORM.doc

HR/Ky - employee chose not to sign 02/01/21

BER1-000025

Wednesday, December 3, 2020

Re: Scott Berish

Behavior: Insubordination

To: Whom It May Concern

Scott Berish refused to accept direct direction from his Director, who is Lisa Firth, on Tuesday, December 2, 2020 @ approximately 3:30 pm. It began when Lisa Firth asked Scott Berish about his schedule. She asked why he was scheduled until 9:00 pm, instead of the original schedule. Mr. Berish responded by telling her he was going to "work on stuff". Mrs. Firth informed Mr. Berish that we had a tournament going on at Morgan Sports Center (MSC) and she had arranged the staff that needed to be at MSC that night. She also told him that there would be a score keeper working right behind his chair and that would be too many staff in that space; this would not be compliant with the COVID 19 social distancing. Furthermore, Mrs. Firth suggested she could contact one of the "score keepers and tell them not to come in", if he insisted on working in that spot and said he "could score keep". Mr. Berish replied, "I did not plan to score keep" I am working on "stuff". During this time, I realized Mr. Berish was being insubordinate to his direct supervisor and he was creating an uncomfortable and hostile environment. There was another staff member present during this time, as well. In addition, Mrs. Firth told Mr. Berish if he was going to work, then he should "go to the Community Center to work," where there would be only "one" staff member "closing" and he could "help out there". Mr. Berish responded by saying "this is my office, this is my desk, this is where I am working". Lisa Firth replied to Scott Berish, "I am not authorizing that".

Thank you.



12/3/2020

Sheri Betha, MSM

Parks and Recreation Administrative Assistant II

City of Destin

(850)837-4242 Ext. 3002



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From Teresa Howard
Employee # 509
Nov 20, 2020

To whom it may concern.

This is a formal complaint on the Deputy Director Scott Berish.

I want to start out by saying that anyone who knows me, (Teresa Howard) that when anyone comes to the community center, that I always want to know if there is something that I can help you with or get you I want to help. So my story starts on November 6 Friday.

I was putting away fall Fest stuff unloading stuff out of the kitchen.

Scott Berish came in the kitchen door and I said Hey What are you doing here? of course my next question was going to be how can I help you. but I didn't get the chance. He said very rudely to me. It's none of your business, and kept walking pass me without looking at me or slowing down + disappeared down the back hall. So I just could not believe what just happened. It really caught me off guard. I continued with my task. he

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then came from the back hallway and headed to reception desk. He spoke to Chuck very nicely and Chuck gave him some forms.

I was going back & forth still putting stuff away when he approached me in the hallway. He said in a very not nice way, quote (What are you doing? So I said (which is kind of what I should not have said) in a nonchalant way - None of your business. Then very quickly He got very close to me, Puffed out his chest and loomed over me. I was a bit frightened. Fear shot up my backbone all the way to my head. And said with a mean look on his face, What you do is my business. I was so scared that I couldn't even think of anything to say. I stood there paralyzed with fear. Then looked down. And after he just stayed there looming over me. I couldn't take it anymore I just turned left and went into the kitchen.

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I usually don't get frightened too easily but something about all that did strike fear in me. Now when I see him I am very uncomfortable and try to stay away from him. His actions need to be addressed. I hope something can be done about this.

Sincerely
Lewis S. Howard
Nov 20, 2020

Received in HR 11/20/20 - KZ, HRN