

# **Personnel Act**

## **Pinellas County Unified Personnel System Act CHAPTER 77-642 - Laws of Florida**

An act relating to Pinellas County, pertaining to personnel; establishing a personnel system for employees of the Board of County Commissioners, Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup> and Supervisor of Elections; providing for a classified service; providing for exempt positions; creating a personnel board; providing for appointment, size, term of office, removal and qualifications of members of the personnel board; providing for compensation of members of the personnel; providing duties of the personnel board; creating a personnel department; providing for the appointment and removal of a director of personnel; providing qualifications and duties of the director of personnel; providing for job descriptions, a job classification schedule and a pay plan, providing for department rules and regulations; providing for present employees; prohibiting certain political activities; providing for hearings and investigations; providing for funding; providing for continuation of membership, rules and regulation, and actions of the personnel board; ratifying prior actions; repealing Chapter 75-488, Laws of Florida; providing for severability; providing for conversion to local ordinance upon passage of charter; and providing an effective date.

**Be it enacted by the Legislature of the State of Florida:**

### **Section 1. The Classified Service.**

1. The Classified Service shall be a permanent service to which this law shall apply and shall comprise all tenured positions under the Board of County Commissioners, Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup>, and Supervisor of Elections, now existing or hereafter established, except those exempt positions listed in Appendix A, attached hereto and made a part hereof. The Personnel Board may establish new exempt positions or abolish existing exempt positions upon recommendations of the appropriate appointing authority. Persons serving in the classified service shall be hired, promoted, demoted, suspended or dismissed by the appropriate appointing authorities in accordance with the provisions of this act and the rules and regulations adopted pursuant hereto.
2. Those persons serving in exempt positions shall be hired, promoted, demoted, suspended or dismissed at the pleasure of the appointing authority, and they shall have no right to the exercise of the grievance procedure. Employees who may be promoted from the classified service to an exempt position may return to the classified service at a position and pay grade comparable to that which such employee had attained prior to promotion to an exempt position. Any such return to the classified system shall require the approval of the appointing authority and the Personnel Board. Compensation for employees in exempt positions shall be determined by the appropriate appointing authority. Exempt employees as hereinafter provided shall be subject to all other provisions of the personnel policies, rules and regulations as established by the Personnel Board or by this act with the restrictions defined in this section.

## **Section 2. Personnel Board.**

1. **Appointment Size, Term and Removal.** The Pinellas County Personnel Board shall consist of seven (7) members appointed as follows: two (2) members shall be appointed by the Board of County Commissioners; two (2) members shall be appointed by the Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup>, and Supervisor of Elections as a body; and two (2) members shall be appointed by the Employees' Advisory Council. These six (6) members shall appoint the seventh member. Board members shall serve overlapping two (2) year terms. In the case of a person selected to fill a vacancy existing prior to the expiration of a term, selection shall be made in the same manner as for his predecessor and shall be for the remainder of the unexpired term. In the event any vacancy is not appointed as herein provided, then the remaining board members, may fill such vacancy on a interim basis after due notice to the Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup>, Supervisor of Elections, the Board of County Commissioners and the Employee's Advisory Council with such action taken at a public meeting. Board members may be removed by unanimous vote of the remaining members of the Board for cause, which shall be defined in the Board's rules.
2. **Qualifications of Board Members.** All members of the Personnel Board shall be at least eighteen (18) years of age; of good moral character; of good reputation in the community; a citizen of the United States; permanent resident of Florida; a resident of Pinellas County for at least two (2) years prior to the date of his appointment. No member may be an employee of any entity of county government in Pinellas County or a member of any national, state or county committee of a political party, or may hold or be a candidate for any paid public office. No member may serve who is the spouse-, parent or grandparent, child or grandchild, brother or sister, aunt or uncle, niece or nephew, by consanguinity or affinity of a member of the classified service or of any officer who elects that his employees shall come under the provisions of the act establishing this personnel system. No members may have a conflict of interest in terms of his related business, duties or responsibilities in connection with the Board.
3. **Compensation of Board Members.** Board members shall be compensated at a rate determined by the Board of County Commissioners, upon the recommendation of the County Administrator, Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup>, and Supervisor of Elections as a body, to defray expenses connected with serving on the personnel board.
4. **Duties of the Personnel Board.** It shall be the duty of the Personnel Board to:
  - a. Adopt and amend rules and regulations for the administration of this act, which rules shall provide:
    1. For the preparation, maintenance and revision of a position classification for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required and the same schedule of pay may be equitably applied to all positions in the same class. An employee affected by the allocation or reallocation of a position to a class shall, after filing with the Director of Personnel a written request for consideration thereof in such a manner and form as the Director may prescribe, be given a reasonable opportunity to be heard thereon.

2. For the establishment of a plan for resolving employee grievances and complaints.
3. For the establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge. Such measures shall provide for presentation of charges, hearing rights and appeals for all permanent employees in the classified service.
4. For the certification to the appointing authority of the names of persons who are categorized as qualified to fill a vacancy. The appointing authority shall have the right of selection from among persons certified as qualified.
5. For the establishment and maintenance of lists of eligibles for appointment and promotion, upon which lists shall be placed the names of successful candidates.
6. For promotions, by the appointing authorities which shall give appropriate consideration to the applicant's qualifications, record of performance and ability.
7. For, upon appointment or promotion by the appointing authorities, a period of employee probation prior to permanent appointment, not to exceed one year.
8. For temporary employment by the appointing authorities for not more than six (6) months, such temporary employment may be continued for an additional six (6) months with the approval of the Personnel Board. For provisional employment by the appointing authorities without competitive examination where there is no appropriate eligible register available. No such provisional employment shall continue longer than six (6) months.
9. For provisional employment by the appointing authorities without competitive examination where there is no appropriate eligible register available. No such provisional employment shall continue longer than six (6) months.
10. For the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with potential for development in order to provide career development opportunities among members of disadvantaged persons, handicapped persons, and returning veterans. Such programs may provide for permanent appointment by the appointing authorities upon the satisfactory completion of the training period without further examination.
11. For keeping records of performance of all employees in the classified service, which performance records shall be considered by the appointing authorities in determining salary increments or increases for meritorious services; as a factor in promotions; as a factor in determining the order of layoffs because of lack of funds or work and in reinstatements; and as a factor in demotions, discharges and transfers.

12. For layoffs by the appointing authorities by reason of lack of funds or work, or abolition of a position, or material change in duties or organization and for re-employment of employees so laid off.
  - b. Make investigations concerning the enforcement effect of this act and to require observance of its provisions and the rules and regulations made thereunder:
  - c. Hear and determine appeals and complaints respecting administration of this act.
5. **Authority of the Personnel Board.** The Personnel Board shall be the final authority in all matters relating to personnel policy and personnel actions for offices, agencies and employees subject to the provisions of this act. The findings of the Board shall be binding on all parties concerned and the Board at its election may apply to the Circuit Court of Pinellas County for injunctive relief to enforce the terms of its decisions.
6. **Personnel Board Actions.** An affirmative vote of five (5) members of the Personnel Board shall be required to abolish or establish a personnel rule or regulation.
7. **Election of the Chairman and Vice-Chairman.** At its first meeting, and annually thereafter at its first regular meeting in January, the Personnel Board shall elect one of its members to serve as Chairman and one of its members to serve as Vice Chairman.

### **Section 3. Personnel Department.**

There is hereby established a Personnel Department.

### **Section 4. Director of Personnel.**

1. **Appointment and Removal.** The Director of Personnel shall be appointed by the Personnel Board from among applicants recommended by a screening process jointly established by the County Administrator, Clerk of the Circuit Court, Property Appraiser, Tax Collector<sup>1</sup>, and Supervisor of Elections. He shall serve at the pleasure of the Personnel Board.
2. **Qualifications.** The Director of Personnel shall be a person experienced in management and personnel administration.
3. **Duties of the Director of Personnel.** The Director of Personnel shall be the executive head of the Personnel Department and shall direct all of its administrative and technical activities and appoint its employees. The Director shall foster and develop programs for the improvement of employee effectiveness including training, communications, insurance, safety, health, counseling and welfare. Such programs shall be implemented only upon the approval of the Personnel Board.

### **Section 5. Job Descriptions, Job Classification Schedule and Pay Plan.**

The job descriptions, job classification schedule and pay plan in effect at the time this act is adopted are hereby confirmed and ratified, and shall remain in effect until amended by the Personnel Board in accordance with this act and the rules and regulations of the Personnel Board.

### **Section 6. Department Rules and Regulations.**

The appointing authorities covered under the provisions of this act shall continue to possess the authority to establish departmental rules and regulations concerning the conduct of their

employees in addition to any such rules and regulations established by the Personnel Board. Rules promulgated by the appointing authorities shall be approved by the Personnel Board and when approved shall control in case of inconsistency with the rules and regulations of the Personnel Board.

#### **Section 7. Employees' Advisory Council.**

There shall be an Employees' Advisory Council which shall serve in an advisory capacity to the Pinellas County Personnel Board concerning personnel matters, policies, rules and regulations affecting Pinellas County employees. The size and departmental representation of the Employees' Advisory Council shall be determined by rule of the Personnel Board. All members of the Employees' Advisory Council shall be members of the classified service and shall be elected to serve by their fellow employees. Members of the Employees' Advisory Council shall serve a two year term of office. In case of a vacancy, a new member shall be selected in the same manner as his predecessor and serve out the unexpired term.

#### **Section 8. Status of Present Employees.**

Employees holding positions in the classified service herein for one year or more immediately prior to the adoption of this law shall be continued in their respective positions without further examination, until separated from their positions as provided by law. Those holding their positions less than one year immediately prior to the adoption of this law shall serve the remainder of the probationary period in effect at the time he was appointed.

Employees who have accrued any rights or benefits under previous Pinellas County Merit System or Civil Service System Acts or rules or under any established rules or other Constitutional Officers shall retain all such rights and benefits, however, no increase in said rights or benefits shall accrue beyond what the employee is currently eligible to receive except in accordance with the provisions of this act and the policies, rules and regulations adopted pursuant thereto.

#### **Section 9. Political Activities Prohibited.**

No person holding a position in the classified service shall hold, or be a candidate for, public or political office while in the employment of the County, or take any active part in a political campaign while on duty or within any period of time during which such employee is expected to perform services for which compensation is received from the County.

Nothing contained in this Section shall be deemed to prohibit any classified service employee from expressing his opinion on any candidate or issue, or from participating in any political campaign during his off-duty hours so long as such activities are not in conflict with the provisions of Section 104.31, Florida Statutes. Any person violating the provisions of this Section shall be dismissed from the classified service.

#### **Section 10. Hearings and Investigations.**

The practice and procedure of the Personnel Board with respect to any investigation by the board authorized by this act, shall be in accordance with the rules and regulations to be established by the board which shall provide for a reasonable notice to all persons affected by order to be made by the board after such investigation, with the opportunity to be heard either in person, by counsel, or by a layman and to introduce testimony in his behalf at a public hearing to be held for that purpose.

The board, when conducting any investigations or hearings authorized by this act, shall have the power to appoint hearing examiners, administer oaths, take depositions, issue subpoenas to compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of the disobedience of any person to comply with a subpoena issued pursuant to board action or any of its members, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the Judge of the circuit court of the county, on application of the board, shall compel obedience by proceedings as for contempt. The service of subpoenas shall be made in the manner provided by the Florida Rules of Civil Procedure.

Each witness subpoenaed by the board shall receive for his attendance, fees and mileage as provided for witnesses in civil cases and paid in the same manner as all other expenses are authorized and paid upon the presentation of proper vouchers approved by the board.

#### **Section 11. Funding.**

The Board of County Commissioners shall provide sufficient funds to carry out the provisions of this act.

#### **Section 12. Continuation of Membership, Rules and Regulations, and Actions of the Personnel Board: Ratification of Prior Actions.**

1. Each individual who, at the time this act is adopted, is serving as a member of the Pinellas County Personnel Board created by Chapter 75-488, Laws of Florida, shall continue as a member of the Personnel Board created by this act until his term of office expires.
2. Rules and regulations adopted in accordance with the provision of Chapter 75-488, Laws of Florida, are hereby confirmed and ratified, and shall remain in effect until amended or repealed in accordance with this act.
3. All hearings, investigations, petitions or other matters pending before the Personnel Board created by Chapter 75-488, Laws of Florida, shall remain in full force and effect. All such hearings investigations, petitions or other matters shall be completed by Personnel Board under this act.
4. All actions taken pursuant to Chapter 75-488, Laws of Florida, are hereby ratified.

#### **Section 13. Chapter 75-488, Laws of Florida, is hereby repealed.**

#### **Section 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect**

**without the invalid provision or application, and to this end the provisions of this act are declared severable.**

**Section 15. The act shall not be held nor construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter or amend this act, or any provision thereof at any time.**

**Section 16.<sup>2</sup> In the event a charter is adopted by the voters for the County of Pinellas, this act shall become an ordinance of the county.**

**Section 17. This act shall take effect immediately upon becoming a law.**

<sup>1</sup> Chapter 95-474, Laws of Florida, amended Chapter 77-642, Laws of Florida; adding the tax collector to the group of appointing authorities to whom the act applies; adding the Tax Collector to the group of constitutional officers who, as a body, appoint two members to the Personnel Board; adding the Tax Collector to the group of appointing authorities who determine the rate of compensation for Personnel Board members; adding the Tax Collector to the group of appointing authorities who establish a screening process for applicants for the position of Director of Personnel; providing an effective date of July 1, 1995.

<sup>2</sup> Although Section 16 of the original Personnel Act (Chapter 77-642, Laws of Florida) provided that the Act becomes a County ordinance if and when Pinellas County adopts a charter, Section 2 of Chapter 80-590, Laws of Florida, enacting Pinellas County's Home Rule Charter, repealed Section 16 of the original Personnel Act. Thus, the Personnel Act did not become an ordinance upon the enactment of Pinellas County's Home Rule Charter.