

RESOLUTION

RESOLUTION REGARDING THE AUTHORITY OF THE HUMAN RESOURCES DIRECTOR TO ACT ON BEHALF OF THE UNIFIED PERSONNEL BOARD, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Unified Personnel Board (the “Board”), pursuant to the Special Act, Laws of Florida 77-642 (“Special Act”) has responsibilities for a variety of areas, including maintaining a Classification Plan for the employees of the ~~C~~lassified ~~S~~ervice (Classification Plan), creating new exempt positions, ~~approving certain initial appointments,~~ and approving extensions to temporary employment assignments; and

WHEREAS, the Director of Human Resources is the executive head of the Human Resources Department and is authorized to direct all of its administrative and technical activities; and

WHEREAS, the Board has required by rule all changes to the Classification Plan be approved by vote of the Board after study and audit by professional Human Resources staff; and

WHEREAS, the Board has required by rule all extensions of temporary assignments beyond six (6) months to be approved by vote of the Board; and

WHEREAS, the Special Act reserves to the Board the Authority to create new exempt positions; and

~~WHEREAS, the Board has required by rule that any initial appointments to the classified service above the third quartile of the pay range established for the job classification be approved by vote of the Board; and~~

Comment [p1]: New rule makes this at the approval of the Appointing Authority with the concurrence of the Director of Human Resources.

~~WHEREAS, the Board has required by rule all skill sets approved for added or removed for from eligibility for Market Driven Skills Set supplemental pay be approved by vote of the Board; and~~

Comment [p2]: Added the Market Driven Skill Set in the new rules for approval and removal as requested by the Board.

WHEREAS, the Board, in approving Classification Plan changes, establishment of new positions, extension of temporary ~~employment assignments~~, and ~~initial appointment above the third quartile and approval or removal of skills sets for eligibility for Market Driven Skills Set supplemental pay~~ is reliant on the technical expertise of the Human Resources staff; and

Comment [SC3]: This is the terminology used above so maybe it should be parallel here.

WHEREAS, the Board finds that the Director of Human Resources is the most appropriate official to make technical determinations relating to the Classification Plan, temporary appointment extensions, establishment of new positions, and ~~appropriateness of compensation at initial appointment~~ Market Driven Skill Sets; and

WHEREAS, the Board now desires to vest authority for such responsibilities in the Director of Human Resources in order to foster efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. The Director of Human Resources is vested with the authority to act on behalf of the Board on all matters outside of the Human Resources Department involving establishing new classifications in, and making changes to, the Classification Plan; establishing new classifications in the exempt service; approving extensions of temporary employment beyond the initial period; and ~~approving initial classified service appointments at more than the third quartile of the pay range established for the job classification~~ approving and removing Market Driven Skills Sets, and in doing so shall exercise authority over the following:

a. After making appropriate study, determine and assign the proper classification within the Classification Plan on newly approved classifications in the classified service and in doing so ensure such establishment reflects the duties and responsibilities of the work assigned to the positions within the class.

b. After appropriate audit and study, make changes to existing classifications within the Classification Plan, subject to employee appeal rights as set forth in Unified Personnel System Rule 4F, as it may be amended from time to time.

c. After appropriate audit and study, establish new classifications within the exempt service.

d. In appropriate circumstances, to ~~To~~ extend ~~under appropriate circumstances~~ the appointment of a temporary employee, as defined in Unified Personnel System Rules, beyond the initial appointment for a period not to exceed six (6) months.

Comment [SC4]: Just a style change, but does this work better?

e. In appropriate circumstances, ~~to approve initial classified appointments at more than the third quartile of the pay grade established for the job classification to approve or removed~~ skills sets from eligibility for Market Driven Skills Set supplemental pay.

Section 2. This resolution shall take effective immediately upon its adoption.

In a regular meeting duly assembled on the 7th day of ~~March 2013~~ 2015,
~~Ms. Vecchioli~~ offered the foregoing resolution and moved its adoption, which was seconded by ~~Mr. Davis~~ and upon roll call the vote was:

AYES: 6

NAYS: 0

Comment [SC5]: Suggest you change to blanks.



Rule 3. Compensation

It is the policy and practice of all Appointing Authorities in the Unified Personnel System to compensate employees accurately and in compliance with applicable state and federal laws, and not to make improper deductions from any employee's pay. Pay records should be reviewed by the employee upon receipt for accuracy. Any questions or inaccuracies should immediately be brought to the attention of the Appointing Authority or designee. The Appointing Authority or designee shall promptly investigate, correct any errors and make any necessary adjustments.

Factors to consider when establishing starting pay and/or making pay adjustments are the individual's qualifications and skills, pay equity issues including the relationship of the newly hired or promoted employee's proposed salary to that of the experienced incumbents in the classification and the prevailing labor market value.

A. Pay Plans

A pay plan is a particular table or array of pay rates that establishes the ranges of pay within which employees will be paid.

1. Classified Pay Plan

The Classified Employee Pay Plan is a listing of pay ranges (minimum and maximums) applicable to each classification to which classified employees are assigned. The Classified Employee Pay Plan provides a market-based pay structure or framework for aligning job classifications according to their job value.

The Director of Human Resources prepares the Classified Employee Pay Plan to the Unified Personnel Board for adoption and amendment. This Classified Employee Pay Plan is utilized by all Appointing Authorities within the Unified Personnel System.

2. Exempt Pay Plans

There are multiple exempt pay plans. Each Constitutional Officer (Clerk of the Circuit Court, Property Appraiser, Supervisor of Elections and Tax Collector) adopts and maintains his/her own exempt pay plan. The exempt pay plan for all other Appointing Authorities is recommended by the Director of Human Resources and adopted and maintained by the Board of County Commissioners.

B. Starting Pay

1. Permanent Positions

a. Exempt

The starting pay of an individual selected to fill an exempt position must be within the salary range utilized by the Appointing Authority for that position or classification within their organization.

b. **Classified**

The starting pay of an individual selected to fill a classified position is normally made at the minimum rate of pay of the pay grade established for the job classification. Because of unusual or extenuating circumstances an individual may be hired above the minimum of the pay range established for the job classification. Such appointment requires the recommendation and approval of the Appointing Authority in consultation with the Director of Human Resources.

2. Temporary Positions

An individual appointed to a temporary position or temporarily appointed to a permanent position will be paid in accordance with the provisions shown above for permanent positions, classified or exempt, as appropriate.

3. Grant Worker Positions

The starting pay for a specific Grant Worker position must be within the salary range established in the pay plan for Grant Workers and consistent with any terms of the grant and the work to be performed. It shall be determined by the Appointing Authority in consultation with the Director of Human Resources.

4. Special Project Positions

The starting pay of pay for a specific Special Project position must be within the salary range established in the pay plan for Special Project Positions. It shall be determined by the Appointing Authority in consultation with the Director of Human Resources.

5. Internships

Internships may be paid or unpaid. If the internship is paid, the rate of pay will be determined by the Appointing Authority in consultation with the Director of Human Resources.

C. Base Pay Adjustments

Base pay does not include benefits or supplemental earnings. The following describes the types and application of base pay adjustments.

1. Base Pay Increases

a. Merit Increases

Merit Pay increases may be granted annually at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Merit pay increases are calculated on the employee's current pay rate.

If a merit pay increase would bring an employee's pay rate above the maximum rate established for the employee's classification, the Appointing Authority shall bring the employee to the maximum of the pay rate of the employee's job classification and grant the remaining portion of the pay increase in a one-time lump sum payment in lieu of a full base rate increase.

If an employee is at the maximum rate of pay established for the employee's classification the merit pay increase shall be granted as a one-time lump sum payment calculated as the annualized value of the merit increase.

b. Special Merit Increase

Special Merit increases may be made at any time at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Special Merit increases are meant to recognize an employee's exceptional work contributions or unusual employment conditions and are calculated on the employee's current pay rate.

c. Promotional Increase

Promotional increases are granted at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Promotional increases are calculated on the employee's current pay rate and within the following:

- The employee's pay must be increased to at least the minimum pay rate for their new position.
- The Appointing Authority may award a promotional increase of 4 to 10%.
- An increase less than 4% or greater than 10% may be made by the Appointing Authority in consultation with the Director of Human Resources.

d. Reclassification Increase

When a position is reclassified to a job classification at a pay grade for which the maximum of the pay rate is higher than that of the incumbent's current job classification, the Appointing Authority may grant the employee a pay adjustment in accordance with the following:

- The employee's pay must be increased to at least the minimum pay rate of the new pay grade.
- If the employee's pay rate is already equal to or greater than the minimum of the new pay grade, the pay will be increased by an amount equal to 4% of the midpoint of the new pay grade.
- No reclassification pay increase may be granted above the maximum rate established for the classification.

e. General Increase

A general increase is an increase applied to all, or to a general category of, eligible employees without variation for individual performance. A general increase may be granted if deemed in the best interest of the organization and if the budget allows.

The general increase is designed to reflect an increase in the labor market. This is different from the merit increase which reflects the value of the individual's performance in that job.

The general pay increase will be calculated on the midpoint of the pay grade established for the employee's job classification.

If a general pay increase would bring an employee's pay rate above the maximum rate established for the employee's classification, the Appointing Authority shall bring the employee to the maximum of the pay rate of the employee's job classification and grant the remaining portion of the pay increase in a one-time lump sum payment in lieu of a full base rate increase.

If an employee is at the maximum rate of pay established for the employee's classification the merit pay increase shall be granted as a one-time lump sum payment calculated as the annualized value of the merit increase.

f. Equity Adjustment

An Equity Adjustment is a pay rate adjustment provided to an employee outside the normal salary administration policies to correct a significant deviation from internal equity and to ensure compliance with fair pay practices. Equity Adjustments may be granted at the discretion of the Appointing Authority in consultation with the Director of Human Resources but may not be granted above the maximum rate established for the employee's classification.

g. Pay Grade Change - Reallocation

A pay grade change is the reallocation of a job classification from one pay grade to another.

An incumbent employee whose job classification has been allocated to a higher pay grade shall not receive an upward adjustment unless the employee is below the minimum pay rate of the new pay grade. In such case the employee's pay will be increased to the minimum of the new pay grade.

An incumbent employee whose current rate of pay is at or above the maximum pay rate of the new pay grade shall continue to receive the current rate of pay.

An incumbent employee whose job classification has been allocated to a lower pay grade shall continue to receive their current rate of pay unless that rate is more than 10% above the maximum of the new pay grade, in which case their pay rate shall be decreased to 10% above the maximum pay rate of the new pay grade.

h. Temporary Pay Increase

- i. When an Appointing Authority temporarily assigns a classified employee to a higher classification and such assignment is expected to last more than 30 consecutive calendar days, a substitute or temporary appointment shall be made. The employee shall receive a temporary pay increase not to exceed the maximum of the pay rate of the job

classification to which the employee is temporarily promoted. The pay increase shall be done in accordance with the provisions of Promotional Increase C.1.c. above.

This adjustment shall be retroactive to the first day that the employee was assigned to perform in the higher classification.

Such temporary appointment may not exceed six months in duration without the approval of the Appointing Authority and the Director of Human Resources.

Upon conclusion of the appointment, the employee shall be returned to the position held immediately prior to the reassignment, and the employee's pay rate shall be adjusted back to the prior pay rate or, at the discretion of the Appointing Authority, to the pay rate that would have been attained had there not been a temporary reassignment.

- ii. When an Appointing Authority temporarily assigns a classified employee a portion of the duties and responsibilities of a higher classification and the assignment is expected to be more than 30 consecutive calendar days, the Appointing Authority may grant the employee a temporary pay increase. The amount of the increase shall be at the discretion of the Appointing Authority but shall not exceed the maximum of the pay grade of the higher classification. When the employee is no longer performing the additional duties, the employee's pay rate shall be adjusted back to the prior pay rate or, at the discretion of the Appointing Authority, to the pay rate that would have been attained had there not been a temporary assignment of additional duties and responsibilities. The temporary assignment of additional duties and responsibilities shall not exceed six months.

2. Base Pay Decreases

a. Demotion – Classified Employees

i. Disciplinary

An employee demoted for disciplinary reasons to a job classification for which the maximum pay rate of the pay grade of the new job classification is lower than that of the position's current pay grade shall have their rate of pay be reduced in an amount determined by the Appointing Authority, but in no event shall the new pay rate be lower than the minimum of the classification to which the employee is demoted.

ii. Reduction in Force

If as the result of a reduction in force, a classified employee is displaced into a job classification for which the maximum pay rate of the pay grade of the new job is lower than that of the employee's current classification the employee shall have his/her salary adjusted in accordance with the provisions of Rule 5. Reduction in Force.

iii. Voluntary

Upon such demotion, a reduction in pay should be made. The demotion decrease is granted at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. The demotion decrease is calculated on the employee's current pay rate and within the following:

- The employee's pay may not be reduced below the minimum pay rate nor exceed the maximum pay rate of the pay grade to which the employee is being demoted.
- The Appointing Authority may make a demotion pay decrease of 4 to 10%.
- A decrease less than 4% or greater than 10% may be made by the Appointing Authority in consultation with the Director of Human Resources.

~~Upon such demotion, a reduction in pay should be made. The amount of the pay reduction is recommended to be between four and ten percent but is at the discretion of the Appointing Authority so long as the employee's reduced pay does not fall below the minimum nor exceed the maximum of the pay grade to which the employee is being demoted.~~

b. Demotion – Exempt Employees

Any change in pay for an exempt employee who is demoted is at the discretion of the Appointing Authority.

c. Pay Reduction – Disciplinary

Upon a disciplinary pay reduction, the employee's rate of pay shall be reduced up to 5% at the discretion of the Appointing Authority but in no event shall the new pay rate be lower than the minimum of the employee's pay grade.

d. Reclassification or Reallocation Decrease

When a position is reclassified to a job classification for which the maximum pay rate of the pay grade of the new job classification is lower than the maximum pay rate of the position's current pay grade or the job classification for the position is reallocated to a pay grade for which the maximum pay rate is lower than the maximum of the position's current pay grade, an incumbent shall continue to receive their current rate of pay unless that rate is more than 10% above the maximum of the new pay grade, in which case their pay rate shall be decreased to 10% above the maximum pay rate of the new pay grade.

An incumbent employee shall be offered a transfer to a vacancy in the original job classification with the same Appointing Authority, if one exists. Otherwise the employee shall remain in the reallocated position.

D. Supplemental and Incentive Pay

Comment [A1]: Made parallel to the provisions of a promotion.

1. Standby Pay

- a. All Classified Service employees required to work standby shall be paid one hour additional pay ("standby pay") at the employee's straight hourly rate for every eight hours of the standby assignment regardless of whether the employee is called to report for work and regardless of the number of hours worked in the workweek. Standby pay is not hours worked.
- b. If required to physically report for work:
 - i. The employee's hours worked for the week (or for salaried classified employees for the pay period) shall include travel time from home to the work location and back home from the work location and all hours worked on the assignment.
 - ii. A minimum of two hours shall be counted as hours worked for the first instance requiring the employee to physically report to a work location in an eight hour standby period. No minimum number of hours worked shall be counted for subsequent standby call outs during the same standby period.
- c. If not required to physically report for work:
 - i. If an employee can complete the assignment without physically reporting to the work location, the employee's hours worked for the week (or for salaried classified employees for the pay period) shall include all hours worked on the assignment.
 - ii. A minimum of one hour shall be counted as hours worked for the first instance worked remotely in an eight hour standby period. No minimum number of hours worked shall be counted for subsequent call outs during the same standby period.
- d. Pay for reporting for standby duty, whether physically or remotely, is in addition to the standby pay.

2. Emergency Call Out Pay

- a. In cases where there is no Standby Assignment, if an off-duty classified employee called out to work is required to physically report to a work location, the employee's hours worked for the week (or for the salaried classified employee for the pay period) shall include travel time from home to the work location and back home from the work location and all hours worked on the assignment.
- b. A minimum of two hours shall be counted as hours worked for each Emergency Call Out requiring an employee to physically report for work.
- c. In cases where the assignment can be completed without the employee physically reporting to a work location, a minimum of one hour shall be counted as hours worked for each Emergency Call Out.

3. Shift Differential Pay

a. Five Percent Differential

A shift differential pay of 5% shall be paid to those Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, who regularly work a shift where a majority of the hours worked falls after 5 p.m.

b. Ten Percent Differential

A shift differential pay of 10% shall be paid to those Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, who regularly work a shift where the majority of the hours worked falls after midnight and before 6 a.m.

Excluding Airport Firefighters and Airport Fire Lieutenants, an employee who is assigned a specific shift when the majority of the worked hours falls after 5 p.m. and before 6 a.m. and who is assigned to this shift for a period of not less than four consecutive calendar weeks, will earn the applicable shift differential as of the first day worked on the assigned shift.

4. Control Burn Fire Team

Each employee serving as a Fire Team Member shall be paid an additional \$3.00 per hour for each hour (or portion thereof) worked as a member of the Fire Team. Each employee serving as a Fire Team Supervisor shall be paid an additional \$5.00 per hour worked as a supervisor of a Fire Team.

Any hours worked on the Control Burn Fire Team will be counted as hours worked for all compensation purposes, including but not limited to calculating any overtime due.

5. Classified Service Employees working in the Citizen Information Center (CIC)

Classified Service Employees working in the Citizen Information Center (CIC) during an emergency shall be paid their regular pay in situations where their CIC shift falls during their normally scheduled work time and work days and the County operations are continuing as usual. If the assigned CIC hours fall outside the normally scheduled work time or work days, the CIC employee will be compensated at the overtime rate, regardless of the actual number of hours worked in the week. The hours actually worked in the CIC shall also be included in the calculation of the time an employee worked during that work week.

6. Declared Emergencies and Other Emergency or Disaster Situations

When the Board of County Commissioners declares a state of emergency and/or the Appointing Authorities close their operations due to an emergency, employees will be compensated as follows:

- a. When regular County operations have been suspended because of an emergency situation, Classified Service employees directed to report to work in any capacity will be paid at the overtime rate regardless of the number of hours worked in the workweek.

- b. When regular County operations are fully or partially open regular pay rules will apply to Classified Service employees whether preparing for or dealing with the emergency or recovery efforts are part of the employee's normal duties.
- c. If a Classified Service employee is assigned duties at a higher classification and such assignment continues longer than 30 consecutive calendar days, the employee will receive a pay adjustment in accordance with rules and practices governing temporary increases in C.1.h above.
- d. Appointing Authorities may grant employees administrative leave with pay if they direct them to leave work during their regularly scheduled hours in order to prepare their homes for emergency. Applicable shift differentials will be applied to the administrative leave with pay. Employees so directed who fail to return to work as directed by management may be considered AWOL (Absent Without Leave) and subject to discipline.
- e. Classified service employees required to work during an emergency (when County operations are closed) on a recognized County Holiday will be paid for such time in accordance with Personnel Rule 4 A.
- f. County employees who are **directed not** to report to work during an emergency (when County operations are closed or partially closed) will be granted leave with pay equal to their normal work hours for a period up to four weeks duration.
 - i. County employees who have previously scheduled paid time off during such time will not be required to use the paid time off.
 - ii. County employees not scheduled to work on a day that would be covered by leave with pay under this provision are not eligible for leave with pay on that day or any other day in substitution for that day.
- g. County employees who are directed not to report to work due to such an emergency for a period in excess of four weeks duration will be granted leave without pay for this time beyond the initial four weeks. Employees so affected shall substitute available compensatory time, extended illness leave, floating holidays, personal day and then available annual leave for the leave without pay. Employees may retain up to 80 hours of annual leave and be granted leave without pay for the duration.

7. **Market Driven Skills Supplement (MDSS)**

Market Driven Skills Supplement is an optional pay supplement with a variable rate not to exceed 10% of the employee's base rate for an employee that is proficient and engaged in work that requires the use of critical skills sets that are in short supply within the available labor market. The maximum rate of pay cannot exceed 10% above the maximum of the pay grade. The skills sets identified for eligibility for MDSS will be determined by the Human Resources Department in conjunction with the Appointing Authorities impacted by the critical skill shortages and approved by the Unified Personnel Board. The list will be reviewed and updated as needed, but at least every two years. The Director of

Comment [A2]: Personnel Board approval for the addition/removal of critical skills sets has been added. A revised delegated authority resolution will be provided to the Personnel Board for approval.

Human Resources and Appointing Authority will determine when an approved skill set is no longer in short supply or is no longer deemed a critical skill set and recommend the Unified Personnel Board remove the skill set from those identified for eligibility for MDSS. Upon Unified Personnel Board approval, the supplemental pay will be ended.

Comment [A3]: Edited for clarity.

8. Certification Pay

Certification pay is a supplemental pay provided to an employee for possession and maintenance of specific certification(s). The supplemental pay may be an amount added to the employee's base pay or an amount paid at set intervals during the year (for example, monthly). Eligible certifications are determined by the Appointing Authority. Certifications which are required in the minimum qualification of the job classification are not eligible for certification pay. Possession of the certification should add value to the employee's ability to perform his/her job responsibilities. The added value should be meaningful and real. Loss or failure to maintain the certification will result in removal of the certification pay. Changes in job classification may result in removal of the certification pay.

9. Other Supplemental Pay

Other supplemental pay as approved by the Appointing Authority may be provided to employees for performance of specific duties not required as part of the minimum qualifications of the employee's classification (eg., fogging or 911 training).

Comment [A4]: Addition requested by Payroll to clearly cover the miscellaneous other supplemental/incentive pay used by the Appointing Authorities. Examples include: fogging and fogging supervisor; mentor/training by current 911 operators for new operators once classroom training is completed, etc.

E. Pay

1. Method of Payment

a. Exempt Employees

- i. Exempt employees are salaried employees paid a set salary for each week worked, subject to legally allowable deductions whether from the salary or accumulated leave. For administrative purposes only, such as the payout of accumulated leave the annualized salary is divided by 2080 hours (and a pro-rated amount for employees regularly scheduled for less than 40 hours in a workweek). All Exempt Service employees shall be available at all times for the performance of service beyond the generally scheduled workweek as may be required without any entitlement to extra compensation.
- ii. All members of the Exempt Service will have their pay directly deposited in a financial institution of their choosing.

b. Classified Employees-

- i. **Overtime:** It shall be the general practice of the County to not have its employees work frequent or considerable overtime. However, Appointing Authorities may authorize or direct an employee to work overtime when necessary in order to meet emergency situations or operating needs. Each Appointing Authority shall maintain records of all hours worked,

including overtime hours worked by Classified Service employees in his/her department.

- a)** For overtime compensation purposes, recognized Holidays or Leave with Pay for work-related purposes shall be considered as time actually worked. All other time used by the employee, such as, time paid under the Workers' Compensation Law, under short or long term disability plans, Compensatory Time, Annual Leave, Extended Illness Leave, Floating Holidays, Personal Days, or Leave with Pay for non-work related purposes shall not be considered as hours worked.
- b)** All hourly Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, paid on an hourly basis will be compensated at time and one half for any hours worked over 40 in any workweek in accordance with the Fair Labor Standards Act. Any hours worked over 40 in a workweek shall be considered overtime hours.
- c)** Pursuant to section 207 (k) of the Fair Labor Standards Act (FLSA) and Title 29 Code of Federal Regulations, Pinellas County establishes a 21 consecutive day work period for all Airport Firefighters and Airport Fire Lieutenants Employees effective November 20, 1988. All classified Airport Firefighters and Airport Fire Lieutenants working 159 hours or less during the established 21 consecutive work day period shall be paid at the straight hourly rate set forth in the Pinellas County Pay & Classification Plan. Should Fire Protection Employees be required to work more than 159 hours in any 21 consecutive day work period, all such time shall be considered overtime work.
- d)** Salaried Classified Service employees, those certified by the Appointing Authority through the County Attorney to the Director of Human Resources as excluded from the overtime provisions of the Fair Labor Standards Act ("Classified Excluded"), will be compensated at time and one half for any hours worked over 80 in a pay period if approved by the Appointing Authority.
- e)** Compensation for overtime may be monetary or in compensatory time, at the sole discretion of the Appointing Authority. Employees may not accumulate more compensatory time than designated below.
- f)** The maximum accumulation of compensatory time for Classified hourly employees shall be 80 hours and for Classified Excluded employees shall be 240 hours.
- g)** An employee who has accumulated compensatory time may request compensatory time off and such compensatory time off must be given within a reasonable time so long as it does not unduly disrupt departmental operations.
- h)** Upon separation from employment, an employee shall receive a lump sum payment for all accumulated compensatory time at a rate which is

not less than that employee's average regular rate during the last three years of employment, or that employee's final regular rate, whichever is higher.

- ii. Employees promoted from the Classified Service to an exempt position shall, at the time of promotion, receive payment for accumulated compensatory time based upon the employee's regular rate of pay at the time of promotion.
- iii. All members of the Classified Service will have their pay directly deposited in a financial institution of their choosing.

F. Claims for Underpayment of Wages

Claims for underpayment of wages must be made within two years of the underpayment.

DRAFT



Rule 4. Time Off

All forms of accumulated or gained leave shall be exhausted prior to the request and use of Leave without Pay, except as provided in the Pinellas County Family Medical Leave Act Handbook (FMLA Handbook); in a Declared Emergency as provided in Rule 3; or approved by the Appointing Authority.

Comment [A1]: As requested by Payroll, for clarity, added other exceptions as provided in elsewhere in the rules.

A. Recognized Holidays

Eligible County employees will be allowed holiday leave with pay on the following recognized County holidays:

New Year's Day	January 1
Martin Luther King Jr. Holiday	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	
Christmas Day	December 25

If Christmas or New Year's Day falls on Tuesday or Thursday, the preceding Monday or following Friday will also be recognized as a holiday.

If any recognized holiday falls on a Saturday, the preceding Friday will be observed as a holiday and if any recognized holiday falls on a Sunday, the following Monday will be observed as a holiday.

1. Eligibility:

- Regular status employees of the Unified Personnel System
- Temporary employees with 30 days or more of continuous service
- For those employees working part-time, holiday pay will be computed according to the ratio that the employee's normally scheduled workweek bears to a 40 hour workweek.
- Airport Firefighters and Fire Lieutenants assigned to a work week schedule of 48 hours will earn 14.4 hours for each of the recognized holidays.

Comment [A2]: For Payroll clarity replaced one month with 30 days.

2. Exceptions:

For purposes of this rule, non-pay status shall mean an employee who is not receiving any pay or whose only source of pay is Workers' Compensation or short term disability.

- Employees in a non-pay status for the entire pay period during which the holiday falls will not be eligible for holiday leave with pay.

- b. Employees receiving Workers' Compensation or short term disability during a week that includes a holiday and are also in a paid status during that week will have holiday pay prorated pursuant to the rules of those respective benefits.

3. Application:

- a. Classified employees who are required to work the calendar holiday, the observed holiday, or both will be compensated for all hours worked on those days at the overtime rate of pay, regardless of the actual number of hours worked in the week and in addition to being compensated for the County observed holiday at the regular rate of pay. At the discretion of the Appointing Authority, compensation may be in cash or as compensatory time.
- b. In the event a recognized holiday is observed while an employee is on leave with pay, the recognized holiday will not be charged against the employee's accumulated leave and the employee will be compensated for the holiday.
- c. Employees whose standard work day is greater than eight hours may add the necessary number of hours from any accumulated leave to bring the total number of hours to that of their standard work day unless doing so causes the number of hours in the workweek to exceed their normally scheduled workweek. These additional hours will be considered scheduled leave. Departments may also offer additional work hours during the week chosen in order to make up the difference if such is deemed in the interest of the department.

Comment [A3]: Added at the request of Payroll so that we define and include the practice.

B. Floating Holidays

Eligible regular status County employees will be allowed floating holidays with pay on dates selected by the employee each payroll year as follows:

1. Eligibility:

- a. Regular status employees will be allowed three floating holidays with pay.
- b. Employees who have completed 25 years of service will be allowed two additional floating holidays beginning with the next payroll year and each payroll year thereafter.
- c. New hires into permanent positions entitled to floating holidays based on their hire date from the beginning of the payroll year:
 - Two floating holidays – hire date from beginning of payroll year through April 30
 - One floating holiday – hire date of May 1 through August 31
 - No floating holidays – hire date of September 1 through the end of the payroll year
- d. Airport Firefighters and Fire Lieutenants assigned to a 48 hour work week will earn 14.4 hours for each floating holiday.

2. Application:

- a. Floating holidays for employees with a normally scheduled workweek of at least 40 hours are for eight hours pay, and a prorated number of hours for employees with a workweek of fewer than 40 hours computed according to the ratio that the employee's workweek bears to a 40 hour workweek.
- b. Employees whose standard work day is greater than eight hours may add the necessary number of hours from any accumulated leave to bring the total number of hours to that of their standard work day unless doing so causes the number of hours in the workweek to exceed their normally scheduled workweek. These additional hours will be considered scheduled leave. Departments may also offer additional work hours during the week chosen in order to make up the difference if such is deemed in the interest of the department.
- c. Floating holidays must be scheduled and approved in accordance with the Appointing Authority's established guidelines for scheduled annual leave.
- d. Floating holidays must be used during the payroll year in which they are gained.
- e. Holiday overtime provisions do not apply to floating holidays.
- f. Floating holidays may be taken in two hour increments.

C. Annual Leave

Annual leave is provided for the purpose of vacation, personal business, emergencies, illness, medical and dental appointments, and any other reason an employee cannot be present at work.

1. Eligibility:

Annual leave is accumulated in accordance with the following schedule:

Employee Category	Hours of Annual Leave Earned per Year					
Years of Service	1 – 2	3 - 4	5 - 9	10 - 14	15 - 19	20+
Classified Service and Temporary Exempt Service ^{1 2 3}	120	136	160	184	208	232
Airport Firefighters and Airport Fire Lieutenants ⁴	144	164	192	221	250	279
Exempt Service ^{2 3}	144	160	184	208	232	256

- 1 Excludes temporary Classified employees with less than 30 days of continuous service.
- 2 Partial accumulation of annual leave is authorized for employees who are generally scheduled for less than a 40 hour workweek in a ratio which reflects the direct proportion that the generally scheduled hours bear to a 40 hour workweek.
- 3 No accumulation of annual leave is authorized for any time work beyond a 40 hour workweek.
- 4 No accumulation of annual leave is authorized for any time worked beyond the 159 hours during the established 21 consecutive work day period.

Comment [A4]: At the request of Payroll, replaced one month with 30 days for clarity.

2. Application:

- a. Up to one year of continuous temporary service immediately preceding appointment to a permanent position will be counted for purposes of seniority in accruing annual leave.
- b. Having annual leave in one's leave bank does not guarantee that requested time off will be approved. Managers and supervisors may deny an employee's request for time off for business reasons.
- c. Except as provided within the FMLA Handbook or during a Declared Emergency, all annual leave must be expended prior to the use of Leave Without Pay.
- d. Annual leave is not earned when an employee is in a non-pay status.
- e. There is no limitation on the number of annual leave hours which may be accrued.
- f. Advance payment for annual leave is prohibited.
- g. Annual leave must be scheduled in advance according to the Appointing Authority's requirements. Leave not requested and approved in accordance with such requirements will be considered unscheduled and may result in disciplinary action.
- h. When an employee is transferred within the Unified Personnel System the employee's accumulated annual leave will also be transferred and such leave, when taken, will be chargeable to the department to which the transfer was made.
- i. Annual leave will not be earned when used in conjunction with a resignation, retirement or other separation from service.
- j. Payment for annual leave will be made on the regular pay date at the employee's applicable rate of pay when used.
- k. Upon separation, employees shall receive lump sum payment for all unused annual leave up to a maximum of three times the employee's annual leave accrual rate. Such payment shall be made at the employee's regular rate of

pay at the time of separation. Payment for such leave shall be made in accordance with the Florida Statutes.

D. Extended Illness Leave *(This provision applies only to employees hired before 1995 who have an Extended Illness Leave balance.)*

Accrued extended illness leave may be granted for any absence.

1. Disposition Upon Separation

- a. Upon separation, employees shall receive lump sum payment for 50% of all unused extended illness leave. Such payment shall be made at the employee's base rate of pay at the time of separation. Payment for such leave shall be made in accordance with the Florida Statutes.
- b. Payments made pursuant to this section shall not be considered in any State-administered retirement system as salary payments, and shall not be used in determining the average final compensation of an employee in any State-administered retirement system.

2. Disposition for Transferred Employees

When an employee is transferred within the Unified Personnel System, the employee's accumulated extended illness leave shall also be transferred and such leave, when taken, shall be chargeable to the department to which the transfer was made.

3. Coordination with Disability Income Plans

The County offers Short Term Disability (STD) as well as Long Term Disability Insurance. Benefits are governed by the plans in place at the time of disability. An employee is not eligible for STD benefits until exhausting all extended illness leave. In no event shall an employee receive any combination of extended illness and STD for longer than the employee would have been eligible to receive STD.

E. Personal Day

1. Eligibility:

Employees in permanent positions will be allowed one 8 hour Personal Day, except that Classified employees serving their first year of employment in a permanent position are not eligible for the Personal Day.

2. Application:

- a. The Personal Day is for eight hours pay for employees with a generally scheduled workweek of at least 40 hours and a prorated number of hours for employees with a workweek of fewer than 40 hours computed according to the ratio that the employee's workweek bears to a 40 hour workweek.
- b. Employees whose standard work day is greater than eight hours may add the necessary number of hours from any accumulated leave to bring the total number of hours to that of their standard work day unless doing so causes the number of hours in the workweek to exceed their generally scheduled workweek. These additional hours will be considered scheduled leave.

Departments may also offer additional work hours during the week chosen in order to make up the difference if such is deemed in the interest of the department.

- c. The Personal Day may be used in four hour increments.
- d. Employees must notify their supervisor of their intent to use the Personal Day as soon as practicable. The Personal Day will not be considered when evaluating the employee's attendance.
- e. If taken immediately before or after a recognized holiday, the Personal Day must be scheduled and approved in advance in accordance with department requirements for other schedule leave or will be considered unscheduled.
- f. The Personal Day must be used in the payroll year in which it is gained.

F. Funeral Leave

Eligible employees may be granted three days leave of absence with pay in the event of the death of any person residing in the employee's household or any member of the employee's immediate family.

1. Eligibility:

Employees in a permanent position including those in a probationary status

2. Application:

- a. Immediate family shall mean spouse, child, parent, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, grandparents, grandparent-in-law or grandchildren of the employee.
- b. At the discretion of the Appointing Authority, additional time may be granted as scheduled leave. The time will be chargeable to any accumulated leave the employee has, or if the employee has no accumulated leave, to leave without pay.

G. Jury Duty and Witness Duty

Leave of absence with pay will be granted to an employee to perform jury duty or testify as a witness when legally required unless the employee is the plaintiff or defendant. Presentation of a summons or subpoena to appear in court is required before such leave is granted.

H. Injury

An employee who has sustained a compensable workers' compensation injury, has not reached maximum medical improvement (MMI) and has returned to work but whose injury necessitates that palliative or remedial care from their authorized physician be continued will be allowed reasonable leave with pay of up to 10 hours per pay period for treatment and travel to and from the authorized physician. Payment for absences beyond a total of 10 hours per pay period will be offset by the use of any accumulated leave.

I. Other

Upon approval of the Appointing Authority, other leaves of absence with pay may be allowed if such leave is deemed to be in the best interests of the organization.

J. Leave of Absence Without Pay

Upon request of an employee, an Appointing Authority may grant a leave of absence without pay for any reason deemed to be in the best interest of the organization and may require presentation of appropriate documentation in support of such request.

K. Military Training/Duty

Leave of absence for military training and duty will be granted in accordance with Florida and Federal law.

L. Unauthorized Absence

Unauthorized absences from work for a period of three consecutive working days may be considered as the employee's voluntary resignation by the Appointing Authority.



Rule 7. Employee Grievances

A. Applicability & Purpose

1. This rule applies to employees in the Classified Service.
2. The purpose of this rule is to establish a process through which an employee may seek redress for covered issues relating to his or her employment and to improve employee-management relations through a fair method of resolving problems.
3. When appeal, complaint, or grievance procedures are otherwise established for a particular issue or subject, those procedures shall ~~apply be followed and this Rule shall not apply.~~

Comment [A1]: Edited for clarity. Specific procedures, if any, take precedence over this more general rule.

B. Non-Retaliation

Employees shall not be subjected to retaliation for using or participating in the grievance process.

C. Time for Grievance

The Appointing Authority shall allow the aggrieved employee reasonable time to consult with the Human Resources Department and participate in the grievance process. However, the Appointing Authority is not required to provide the grievant unlimited work time to prepare or participate in the process. Time approved by an Appointing Authority during normal duty hours shall not be charged against the employee. Except for time at an informal grievance panel hearing, time spent by a grievant outside of the employee's normal duty hours shall not be counted as hours worked.

D. Guidance

Human Resources staff may advise the employees and Appointing Authorities regarding the grievance and appeal process but shall not act as a representative or advocate for either.

E. Covered issues and Level of Appeal Available

A classified service employee may grieve:

1. Discipline (verbal warning, written warning, suspension, demotion, reduction in pay);
2. A misapplication of a Personnel Rule, as applied to the grievant;
3. A misapplication of an established departmental policy, procedure, or rule if that policy, procedure, or rule was approved by the Unified Personnel Board, as applied to the grievant;
4. Formally documented records of performance as determined under the County's prescribed performance management system;
5. Discretionary pay increase decisions.

Level of Appeal Available

Grievance Issue	Level of Appeal			
	Informal	Department Head	Informal Grievance Committee	Unified Personnel Board
Discipline: verbal & written warnings	X	X	X	
Discipline: suspensions, demotions, reductions in pay	X	X	X	X
Misapplication of Personnel Rule	X	X	X	X
Misapplication of department policy, procedure, or rule (if approved by the Unified Personnel Board)	X	X	X	X
Formally documented record of performance	X	X		
Discretionary pay increase decision	X	X		

F. Exceptions

1. Dismissals are not subject to grievance. Dismissals of regular status employees may be appealed directly to the Unified Personnel Board pursuant to Rule 6.
2. Demotions for inability of regular status employees during the first six months after a promotion are not subject to grievance.
3. Layoffs and displacements under Rule 5 are not subject to grievance.

G. Procedure for Grievance

Unless appeal, complaint, or grievance procedures are otherwise established for the particular issue or subject, the following procedure applies.

1. Filing: Grievances ~~proceeding beyond starting with~~ Step 1 must be filed in writing on the forms provided by the Human Resources Department.
2. Timing: All steps in the grievance process must be taken within the time frames specified.

Comment [A2]: Changed for consistency.

- a. A grievance must be initiated as described within 15 calendar days from when the employee first becomes aware of the aggrieved situation.
- b. Failure of an employee to timely file a grievance or timely initiate any step in the process will result in rejection of the grievance without further action. Such rejection is final.

4. Process:

If the end date falls on a weekend or County holiday, the due date shall be the next weekday.

a. Informal Resolution

An employee is encouraged to attempt resolution for his or her issue with the immediate supervisor or other appropriate level of management in his or her Department before proceeding to a formal grievance. In cases where the issue is not resolved, an employee may, within 15 calendar days of when the employee first becomes aware of the aggrieved situation, start the process at Step 1.

b. Step 1. Department Head

Process for Step 1:

- i. Grievant submits written grievance on the established Human Resources form to the Department Head.
- ii. The Department Head should consider the grievance and discuss it with the employee and other management, if necessary, to reach a decision. The Department Head's decision must be delivered in writing to the employee on a copy of the grievance form submitted by the employee.
- iii. The Department Head's response must be delivered within seven calendar days from the date the employee submits the form.
- iv. If the employee is dissatisfied with management's response, or does not receive a response within seven calendar days of the date the employee submitted his grievance form to the Department Head, the employee may proceed to Step 2 (unless the subject matter is limited to resolution at Step 1).

c. Step 2: Informal Grievance Committee

Process for Step 2

- i. Grievant files a written request within 15 calendar days on the established Human Resources Department form to appeal the Department Head's decision with the Director of Human Resources. The request must include a copy of the Department Head's response from Step 1. If no response was received, the Grievant must state so in the written request and must attach the form from Step 1.

- ii. Upon receipt of a proper and timely request to appeal, the Director of Human Resources shall convene an Informal Grievance Committee in accordance with established Unified Personnel Board policy.
 - iii. The Informal Grievance Committee hearing shall be scheduled by the Director of Human Resources within 30 calendar days from the date grievant files the request to appeal the Department Head's response. Continuances for good cause shown may be granted by the Director of Human Resources.
 - iv. The complete hearing shall be conducted in the Sunshine, in accordance with Florida Statute Chapter 286.
 - v. The hearing shall be a fact-finding hearing at which both parties have the opportunity to be heard in person, to be represented by lay person or counsel, and to introduce testimony and evidence. Informal Grievance Committee hearings shall be conducted in accordance with Unified Personnel Board procedures.
 - vi. The result of the hearing shall be announced at the conclusion of the hearing.
 - vii. The written decision of the Informal Grievance Committee shall be provided to the parties within 10 calendar days from the conclusion of the hearing.
 - viii. An employee dissatisfied with the Informal Grievance Committee decision may proceed to Step 3 (unless the subject matter is limited to resolution at Step 2).
- d. Step 3: Unified Personnel Board Appeal of Grievance Hearing
- i. Except as provided herein, either party may appeal the decision of the Informal Grievance Committee to the Unified Personnel Board by filing a written notice of appeal with the Director of Human Resources within 15 calendar days of the date of the written decision of the Informal Grievance Committee.
 - ii. Failure to appeal within 15 calendar days shall be deemed voluntary waiver of a party's appeal right.
 - iii. Unified Personnel Board appeals from Informal Grievance Committee decisions shall be conducted in accordance with the Unified Personnel Board's appeal procedures.