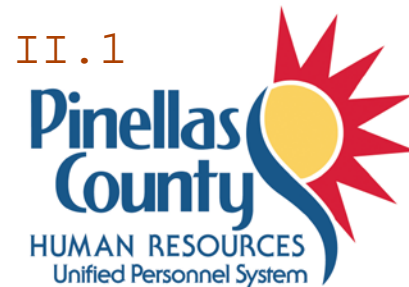


UNIFIED PERSONNEL SYSTEM

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Beverly Waldron
Interim Director

To: The Honorable Chair and Members of the Unified Personnel Board

From: Beverly Waldron, Director of Human Resources (interim)

Date: December 3, 2015

Subject: Proposed Changes to the Personnel Rules and Policies and the Unified Personnel Board Appeal Procedures

I. Recommendation

It is recommended that the members of the Unified Personnel Board:

1. Repeal Personnel Rules I – XXIV and Personnel Rules XXVI – XXVIII effective December 31, 2015
2. Effective January 1, 2016, approve Personnel Rules 1 – 8, Personnel Rules Definitions, and the following Unified Personnel Board Policies:
 - a. Unified Personnel Board Policy #1 – Employee Identification
 - b. Unified Personnel Board Policy #2 – Selection for Classified Positions
 - c. Unified Personnel Board Policy #3 – Employee Performance Management Program
 - d. Unified Personnel Board Policy #4 – Employee Training – Tuition Reimbursement
 - e. Unified Personnel Board Policy #5 – Outside or Non-County Employment
 - f. Unified Personnel Board Policy #6 – Personnel Files
 - g. Unified Personnel Board Policy #7 – Nepotism
 - h. Unified Personnel Board Policy #8 – Resignation from County Service
 - i. Unified Personnel Board Policy #9 – Transfer to Inactive Status
 - j. Unified Personnel Board Policy #10 – Discipline
 - k. Unified Personnel Board Policy #11 – Grievance

All other policies shall remain in full force and effect. However, in the event of a conflict between an existing policy and one of the above policies, the policy above shall prevail.

3. Approve revisions to the Unified Personnel Board Appeals Procedures effective January 1, 2016
4. Approve the following provisions for the transition period:
 - a. Grievances shall be adjudicated at all levels under the rules, policies and procedures in effect on the date the employee first became aware of the aggrieved situations.
 - b. Appeals of termination shall be adjudicated under the rules, policies and procedures in effect on the effective date of the termination.
 - c. For all other actions the rules, policies and procedures in effect on the effective date of the action shall apply.
- d. Appeals before the Unified Personnel Board will be adjudicated under the appeal procedure in effect at the time employee first became aware of the aggrieved situation or the effective date of the termination, whichever is applicable.

II. Discussion

In January 2012 discussions began to be held within the Human Resources Department about revisions to the Personnel Rules. It was quickly realized that the revision should be a complete update. The goals were:

1. Reorganize the rules so that similar information was placed together and that information was easier to locate.
2. Make the rules easier to understand – using plain language instead of “legalese” whenever possible.
3. Ensure that the Unified Personnel Board and Human Resources Department’s authority corresponded to the Personnel Act.

To assist in this undertaking a Rules Committee was formed and held its first meeting in May 2012. Over the years a number of employees have served on the Committee and provided other assistance to the project. Their work and attention to detail is what made this project possible. The employees who took an active part in the process are:

- Carol Barkalow*, Special Project Assistant, Human Resources Department
 - David Bateman, Director, County and Operational Services, Clerk of the Circuit Court
 - Laura Berkowitz*, Human Resources Division Director
 - Connie Chancey*, Executive Secretary, Human Resources Department
 - Bonnie Desmond, Park Ranger, Board of County Commissioners; EAC
 - Rose DiGennaro, Senior Manager, Tax Collector
 - Diane Elliott*, Manager Probate Records, Clerk of the Circuit Court
 - Camille Evans, Human Resources Associate
 - Mary Flockerzi, Human Resources Analyst
 - Hazel Lane, Human Services Case Manager 2, Board of County Commissioners, EAC
 - Dawn Lindgren, Project Coordinator – Technical, Board of County Commissioners
 - Jack Loring, Workforce Development Manager, Board of County Commissioners
 - Carolyn Mann*, Human Resources
 - Erin Moore, Chief Deputy Property Appraiser
 - Rakesh Patel, Clerk’s Director of Technology, Clerk of the Circuit Court
 - Mercedes Pearson, Equal Opportunity Coordinator, Office of Human Rights, EAC
 - Peggy Rowe*, Director of Human Resources
 - Carole Sanzeri, Senior Assistant County Attorney
 - Mary Sault, Senior Human Resources Associate
 - Peggy Sellards, Human Resources Executive Assistant
 - Dennis Simpson, Engineering Support Services Supervisor, Board of County Commissioners
 - Steve Soltau, Water Supply Manager, Board of County Commissioners
 - Charles Toney, Water Quality Management Specialist, Board of County Commissioners, EAC
 - Jim Valliere, Human Resources Business Partner
 - Beverly Waldron, Human Resources Director (interim)
 - Michelle Wallace, Senior Assistant County Attorney
- (* indicates the employee is retired or no longer with Pinellas County)

The rules were reorganized to group like content within a single rule. Language and content were updated to be more readable and to be in-line with the provision of the Special Act and best human resources practice. The content of some of the existing rules was deemed to be more appropriate as policies so these changes were made. Revisions were also made to the appeal procedures for the Unified Personnel Board to bring terminology and dates in-line with revisions to the rules and policies.

Drafts were put together and were shared with the Appointing Authorities in individual meetings. They were also shared with the Employee's Advisory Council. Following these reviews a "final" draft was presented to the Unified Personnel Board. The draft was reviewed, discussed and revised through a cycle that repeated across five meetings:

- September 15, 2015 Special Meeting - Workshop on the rules
- October 1, 2015 Regular Meeting
- October 19, 2015 Special Meeting – Workshop on the rules
- October 26, 2015 Special Meeting – Workshop on the rules
- November 5, 2015 Regular Meeting

The final versions are presented for your approval.



Unified Personnel System, Pinellas County Government

The Personnel Rules

Introduction

Pinellas County, the Unified Personnel System, and all Appointing Authorities are equal opportunity employers. Our continuing policy in the substance, design and administration of our personnel program shall assure the fair and equal treatment of all persons in all aspects for personnel administration without regard to military status, political affiliation, age, race, color, national origin, gender, sexual orientation, gender identity or gender expression, religious creed, disability, genetic information, or any other characteristic protected by law, and with proper regard for their privacy and constitutional rights.

These rules are adopted by the Unified Personnel Board in accordance with the Pinellas County Unified Personnel System Act, Chapter 77-642 - Laws of Florida.

A list of definitions to assist with interpretation of these Rules is provided at the end of the rules.

Table of Contents

Introduction

Rule 1 The Classification Plan

Rule 2 Filling Positions

Rule 3 Compensation

Rule 4 Time Off

Rule 5 Reduction in Force

Rule 6 Discipline

Rule 7 Employee Grievances

Rule 8 Political Activities

Definitions

Rule 1. The Classification Plan

A. Purpose of the Plan

The Classification Plan provides a systematic arrangement and inventory of the positions in the Unified Personnel System. The plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed. The class titles standardize the meaning, allocation, and usage of the Plan throughout the Unified Personnel System, again based upon the similarity of work and duties performed.

B. Uses of the Plan

1. Groups positions into classes based on similarities in the nature and scope of work.
2. Determines qualifications, prepare recruitments and examination content.
3. Determines pay grades to be paid for the various classes of work.
4. Determines promotional paths.
5. Develops employee training and development programs.

C. Content of the Plan

The Plan is a compilation of the following for each class: class title indicative of the work of the class, a class specification for each job classification containing the nature of work and relative responsibilities of the class, typical illustrative tasks, minimum qualifications, and the knowledge, skills, and abilities required for adequate performance of the work.

D. Maintenance of the Classification Plan

The Unified Personnel Board is responsible for maintaining the Classification Plan by adding, deleting or modifying job classifications based on studies and recommendations made by the Director of Human Resources.

E. Appeals

The position incumbent or Appointing Authority may request a secondary review of the classification decision to the Director of Human Resources. Downward reclassifications may be appealed through the Director of Human Resources to the Unified Personnel Board.

Rule 2. Filling Positions

The method used to fill a position is dependent upon the type of position and the type of appointment to be made. Classified and exempt positions may be filled by a competitive or non-competitive process into one of the following:

A. Permanent Positions

A permanent position is one for which the duties and responsibilities are expected to occur on an ongoing basis and which is funded with recurring funds. The term permanent does not mean that the position cannot evolve or be eliminated. A permanent position may be a classified position or an exempt position.

Unless the position is excluded from the provisions of Florida Statutes Chapter 295, individuals who are eligible for Veterans' Preference in accordance with Chapter 295, Florida Statutes shall be provided a preference in each step of the hiring process.

1. Exempt Positions

- a. Exempt positions are filled at the pleasure of the Appointing Authority.
- b. The selection process used to fill a position is at the discretion of the Appointing Authority.
- c. At the request of the Appointing Authority, the Human Resources Department will assist in the design and/or execution of a selection plan to fill an exempt position.

2. Classified Positions

Classified positions will be filled by new hire, promotion, demotion, lateral, or transfer. Except as provided below, all permanent classified positions will be filled by a competitive process with the selection of a candidate from a list of eligible candidates (eligible register) provided by the Human Resources Department. Qualified employees shall be given an employee preference by requiring the hiring manager to review the qualification of the employee. All employees filling permanent classified positions must serve an initial one year probationary period unless shortened by the Appointing Authority.

a. Eligible Register and Recruitment

The Human Resources Department is responsible for the design and administration of the selection plan for the construction of the eligible register and will use fair and valid selection criteria in accordance with established professional standards and practices. The Human Resources Department shall make the final determination as to whether an individual meets the minimum qualifications of the job classification to be placed on the eligible register.

The method of recruitment and posting to fill vacant classified positions will be determined by the Appointing Authority or designee in consultation with the Human Resources Department. The recruitment may be:

- i. **External** – recruitment open to all interested individuals including the general public and all employees.
- ii. **Internal** – recruitment open to all interested employees in permanent positions within a designated area of the Unified Personnel System. Such recruitment

may be open to all Unified Personnel System employees or limited to employees within a designated department or division. Members of the public and temporary employees are not eligible for consideration.

- iii. **Reduction in Force** - recruitment during a reduction in force limited to classified employees, exempt employees who are to be impacted by the reduction in force, and former classified and exempt employees who have been separated from County service through layoff and whose separation date is less than six months from the closing date of the recruitment.
- iv. **Restricted** – recruitment resulting from the reclassification of an unspecified position will be limited to all interested employees in designated permanent positions. The designation of the positions will be made as part of the reclassification recommendation made by the Director of Human Resources and approved by the Appointing Authority and the Unified Personnel Board.

b. Types of Appointment

i. New Hire

- a) If the individual selected to fill the position is not currently in a permanent position within the Unified Personnel System, the appointment will be considered a new hire and the appointee required to serve a probationary period.
- b) The probationary period is an integral part of the selection process and shall be utilized to evaluate the employee's performance on the job as well as for dismissing an employee who does not meet required standards of performance or behavior.
- c) The probationary period shall be for one year from date of appointment.
- d) Employees absent for a period in excess of 10 consecutive working days during the probationary period shall have their probationary period extended for the amount of time that such absences exceed the 10 day limit.
- e) A new hire may be given up to six months credit for time worked toward the probationary period for immediate prior temporary service if hired into a permanent position in the same department in the same or a lower related job classification.
- f) An employee whose services are deemed unsatisfactory may be dismissed at any time prior to the expiration of the probationary period. If satisfactory, or if the Appointing Authority fails to furnish notice to the Director of Human Resources prior to expiration of the probationary period, the probationary period shall be deemed to be satisfactorily completed and the individual will become a member of the regular service. At any point prior to the end of the employee's probationary period, the Appointing Authority may remove the employee from probationary status. The determination of the Appointing Authority in either of these matters shall be final.
- g) Starting pay will be determined in accordance with Rule 3.

ii. Promotion

- a) If the individual selected to fill the position is currently in a permanent position within the Unified Personnel System and the maximum of the pay rate for the

new position is higher than that of the employee's current pay grade, the filling of the position will be considered to be a promotion.

- b) Any increase in pay shall be awarded in accordance with Rule 3.
- c) With the approval of the Appointing Authority and the Director of Human Resources, a classified employee promoted to fill a classified position who is unable to satisfactorily perform the job related requirements of the position during the first six months following the promotion shall be returned to a position in the employee's former job classification. Pay rate and probationary period, if any, shall be adjusted to correspond to what normally would have been attained had there not been a promotion. Any employee who is displaced by demotion of a promoted employee in accordance with the above procedure shall be subject to the provisions outlined in Personnel Rule 5, Reduction in Force. The determination of the Appointing Authority in this matter shall be final. After the first six months following the promotion, an inability to satisfactorily perform the job related requirements must be dealt with through the disciplinary process.
- d) An exempt employee promoted into a classified position will serve a one year probationary period. If the services of the employee are deemed unsatisfactory, the employee may be dismissed at any time prior to the expiration of the probationary period. If satisfactory, or if the Appointing Authority fails to furnish notice to the Director of Human Resources prior to expiration of the probationary period, the probationary period shall be deemed to be satisfactorily completed and the employee will become a member of the regular service. At any point prior to the end of the employee's probationary period, the Appointing Authority may remove the employee from probationary status. The determination of the Appointing Authority in either of these matters shall be final.
- e) A classified employee promoted to fill a classified position and currently serving in the first six months following the promotion who wishes to voluntarily return to the previous job classification shall make such a request in writing and, with the approval of the Appointing Authority, may be demoted in accordance with the provisions described in the Rule 2.A.2.b.ii.c. above. An exempt employee promoted to fill a classified position and currently serving a probationary period who wishes to voluntarily return to the previous job classification shall make such a request in writing and the return of the individual to the exempt service is at the Appointing Authority's discretion.

iii. Transfer/Lateral

- a) If the individual selected to fill a position is currently in a permanent classified position within the Unified Personnel System in the same job classification, it will be considered a transfer. If the individual selected is currently in a permanent classified position within the Unified Personnel System and is in a different job classification but in the same pay grade, it will be considered to be a lateral.
- b) Normally there is no adjustment in pay. However any change in pay shall be made in accordance with Rule 3.C. Base Pay Adjustments.
- c) A classified employee taking such a transfer or lateral will not serve an additional probationary period.

iv. Demotion

- a) If the individual selected to fill a position is currently in a permanent position within the Unified Personnel System and the maximum of the pay rate for the new position is lower than that of the employee's current pay grade, the filling of the position will be considered to be a voluntary demotion.
- b) Any decrease in pay shall be awarded in accordance with Rule 3.
- c) A classified employee demoted to fill a classified position will not serve an additional probationary period.
- d) An exempt employee demoted to fill a classified position will serve a one year probationary period. An Appointing Authority, prior to the expiration of the probationary period, shall notify the Director of Human Resources in writing whether the services of the employee have been satisfactory or unsatisfactory. An exempt employee demoted to a classified position whose services are deemed unsatisfactory may be dismissed at any time prior to the expiration of the probationary period. If satisfactory, or if the Appointing Authority fails to furnish notice to the Director of Human Resources prior to expiration of the probationary period, the probationary period shall be deemed to be satisfactorily completed and the employee will become a member of the regular service. At any point prior to the end of the employee's probationary period, the Appointing Authority may determine that the employee has successfully satisfied the job related requirements of the position and may remove the employee from probationary status. The determination of the Appointing Authority in either of these matters shall be final.

v. Exceptions

The following are the exceptions whereby a classified position may be filled without the use of an eligible register.

a) Career Ladder Promotion

A classified employee may be career ladder promoted without use of an eligible register to a higher level position within the established career ladder if:

- i) The position has been designated a career ladder position, by the Unified Personnel Board;
- ii) The department has a genuine need for the higher level work; and
- iii) The employee meets the criteria for advancement within the career ladder.

Any pay changes will be made in accordance with Rule 3.

b) Transfer/Lateral (Non-competitive)

With the approval of the Appointing Authority(ies) concerned and the Director of Human Resources, a regular status or probationary classified employee may be transferred to another position in the same job classification or another job classification with the same pay grade and substantially similar duties and responsibilities at the written request of the employee or the

discretion of the Appointing Authority. Such transfer shall not change the employee's pay grade, pay rate, or regular/probationary status.

c) Non-competitive Demotion

i. Voluntary

A regular status or probationary employee may, based on written request of the employee, be demoted to a job classification with a lower maximum pay rate in the pay grade assigned to the encumbered job classification. Such demotion shall occur with the approval of the Appointing Authority and the Director of Human Resources.

Any changes in pay will be made in accordance with Rule 3.

Upon such demotion, a probationary employee will serve the balance of the probationary period but a regular status employee will not be required to serve another probationary period.

ii. Exempt Service Returned to Classified Service

An exempt employee may, at the discretion of the Appointing Authority, return to the classified service to a position and pay grade comparable to that which the employee had attained prior to promotion to an exempt position. Any such return to the classified system shall require the approval of the Unified Personnel Board.

Upon such return, a one year probationary period will be served. The Appointing Authority, prior to the expiration of the probationary period, shall notify the Director of Human Resources in writing whether the services of the employee have been satisfactory or unsatisfactory. An exempt employee demoted to a classified position whose services are deemed unsatisfactory may be dismissed at any time prior to the expiration of the probationary period. If satisfactory, or if the Appointing Authority fails to furnish notice to the Director of Human Resources prior to expiration of the probationary period, the probationary period shall be deemed to be satisfactorily completed and the employee will become a member of the regular service. At any point prior to the end of the employee's probationary period, the Appointing Authority may determine that the employee has successfully satisfied the job related requirements of the position and may remove the employee from probationary status. The determination of the Appointing Authority in either of these matters shall be final.

Any adjustments to pay will be made in accordance with Rule 3.

d) Temporary Appointments to Permanent Positions

An Appointing Authority may assign any regular status employee under the Authority's jurisdiction to any duties as long as such duties are within the same classification encumbered by the employee. When it is necessary to temporarily assign duties of a higher classification to a regular status employee for more than 30 consecutive calendar days because of a vacancy in a permanent position or the extended absence of the employee who encumbers the position, a temporary appointment to the position shall be made.

The employee's pay shall be adjusted in accordance with Rule 3. Upon conclusion of the appointment, the employee shall be returned to the permanent position held immediately prior to this reassignment and the employee's pay rate shall be adjusted to the pay rate that would have normally been attained had there not been a promotion to the higher assignment.

e) Reduction in Force

Placements into vacant positions which are at the same or a lower pay grade and/or displacements made in accordance with Rule 5 – Reduction in Force may be made with the approval of the Appointing Authority and the concurrence of the Director of Human Resources.

f) Provisional Appointment

An Appointing Authority may make an appointment to a classified permanent position in the absence of an eligible register. Such appointment will not exceed six months from the date of its start or 45 days following the establishment of an eligible register for the position, whichever is less. Such an appointment requires approval of the Director of Human Resources. Provisional employees may not avail themselves of the grievance procedure and have no appeal rights to the Unified Personnel Board.

Pay rate will be established in accordance with Rule 3.

g) Substitute Appointments

Such appointments may be allowed to fill a permanent, vacant position open due to extended leave of absence. Such appointments shall be made from appropriate eligible registers, or in the case of a promotional position, from the lower related class. The substitute appointment shall confer no status, appeal, or related provision under the Personnel Rules. The initial substitute appointment shall not exceed six months. The substitute appointment may be extended for an additional six months upon approval of the Director of Human Resources. In the case of a vacant position open due to military leave that exceeds one year, the substitute appointment may be extended for the duration of the military leave upon approval of the Director of Human Resources, providing the approval is sought in six month intervals.

h) Double Encumbering

An Appointing Authority may double encumber a position with the approval of the Director of Human Resources. Double encumbering may be done competitively or non-competitively. There are occasions when departments may double encumber positions. These circumstances include situations where there is a need to train successors when retirement, resignation etc. is on the horizon. Other circumstances include but are not limited to situations when an employee is on an extended leave of absence and the position is encumbered by another employee during that time, and the use of job sharing between two employees occupying the same position.

Pay rate will be established in accordance with Rule 3.

B. Temporary Positions (excluding intern positions)

A temporary position is one for which the duties and responsibilities are expected to occur for a short time frame or occur on a seasonal basis. An employee hired to fill this position is considered a temporary employee. The respective Appointing Authority makes appointment to this classification, subject to concurrence of the Director of Human Resources. The initial appointment may be for up to six months. The appointment may be extended for up to an additional six months with the approval of the Unified Personnel Board. Temporary employees may not avail themselves of the grievance procedure and have no appeal rights to the Unified Personnel Board.

A temporary position intended to exist for more than six months requires mandatory Florida Retirement System participation from the inception of the position.

Pay rate will be established in accordance with Rule 3.

C. Other Types of Positions

1. Special Projects

A position created for a specific project(s) and for a specific amount of time only. An employee hired to fill this position is considered a temporary employee and accrues County benefits as such. The respective Appointing Authority makes the appointment to this classification, subject to approval of the Director of Human Resources. The appointment may not exceed the length of the project(s), with extension of the original appointment to be granted by the Appointing Authority with the approval of the Director of Human Resources.

Pay rate will be established in accordance with Rule 3.

2. Grant Worker Positions

A position created for a specific grant(s) only. An employee hired to fill a classified Grant Worker position will serve the same initial one year probationary employee describe in New Hire Rule 2.A.2.b.i.and will be considered a regular service employee. The respective Appointing Authority makes appointment to this classification, subject to concurrence of the Director of Human Resources. The appointment may not exceed the length of the grant, with extension of the original appointment to be granted by the Appointing Authority with the concurrence of the Director of Human Resources. Employees in this classification are excluded from the reduction in force provisions in Rule 5, Reduction in Force, and may not appeal terminations resulting from the end of the grant under which they are working or conclusion of their appointment. An employee hired to fill an exempt Grant Worker position will treated as any other appointment to an Exempt position.

Pay rate will be established in accordance with Rule 3.

3. Intern Position

An intern position is a temporary position with emphasis on on-the-job training rather than just employment. Persons appointed to these positions acquire no rights under the County Service by virtue of such appointment, and said appointment shall terminate immediately upon completion of the training program or completion of 1,040 working hours, whichever occurs first, unless an extension of such period of temporary employment is granted by the Personnel Board. Intern positions may be paid or unpaid. If a paid position, pay rate will be established in accordance with Rule 3.

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 and presents 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 ray 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 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.

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

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 skill 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 skill 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 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.

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 (e.g., fogging or 911 training).

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 2,080 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.

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.

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.

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.
- Employees receiving Workers' Compensation or short term disability during a week that includes a holiday and who 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.

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
<p>1 Excludes temporary Classified employees with less than 30 days of continuous service.</p> <p>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.</p> <p>3 No accumulation of annual leave is authorized for any time worked beyond a 40 hour workweek.</p> <p>4 No accumulation of annual leave is authorized for any time worked beyond the 159 hours during the established 21 consecutive work day period.</p>						

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 Leave of Absence With Pay

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. Other 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 5. Reduction in Force

A. General Provisions

1. The provisions of this Rule apply to layoffs and displacements within the Classified Service.
2. A reduction in force means separation of employees from the Classified Service as a result of:
 - a lack of funds,
 - a lack of work,
 - abolition of a position, or
 - material changes in duties or organization.
3. When a reduction in force is necessary, the Appointing Authority implementing the reduction in force will determine the:
 - organizational unit(s) under his/her jurisdiction in which the reduction can best be accomplished,
 - job classifications within those organizational unit(s) from which the reduction will occur, and
 - positions within the job classifications that will be eliminated.

B. Reduction in Force Plan

1. Notice

The Appointing Authority implementing a reduction in force will file notice of his/her Reduction in Force Plan with the Unified Personnel Board at least 21 days prior to its effective date. The notice will include the factors, weights, and methodology to be used in calculating retention scores, the organizational unit and job classes from which the reduction will be made and the positions to be eliminated.

2. Retention Scores

The layoff order of regular status classified employees within a job classification designated for reduction within a so designated organizational unit will be determined by the retention scores calculated for each employee within the designated job classification within the designated organizational unit. The employee with the lowest retention score will be laid off first. At a minimum, the retention score will give due consideration to the following factors:

- organizational need,
- seniority,
- veterans' preference,
- proficiency of the employee as measured by evaluations of performance and disciplinary actions.

3. Displacements

The reduction in force plan will also indicate whether the Appointing Authority will consider displacements of employees designated for layoff to lower level job classifications as described in section C of this rule.

4. Before any non-probationary, regular status employee in a job classification being reduced is laid off, temporary employees within that job classification in the organizational unit will be laid off.
5. Prior to implementation of the layoff plan, the following employees who are serving in a position to be reduced within the organizational unit will be returned to the lower class position in which the employee was serving:
 - employees temporarily promoted,
 - employees provisionally promoted,
 - promoted employees who have not completed six months of satisfactory service following the promotion.
6. A regular status classified employee offered displacement in lieu of layoff who rejects the displacement offer will be laid off.

C. Displacement

1. If an Appointing Authority is allowing displacements in the reduction in force, any regular status employee who would otherwise be laid off may fill a vacant position or displace an employee in a lower pay classification in the same selected organizational unit provided:
 - the regular status employee has successfully encumbered a position within the lower level job classification,
 - the Appointing Authority certifies that the regular status employee meets the minimum qualifications of the classification and the position and is capable of performing in that classification and position; and
 - the regular status employee who would otherwise be laid off has a retention score for the position in the lower level job classification from which he/she would displace another employee that is equal to or greater than the retention score of the employee he/she would displace.
2. An employee who is placed in a lower level/pay grade position as result of the displacement process shall retain his/her base rate of pay not to exceed 10% above the maximum of the pay grade of the job classification to which he/she is displaced.
3. An employee displaced to a lower level/pay grade position will have his/her name placed on the list of qualified applicants for the job classification from which he/she was displaced for one year and shall, along with laid off employees, receive all due consideration prior to the consideration of other applicants.
4. Notwithstanding any other Rule, an employee displaced under this Rule who is promoted within one year of the effective date of displacement is eligible for a pay rate adjustment as follows:
 - a. An employee promoted to a position within the job classification or the pay grade from which the employee was displaced shall be restored to the pay rate he/she was earning on the date of displacement.

- b. An employee promoted to a position at a lower pay grade than that from which the employee was displaced shall be placed at the pay rate the employee would have received if he/she had been displaced directly into that position.
- c. An employee promoted to a higher pay grade than that from which the employee was displaced shall be entitled to a salary adjustment in accordance with Rule 2, except that the salary adjustment will be applied as though the employee was still in the position from which he/she was displaced.

Pay rate adjustments for promotions which occur more than one year after the effective date of displacement will be made in accordance with the normal promotional pay rate adjustments of the County at the time of promotion.

- 5. Determinations relating to displacement under this Rule are not grievable and may not be appealed except to the Appointing Authority as described in D.2.

D. Rights of Laid Off Employees

- 1. An employee separated by layoff shall be given at least 21 calendar days notice of the layoff.
- 2. An employee to be laid off who objects to the layoff decision shall have recourse by requesting within seven calendar days of notification to meet with the Department Director to discuss the determination of the retention. After such meeting(s), if the employee continues to object to the layoff decision, he/she shall have the right to meet with his/her Appointing Authority or designee to discuss his/her objection to the layoff decision and request a change in the layoff decision. The request must be made within seven calendar days of the conclusion of the prior meeting(s). The decision of the Appointing Authority following that meeting shall be made within seven calendar days and shall be final.
- 3. Upon separation, in accordance with applicable Unified Personnel System rules, the laid off employee shall be paid for his/her accumulated Extended Illness Leave and Annual Leave, and shall be paid all accrued compensatory time. There is no entitlement to pay for unused Floating Holidays or Personal Days.
- 4. Re-employment:
 - a. A regular status employee who is laid off shall have his/her name placed on the list of eligible candidates for the job classification from which the employee was laid off.
 - b. To the extent possible, recruitments for positions within job classifications impacted by layoff will be filled from a Layoff Register. Individuals on the Layoff Register will be given all due consideration before any other applicants.
 - c. A laid off employee who is re-employed within one year from the effective date of layoff shall:
 - i. be credited with his/her Annual Leave and Extended Illness leave balances which were accrued but not paid at the time of layoff;
 - ii. accrue Annual Leave at the same accrual rate the employee was accruing at the time of layoff; and
 - iii. if re-employed within the same job classification from which he/she was laid off, be placed in the same pay grade and pay rate he/she was in at the time of layoff, or the minimum of the pay rate of the job classification, whichever is greater, and shall not be required to serve a probationary period in that position.

- d. A laid off employee who is rehired into a job classification other than the one from which he/she was laid off, or who is rehired after more than one year from the effective date of the layoff, shall be hired at a salary commensurate with the hiring practices of the County at the time of hire and serve a probationary period as defined in applicable Rules.

E. Grievance Procedure for Layoff or Displacement

A regular status Classified Service employee displaced or laid off under this rule who believes that the Appointing Authority has wrongfully applied this rule may file a grievance on that sole issue as follows:

1. The aggrieved employee shall place the grievance in written form and submit it to the Director of Human Resources with a request for an informal hearing before an Informal Grievance Committee within 14 calendar days of notification of the action grieved. Failure of an employee to timely initiate a grievance will result in rejection of the grievance without further action.
2. The employee shall use the Layoff Grievance form available in the Human Resources Department or on its website for this purpose and shall state the specific reason(s) for his or her claim that the Appointing Authority has wrongfully applied Personnel Rule 5.
3. The Director of Human Resources shall determine if the grievance meets the requirements of this rule; and if not, reject the grievance without further action. This determination shall be final. If the grievance meets the requirements of this Rule it shall be forwarded to the Informal Grievance Committee.
4. The Informal Grievance Committee shall be a three member Committee composed of the Appointing Authority or designee, the Director of Human Resources or designee and a classified employee selected by the Director of Human Resources and the Appointing Authority.
5. The informal hearing shall be arranged by the Director of Human Resources and shall be held within fourteen calendar days from the date the written request was received from the aggrieved employee. At the hearing, each party will be allowed 15 minutes to present argument(s) in support of his/her position. Each party is responsible for obtaining his/her own exhibits, if any, and bringing four copies of each exhibit to the hearing. Each of the three Committee members and the opposing party shall receive a copy of each exhibit presented or referred to in the argument.
6. The burden shall be on the employee to establish violation of this rule by a preponderance of the evidence.
7. The hearing shall be held in the sunshine as required by Florida Statutes Chapter 286.011 and a decision shall be rendered at the conclusion of the hearing. That decision shall be final.

Rule 6. Discipline

A. Applicability and Purpose

This rule applies to employees in the Classified Service.

The purposes of this rule are to establish procedures for administering discipline and to recommend standard ranges of penalties to promote reasonable consistency in discipline. The level of discipline should be dependent on the facts and circumstances surrounding the behavior or performance issue. The impact of the behavior or performance, the totality of the employee's work record, and any mitigating or aggravating circumstances are relevant in determining the level of discipline administered.

B. Authority to Effect Discipline

1. Subject to the grievance and appeal procedures herein, the Appointing Authority or designee shall have sole authority to administer discipline.
2. Any Classified Service employee may be disciplined for just cause. The types of performance and behavior identified in the attached chart are deemed to constitute just cause. Other causes not specifically listed which in the sole determination of the Appointing Authority negatively impact the efficiency, morale, good order, and discipline of the workplace, or the performance of a department, office, or agency may also constitute just cause.

C. Disciplinary Actions

Discipline should be progressive in nature. Progressive means that more severe discipline is warranted if an employee continues to exhibit performance and behavior problems, whether similar in nature or not. Additionally, there are circumstances where a transgression is egregious enough to warrant termination with no prior discipline.

1. Types of Disciplinary Action, in increasing order of severity:

- a. Verbal Warning
- b. Written Warning
- c. Suspension*
- d. Pay Reduction*
- e. Demotion*
- f. Dismissal

*considered the same level of discipline

2. Procedure

The following procedure should be used when administering discipline.

a. Verbal Warnings and Written Warnings

Verbal Warnings and Written Warnings are levels of formal discipline that do not require a pre-disciplinary hearing. However, Warnings should be issued at a meeting with the employee. The meeting is the time to inform the employee of the factual basis for the discipline, explain expected corrective action and deliver the

documentation of Warning. The employee shall be allowed to make comments during the meeting.

Verbal Warnings and Written Warnings will be memorialized in a written document, the Warning, which should be given to the employee at the meeting. The document should include the factual basis for the discipline and the expected corrective action. The document should also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline. The employee shall be required to acknowledge receipt of the Verbal or Written Warning by signing the document.

b. Suspension

Suspension is a period of time off work without pay. Suspensions require a pre-disciplinary hearing. Written notice of suspension shall be given to the employee. The notice shall include the factual basis for the suspension, the length and details of the suspension, and the expected corrective action. The notice shall also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline.

c. Pay Reduction

Pay Reduction is a reduction in an employee's pay rate. Pay Reductions require a pre-disciplinary hearing. Pay reductions shall be limited to a maximum of five percent. Written notice of Pay Reduction shall be given to the employee. The notice shall include the factual basis for the Pay Reduction, the amount and effective date of the Pay Reduction, and the expected corrective action. The notice shall also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline.

d. Demotion

Demotion is a change to a position in pay grade for which the maximum pay rate is lower than that of the employee's current pay grade. Demotions require a pre-disciplinary hearing. Written notice of Demotion shall be given to the employee. The notice shall include the factual basis for the demotion, identify the pay grade and pay rate of the position into which the employee is demoted, the effective date of the demotion, and the expected corrective action. The notice shall also inform the employee that future additional performance deficiencies or behavior problems, whether similar or not, could result in additional disciplinary action. Upon such demotion a probationary employee shall serve the balance of his/her probationary period and a regular status employee shall not be required to serve another probationary period.

e. Dismissal

Dismissal is separation from employment. Dismissals require a pre-disciplinary hearing. Written notice of Dismissal shall be given to the employee.

3. Pre-Disciplinary Hearings

Before issuing a Suspension, Pay Reduction, Demotion or Dismissal, the Appointing Authority shall provide written notice of his or her intent to administer discipline and offer the employee the opportunity to discuss the situation at a pre-disciplinary hearing. Such hearing shall be held by the employee's Department Director or that Director's designee. The notice shall include the factual basis for the discipline being considered and the just cause for the discipline and advise the employee of the date and time of the pre-

disciplinary hearing.

The pre-disciplinary hearing is the employee's opportunity to be heard on issues related to the proposed discipline. Employees may be represented by a person of their choice at their pre-disciplinary hearing.

Pre-Disciplinary hearings may be conducted in the manner determined appropriate by the respective Appointing Authority.

D. Retention of Disciplinary Documentation

Discipline actions shall remain active for at least the minimum time specified below:

Verbal Warning	6 months
Written Warning	9 months
Suspension, Pay Reduction, or Demotion	12 months

If the Appointing Authority has determined the problem necessitating the discipline has been corrected by the employee and additional performance or behavior problems have not occurred during the designated time frame, the Appointing Authority may request that discipline actions be inactivated. Even if inactive, all documentation will be retained as a part of the personnel file and available in accordance with Chapter 119, Florida Statutes. The determination of the Appointing Authority regarding inactivation is final.

E. Grievance of Discipline Actions & Appeals of Dismissal

1. Grievances

An employee may grieve disciplinary action, except dismissal, by filing a written grievance in accordance with the grievance procedure specified in Rule 7.

2. Appeals of Dismissal

Except as provided herein, a regular status employee may appeal a dismissal directly to the Unified Personnel Board by filing a written notice of appeal with the Director of Human Resources within 15 calendar days from the notice of the dismissal. An employee serving the initial one year probationary period may not appeal a dismissal.

Human Resources staff may advise the employees and the Appointing Authority of all rights and responsibilities in the appeal procedure but shall not act as a representative or advocate for either.

Conference for Probationary Employees: When incidental to the dismissal of a probationary employee, the Department places in the employee's personnel file any information concerning the employee which might be considered stigmatizing to future employers, i.e., termination for misconduct; and if the employee contends that the information is false, the employee may, in writing, demand a name clearing conference. If such demand is made, the Department shall provide the employee an opportunity to demonstrate the falsity of the information, and the burden of proof shall be on the employee. The sole issue to be determined shall be the truth or falsity of the information alleged by the employee to be false, and the decision shall not necessarily affect the dismissal.

3. Representation

The employee may, if desired, be represented by counsel or lay person during hearings conducted under the provisions of this Rule.

4. Unified Personnel Board Appeal of Dismissal Hearings

Employees appealing their dismissal under this Rule shall be provided a fact-finding hearing before the Unified Personnel Board at which both parties shall have the opportunity to be heard in person, to be represented by lay person or by counsel, and to introduce testimony and evidence. Board Hearings shall be conducted in accordance with the Unified Personnel Board's appeal procedures.

F. Suspensions Pending Judicial Review

When an employee has been indicted or has had an information filed against him or her for a felony, a misdemeanor involving moral turpitude, or any offense in which a conviction would adversely affect the efficiency or morale of the County Service, the Appointing Authority may, in his or her sole discretion, suspend that employee with or without pay until any such charge has been prosecuted to its conclusion. Written notice of suspension shall be provided to the employee.

In the event the suspension is without pay, the employee will be given an opportunity, either orally or in writing to present to the Appointing Authority reasons why the suspension without pay would be inappropriate.

At the conclusion of the charge, if the employee has been found guilty, has pled guilty whether adjudication is withheld or not, or entered a pre-trial intervention or similar program, the Appointing Authority may proceed with termination, in accordance with the procedure in Section 2.

In the event the employee has been tried and acquitted or the information or indictment is quashed or dismissed, the employee may present appropriate documentation to the Appointing Authority and request reinstatement in writing within 15 calendar days of the acquittal or other disposition of the case. This request must be made by delivering the request and documentation to the Appointing Authority. Failure of an employee to request reinstatement from the Appointing Authority within 15 calendar days of the acquittal or other disposition of the case shall be deemed a voluntary resignation of employment. Upon verification that such documentation is genuine and accurate, the Appointing Authority may reinstate the employee with or without back pay.

If the Appointing Authority does not reinstate the employee, the employee may, within 15 calendar days of denial of reinstatement, petition the Unified Personnel Board for reinstatement by delivering a written request for reinstatement to the Director of Human Resources. Failure of an employee to timely file such written request with the Director of Human Resources shall be deemed a voluntary waiver of the employee's right to seek reinstatement from the Unified Personnel Board and will be considered a voluntary resignation. Such resignations shall not be appealable.

Back pay is limited to wages and benefits lost during the suspension period, less sums from all other sources including wages or salary earned and monies received from any and all public assistance and unemployment compensation for the suspension period. The Personnel Board has no authority to grant pay. Only the Appointing Authority may grant back pay.

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D1	Substandard quality or quantity of work.	Verbal Warning to Written Warning	Written Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal
D2	Sleeping on the job.	Written Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal	
D3	Failure to perform assigned duties.	Verbal Warning to 3 Day Suspension	Written Warning to 5 Day Suspension	Dismissal	
D4	The employee refused to answer questions from a superior or investigative agency relating specifically and directly and narrowly to the employee's official duties, after the employee had been warned that refusal to answer such questions could lead to disciplinary action and that statements made by employees under such circumstances were inadmissible as evidence in a criminal prosecution.	3 Day Suspension to Dismissal	Dismissal		
D5	Insubordination.	Verbal Warning to Dismissal	Written Warning to Dismissal	Dismissal	
D6	Excessive tardiness or absenteeism.	Verbal Warning to Written Warning	Written Warning to Reduction in Pay	Reduction in Pay to Dismissal	Dismissal

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D7	Leaving work station without authorization.	Verbal Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal	
D8	Absence without authorized leave. <i>Note: 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 and as such may not be grieved.</i>	Written Warning	3 Day Suspension	Dismissal	
D9	Intentional falsification of records.	3 Day Suspension to Dismissal	Dismissal		
D10	Misuse or destruction of property or equipment.	Verbal Warning to Dismissal	3 Day Suspension to Dismissal	5 Day Suspension to Dismissal	Dismissal
D11	Unauthorized use of County equipment or property.	Verbal Warning to Dismissal	3 Day Suspension to Dismissal	Dismissal	
D12	Violation of written rules, regulations, policies or statutes.	Verbal Warning to Dismissal	Written Warning to Dismissal	3 Day Suspension to Dismissal	Dismissal
D13	Negligence resulting in minor consequences.	Verbal Warning to Written Warning	Written Warning to 3 Day Suspension	Dismissal	

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D14	Negligence resulting in serious consequences.	3 Day Suspension to Dismissal	Dismissal		
D15	Unauthorized distribution, solicitation, or sales.	Verbal Warning to Written Warning	Written Warning to 3 Day Suspension	Dismissal	
D16	The employee engaged in a physical fight while on duty.	3 Day Suspension to Dismissal	Dismissal		
D17	<p>The employee is in possession of a deadly weapon on County owned or leased property or in a County owned or leased vehicle at any time, or in a personal vehicle while being used for County business except:</p> <ul style="list-style-type: none"> a. if specifically authorized in advance by the employee's Appointing Authority, or b. With regard to a firearm, is otherwise specifically allowed under Florida Statute §790.251. <p>Deadly weapon means any instrument which will cause great bodily harm or death when used in its ordinary and usual manner. For this infraction, deadly weapons include, but are not limited to: firearms, clubs, knives (other than a common pocket knife with a folding blade or an eating utensil), stun guns, brass knuckles, nunchucks, throwing stars, and other martial arts weapons.</p>	3 Day Suspension to Dismissal	Dismissal		

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D18	The misappropriation of County funds, appropriation of County property for personal use, or illegal disposition of County property.	3 Day Suspension to Dismissal	Dismissal		
D19	Violation of County Alcohol and Controlled Substance Testing Policy for Commercial Motor Vehicle Drivers.	Dismissal			
D20	The employee has engaged in conduct unbecoming an employee of the County.	Written Warning to Dismissal	Dismissal		
D21	Finding of guilty or plea of guilty or <i>nolo contendere</i> to an employment-related first degree misdemeanor, or felony whether adjudication of guilt is withheld or not.	3 Day Suspension to Dismissal	Dismissal		
D22	Finding of guilty or plea of guilty or <i>nolo contendere</i> to a misdemeanor or felony involving moral turpitude, whether adjudication of guilt is withheld or not and whether related to employment or not.	Written Warning to Dismissal	Dismissal		
D23	Finding of a violation of Pinellas County Anti-Harassment Policy after an investigation by the Office of Human Rights or an investigation done at its direction.	Written Warning to Dismissal	Dismissal		
D24	With a reasonable accommodation, the employee is incapable of performing the essential functions of the job position because of a mental or physical disability.	Demotion or Dismissal			
D25	Attempt to use political influence in personnel matters.	Written Warning to Dismissal	Dismissal		

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D26	The employee has intentionally falsified a time record or made a false claim for leave, or failed to report absence from duty to supervisors.	3 Day Suspension to Dismissal	Dismissal		
D27	The employee, after employment, is found to have made a false statement in his application for employment.	Written Warning to Dismissal			
D28	The employee's conduct is offensive or antagonistic toward superiors, fellow employees or the public. The actions include but are not limited to verbal abuse, intimidation or the use of profane or obscene language	Verbal Warning to Dismissal	Written Warning to Dismissal	Dismissal	
D29	The employee's conduct interferes with the proper cooperation of coworkers or impairs the efficiency, morale, good order or discipline of the workplace.	Verbal Warning to Dismissal	Written Warning to Dismissal	Dismissal	
D30	The employee required to maintain an active driver's license has had his or her driver's license suspended or revoked; or has failed to report a suspension or revocation to his supervisor by the next scheduled work day immediately following notification of the suspension or revocation; or has driven a county owned or leased vehicle or his or her own vehicle on county business after such revocation or suspension.	Demotion or Dismissal	Dismissal		

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D31	The employee whose position requires the operation of a motor vehicle in the performance of their duties, fails to immediately advise of a conviction for violation of any motor vehicle law or ordinance for which more than three points are assessed pursuant to Section 322.27, Florida Statutes, or any conviction under Sections 316.193 or 316.1931, Florida Statutes (driving under the influence).	Verbal Warning to Written Warning	Written Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal
D32	The employee has failed to obtain or maintain the required certification for their job position.	Demotion or Dismissal			
D33	The employee, whether on or off the duty, has engaged in employment or other activity which is inconsistent or incompatible with his or her assigned duties, functions, or responsibilities, or one that is in legal, moral, or technical conflict with such duties.	3 Day Suspension to Dismissal	Dismissal		
D34	That the employee has violated Section 447.505, Florida Statutes, or any subsequent amendments thereto or any other related, applicable Florida Statute, or has induced or attempted to induce, or aided or abetted any employee of Pinellas County to engage in any strike or walk-out against Pinellas County or any organizational department or unit thereof.	Dismissal			
D35	Violation of Pinellas County Statement of Ethics	Verbal Warning to Dismissal	Dismissal		

Disciplinary Guidelines					
		Disciplinary Action Ranges			
Infraction		First Level	Second Level	Third Level	Fourth Level
D36	Failure to perform a reasonable amount of emergency work outside normal working hours when directed to so do by proper authority.	3 Day Suspension to Dismissal	Dismissal		
D37	During employment the employee fails to report to management that he or she was arrested by the first scheduled work day immediately following the arrest.	Verbal Warning to Dismissal	Written Warning to Dismissal	Dismissal	

Rule 7. Employee Grievances

A. Applicability and 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.

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 Resolution	Step 1: Department Head	Step 2: Informal Grievance Committee	Step 3: 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 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.
 - 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.

3. 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

- 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

- i. Grievant files a written request within 15 calendar days on the established Human Resources Department form to appeal the Department Head's decision to 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.

Rule 8. Political Activities

A. The provisions of this rule apply to members of the Classified Service.

B. Prohibited Activities

1. Employees are prohibited from taking an active part in a political campaign while on duty or during the time which the employee is expected to perform services for which compensation is received from the County.
2. Employees are prohibited from the following while on duty or on County property:
 - a. circulation of or seeking signatures to any petition provided for by any charter or law;
 - b. distributing badges, colors, or other indications favoring or opposing an issue or a candidate for election or nomination to a federal, state, county or municipal public office; or
 - c. making, soliciting or knowingly accepting any political contribution in a building owned by a governmental entity.
3. Employees are prohibited from holding a public office or being a candidate for public office while employed by the County.

C. Allowed Activities

As long as it is not in violation of Federal or Florida Law, Opinions of the Florida Division of Elections, other provisions of this Rule, and occurs during off-duty hours any employee may:

1. Express their opinions on any candidate or issue;
2. Participate in any political campaign; and
3. Serve as a member of the State Executive Committee or County Executive Committee of a political party.

D. Candidacy for Public Office

An employee is required to resign employment to run for public office as follows:

1. If at the Appointing Authority's sole discretion, he or she determines there is a conflict of interest between the employee's duties as a County employee and the employee's candidacy for public office, the employee must resign prior to the date he or she becomes a candidate pursuant to state law; or
2. If the Appointing Authority does not require resignation as outlined in D.1., above, the date on which the employee becomes a candidate pursuant to state law.

E. Hatch Act

Employees whose principal employment is in connection with activity financed, in whole or in part, by loans or grants made by the United States or a Federal Agency are subject to the provisions of the Hatch Act.

Definitions

For the purpose of these Rules, the following words and terms shall have the meaning indicated unless the context clearly indicates otherwise:

Appointing Authority - The Appointing Authorities of the Unified Personnel System are: the Board of County Commissioners, the Clerk of the Circuit Court, the Property Appraiser, the Supervisor of Elections, the Tax Collector, the County Administrator, the County Attorney, the Executive Director of the Pinellas Planning Council, the Executive Director of the Pinellas County Construction Licensing Board, the Chief Information Officer of Business Technology Services, the Human Rights Officer, and the Director of Human Resources. They have the power to appoint the employees who shall hold some or all positions under their supervision.

Class Specification - A written description of the essential characteristics of a job classification and the factors and work requirements that distinguish it from other job classifications. The class specification shall outline the nature of work involved; illustrative tasks performed; knowledge, abilities and skills needed; and the experience and training desired or mandatory for the job classifications.

Demotion - The change of an employee from one job classification to another job classification for which the maximum of the pay rate for the new position is lower than that of the employee's current pay grade.

Job Classification - A group of duties and responsibilities assigned by competent supervision requiring the full-time or part-time employment of one person. Each such job classification shall have a job title, a job description, and a pay grade and, where possible and practical, an appropriate test to determine the fitness of interested applicants.

Job Title - A definite descriptive designation for a job classification.

Lateral - The change of an employee from one job classification to another job classification with the same pay grade as that of the employee's current pay grade.

Members of the Classified Service - All personnel employed in the County Service, except those serving in a job classification which is specifically declared by the Pinellas County Unified Personnel Board to be an Exempt Service position.

Members of the County Service - All personnel employed by and under the jurisdiction of the Board of County Commissioners or a Constitutional Officer in one of the job classifications set forth in the Pinellas County Unified Personnel System either as members of the Classified Service or as members of the Exempt Service.

Members of the Excluded Classified Service - Classified Service salaried employees certified by the Appointing Authorities through the County Attorney to the Director of Human Resources as meeting the pertinent Administrative, Executive or Professional Fair Labor Standards Test and thus excluded from the overtime provisions of the Fair Labor Standards Act. These classifications are identified in the Classification Plan.

Members of the Exempt Service - All personnel employed in the County Service in one of the Exempt Service positions, as set forth by the Pinellas County Unified Personnel Board.

Pay Grade - A salary range with a minimum and maximum pay bracket established to fairly and competitively compensate an employee for assigned work under the specific job classification.

Pay Grade Change - An increase or decrease in the pay grade established for a specific job classification, such changes being made for the purpose of ensuring that a fair, equitable, and competitive pay grade is currently in effect. This is also known as a reallocation.

Permanent Position - a position for which the duties and responsibilities are expected to occur on an ongoing basis and which is funded with recurring funds.

Position - An approved budgeted personnel allocation.

Position Reclassification - The change of a job classification due to a permanent change in or an increase or decrease in the assigned duties and responsibilities of the position, or to correct inequities created by the reclassification of other positions.

Probationary Period - That period of time beginning with a person's employment in the Classified Service and normally ending one year from the date of hire. Appointing Authorities may remove probationary hired employees from probation when deemed appropriate. Such decisions to remove or maintain the probationary period shall not be grievable.

Probationary Status Employee - A Classified Service employee currently serving a probationary period of service.

Promotion - The change of an employee from one job classification to another job classification for which the maximum of the pay rate for the new position is higher than that of the employee's current pay grade.

Provisional Employment - Employment in a Classified Service position in the absence of an eligible register, such employment not to exceed six months from the date of such employment nor more than 45 days following the establishment of an eligible register, whichever is less in length of time.

Regular Status Employee - A Classified Service employee who has satisfactorily completed a probationary period of service.

Temporary Employee – An employee within a position designated as temporary. A temporary position is one for which the duties and responsibilities are expected to occur for a short time frame or occur on a seasonal basis.

Transfer - The change of an employee from one position to another position within the same job classification and pay grade as the employee's current position.



EMPLOYEE POLICIES & PROCEDURES

UNIFIED PERSONNEL BOARD POLICY #1 **Employee Identification**

All employees shall be photographed and issued a photo ID by the Director of Human Resources. All employees are expected to have the County issued photo ID in their possession while at work.

- The ID is not transferable to any other employee or individual.
- Appointing Authorities may require employees to wear or display the ID while at work.
- Photos should be updated every five years or as special needs require.
- Cards must be surrendered upon update and at termination of employment.

UNIFIED PERSONNEL BOARD POLICY #2 **Selection for Classified Service Positions**

Pinellas County, the Unified Personnel System, and all Appointing Authorities are equal opportunity employers. Our continuing policy in the substance, design and administration of our personnel programs shall assure the fair and equal treatment of all persons in all aspects for personnel administration without regard to military status, political affiliation, age, race, color, national origin, gender, sexual orientation, gender identity or gender expression, religious creed, disability, genetic information, or any other characteristic protected by law, and with proper regard for their privacy and constitutional rights.

A. Announcement of Recruitments

Unless vacancies are to be filled by demotion, transfer, or by certification from layoff eligible lists, they should be filled so far as practical by the promotion of employees in the Classified Service. The Director of Human Resources shall, upon recommendation of the Department Head or Appointing Authority, establish an open competitive or promotional recruitment process. The recruitment shall be advertised through appropriate means necessary to bring the notice of examination to the attention of the prospective applicants. Such notice shall set forth the job requirements and the time and place at which applications for employment may be filed.

B. Application for Employment

No person responding to public notice shall be denied the opportunity of filing an application for employment with the County, and all such applications shall be made on standard forms designed and prepared by the Director of Human Resources. The Unified Personnel System is committed to maintaining a balanced workforce that reflects the diversity of the general population of the County.

C. Rejection of Applications

The rejection of applications shall be objectively based on failure to meet any of the announced requirements, prior unsatisfactory employment in the County Service, giving false information concerning education, skills, licenses, certifications, past employment history or conviction record, prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought, or for other just cause.

D. Eligible Registers

Human Resources will utilize acceptable selection procedures which conform to applicable Federal and State standards and established professional standards. The Director of Human Resources shall establish and maintain eligible registers for recruitment for various job classifications as are deemed necessary to meet

Selection for Classified Service Positions

the needs of the Classified Service. The type of recruitment shall be done in accordance with Rule 2 and with the concurrence of the Appointing Authority. Names of eligible candidates shall be placed on the register in the order of their final earned score and in accordance with veterans' preference requirements set forth in Chapter 295, Florida Statutes. Individuals who are eligible for veterans' preference shall receive preference at every step of the selection process. Active and promotional registers shall be in effect from the date on which they are certified. An Appointing Authority may appoint any person on the eligible list to fill a vacancy so long as this appointment is in conformity with the requirements set forth in Chapter 295, Florida Statutes.

The Director of Human Resources may cancel, postpone, reschedule, or re-announce any examination for any good and sufficient reason deemed in the best interests of County Service.

After the grading of examinations, the Human Resources Department shall advise each candidate as to the result of his examination within 10 calendar days. Should an employee or new job applicant feel adversely affected or discriminated against in an opportunity for promotion or employment, or believes an injustice has been done in the grading of his/her examination papers, the individual may appeal to the Director of Human Resources within ten calendar days. Should the matter not be resolved by the Director of Human Resources, the Pinellas County employee candidate may appeal to the Unified Personnel Board. Any such appeal to the Unified Personnel Board must be made in writing within five calendar days from the date of the response from the Director of Human Resources and shall specify the cause of complaint. The Unified Personnel Board shall review the matter and shall render a final decision in the matter.

E. Removal of Names from Eligible Register

The names of candidates shall be removed on the basis of the following:

1. Appointment through certification from the register to fill a vacant position.
2. Failure to respond or report, within the time specified in the notice, to any inquiry of the Director of Human Resources or Appointing Authority concerning availability for employment.
3. Separation from the Classified Service.
4. Declining an offer of employment three times by a candidate.
5. The return of mailed notices or correspondence sent to the last known address.
6. Discovery that the candidate lacks any of the qualifications prescribed as requirements for admission to the examination for the class or appointment to the position.
7. False statement of any fact or the practice of or attempt to practice deception or fraud in the candidate's application, or examination or, otherwise, in securing appointment or eligibility.

Selection for Classified Service Positions

8. At the discretion of the Director of Human Resources, if finding that the candidate has been an unsatisfactory employee in either public or private employment because of inefficiency, delinquency, misconduct, or related reasons.

F. Drug Screening

Pinellas County complies with the Federal Drug Free Workplace Act of 1988 and Florida State Law. Applicants who are conditionally offered employment for positions requiring a CDL driver's license or for positions that are designated safety sensitive must successfully complete a drug screening in accordance with the provisions of the County policy.

G. Initial Medical Evaluation

Dependent on the duties and responsibilities of the position, an individual may be conditionally offered a job contingent on successfully completing a job-related medical evaluation by a physician selected by the Director of Human Resources. The purpose of this evaluation shall be to determine that, prior to beginning work, the individual is capable of safely performing the essential functions of the position.

H. Fingerprinting

All new hires shall be subject to a national criminal background check. The requirement may be waived by the Appointing Authority for retirees from Pinellas County Government and other temporary workers needed on an emergency basis for periods of 30 days or less.



EMPLOYEE POLICIES & PROCEDURES

UNIFIED PERSONNEL BOARD POLICY #3 **Employee Performance Management Program**

The Director of Human Resources shall establish and administer a program for evaluating the work performance of employees in the Classified Service. An evaluation process shall be established by Human Resources with the concurrence of the Appointing Authorities for all classified employees.

The performance management program should incorporate frequent discussions and conversations between supervisors and employees on the following:

- Setting expectations
- Supporting growth and development
- Observing and noting performance
- Summarizing performance conversations

Supervisors are expected to memorialize a summary of these conversations on a quarterly basis unless the Appointing Authority adopts an alternative schedule.

UNIFIED PERSONNEL BOARD POLICY #4 **Employee Training – Tuition Reimbursement**

The Director of Human Resources shall foster and develop a training program for employees of the County Service. The purposes of this program are to increase employee effectiveness, operational efficiency, and to assist employees in preparing themselves for positions of increasing complexity and responsibility. Employee participation in the training program is encouraged but is voluntary. Training meetings and courses conducted by Human Resources Department may be held on the employee's own time or, with the approval of the Department Head, during official working hours. Coursework taken through Job Enhancement or Career Development Tuition Reimbursement programs shall be on the employee's own time. Approved leave may be taken to satisfy this requirement, provided the employee does not exceed 40 hours of accumulated work and leave during any week of the training, except as approved by the Department Head.

A. Tuition Reimbursement through the Job Enhancement Program

One of the principal components of the overall training program is the Job Enhancement Program. This is designed to assist employees by providing financial assistance to pursue educational courses on their own time which will broaden, update or otherwise improve their professional job performance; provided that such education is related to current job responsibilities and will show a direct benefit to Pinellas County.

Classified Service employees who are Regular Status Employees and Exempt Service employees are eligible. Eligible employees may pursue off-duty educational or vocational courses which will directly benefit the County in relation to the position they currently hold. Approval will be contingent upon the concurrence of the employee's Department Head or designee, the Director of Human Resources or designee, and the availability of budgeted monies from the County General Fund.

B. Tuition Reimbursement through the Career Development Program

The Career Development Program is established to assist in the career growth of County employees. This program differs from the Job Enhancement Program in that employees are pursuing courses or a course of study that improves their knowledge, skill, or abilities for other positions within the County Service. The goals and objectives of the program are as follows:

- To ensure a qualified and motivated County work force is being developed for years to come
- To foster mutual long-term employment commitment between the County organization and individual employees through common goals and objectives

Employee Training – Tuition Reimbursement

- To help eliminate a minority or gender imbalance or underutilization in the County work force
- To assist employees in developing and following through on career plans
- To maintain and improve employee morale and productivity

Classified Service employees who are Regular Status Employees and Exempt Service employees pursuing a career path that is beneficial to County Government are eligible. There must be a reasonable probability of completion. Approval will be contingent upon the concurrence of the employee's Department Head or designee, the Director of Human Resources or designee, and the availability of budgeted monies from the County General Fund.

C. General Policies and Procedures

The following enrollment conditions apply:

- Employees may be required to complete a career plan interview with the Human Resources Department if career goals are not clearly stated or understood (Career Development only).
- Coursework must be taken on employee's own time.
- It is recommended that the Request to Enroll form be submitted at least 10 days prior to first day of class in order to obtain confirmation of eligibility for reimbursement. Anyone who enrolls and pays for training prior to receiving confirmation of acceptance from the Human Resources Department risks bearing the cost of the program. The Human Resources Department will not consider any enrollment request received more than 30 days after the course completion date unless due to an administrative error which occurs after the request has been submitted by the employee.

Reimbursement requires the adoption by the Board of County Commissioners of an appropriate resolution, the administrative processing for which will be initiated by the Director of Human Resources. The legal basis for such disbursement of public funds for purposes of this kind is Chapter 65-2105, Laws of Florida and Chapter 77-642, Laws of Florida and Pinellas County Board of County Commissioners' Resolution 83-225.

Acceptance into either program may be also restricted because of available funds. Such funding may restrict participation to certain pay grades, classifications, programs or other variables.

Employees whose enrollment is approved will be reimbursed up to a maximum of \$2,800 for full-time employees or \$1,400 for part-time employees per fiscal year, provided that upon completion of the course they can produce a receipt for payment, and a certified record showing that they successfully completed the course. A passing grade of "C" or better is required for undergraduate courses, or "B" or better for graduate courses. When grades are not given, a certified record of satisfactory completion shall be acceptable. Employees may be reimbursed for tuition costs, registration, fees, and books.

Employee Training – Tuition Reimbursement

Employees may participate in either or both tuition reimbursement programs provided they meet the eligibility criteria. However, reimbursement is limited to a combined total of \$2,800 for full-time employees or \$1,400 for part-time employees per fiscal year; regardless of which program(s) employee use.

Portions of reimbursements may not be split between or carried over to different fiscal years. The governing date for determining the fiscal year to which reimbursements will be applied is the completion date of the course(s) taken.

D. Certified Public Manager Program

Florida's Certified Public Manager (CPM) program is intended for employees in management or management staff positions. Employees who are nominated by their Department Head and approved by the Director of Human Resources will have the full tuition costs for these classes reimbursed to them upon successful completion if they enroll for a class level presented by an external organization. In situations where the County contracts to provide an in-house class level, tuition costs will be borne by the County with the employee obligated to reimburse the County should he or she fail to satisfactorily complete the class. Attendance at these courses may be either on employee's own time or at the discretion of their Appointing Authority during official work time.

Acceptance into this program may also be restricted because of available funds. Employees who are approved to attend must provide a certified record showing successful completion of the course in order to be reimbursed for the expense.

UNIFIED PERSONNEL BOARD POLICY #5 **Outside or Non-County Employment**

In order to provide the best possible service to the citizens of Pinellas County, the County requests the full attention and efforts of our employees and discourages employees from engaging in employment outside of their regular County position.

The County discourages all employees (classified, exempt, permanent and temporary) from engaging in employment outside of their regular County position. However, outside employment that is approved in advance by one's Appointing Authority is permitted. This policy outlines the provisions under which County employees may request permission for outside employment. Failure to obtain permission for outside employment is grounds for discipline, up to and including termination.

1. Prohibited Outside Employment

All County employees are prohibited at all times from engaging in an employment or enterprise, including holding positions on advisory boards and committees, that is inconsistent, incompatible or in moral, legal or technical conflict with their duties, functions and responsibilities as a County employee. Conflict of interest or the perception of conflict of interest is to be avoided.

2. Request for Outside Employment

Prior to engaging in outside employment or other outside enterprise, an employee must obtain permission from his or her Appointing Authority by submitting a request to his or her Appointing Authority seeking approval for the outside employment or enterprise. Unless an Appointing Authority has adopted a different policy, such request should be made on the form available within OPUS for this purpose.

3. Recordkeeping.

Requests and approval/disapproval must be maintained within OPUS as part of the employee's official file. If an Appointing Authority uses alternative documentation, that documentation must be similarly maintained.

4. Approvals/Disapprovals

- a. In all cases, the Appointing Authority's decision is final and not subject to grievance.
- b. Consideration of the following is appropriate:
 - The restrictions on outside employment under the Florida Code of Ethics for Public Employees (Chapter 112, Florida State Statutes).
 - The Pinellas County's Conflict of Interest Ordinance, Pinellas County Code §2-85 through 2-87.
 - Pinellas County's Statement of Ethics

Outside or Non-County Employment

- Whether the employment or enterprise may interfere with the efficient performance of the employee's assigned duties for the County or otherwise create an appearance of conflict.

5. Request Renewal Requirements

Reapproval must be sought if an employee has a change in:

- classification,
- area of assignment, and/or,
- nature of approved outside employment or enterprise.

An Appointing Authority may have additional renewal requirements based on the position held by the employee, the employee's responsibilities, and/or the nature of work performed at the outside employment or enterprise. Example: must renew every year, must renew every two years, etc. It is the employee's responsibility to be aware of the renewal requirements of his/her Appointing Authority.

6. Withdrawal of Approval

An Appointing Authority may withdraw permission for outside employment at any time. Such withdrawal will be provided to the employee in writing. Upon such withdrawal, the employee is required to terminate the outside employment within 15 calendar days.



EMPLOYEE POLICIES & PROCEDURES

UNIFIED PERSONNEL BOARD POLICY #6 **Personnel Files**

Updates

Changes of address and/or telephone number must be provided within 30 days of such change. Employees are also encouraged to provide information concerning changes in emergency contact, educational accomplishments, or training/skills.

UNIFIED PERSONNEL BOARD POLICY #7

Nepotism

Purpose

It is the County's policy that all appointments and promotions should be based on merit and fitness and conducted in a non-discriminatory manner without regard to factors such as familial status. The act of using your power or influence to get jobs or unfair employment advantages for members of your own family is called nepotism and is strictly prohibited.

The act of using your power or influence to get jobs or unfair advantages for others, whether they are family members or not, may violate the State code of ethics, Florida Statutes §112.313, et. seq and be cause for discipline up to and including termination.

At a minimum, this policy is intended to comply with the Florida Statute on nepotism (F.S. §112.3135) which prohibits appointment, employment, promotion or advancement of specified relatives by any public official vested with or delegated the authority to appoint, employ, promote or advance, or who is in a position to recommend an individual for appointment, employment, promotion or advancement.

Coverage

The provisions of this policy apply to all County employment appointments, whether in classified or exempt service, including temporary positions.

Emergency employment is excluded from this policy.

In all events, an Appointing Authority has the right to refuse to place employees who are relatives in the same department, division or facility regardless of whether such placement would violate this policy if the Appointing Authority determines such placement would have an adverse impact on supervision, safety, security or morale, involves a conflict of interest, or is otherwise not in the best interests of the employing unit.

Restrictions

1. An employee or Appointing Authority who has been given authority to appoint, employ (hire), promote, or otherwise advance individuals or to recommend individuals for appointment, employment (hire), promotion, or advancement in connection with employment is prohibited from:
 - a. appointing,
 - b. employing,
 - c. promoting, or
 - d. participating on an interview panel to appoint, employee or promote any relative, as defined herein, if doing so would result in a supervisor-subordinate relationship between that employee or Appointing Authority and the relative.

Nepotism

2. An employee or Appointing Authority may not temporarily delegate the duty or responsibility for appointing, employing, promoting or advancing others to avoid the policy/law.
3. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

Definitions

For the purposes of this policy “relative” means spouse, domestic partner, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, or first cousin, whether by blood, marriage, or adoption. (This includes relatives designated as “in-laws,” “halfs”, and “steps”.)

“Supervisor-subordinate relationship” means a relationship in which one person exercises the right to either control, direct, assign, reward, evaluate or discipline another person by virtue of the duties and responsibility assigned to his/her position.

An employee is also deemed to be a “supervisor” for purposes of this policy if the employee has significant influence over such decisions; or if the employee’s opinion on such decisions is given significant weight.

The term “supervisor” is intended to include all in the chain of command who routinely approve personnel actions.

UNIFIED PERSONNEL BOARD POLICY #8 **Resignation from County Service**

Although we hope your employment with Pinellas County Government will be a mutually rewarding experience, we understand that various circumstances do cause employees to voluntarily resign employment. The following policy sets out what the employee needs to do if the employee wishes to bring his/her employment with the County to an end for any reason including retirement.

1. Notice Requirements

Resigning employees are expected to provide adequate notice of resignation to their Department Head or Appointing Authority.

A minimum of two weeks notice is generally expected but professional, technical, supervisory and managerial employees are encouraged to give a minimum of four weeks notice. Failure to provide appropriate notice may be considered in future hiring decisions.

2. Unauthorized Absence Considered Voluntary Resignation

Any employee who fails to report to work for three consecutive days without notice to their supervisor or manager (or designated individual in accordance with department policy) may be deemed by the Appointing Authority to have voluntarily resigned and will not have a right to appeal or grieve such action. The Appointing Authority will give due consideration to reinstating an employee separated under this policy if, within a reasonable time after resignation, the employee provides to the Appointing Authority clear and convincing documentation establishing that his/her failure to timely contact the Appointing Authority to request leave at the time of the unauthorized absences is protected under applicable law.

3. County Property

Resigning employees are required to return all County property to their department promptly. This includes County ID badge, access cards, credit cards, keys, computer/telecommunications equipment, tools, and other equipment.

4. Notice Period

During the notice period, all employment policies and procedures continue to apply to the employee who is expected to comply with them and carry out the duties of his/her position. Failure to do so may subject an employee to termination.

UNIFIED PERSONNEL BOARD POLICY #9 **Transfer to Inactive Status**

As a general rule, it is expected that all employees will perform the essential functions of their assigned positions and be present for duty on a timely and regular basis in order to continue their County employment. The Appointing Authorities require regular attendance by their employees in order to operate effectively.

Requests for accommodations as contemplated under the Americans With Disabilities Act (ADA) and other applicable laws will be considered by Appointing Authorities to assist an employee in the full performance of the essential functions of his or her position, or another position within the Appointing Authority. However, it is understood that on occasion no accommodation may be available or effective and some employees will be unable to perform the essential functions of their position and/or unable to be present for duty due to illness and/or injury.

In such situations, an employee may be eligible and qualified to take leave under the Family & Medical Leave Act (FMLA) and/or ADA. If not, or if approved leave under such laws is exhausted and the employee remains unable to return to performance of the essential functions of his or her position even with an accommodation, the Inactive Service is available as an alternative to termination as provided herein.

If, after exhaustion of any available authorized leave under the FMLA or ADA, an employee has provided documentation establishing continued inability to work in his or her position or in another available position in the Appointing Authority at the same or lower classification (available position) for which the employee is otherwise qualified and is deemed not to be a qualified person with a disability entitled to an accommodation under the law, or if there is no reasonable accommodation that can be granted to enable the employee to perform the essential functions of his or her position or another available position under the Appointing Authority, the Appointing Authority may offer the employee Inactive Status designation in conjunction with his or her termination for inability.

An employee who accepts the designation voluntarily waives his or her right to appeal the termination to the Unified Personnel Board.

An employee who rejects the designation and does not return to work within three working days of the deadline specified in the offer, shall be considered to have voluntarily resigned in accordance with Personnel Rule 4.

The Inactive Status designation shall give the individual a right of first refusal to an available position within his or her former classification with his or her former Appointing Authority for one year from the date of designation.

This right may be exercised by the individual within one year from the date of the designation by submitting a request accompanied by written documentation from his or her treating medical provider to the Appointing Authority requesting the placement.

Transfer to Inactive Service

The documentation must establish the individual's ability to return to the position/classification, with or without accommodation and, if with accommodation, provide details of the accommodation being requested. The Appointing Authority will engage in an interactive process to determine whether the requested accommodation or some other accommodation is available and may require additional documentation as necessary to determine the individual's ability to return. The individual is expected to cooperate in this process.

If no position is available at the time of the individual's request, the Appointing Authority shall let the individual know. The individual may submit subsequent requests, so long as they are within the one year time period.

UNIFIED PERSONNEL BOARD POLICY #10

Discipline Policy

County employment policy is designed to give each employee a full opportunity for work success. Discipline is a necessary part of a supervisor's role to remedy performance or behavioral problems.

There are several steps a supervisor should take to help ensure success and reduce the need for discipline. An effective selection procedure that matches the knowledge, skills, abilities, and behaviors of candidates with those needed to be successful in the position is a first step. Employees also need a meaningful orientation and appropriate on-the-job training. A positive approach accompanied by feedback through periodic performance discussions and reviews helps point employees towards success.

The Unified Personnel System strives to have a consistent, progressive, and fair system of employee discipline. Often the first step towards correcting performance or behavioral issues will be coaching. Coaching is communicating with an employee, listening to find out what the problem is, removing obstacles that are not under the employee's control, and offering encouragement and support. Supervisors should focus on communicating an expectation of change and improvement in a non-threatening way while, at the same time, maintaining the seriousness of the situation.

If coaching fails to effectively resolve performance or behavioral issues, counseling can be an effective next step. In counseling, the supervisor provides specifics concerning the problem, discusses them with the employee and seeks mutually agreed upon solutions.

Coaching and counseling are the expected methods for supervisors to confront an employee about a problem in the areas of work performance, conduct, safety, or attendance. The objective is to help the employee recognize that a problem exists and to develop effective solutions to it. Supervisors should keep notes on what was discussed in coaching or counseling sessions. Effective coaching and counseling will frequently resolve the situation.

When an employee fails to respond to counseling, or a single incident or behavior occurs which is serious enough to warrant a formal step of discipline, the supervisor has several options, depending on the seriousness of the problem. These options, or steps, of progressive discipline, in increasing order of severity, are:

- (1) Verbal Warning
- (2) Written Warning
- (3) Suspension*
- (4) Pay Reduction*
- (5) Demotion*
- (6) Dismissal

**Considered same level of discipline*

Discipline Policy

Disciplinary actions taken must be applied consistently, must be appropriate for the offense and must be timely. Details of the discipline process are contained in Personnel Rule 6. Discipline.

UNIFIED PERSONNEL BOARD POLICY #11 **Grievance Process**

Personnel Rule 7 Employee Grievances provides Unified Personnel System Classified Service employees with a mechanism to raise a grievance regarding a work related issue. This policy sets out how departments and employees are to follow through on the various steps of the grievance process. This policy is not intended to supersede or change Personnel Rule 7, but is provided as a tool to make the process a little easier to understand and use.

When an employee believes they have a work related complaint as outlined in Personnel Rule 7, the employee is encouraged to attempt to resolve the issue through informal methods with his/her immediate supervisor. If the issue is not resolved, then the employee may seek remedy through formal means by submitting a grievance, in writing, to the Department Director within 15 calendar days of the time the employee (hereinafter grieving employee) first became aware of the aggrieved situation.

Note: Supervisors are encouraged to allow a grieving employee a reasonable amount of time to consult with Human Resources regarding the grievance process.

Step 1 - Department Head

If the grieving employee believes the issue was not remedied through informal means, he or she may submit a grievance to his or her Department Head on the form established by the Human Resources Department. The completed form must be submitted within 15 calendar days of the time the employee first became aware of the aggrieved situation. This is Step 1 of the Grievance Process.

The Department Head will deliver a written response to the employee within seven calendar days from when the employee submits the grievance form.

If the employee is dissatisfied with the Department Head's response, or does not receive a response within seven calendar days, the employee may proceed to Step 2 - Informal Grievance Panel (unless the grievance matter is restricted to resolution at Step 1 per Personnel Rule 7).

Step 2 - Informal Grievance Committee

If the employee is dissatisfied with the Department Head's response, or receives no response within seven calendar days, the employee may, within 15 calendar days, ask the Director of Human Resources to schedule a hearing before an Informal Grievance Committee. The first day of the fifteen days begins the day after the Department Head's response is received. If no response is received, the first day of the 15

Grievance Process

days is the eighth day after the written grievance form is submitted to the Department Head.

The Informal Grievance Committee will consist of five employees and will be convened by the Director of Human Resources. It will be composed as follows:

- Two Classified Service employees
- One Appointing Authority representative
- One Exempt Service employee
- One Human Resources representative, who shall chair the committee.

The pool from which the Classified Service employees are chosen will be provided by the Employees' Advisory Council on an annual basis and updated as needed. The Director of Human Resources will compile a list of six employees who are not employed in the grieving employee's department from this pool. The grievant may strike two employees from the list. The Department Head or designee may then strike two additional employees from the list. The remaining two employees will serve on the Informal Grievance Committee as the Classified Service representatives.

The pool of Exempt Service employees to be used will be compiled from lists provided by each Appointing Authority on an annual basis and updated as needed. The Director of Human Resources will compile a list of three employees who are not employed in the grieving employee's department from this pool but with a preference for exempt employees within the Appointing Authority of the grieving employee. The grievant may strike one employee from the list. The Appointing Authority or designee may strike an additional employee from the list. The remaining employee will serve on the Informal Grievance Committee as the Exempt Service representative

The Appointing Authority will serve on, or designate a representative to serve on, the committee.

The Director of Human Resources will designate a member of the Human Resources Department to serve as Chair of the committee.

The Director of Human Resources will schedule the Informal Grievance Hearing within 30 calendar days of the grieving employee's request. Either the employee or the department may request the Director of Human Resources to reschedule the hearing if necessary.

The hearing is subject to the Florida Sunshine Law (F.S. 286.011, et. seq.). Parties shall limit issues brought forth to those which relate to the grievance. The Chair will document the process.

Grievance Process

The order of presentation during the grievance will be:

- Employee will state his/her case
- Panel may question the employee and/or witnesses already called
- Management will state its case
- Panel may question management's representative and/or witnesses already called
- Dialogue between all parties
- Closing statements by each party, grievant and then management

Following the presentations the Informal Grievance Committee will deliberate and reach a decision. The decision of the Committee will be announced at the conclusion of the hearing and a written decision of the Committee shall be provided to the parties within ten calendar days of the conclusion of the hearing.

If either party is dissatisfied with the decision the party may appeal the Informal Grievance Committee's decision to the Unified Personnel Board unless Personnel Rule 7 does not allow. Requests for appeal must be made in writing on the form provided by the Human Resources Department to the Director of Human Resources within 15 calendar days of the date of the written decision of the Informal Grievance Committee.

Step 3 - Personnel Board

Hearings before the Unified Personnel Board follow procedures as specified in the Unified Personnel Board Appeal Procedures of the Pinellas County Unified Personnel Board.

Decisions rendered by the Unified Personnel Board are final.

UNIFIED PERSONNEL BOARD PROCEDURE Appeal Procedures of the Pinellas County Unified Personnel Board

Section 1. Title and Scope

- 1-1 All members of the Classified Service have the right to appeal a decision regarding a grievance from the Informal Grievance Committee to the Unified Personnel Board, unless otherwise provided by Board rules. Regular Status Classified Service Employees may appeal their termination directly to the Unified Personnel Board. The following paragraphs are meant to be a guide to County employees and employers regarding appeals and shall be known as the Pinellas County Personnel Board Appeal Procedures.
- 1-2 These procedures govern practice in all appeal hearings before the Unified Personnel Board in conjunction with the requirements of Rules 6 and 7 of the Pinellas County Personnel Rules.

Section 2. Definitions

- 2-1 Appointing Authority – Shall refer to the Appointing Authority of the Employee. The Appointing Authorities of the Unified Personnel System are: the Board of County Commissioners, the Clerk of the Circuit Court, the Property Appraiser, the Supervisor of Elections, the Tax Collector, the County Administrator, the County Attorney, the Executive Director of the Pinellas Planning Council, the Executive Director of the Pinellas County Construction Licensing Board, the Chief Information Officer of Business Technology Services, the Human Rights Officer, and the Director of Human Resources. They have the power to appoint the employees who shall hold some or all positions under their supervision.
- 2-2 Board - Shall mean the Pinellas County Unified Personnel Board.
- 2-3 Calendar Day - Shall mean the respective days of the week. In computing any period of time prescribed by these rules, if the day on which the act is required to be done falls on a Saturday, Sunday, legal holiday, or county holiday, the act may be done on the next business day.
- 2-4 Classification Appeal – Shall refer to an appeal by an Employee whose position classification has been downgraded by the Director of Human Resources.
- 2-5 Counsel – Shall refer to Counsel for the Board.
- 2-6 Director - Shall refer to the Director of Human Resources or his or her designee.

Appeal Procedures

- 2-7 Employee - Shall mean any Classified Service County Employee who is entitled to an appeal of a final grievance decision or termination before the Unified Personnel Board.
- 2-8 Parties – Shall refer to the Employee and the Appointing Authority. The Appellant refers to the Party bringing the appeal. The Appellee is the Party defending the appeal.

Section 3. Hearing Requests and Scheduling

- 3-1 Any affected Employee or the Appointing Authority shall have the right to appeal the final decision of the Informal Grievance Committee, unless otherwise provided by the Personnel Rules, and a regular status classified Employee shall have the right to appeal a termination to the Board. Such appeals must be made in writing, in accordance with Rule 7 or simply by submitting a letter, to the Director, within 15 calendar days from the Employee's receipt of the grievance decision or within 15 calendar days from the effective date of termination, or the Employee's receipt of written notification of termination, whichever is later. (See Appendix A, for example). The letter should state whether all or part of the decision of the Informal Grievance Committee is being appealed and what outcome the Employee is seeking. Any findings or determinations of the Informal Grievance Committee which are not appealed shall be binding upon the parties.
- 3-2 Upon receipt of a request for an appeal hearing, and not later than 21 calendar days thereafter, the Director shall schedule an appeal hearing and notify the Counsel. Except as provided in §5-1 of these procedures, the appeal hearing shall be scheduled within 120 days from the receipt by the Director of the hearing request.
- 3-3 In the event the final decision of an Informal Grievance Committee is appealed, the Appellee may cross appeal any determination of the Committee which is not being appealed by the Appellant and which otherwise would be binding upon the parties. The notice of Cross Appeal shall be provided to the Director and the Appellant within 10 calendar days of the date of the initial letter from the Director setting the appeal for hearing before the Board.

Section 4. Pre-Hearing Conference and Procedure

- 4-1 Upon request by the Director, the Counsel will issue a notice to the parties involved to appear at a pre-hearing conference. The notice to the parties shall be sent via certified mail, return receipt requested, and shall be mailed not later than 10 calendar days prior to the scheduled date of the pre-hearing conference. The purpose of the pre-hearing conference is to identify issues,

Appeal Procedures

witnesses and exhibits and agree to those matters that will not require strict proof before the Board. (See Appendix B, for example.)

- 4-2 Parties will bring with them the following information to the pre-hearing conference:
- a. A brief written statement (legibly handwritten or typed) of the case, which shall not exceed 500 words, and which describes their view of the relevant facts regarding the appeal and in the case of the Appellant or Cross Appellant, the outcome that is sought.
 - b. A written listing (legibly handwritten or typed) of documentary evidence and exhibits and witnesses which they intend to present at the appeal hearing, with a brief description as to the evidentiary purpose. If a Party desires to subpoena witnesses, each witness' full name, home address and/or business address should be provided. The number of witnesses listed by a Party shall not exceed 15 unless the Board specifically authorizes more upon written motion made by the Party seeking to list witnesses in excess of 15 in number, served upon the Opposing Party and the Counsel. The written motion should include the names of the additional witnesses and the nature of their testimony and will be ruled upon by the Board at the next regularly scheduled meeting.
 - c. A set of the physical evidence the Party intends on using at the hearing which will be given to the Opposing Party and the Counsel at the pre-hearing conference. Each Party is expected to be prepared to make binding agreements on the admissibility of all exhibits and be prepared to agree on arrangements for submission to the Board of those exhibits for which there are no objections.
 - d. Failure to comply with this section will result in the pre-hearing conference being continued for one week to allow compliance. Non-compliance after a continuance of the pre-hearing conference shall be reported to the Board and may result in the Board striking the Non-Complying Party's witnesses or exhibits or other remedies as determined by the Board.
- 4-3 Following the completion of the pre-hearing conference, the Counsel, within seven calendar days, will prepare and issue a Pre-Hearing Conference Statement. The Pre-Hearing Conference Statement shall include the following:
- a. A statement of the case, which may either be a combined edited version of the statements provided by each Party or, as an alternative, the Counsel may simply attach each Party's respective statement of the case as a combined exhibit. The decision regarding the statement of the case by the

Appeal Procedures

Counsel shall be final.

- b. A description of the issues to be resolved.
- c. A listing of documentary evidence, exhibits, and witnesses to be presented, and a brief statement explaining their purpose.
- d. Any stipulated issues and pertinent facts.
(A sample Pre-Hearing Conference Statement is included as Appendix C.)

- 4-4 Exceptions regarding the Pre-Hearing Conference Statement must be in writing and shall be filed with the Counsel no later than seven calendar days from the date the Pre-Hearing Conference Statement is issued. A Party wishing to object to the granting or denial of an exception may do so at the beginning of the formal appeal hearing. The Board, by a majority vote, will then decide on the exception. Once exceptions have been decided, the Pre-Hearing Conference Statement shall become binding upon the parties, and any other testimony or evidence not reflected in it will be excluded. However, the Board may, by a majority vote, allow previously undisclosed testimony or evidence to be presented if good cause is shown by a requesting Party.

Section 5. Continuance of Appeal Hearing

- 5-1 Upon request of either Party, and with the approval of the Director, the appeal hearing may be continued. Additionally, the Director may reschedule an appeal hearing based upon his/her own discretion provided it is still within the 120-day time frame mentioned in paragraph 3-2 above. Continuances beyond the 120-day period mentioned in paragraph 3-2 above may only be granted if both parties agree, or, if one Party requests such a continuance and the other Party does not agree, if recommended by the Director and approved by the Board's Chair or Vice-Chair.
- 5-2 If a formal hearing is continued by the Board, it will automatically be scheduled for the next regularly scheduled Board Meeting, unless the Chair directs otherwise.

Section 6. Subpoenas

- 6-1 All parties and the Board, at its own request, have the right to request subpoenas, to compel the attendance of witnesses at appeal hearings or Board-conducted investigations (see Appendix D). Subpoenas may also be issued to compel production of books, papers, and other documents for Board hearings and investigations. The Party requesting the issuance of subpoenas shall be responsible for preparing the subpoenas and paying the witness fee and mileage as provided by law. Service of the subpoenas shall be the

Appeal Procedures

responsibility of the requesting Party, and shall be made in accordance with the Florida Rules of Civil Procedure. In the event either or both parties are not represented by legal counsel, the Counsel will provide assistance to them in preparing subpoenas.

- 6-2 The parties to an appeal may agree to conduct depositions of witnesses before a court reporter prior to an appeal hearing without the need for the issuance of subpoenas, provided the witness agrees to testify. Additionally, the Board Chair may, upon a showing of good cause by the requesting Party, issue a subpoena directing a witness to appear at a designated place and time to provide testimony which appears relevant to a Board investigation or a pending appeal. However, such subpoenas shall only be issued if the requesting Party agrees to have the testimony taken before an official court reporter, and agrees to pay the costs and expenses relating thereto.

Section 7. Documentary Evidence

- 7-1 Documentary Evidence must be relevant to the issues involved in the case.
- 7-2 Printed Exhibits shall be submitted in note books or otherwise securely clipped or bound. Each set shall be consecutively numbered or "Bates stamped". The exhibit should be clearly identified as to the Party submitting the exhibit. (e.g. Appellant's Exhibit; Appellee's Exhibit or Agreed upon Exhibit.)
- 7-3 The parties must provide a minimum of two copies of the exhibit(s). Each Party shall be responsible for providing their own copies. Human Resources shall provide copies of the exhibits to the members of the Board via the means elected by the individual members. In the event that any member of the Board chooses to receive the exhibits by printed copy, the Parties shall be required to provide those copies in addition to the two set forth above. The distribution of copies (electronic or otherwise) shall be as follows: one to each Board member (7), Counsel (1), the Director (1). One printed copy shall be used as the record copy. A printed or electronic copy of the proposed exhibits must be served on the Opposing Party as provided in §7-4.
- 7-4 The Parties are responsible for delivering the required printed copies of the exhibits to the Human Resources Department no later than 15 calendar days before the scheduled appeal hearing. Failure to submit the exhibits timely will result in the automatic continuance of the appeal hearing to the next available meeting date of the Board. Each Party shall be responsible for submitting the exhibits it intends on placing into evidence. Each Party shall serve a copy of its exhibit package upon the Opposing Party.
- 7-5 After one continuance has been granted under §5-1, the failure by either Party to deliver their proposed exhibits to Human Resources 15 calendar days before

Appeal Procedures

the continued hearing may result in the Board disallowing any documentary evidence by that Party or other remedy as determined by the Board.

- 7-6 It is the intent of the Board that all proposed exhibits shall be provided to the members of the Board prior to the appeal hearing. In the event that either Party objects to evidence being submitted, they may file a written objection stating the basis of the objection which will be submitted to the members of the Board at the time the proposed exhibits are submitted. A copy of any objection shall be served upon the Opposing Party. Objections to evidence will be heard prior to its admission into evidence.
- 7-7 The Personnel File held by Human Resources shall be a standard exhibit in appeals of termination and grievances. The Human Resources Department shall provide a copy to the members of the Board prior to the appeal hearing. A copy of the Personnel File shall be provided to the parties electronically prior to the pre-hearing conference. In the event that both parties object to the admission of all or a portion of the Personnel File, such objection(s) shall be made in writing and served upon the Counsel and the Opposing Party within seven calendar days of the close of the pre-hearing conference. The Counsel shall determine if the nature of the objection is such that the Board should consider the objection before the documents are provided to the Board or if the documents can be provided to the Board prior to resolution of the objection. Any objection to all or a part of the Personnel File shall be renewed and resolved by the Board at the time of the appeal hearing. All objections under this section or §7-6 shall be waived if not renewed at the time of the appeal hearing.

Section 8. Formal Hearing Procedures for Appealing a Termination

- 8-1 During the appeal of a termination, the following sequence of events will occur:
- a. Exceptions raised by the parties on the Pre-Hearing Conference Statement will be read aloud by the Counsel, and the parties will argue their respective sides concerning the exceptions. The excepting Party will argue first. After both sides have completed their arguments, the Board will grant or deny each exception. Written objections will be ruled upon by the Board prior to opening statements.
 - b. After the decisions on exceptions, the parties will present opening statements. The opening statement should include: a brief introduction of the Party; an explanation of why the hearing has been called; an explanation of what each Party intends to show by evidence presented; and a statement as to what the Board is to decide. Opening statements should not exceed 10 minutes. The Party bringing the appeal will present his or her opening statement first.

Appeal Procedures

- c. Next, the parties shall present witnesses, documents, and any other relevant evidence. The Appointing Authority, or his/her representative, shall proceed first. During the presentation of evidence, parties will have the opportunity to object and cross-examine witnesses. Objections will be decided by the Board as they arise. During the proceedings members of the Board may ask such questions as they believe necessary and relevant to the determination of the issues presented to them.
 - d. After both parties have presented their cases, the Appointing Authority shall be given the opportunity to rebut evidence presented by the Appellant. Next, the Appellant will be given the opportunity for surrebuttal to the Appointing Authority's rebuttal. No new evidence or testimony will be permitted during rebuttal or surrebuttal, unless it explains or contradicts testimony or evidence previously submitted.
- 8-2 The burden shall be upon the Appointing Authority in appeals which involve termination, to show, by a preponderance of evidence, that the Appellant committed the activities for which he/she was disciplined, and that the activities violated the Personnel Rules cited.

Section 9. Formal Hearing Procedure for Grievance Appeals

- 9-1 During an appeal hearing other than an appeal of a termination or a classification appeal, the following sequence of events will occur:
- a. Exceptions raised by the parties on the Pre-Hearing Conference Statement will be read aloud by the Counsel, and the parties will argue their respective sides concerning the exceptions. The excepting Party will argue first. After both sides have completed their arguments, the Board will grant or deny each exception. Written objections will be ruled upon by the Board prior to opening statements.
 - b. After the decisions on exceptions, the parties will present opening statements. The opening statement should include: a brief introduction of the Party; an explanation of why the appeal hearing has been called; an explanation of what each Party intends to show by evidence presented; and a statement as to what the Board is to decide. Opening statements should not exceed 10 minutes. The Appellant will present his or her opening statement first.
 - c. Next, the parties shall present witnesses, documents, and any other relevant evidence. The Appellant, or his/her representative, shall proceed first. During the presentation of evidence, parties will have the opportunity to object and cross-examine witnesses. Objections will be decided by the Board as they arise. During the proceedings members of the Board may ask

Appeal Procedures

such questions as they believe necessary and relevant to the determination of the issues presented to them.

- d. After both parties have presented their cases, the Appellant shall be given the opportunity to rebut evidence which was presented by the Appointing Authority. Next, the Appointing Authority will be given the opportunity for surrebuttal to the Appellant's rebuttal. No new evidence or testimony will be permitted during rebuttal or surrebuttal, unless it explains or contradicts testimony or evidence previously submitted.
- 9-2 The burden in grievance appeals shall be upon the Appellant to show, by a preponderance of the evidence, that the action taken by the Appointing Authority should be modified or revoked.
- 9-3 The parties in a grievance appeal shall be limited in their presentations to the issues and evidence presented at the Informal Grievance Committee hearing. Evidence and witnesses not presented at the Informal Grievance Committee hearing shall only be admissible at the Board appeal hearing if the Party seeking to proffer such evidence (or witnesses) establishes to the satisfaction of the Board that it made a good faith effort to present the same at the Informal Grievance Committee hearing but was unable to do so.

Section 10. Board Deliberation and Decision

- 10-1 Following the closing argument, the appeal proceedings shall be closed to presentation of further evidence or testimony. The Board shall then deliberate, in public, regarding the testimony and evidence presented. The deliberation shall begin with a review by the Counsel of what issues the Board must resolve in the appeal.
- 10-2 In reaching its findings and decision regarding termination appeals, the Board shall decide the following issues:
- a. Does the Board find that the Appellant committed the activities for which he/she was terminated?
 - b. Does the Board find that cause existed for the disciplinary action in that the above mentioned activities violated the Personnel Rule(s) cited by the Appointing Authority?

In the event the Board renders a tie vote on either of these two issues (10-2.a. or 10-2.b.), the action shall be reversed.

- c. Does the Board find that the disciplinary action taken by the Appointing Authority towards the Appellant was appropriate? (If the Board determines

Appeal Procedures

that cause existed for the action, the burden shall be upon the Appellant to show, again by a preponderance of the evidence, that the action taken was not appropriate.)

In the event of a tie vote on this issue, the action taken shall be upheld.

If the Board finds that the action taken was not appropriate, it shall remand the matter to the Appointing Authority for a recommended alternative disciplinary action, which shall be considered by the Board before it renders its final decision.

The Appointing Authority may elect to respond at the appeal hearing and provide a recommended alternative disciplinary action. In such instance, the Board may render its final decision at that time, or postpone its final decision until a later date. Otherwise, the Appointing Authority shall respond to a request to provide a recommended alternative disciplinary action in writing, not later than 15 calendar days following the appeal hearing. The Board shall then render its final decision at the next regularly scheduled Board meeting.

10-3 In rendering its findings and decision regarding grievance appeals, the Board shall decide the following issues:

- a. Has the Appellant shown that the action complained of should be modified or revoked?

In the event of a tie vote, the action is upheld.

- b. If the evidence supports the modification of the action complained of, what modification should take place?

Notwithstanding any of the above, the Board shall be without jurisdiction to hear a grievance appeal from an individual who is no longer in the Classified Service at the time of his/her scheduled appeal hearing.

Section 11. Request For Reconsideration

11-1 In the case of an appeal hearing under Personnel Rule 6 or 7, either Party may, within 15 calendar days of receipt of the Board's decision, file a motion requesting it to reconsider, modify, or amend its findings and/or decision. However, such a request will only be granted if:

- a. The proposed modification or amendment is based upon evidence previously presented or is based upon newly discovered evidence which, by due diligence, could not have been discovered prior to the appeal hearing; and

Appeal Procedures

- b. A showing is made that the Board's decision was made through or based upon fraud, collusion, deceit, or mistake of fact or law.

Some examples of appropriate cases for reconsideration are:

- a. The Board has overlooked or misinterpreted points of law or fact;
 - b. There was a misrepresentation or misconduct at the appeal hearing by the Opposing Party; or
 - c. There is a showing that false testimony or evidence was submitted.
- 11-2 The Motion for Reconsideration may be made by a formal motion or in letter form (see Appendix F) and addressed to the Director. It should contain a brief summary of the reasons for the reconsideration, modification, or amendment. The Motion for Reconsideration may be amended or supplemented at any time prior to 10 calendar days before the hearing at which it is scheduled to be heard.
- 11-3 The Motion for Reconsideration should be heard at the next available Board meeting but may be continued by the Chair at the request of either Party. The Motion for Reconsideration must be heard within 90 calendar days of the Finding and Decision of the Board. The burden shall be on the movant to prove that a reconsideration is necessary and must be supported by references to the transcript or other evidence as allowed in §11-1. Such new evidence or copies of the relevant portion of the transcript must be provided to the Director no later than 10 calendar days prior to the hearing.

Section 12 Classification Appeals

- 12-1 Classified employees who have had their positions downgraded as a result of a classification and/or pay grade review have the right to a reasonable opportunity to be heard by the Board.
- 12-2 If, after an informal hearing before the Director, in a manner and form to be determined by the Director, an Employee is still not satisfied with the position reclassification or pay grade determination, he or she may, within 15 calendar days request an opportunity to be heard by the Board.
- 12-3 Classification appeals shall be subject to scheduling as determined by the Director, but shall be heard within 120 days of the Employee's request to be heard.
- 12-4 The classification appeal shall be a review of the evidence and materials which were presented and considered during the informal hearing process before the

Appeal Procedures

Director. The parties shall exchange written materials to be considered by the Board not later than 14 calendar days prior to the hearing date, and such materials shall not exceed 50 pages in length. At a minimum, the package submitted by the Human Resources Department shall include the Personnel Audit Questionnaire completed by the affected Employee, a copy of the Employee's completed appeal form, and the response from the Director to the Employee's appeal form.

12-5 During the appeal hearing, the Employee making the appeal will be allowed up to 30 minutes to present his or her arguments. The Human Resources Department staff will then be allowed up to 30 minutes to present their arguments. Each Party, in the same order, shall be permitted up to 10 minutes to rebut the other side's argument.

12-6 Following the presentation of arguments and rebuttal, the Board will decide the following issues:

- a. Do the arguments and documentary evidence submitted show the classification or pay grade decision by the Director should be changed?

In the event of a tie vote, the action is upheld.

- b. If the evidence submitted shows that the classification or pay grade decision should be changed, what should that decision be changed to?

12-7 The Board's decision regarding classification appeals shall be final.

Section 13. Waiver/Withdrawal of Appeals

13-1 Failure of an individual to file an appeal within the time frame specified under the respective Personnel Rule shall constitute a waiver of the individual's right to an appeal, unless there is a showing, by a preponderance of evidence, that such failure to comply was due to fraud, mistake of fact, or excusable neglect. When an appellant has failed to comply with the time frame requirement, the Board shall conduct a separate hearing to make a determination as to whether the appellant should be treated as having waived his/her appeal rights. In any event, the Board shall be without jurisdiction to hear any appeal which has not been filed within 30 days of the effective date of the disciplinary or aggrieved action.

13-2 Parties to an appeal are expected to appear at noticed pre-hearing conferences and appeal hearings. Upon motion and a showing that an appellant had notice of and failed to appear at a scheduled pre-hearing conference or appeal hearing, the Board may treat such failure to appear as a voluntary withdrawal of the appeal. Notice of the motion shall be provided by the Moving Party via

Appeal Procedures

regular U.S. Mail to the Non-Moving Party at his or her last known address. The Human Resources Department will notify both parties of the date and time of the meeting where it will be heard by the Board.

Section 14. Waiver of Procedure for Good Cause

Except as set forth in Section 13, upon motion of a Party the Board may waive the application of any part of the Appeal Procedures upon a showing of good cause and lack of unfair prejudice to the Opposing Party.

Section 15. Quorum

Quorum for appeal hearings shall consist of five Board members. Appeals shall be decided by a majority vote.

Appeal Procedures

Appendices:

- A. Letter Requesting a Formal Hearing Before the Personnel Board
- B. Notice of Pre-Hearing Conference
- C. Pre-Hearing Conference Order
- D. Subpoena
- E. Findings and Decision
- F. Motion for Reconsideration, Modification, or Amendment

Appeal Procedures

Appendix A - Letter Requesting a Formal Hearing Before the Personnel Board

Date

Director of Human Resources
Pinellas County Florida
Fourth Floor
400 South Fort Harrison Avenue
Clearwater, FL 33756

Subject: Disciplinary Action/Grievance

Dear Director:

On _____, 20____, I was terminated from my job as _____,
by the _____ Department for Pinellas County. I am writing this letter to notify
you I wish to appeal my _____ to the Unified Personnel Board.

My appeal is based on the following grounds:

(Employee should list grounds for appeal here, such as:
punishment is excessive; punishment is not in accordance with
the Personnel Rules; punishment is discriminatory; etc. The
employee may also wish to state specific facts). Employee should
also list any alternative outcome sought including alternative
discipline if appropriate.

Thank you.

Sincerely yours,

Signature
Address

Appeal Procedures

Appendix B - Notice of Pre-Hearing Conference

The Pinellas County Unified Personnel Board

In Re:

_____ /

NOTICE OF PRE-HEARING CONFERENCE

This cause coming on to be heard upon the request for an appeal hearing by the Appellant, notice is hereby given.

That the Appellant and the Appointing Authority, or their authorized representatives, may appear before the County Attorney for a pre-hearing conference on _____, at _____, _____.M., at: _____ pursuant to the Pinellas County Unified Personnel Board's procedures for appeal hearing to consider all matters suggested therein and to simplify the issues and expedite the appeal hearing of this cause set for Thursday, _____, 20____, at 6:30 P.M.

The parties should be familiar with the evidence and have full authority to make disclosures of facts, to admit and stipulate any undisputed facts, and to waive technical requirements covering the admission of evidence. No motions will be heard at said pretrial conference.

Each party will be expected to furnish the following items in writing to the County Attorney and serve a copy on the opposing party, to-wit:

- a. A concise statement of the case and the issues involved;
- b. A list of documentary evidence and exhibits that will be offered during the hearing;
- c. A list of all possible witnesses, which shall include the witnesses' first name, middle initial, last name and contact information, and a brief summary of the substance of each witness' proposed testimony.
- d. A list of those issues and pertinent facts on which there is agreement.
- e. The Parties will exchange copies of any exhibits they intend to use at trial and be prepared to state whether there is agreement on or objection to the introduction of the opposing parties evidence.

Failure to comply with terms of this notice may result in the Pre-Hearing Conference being continued and/or the non-complying Party's witnesses and/or exhibits being disallowed or such other remedy as the Board may determine.

Appeal Procedures

ORDERED this _____ day of _____, 20____, in Pinellas County.

Office of the County Attorney

Certificate of Service

I **hereby certify** that a copy of the foregoing Order has been furnished by certified and regular U.S. Mail this ____ day of _____, 20____ to: _____, who resides at: _____.

Appeal Procedures

Appendix C - Pre-Hearing Conference Statement

The Pinellas County Unified Personnel Board

In Re:

_____ /

PRE-HEARING CONFERENCE STATEMENT

On _____, the following parties to this cause, or their authorized representatives, appeared before the County Attorney at a pre-hearing conference pursuant to Board procedures and the following action was taken:

Parties: Appellant
 Appellee

1. Statement of Case:
2. Issues to be Resolved:
3. Documentary Evidence and Exhibits:

Appellant

Appellee

4. List of witnesses and summary of testimony:

Appellant

Appellee

5. Stipulated issues and pertinent facts:
7. The parties agreed to the admissibility of the following documents:

The agreed upon exhibit will be filed no later than (date) by (party).

8. The Parties attention is drawn to §7 of the Appellate Procedures which pertain to exhibits and filing deadlines.
9. The parties have seven calendar days from receipt of this pre-hearing conference statement to file with the County Attorney exceptions to the statement.

Office of the County Attorney

Date: _____

Appeal Procedures

Appendix C, continued

CERTIFICATE OF SERVICE

I **hereby certify** that a copy of the foregoing Order has been furnished by certified and regular U.S. Mail this ____ day of _____, 20__ to:

Sr. Assistant County Attorney
315 Court Street, 6th Floor
Clearwater, FL 33756
Telephone: (727) 464-3354
Attorney for PINELLAS COUNTY

Appeal Procedures

Appendix D - Subpoena

The Pinellas County Unified Personnel Board

In Re:

_____ /

Subpoena

TO:

YOU ARE COMMANDED TO APPEAR BEFORE: The Pinellas County Unified Personnel Board

AT: Pinellas County Courthouse, Assembly Room, Fifth Floor,
315 Court Street, Clearwater, Florida

ON:

AT: 6:30 P.M.

to testify in this case now pending before the Pinellas County Unified Personnel Board. If you fail to appear, you may be cited for contempt pursuant to Section 10, Chapter 77-642, Laws of Florida.

YOU ARE FURTHER COMMANDED to have with you, at that time and place, the following:

WITNESS my hand and seal of the Board on this _____ day of _____,
20____.

PINELLAS COUNTY UNIFIED
PERSONNEL BOARD

By: _____
Chair

Inquiries regarding your obligations under this subpoena may be directed to:

Pinellas County Unified Personnel Board
c/o County Attorney's Office
315 Court Street
Clearwater, Florida 33756

Subpoena requested by _____
on behalf of _____.

Appeal Procedures

Appendix E - Findings and Decision

The Pinellas County Unified Personnel Board

In Re:

_____ /

FINDINGS AND DECISION

On _____, 20____, the Pinellas County Unified Personnel Board convened and considered the appeal of _____, who had received from the Office of Pinellas County on _____, 20____, for the following reasons:

.

After hearing testimony from both parties and reviewing the evidence submitted, the Board found:

1. Based upon the testimony and/or evidence presented by _____, the Personnel Board found that the Appellant did/did not commit the following activities:

2. Based upon the testimony of _____, the Personnel Board found that there was was/not cause for the disciplinary action taken in that the Appellant's activities did/did not violate Personnel Rule ____.

3. Based upon the testimony of _____, the Board found that the disciplinary action taken was appropriate/inappropriate.

Therefore, the Board rendered the following decision:

.

Chair

Appeal Procedures

Appendix F - Motion For Reconsideration, Modification, or Amendment

DATE

Director of Human Resources
Pinellas County Florida
Fourth Floor
400 So. Ft. Harrison Avenue
Clearwater, FL 33756

Subject: Motion For Reconsideration

Dear Director:

By the filing of this letter, I hereby move the Pinellas County Unified Personnel Board to reconsider the decision it reached on _____, 20____, regarding my disciplinary action.

My request is based on the following grounds:

(Party should list reasons for reconsideration, modification, or amendment, such as: mistake of fact existed; there was collusion or fraud involved; new evidence has been discovered in my favor; etc...)

Thank you.

Sincerely yours,

Signature
Address