

## UNIFIED PERSONNEL SYSTEM

Annex Building 4th Floor  
400 S. Fort Harrison Ave.  
Clearwater, Florida 33756  
Phone: (727) 464-3367  
FAX: (727) 464-3949  
[www.pinellascounty.org/hr](http://www.pinellascounty.org/hr)



Beverly Waldron  
Interim Director

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

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

**Date:** January 7, 2016

**Subject:** Proposed Changes to Personnel Rule 7. Employee Grievances

### **I. Recommendation**

It is recommended that the members of the Unified Personnel Board approve the revision to Rule 7. Employee Grievances.

### **II. Discussion**

In December the Unified Personnel Board approved the new Personnel Rules effective January 1, 2016. In the crafting of the new rules the ability to grieve misapplication of the Unified Personnel Board Policies was omitted. This was an oversight discovered in putting together the communications materials for publication of the new rules. This change to Rule 7. Employee Grievances adds the language making misapplication of the Unified Personnel Board Policies as a grievable issue. Like misapplication of the Personnel Rules, misapplication of a Unified Personnel Board Policy is grievable through all steps of the grievance process up to and including the Unified Personnel Board.

## 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 [or Unified Personnel Board Policy](#), 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 <a href="#">or Unified Personnel Board Policy</a>	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.