

UNIFIED PERSONNEL SYSTEM

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Holly J. Schoenherr
 Director

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

From: Holly J. Schoenherr, Director of Human Resources *HS*

Date: July 27, 2018

Subject: Changes to Appeal Procedures of the Pinellas County Unified Personnel Board

Recommendation:

It is recommended that the members of the Unified Personnel Board approve the following actions related to the implementation of the Classification and Compensation Study completed by Evergreen Solutions, LLC, in 2018 (Study):

1. Approval of new language (attached) for the Appeal Procedures of the Pinellas County Unified Personnel Board. The current procedures addressing appeals does not account for the nature of classification changes that may occur should the Personnel Board adopt a new classification plan and Classified pay plans.
2. Adoption of a specific appeal procedure (attached) to be applied to classification appeals associated with the Study.

Background:

In May 2017, Pinellas County contracted with Evergreen Solutions to conduct a comprehensive study regarding our classification and compensation systems and processes. On June 1, 2018, Evergreen delivered their report, which provides information related to employee demographics, market data, and assessments of internal and external equity.

Adoption of any of Evergreen's recommendations will involve some level of change to existing classifications and pay plans, from minor to significant; and application of the current rules and procedures to this comprehensive type of transition may have unintended and unbalanced results with regard to what is considered an upward or downward reclassification. Under the current rules, a downward reclassification is defined (in Rule 3.C.2.d) as, "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...."

If the new classification plan is adopted, many positions will experience a small difference between the current pay grade maximum and the new pay grade maximum. These minor changes

may reasonably be viewed as “lateral” movements, as there is an insignificant difference between the current pay grade and the new pay grade. Leaving the current appeal procedure unchanged could result in hundreds of employees appealing a downward reclassification, although the difference may be only \$100 between the current and new pay grade maximums.

Clearly, the current Appeal Procedures are intended to address an employee’s movement to a lower level pay grade and not to an insignificant change resulting from the adoption of a new pay plan. The proposed change to the Appeal Procedures will clarify that classification appeals resulting from the implementation of the study are limited to those downward classifications for which the difference in pay grade maximums is considered to be significant.

It is therefore essential to identify the point at which the difference in pay grade maximums is considered to be significant. The recommended methodology for pay adjustments addresses circumstances where there is at least a 4.5% difference between the current pay grade maximum and the new pay grade maximum. The 4.5% movement is consistent with the 4.5% midpoint progression featured throughout the proposed Classified Pay Plan. In other words, the basis for the 4.5% standard for both upward and downward reclassifications is the proposed Classified Pay Plan, for which the midpoints for each pay grade consistently increase by 4.5%.

Attachments:

- Appeal Procedures of the Pinellas County Unified Personnel Board
- Appeal Procedures Related to the 2018 Evergreen Classification and Compensation Study

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 **unless related to downward classifications resulting from a study and the Board has approved an alternative definition for purposes of appeals related to that study.**

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- 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.
- 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

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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, 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

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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 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

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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 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.

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- 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 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

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not exceed 10 minutes. The Party bringing the appeal will present his or her opening statement first.

- 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.

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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 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.

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

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and

- 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 **except that in the case of a downward reclassification associated with the implementation of the Evergreen Classification and Compensation Study completed in 2018, appeals to the Board shall be limited to downgrades where the maximum pay rate of the new pay grade is at least 4.5% lower than the maximum pay rate of the previous pay grade.**
- 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.

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- 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 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.

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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 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.

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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

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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.

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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: _____.

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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: _____

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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

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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 _____.

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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:

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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



Appeal Procedures Related to the 2018 Evergreen Classification and Compensation Study

Classified employees who have had their positions downgraded due to the implementation of the 2018 Evergreen Classification and Compensation Study may appeal the determination as outlined in this procedure.

Downward reclassifications associated with the implementation of the Evergreen Classification and Compensation Study completed in 2018 shall be defined as a classification or pay grade allocation change for which the maximum pay rate of the pay grade is at least 4.5% lower than the maximum pay rate of the position's previous pay grade.

Appeal Steps:

1. Request for Secondary Review by Evergreen Consultants – Employees may request Evergreen to complete a second review of their positions if they disagree with the established classification or associated pay grade. Requests for review from Evergreen must be submitted using the form found at www.surveymonkey.com/r/PinellasCountyAppeals no later than August 17, 2018. **This step is required for an employee to proceed through further steps of this appeal procedure.**
2. If an employee is not satisfied with the outcome of Evergreen's review, he or she may, within 15 calendar days of receiving Evergreen's response, request an informal hearing with the Director of Human Resources, or the Director's designee(s). The Director will attempt to schedule the informal hearing within 45 days of receiving the request.
3. If, after an informal hearing before the Director (or designee), the employee is still not satisfied with the reclassification or pay grade determination, he or she may, within 15 calendar days of receiving the Director's response, request an opportunity to be heard by the Unified Personnel Board in accordance with Section 12 of the [Appeal Procedures of the Pinellas County Unified Personnel Board](#).