Unified Personnel Board Authority

The Basics
The Unified Personnel Board is a Special Act created entity that is similar to an Administrative Agency and is guided by the Florida Administrative Procedures Act, Florida Statutes 120 et. seq.

Administrative Agencies formulate, amend, or repeal rules and regulations (including Policies) for administration of their Controlling Act.

They retain all powers granted them under the Controlling Act.
Jurisdiction of the Personnel Board

- Based on Special Act 77-642 Laws of Florida.
- Section 1(1) provides the Personnel Board jurisdiction over all classified employees under the BCC and Appointing Authorities.
  - This includes hiring, promoting, demoting, suspending, or dismissing an employee. Any of these actions must be done in compliance with the Special Act and Rules of the Personnel Board.
- Section 1(2) provides limited Personnel Board jurisdiction over exempt employees.
  - Exempt employees are hired, promoted, demoted, suspended, or dismissed at the pleasure of their Appointing Authority, BUT, the Personnel Board retains jurisdiction in all other matters subject to the Personnel Board Rules, including Board Rules, Policies, “Pinellas County Policies”, and Resolutions.
Authority as a Rulemaking Body

- The Act grants authority to the Board for administration of the Act; specifically providing for jurisdiction over:
  - Position classifications, including allocation and re-allocation of positions; (sec. 2(4)(a)(1))
  - Employee grievances; (sec. 2(4)(a)(2))
  - Disciplinary measures; (sec. 2(4)(a)(3))
  - Establishment and maintenance of lists of eligible for appointment and promotion; (sec. 2(4)(a)(5))
**Additional Authority**

- Promotions; (sec. 2(4)(a)(6))
- Probationary period; (sec. 2(4)(a)(7))
- Temporary and Provisional employment; (sec. 2(4)(a)(8) and (9))
- Establishment of programs (trainee …); (sec. 2(4)(a)(10))
- Keeping records of employee performance; (sec. 2(4)(a)(11))
- Layoffs; (sec. 2(4)(a)(12))

Note: This is not an exhaustive list because the Act gives the Board jurisdiction over all Personnel Rules and Regulations including Board Rules and Policies, “Pinellas County Policies, Procedure and Guidelines”, and Board Resolutions, subject to the jurisdictional limitations applicable to exempt employees.
Application of Rules

• The Board’s rules are applicable to all employees in the UPS, classified or exempt, except as limited by the Act. Sec. (1) and (2)
• The Act limits the Board’s authority over exempt employees on the following subjects:
  • Hiring
  • Promotion
  • Demotion
  • Suspension
  • Dismissal
  • Compensation
Administrative Authority

• Pursuant to section 2(5), the Board is authorized to interpret and is final authority on all personnel policies except as limited by the Act.
• The inherent authority is to approve or deny inclusion of a rule or policy based on consistency with the Act.
Quasi-Judicial Authority

• Per the Act, the Board has authority to:
  • Hear and decide all appeals and complaints regarding administration of the Act; (sec. 2(4)(c)); and
  • Appoint hearings officers; (sec. 10); and
  • Administer oaths; (sec. 10); and
  • Issue subpoenas to compel witnesses, production of records and testimony. (sec. 10).
Duties of the Director

• The Personnel Director is the executive head of the Personnel Department and directs all administrative and technical activities.
• The Director is responsible for fostering and developing programs for improvement of employee effectiveness (section 4(3)).
• The Director has been granted authority over matters delegated to her by the Personnel Board.
Appointing Authority Jurisdiction

- Hire, promote, demote, suspend or dismiss classified employees consistent with the Act and all Personnel Rules, Policies and Guidelines.
- Hire, promote, demote, suspend or dismiss exempt employees (without employee right to grieve the action).
- Determine compensation for exempt employees.
- Any other act not inconsistent with the Act or subordinate Rules.
Thank you.