



UNIFIED PERSONNEL BOARD AGENDA

Date: November 3, 2022

Time: 6:30 p.m.

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

- I. Citizens to be Heard*
- II. Employees' Advisory Council (EAC) Representative
- III. Consent Agenda
 1. Request Approval of the Minutes of the Regular Personnel Board Meeting held October 6, 2022
Approved
- IV. New Business
 1. Proposed Changes to Rules 6 and 7
Approved
 2. Brian Adkison Appeal: Appellee's Motion for Reconsideration - Notice of Withdrawal
- V. Informational Items
 1. Kimberly's HR Update
 2. Reappointment of the Following Personnel Board Members for 2023-2024:
 - William Schulz by the Employees' Advisory Council
 - Peggy O'Shea by the Constitutional Officers
 3. Action Taken Under Authority Delegated by the Personnel Board
 4. Unified Personnel Board Meeting Schedule for 2023

* Persons with disabilities who need reasonable accommodations to effectively participate in this meeting are asked to contact Pinellas County's Office of Human Rights by emailing requests to accommodations@pinellascounty.org at least three (3) business days in advance of the need for reasonable accommodation. You may also call (727) 464-4882. More information about the ADA, and requests for reasonable accommodation, may be found at www.pinellascounty.org/humanrights/ada.

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a verbatim record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Unified Personnel Board
Pinellas County
October 6, 2022

The Unified Personnel Board (UPB) met in regular session at 6:32 PM on this date in the County Commission Assembly Room at the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida.

Present

Joan Vecchioli, Chair
Ric Davis, Vice Chair
Jeff Kronschnabl
Peggy O'Shea
Kenneth Peluso
Ralph Reid
Bill Schulz

Others Present

Kimberly Crum, Director of Human Resources
Jennifer Monroe Moore, Ogletree, Deakins, et. al., P.C., Board Counsel
Sarah Rathke, Board Reporter, Deputy Clerk
Other interested individuals

CALL TO ORDER

Chair Vecchioli called the meeting to order at 6:32 PM; whereupon, she led the Pledge of Allegiance. Noting the destruction related to the aftermath of Hurricane Ian, she asked for a moment of support for those who fell victim to the storm and for the officials and employees who worked to keep the citizens of Pinellas County safe.

CITIZENS TO BE HEARD

None.

EMPLOYEES' ADVISORY COUNCIL (EAC) REPRESENTATIVE

Ms. Arispe requested clarification from the Board regarding the potential approval of an EAC initiative. She related that the EAC is developing a SharePoint site for County employees to submit various grievances; that the site would allow for employees to have direct access to herself, the EAC, and employee advocates; and that some employees

have indicated that they are uncomfortable communicating issues to a site that is monitored by HR. She related that Business Technology Services has indicated it cannot continue forward until the project is approved by the Board or the HR Director; and that EAC rules does not require the cited approval; whereupon, she discussed the excitement of EAC staff and County employees for the project.

In response, Ms. Crum indicated that the project came to her attention at the last EAC meeting; and that she has received information regarding the goals of the project. She noted that it may blur certain lines regarding HR responsibilities and the EAC; and that it would be helpful to have an open discussion about where one begins and the other ends; whereupon, she provided information regarding HR's existing website for the EAC which may already allow for communication regarding requests for employee advocates and other things, and discussion ensued.

During the discussion, and responding to a query by Mr. Davis, Attorney Moore stated that the Special Act which created the EAC does not specify how the Council should provide advisory services or obtain information, and the members stated their concerns regarding any potential disconnect between HR services and employee requests.

Mr. Reid stated that setting the details of how the EAC should operate is likely not under the purview of the Board, and the Chair concurred. whereupon, Ms. Crum suggested that the EAC collaborate with HR on the development of the project.

CONSENT AGENDA

Ms. O'Shea moved that the minutes of the special meeting held on August 24, 2022 be approved. The motion was seconded by Mr. Davis and carried unanimously.

Ms. O'Shea moved that the minutes of the regular meeting held on September 1, 2022 be approved. The motion was seconded by Mr. Kronschnabl and carried unanimously.

NEW BUSINESS

Proposed Changes to Rules 6 & 7

Attorney Moore provided an overview of the Special Act and the changes made to Personnel Rule 3 regarding the deferral or delay of general increases. She related that during the UPB joint workshop with the Appointing Authorities, a consensus was reached that the decision to defer or delay a general increase under the provisions of Rule 3 would not be an appealable event; whereupon, she reviewed the recommended changes to

Rule 6 and provided further information on what events are and are not considered a pay reduction, and discussion ensued.

Chair Vecchioli related that the agenda item has been brought for discussion so that the Board could make a decision to accept the proposed changes prior to the implementation of the next general increase; and that the Board should hear the proposed changes to both Rule 6 and 7 together before taking action.

Attorney Moore stated that the recommended changes for Rule 7 include corrections to various scrivener's errors and edits to ensure consistency. Responding to a query by Chair Vecchioli, she indicated that the changes only affect the grievance process, as opposed to the appeal process.

Mr. Peluso moved that the proposed changes to Rules 6 and 7 be approved as presented. The motion was seconded by Ms. O'Shea and passed unanimously.

Attorney Moore noted that there had been previous discussion by the Board concerning Section 10 and provided an overview of the Board's appeal procedures. She explained that the Board can only consider evidence received as testimony; whereupon, she detailed the guidelines the Board must follow when making a determination.

Brian Adkison Appeal: Appellee's Motion for Reconsideration

Attorney Moore related that the parties indicated that they were coming to a resolution and that they needed more time. She stated that the item was removed from the agenda and that it would be addressed at the regular meeting in November.

In response to a query by Mr. Reid, Attorney Moore suggested that the Personnel Rule considered in the Adkison Appeal be discussed in a work session with the Appointing Authorities and other stakeholders regarding its proper interpretation and whether it should be revised or left as-is.

Chair Vecchioli presented an item for discussion and asked the members for feedback regarding whether the County Attorney's Office should renew the contract held with Attorney Moore's law firm, or if they should consider other bids or submissions. Mr. Peluso indicated that he would like Attorney Moore to continue to be the Board's counsel, and the members concurred. Chair Vecchioli related that she would report back to the County Attorney that the consensus of the Board is to retain Attorney Moore as Board Counsel.

INFORMATIONAL ITEMS

HR Update

Ms. Crum referred to the HR update document provided in the agenda packet and highlighted the following items:

- HR participation in the County's response to Hurricane Ian
- Newly filled HR Communications Specialist position and other internal promotions
- HR scorecard satisfaction results
- New dental plan for employees
- Upcoming wellness activities and on-site vaccination opportunities
- The general increase and retention incentive
- Organization Talent and Development initiatives
- Workforce strategy metrics regarding time to fill positions and turnover
- Employee referral program

Responding to a query by Chair Vecchioli, Ms. Crum related that the scorecard is a compilation of data gathered by a survey that HR offers to customers; and that the number of responses varies each month.

Mr. Kronschnabl requested that he receive a list of the members' phone numbers to be able to contact them in an emergency. In response, Attorney Moore reminded the members that if they communicate through text, they cannot discuss board business as it would violate Sunshine Laws. Chair Vecchioli recommended that Mr. Kronschnabl reach out to staff if he would like to contact any of the members.

ADJOURNMENT

Chair Vecchioli adjourned the meeting at 7:32 PM.

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

100 North Tampa Street, Suite 3600
Tampa, FL 33602
Telephone: 813-289-1247
Facsimile: 813-289-6530
www.ogletree.com

MEMORANDUM

TO: Board Members

FROM: Jennifer Monroe Moore

DATE: October 27, 2022

SUBJECT: October 2022 Adoption of Revisions to Rules in Light of Revised Rule 3

As you know, during the October 2022 Board Meeting, the Board adopted the revisions to Rules 6 and 7 to further clarify the previously approved application of the revisions of Rule 3 regarding general increases. During the publication of these clarifications to Rule 6 and 7, it was discovered that citation to Rule 3 was incorrect. This incorrect citation is not substantive in nature, but rather a scrivener's error.

At the November 2022, Board Meeting, Counsel for the Board will solicit a motion to correct this scrivener's error seeking the following:

Motion to approve corrections to Rules 6 and 7, previously adopted by the Board on October 6, 2022, to replace reference to section 3(E) of Rule 3 to the citations reflected in the rule versions attached to the Agenda. This motion would not modify the intent or effective date of the Board's prior adoption of these revised Rules, but merely serves to clarify and correct the citation referenced.

JMM



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. A deferred or denied general increase under Rule 3 C.1.e. is not a Pay Reduction under this Rule. 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:

Type of Action	Minimum Time Active
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 and Disciplinary Action Ranges

Number	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 <u>Pay Reduction in Pay</u>	<u>Pay Reduction in Pay</u> to Dismissal	Dismissal
D7	Leaving work station without authorization.	Verbal Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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	
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	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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		

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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		

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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 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. A deferred or denied general increase under Rule 3 C.1.e. is not a Pay Reduction under this Rule. 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:

Type of Action	Minimum Time Active
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 and Disciplinary Action Ranges

Number	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 Pay Reduction	Pay Reduction to Dismissal	Dismissal
D7	Leaving work station without authorization.	Verbal Warning to 3 Day Suspension	3 Day Suspension to Dismissal	Dismissal	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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	
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	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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		

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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	

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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		

Number	Infraction	First Level	Second Level	Third Level	Fourth Level
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		
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, pay 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	Informal Resolution	Step 1: Department Head	Step 2: Informal Grievance Committee	Step 3: Unified Personnel Board
Discipline: verbal & written warnings	Yes	Yes	Yes	No
Discipline: suspensions, demotions, <u>pay</u> reductions <u>in pay</u>	Yes	Yes	Yes	Yes
Misapplication of Personnel Rule or Unified Personnel Board Policy	Yes	Yes	Yes	Yes
Misapplication of department policy, procedure, or rule (if approved by the Unified Personnel Board)	Yes	Yes	Yes	Yes
Formally documented record of performance	Yes	Yes	No	No
Discretionary pay increase decision	Yes	Yes	No	No

F. Exceptions

- Dismissals are not subject to grievance. Dismissals of regular status employees may be appealed directly to the Unified Personnel Board pursuant to Rule 6.
- Demotions for inability of regular status employees during the first six months after a promotion are not subject to grievance.
- Layoffs and displacements under Rule 5 are not subject to grievance.
- Deferred or denied pay increases under Rule 3 C.1.e. are not pay reductions under this Rule.

G. Procedure for Grievance

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

- Filing:** Grievances starting with Step 1 must be filed in writing on the forms provided by the Human Resources Department.
- Timing:** All steps in the grievance process must be taken within the time frames specified.
 - 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 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, pay reduction);
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	Informal Resolution	Step 1: Department Head	Step 2: Informal Grievance Committee	Step 3: Unified Personnel Board
Discipline: verbal & written warnings	Yes	Yes	Yes	No
Discipline: suspensions, demotions, pay reductions	Yes	Yes	Yes	Yes
Misapplication of Personnel Rule or Unified Personnel Board Policy	Yes	Yes	Yes	Yes
Misapplication of department policy, procedure, or rule (if approved by the Unified Personnel Board)	Yes	Yes	Yes	Yes
Formally documented record of performance	Yes	Yes	No	No
Discretionary pay increase decision	Yes	Yes	No	No

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.
4. Deferred or denied pay increases under Rule 3 C.1.e. are not pay reductions under this Rule.

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.

THE PINELLAS COUNTY
UNIFIED PERSONNEL SYSTEM BOARD

IN RE:

Appeal of Termination

Brian Adkison,

Appellant,

v.

Appeal No. 22-3

Pinellas County Department of Safety &
Emergency Services,

Appellee.

**APPELLEE'S NOTICE OF WITHDRAWAL OF
MOTION FOR RECONSIDERATION**

COMES NOW, the Appellee PINELLAS COUNTY DEPARTMENT OF SAFETY AND EMERGENCY SERVICES by and through the undersigned counsel, and hereby files this **NOTICE OF WITHDRAWAL** of Appellee's pending Motion for Reconsideration.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been furnished via electronic delivery to **Kimberly Crum, SHRM-SCP**, Human Resources Director, at kcrum@pinellascounty.org, **Jennifer Moore, Esq.**, counsel for the Unified Personnel Board, at Jennifer.moore@ogletree.com, **Brian Adkison, Appellant**, at marineleo1012@gmail.com, and **Kate Lilley, Advocate for Appellant**, at kallegaldoc@gmail.com, this 17th day of October, 2022.

/s/ Ashley N. Donnell, Esq.

Ashley N. Donnell, Esq.

Florida Bar No. 100535

Senior Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354

Fax: (727) 464-4147

E-Mail address: adonnell@pinellascounty.org

Counsel for Pinellas County Department of Safety
and Emergency Services

PCAO Doc. No. 401714



Human Resources

Helping U Succeed

Unified Personnel Board – HR Update November 2022 (October 2022 updates)

Internal Happenings

- Our new Benefits Technician, Christine Gauger, currently with Tax Collector, will be joining us on November 7.
- Lauren Smith has been promoted to the HR Specialist Trainee Underfill in Workforce Strategy.
- Wellness Technician, Nicki Lanauze, and her husband, Jay, are celebrating the birth of their new baby girl, Leland, born on September 28, 2022.
- The team is participating in the Great American Teach-In on November 16, with a focus on high school students who may be likely employees upon graduation, to share information about employment with Pinellas County Government.
- October's staff meeting was dedicated to discussing and finalizing the Human Resources competencies that will be uploaded into the OPUS Performance Management Module (OPM). Staff broke out into groups to discuss competencies and provide feedback.
- At the invitation of the County Administrator, the HR Director has attended multiple in-person Employee Forums at various locations around the County, to provide Human Resources updates and answer questions from non-supervisory employees.

Scorecard (September)

October numbers are not available at the time of the posting.

Based on today's experience, how satisfied are you with HR?

September: 91%

Goal: 92.5%

YTD 2022: 90%

After interaction with HR personnel:

The representative was professional & courteous

September: 100%

Goal: 100%

YTD 2022: 100%

The representative was helpful:

September: 100%

Goal: 100%

YTD 2022: 100%

Receive the requested information in a timely manner:

September 100%

Goal: 95%

YTD 2022: 100%

Benefits & Wellness

- **Annual Enrollment** is November 1 through November 15. The email communication regarding updates for 2023 was sent to supervisors and employees in early October.
 - Employees can register now for Annual Enrollment Information Sessions, both in-person and virtual, from October 19 to November 9 to learn more about the 2023 benefits. There are multiple dates and times to choose from, including evenings and weekend. Spouses/domestic partners are welcome to attend.
 - Quick summary:
 - New dental plans from Cigna (choose from current HMO or two new PPO plans with expanded coverage).
 - New voluntary supplemental benefits options for Legal Assistance and Identity Theft are being finalized. We will continue to offer Critical Illness, Accident, and Hospital voluntary benefits plans.
 - New premiums reflect the rising cost of healthcare. Pinellas County Government continues to pay the same majority of the cost share as in previous years.
 - Same medical plan coverage. In keeping with IRS requirements for high deductible health plans, which raised our deductibles, we increased the employer contribution for employee only tier to \$500.
 - Same prescription, vision, Employee Assistance Program (EAP), life insurance, Flexible Spending Account (FSA), and disability/FMLA plans.
- October/November Wellness activities include:
 - **Financial Well-being:** Our life insurance vendor, Securian, is hosting webinars on *Investment Fundamentals* and *Social Security and Medicare*.
 - **Vaccine Clinic** dates confirmed for clinics that needed to be rescheduled due to Hurricane Ian.
 - **Mammogram Screenings:** BayCare VIP Mammogram Days at Morton Plant and Carillon.
 - **Employee Assistance Program:** *Frugal but Fun* webinar.
 - **Other Webinars and Workshops:** *Health Benefits of Therapy Gardens*; *Cook Along Kitchen: Healthier Holidays*; and *Plant Your Own Herb Garden* workshop at the Botanical Gardens.
 - **Maintain Campaign** holiday well-being challenge begins.

Classification and Compensation

- Completed implementation of the FY'23 general increase. The average increase for classified employees was \$2,828.
- Developing and testing some new SharePoint-based automated forms and workflows for our position maintenance and double encumber request forms.
- Partnering with BTS and the Clerk's Office regarding revisions to groups of class specifications that are used within their respective organizations.

Communications & Outreach

- In conjunction with the County Administrator's Communications Department, our team successfully implemented the new mobile-friendly website, [Pinellas.gov/hr](https://pinellas.gov/hr).

Organizational & Talent Development (OTD)

- *Boot Camp: Leadership Essentials* is now rescheduled to begin October 25 and end on December 15. Both the core and elective sessions will run concurrently over a six-week

period. Our team is fully engaged in this program, and the HR Director facilitated the opening session.

- In the last fiscal quarter, we held 67 classes with 995 participants, in which the average increase in knowledge and skills was 22%. There were 338 unique users in ULearnIT, with 1,175 engagement hours.
- Customized workshops continue on an upward trend, with two new leadership development programs for Human Services and Public Works.
- We will again assist Utilities with their full-day Strategic Impact Planning Workshop.

Workforce Strategy/HRMS

- The team hired 477 new employees to date in 2022 and have conducted 591 pre-onboarding appointments to date.
- The time to fill a position for September was 69.7 days. We have established a time-to-fill goal of 70 days for 2022 and this metric continues to improve.
- Annualized turnover through September was 18.8%, down from the high in January of 21.7%.
- During the month of September, there were 22 resignations and 8 retirements. For the calendar year 2022 through September, there have been 290 resignations (external departures) and 88 retirements.
- Workforce attended seven recruitment events in October. These included: Pinellas County High Schools, Pinellas County Urban League, St. Pete Works, Eckerd College Networking, St. Leo, Florida Polytechnic, and MacDill Airforce Base. This brings us to a total of 40 recruitment and community events year-to-date versus 9 in 2022.



Human Resources Director Action Taken Under Authority Delegated by the Unified Personnel Board

The Human Resources Director, having been granted delegated authority to act on behalf of the Unified Personnel Board, has taken the following actions from **September 11, 2022, through, October 8, 2022.**

UPWARD RECLASSIFICATION

Position	Old Classification	Old PG	New Classification	New PG
BCC/C4147	Craftworker 1	C18	Electronics Specialist 1	C21

REINSTATED

Spec No.	Title	PG
02480	Environmental Chemist	C26

ADDITION

Spec No.	Title	EEO4 Code	OT Code	PG
12983	Fleet Mechanic 2	Technicians	Classified	C22

TCO POSITION AUDITS

30 Upward Reclassification/Reallocations

30 Total

UPWARD REALLOCATIONS

Position	Classification	Old PG	New PG
TCO/C17	Tax Collector Supervisor	C24	C26
TCO/C33	Tax Collector Supervisor	C24	C26
TCO/C37	Tax Collector Supervisor	C24	C26
TCO/C71	Tax Collector Supervisor	C24	C26
TCO/C73	Tax Collector Supervisor	C24	C26
TCO/C74	Tax Collector Supervisor	C24	C26
TCO/C75	Tax Collector Supervisor	C24	C26
TCO/C77	Tax Collector Supervisor	C24	C26
TCO/C79	Tax Collector Supervisor	C24	C26
TCO/C90	Tax Collector Supervisor	C24	C26
TCO/C100	Tax Collector Supervisor	C24	C26
TCO/C101	Tax Collector Supervisor	C24	C26
TCO/C102	Tax Collector Supervisor	C24	C26
TCO/C113	Tax Collector Supervisor	C24	C26
TCO/C126	Tax Collector Supervisor	C24	C26
TCO/C154	Tax Collector Supervisor	C24	C26
TCO/C156	Tax Collector Supervisor	C24	C26

Position	Classification	Old PG	New PG
TCO/C158	Tax Collector Supervisor	C24	C26
TCO/C159	Tax Collector Supervisor	C24	C26
TCO/C162	Tax Collector Supervisor	C24	C26
TCO/C176	Tax Collector Supervisor	C24	C26
TCO/C183	Tax Collector Supervisor	C24	C26
TCO/C187	Tax Collector Supervisor	C24	C26
TCO/C192	Tax Collector Supervisor	C24	C26
TCO/C229	Tax Collector Supervisor	C24	C26
TCO/C235	Tax Collector Supervisor	C24	C26
TCO/C241	Tax Collector Supervisor	C24	C26
TCO/C246	Tax Collector Supervisor	C24	C26
TCO/C281	Tax Collector Supervisor	C24	C26
TCO/C282	Tax Collector Supervisor	C24	C26



Unified Personnel Board Meetings 2023

January 5

February 2

March 2

April 6

May 4

June 1

July 6

August 3

September 7

October 5

November 2

December 7

UPB/AA Workshop March 14, 2023

2:00-5:00

Clerk's Conference Room

UPB/AA Workshop September 14, 2023

2:00-5:00

Clerk's Conference Room