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## UNIFIED PERSONNEL BOARD AGENDA

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Date: February 1, 2024  
Time: 4:00 p.m.  
Location: **Palm Room, Communications Building**  
333 Chestnut Street, Clearwater, Florida

Citizens to be Heard\*

Employees' Advisory Council (EAC) Representative

I. New Business

1. Revisions to Personnel Rule 3, Compensation – ***Approved as Amended***  
Add text in section D.6.f. as indicated in underline italics below:  
An Appointing Authority may elect to compensate exempt employees directed to report to work in any capacity during a declared local state of emergency after the Appointing Authority has closed his or her operations pursuant to the *then current Appointing Authorities' emergency pay* policy.
2. Revisions to Appeal Procedures of the Pinellas County Unified Personnel Board - ***Approved***
3. Human Resources Reclassification Recommendation - ***Approved***

II. Informational Items

1. HR Update
2. Action Taken Under Authority Delegated by the Personnel Board

III. Human Resources Chief Officer Selection Process – ***Approved and in the process of creating an offer to Wade Childress***

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\* 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@pinellas.gov](mailto:accommodations@pinellas.gov) at least three (3) business days in advance of the need for reasonable accommodation. You may also call (727) 464-4882. View more information about the [Americans with Disabilities Act and requests for reasonable accommodation](#).

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 SYSTEM**

Annex Building  
 400 S. Fort Harrison Ave.  
 Clearwater, Florida 33756  
 Phone: (727) 464-3367  
 Fax: (727) 453-3638  
 www.pinellas.gov/hr



Peggy Rowe  
 Interim Director

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

FROM: Peggy Rowe, Interim Director of Human Resources *MKR*

DATE: February 1, 2024

SUBJECT: Revisions to Personnel Rule 3, Compensation

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**Recommendation:**

I recommend the changes to Personnel Rule 3: Compensation as described below and found in the attached redline version.

**Background:**

As a result of the Unified Personnel Board meeting held January 10, 2024, the verbiage for Rule 3: Compensation, has been modified for clarity. Please see changes below as well as highlighted in the attached copy of the Personnel Rule.

Section D. Supplemental and Incentive Pay, 6.f. Declared Emergencies and Other Emergency or Disaster Situations (remove the following yellow highlighted text):

An Appointing Authority may elect to compensate exempt employees directed to report to work in any capacity during a declared local state of emergency after the Appointing Authority has closed his or her operations ~~at one and one half times that rate for any hours worked in the workweek over 40~~ pursuant to the policy.

Attachment:

- Personnel Rule 3 Redline Version



### Rule 3. Compensation

It is the policy and practice of all Appointing Authorities in the Unified Personnel System to compensate employees accurately and in compliance with applicable state and federal laws, and not to make improper deductions from any employee's pay. Pay records should be reviewed by the employee upon receipt for accuracy. Any questions or inaccuracies should immediately be brought to the attention of the Appointing Authority or designee. The Appointing Authority or designee shall promptly investigate, correct any errors and make any necessary adjustments.

Factors to consider when establishing starting pay and/or making pay adjustments are the individual's qualifications and skills, pay equity issues including the relationship of the newly hired or promoted employee's proposed salary to that of the experienced incumbents in the classification and the prevailing labor market value.

#### A. Pay Plans

A pay plan is a particular table or array of pay rates that establishes the ranges of pay within which employees will be paid.

##### 1. Classified Pay Plan

The Classified Employee Pay Plan is a listing of pay ranges (minimum and maximums) applicable to each classification to which classified employees are assigned. The Classified Employee Pay Plan provides a market-based pay structure or framework for aligning job classifications according to their job value.

The Director of Human Resources prepares and presents the Classified Employee Pay Plan to the Unified Personnel Board for adoption and amendment. This Classified Employee Pay Plan is utilized by all Appointing Authorities within the Unified Personnel System.

##### 2. Exempt Pay Plans

There are multiple exempt pay plans. Each Constitutional Officer (Clerk of the Circuit Court, Property Appraiser, Supervisor of Elections and Tax Collector) adopts and maintains his/her own exempt pay plan. The exempt pay plan for all other Appointing Authorities is recommended by the Director of Human Resources and adopted and maintained by the Board of County Commissioners.

#### B. Starting Pay

##### 1. Permanent Positions

###### a. Exempt

The starting pay of an individual selected to fill an exempt position must be within the salary range utilized by the Appointing Authority for that position or classification within their organization.

###### b. Classified

The starting pay of an individual selected to fill a classified position is normally made at the minimum rate of pay of the pay grade established for the job classification. Because of unusual or extenuating circumstances an individual may be hired above the minimum of the pay range established for the job classification. Such

appointment requires the recommendation and approval of the Appointing Authority in consultation with the Director of Human Resources.

## **2. Temporary Positions**

An individual appointed to a temporary position or temporarily appointed to a permanent position will be paid in accordance with the provisions shown above for permanent positions, classified or exempt, as appropriate.

## **3. Grant Worker Positions**

The starting pay for a specific Grant Worker position must be within the salary range established in the pay plan for Grant Workers and consistent with any terms of the grant and the work to be performed. It shall be determined by the Appointing Authority in consultation with the Director of Human Resources.

## **4. Special Project Positions**

The starting rate of pay for a specific Special Project position must be within the salary range established in the pay plan for Special Project Positions. It shall be determined by the Appointing Authority in consultation with the Director of Human Resources.

## **5. Internships**

Internships may be paid or unpaid. If the internship is paid, the rate of pay will be determined by the Appointing Authority in consultation with the Director of Human Resources.

## **C. Base Pay Adjustments**

Base pay does not include benefits or supplemental earnings. The following describes the types and application of base pay adjustments.

### **1. Base Pay Increases**

#### **a. Merit Increases**

Merit Pay increases may be granted annually at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Merit pay increases are calculated on the employee's current pay rate.

If a merit pay increase would bring an employee's pay rate above the maximum rate established for the employee's classification, the Appointing Authority shall bring the employee to the maximum of the pay rate of the employee's job classification and grant the remaining portion of the pay increase in a one-time lump sum payment in lieu of a full base rate increase.

If an employee is at the maximum rate of pay established for the employee's classification the merit pay increase shall be granted as a one-time lump sum payment calculated as the annualized value of the merit increase.

#### **b. Special Merit Increase**

Special Merit increases may be made at any time at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Special Merit increases are meant to recognize an employee's exceptional work contributions or unusual employment conditions and are calculated on the employee's current pay rate.

**c. Promotional Increase**

Promotional increases are granted at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. Promotional increases are calculated on the employee's current pay rate and within the following:

- The employee's pay must be increased to at least the minimum pay rate for their new position.
- The Appointing Authority may award a promotional increase of 4 to 10%.
- An increase less than 4% or greater than 10% may be made by the Appointing Authority in consultation with the Director of Human Resources.

**d. Reclassification**

When a position is reclassified to a pay grade for which the maximum of the pay rate is higher than that of the incumbent's current job classification, the Appointing Authority may grant the employee a pay adjustment in accordance with the following:

- The employee's pay must be increased to at least the minimum pay rate of the new pay grade, or
- The employee's pay will be increased by an amount equal to 4% of the midpoint of the new pay grade, whichever is greater.
- At the discretion of the Appointing Authority, in consultation with the HR Director, employees moved up multiple pay grades may receive an additional 4% of the midpoint for each grade, not to exceed an overall increase greater than 10%.
- No reclassification pay increase may be granted above the maximum rate established for the classification.

**e. In-Grade Adjustment**

When a position review is conducted by Human Resources, and it is found that the employee's duties have evolved resulting in a higher level of responsibilities that remain within the scope of the current classification and grade allocation, the Appointing Authority, in consultation with the HR Director, may grant the employee a pay adjustment in accordance with the following:

- Base pay increase of 4% to 10%, not to exceed the maximum pay rate of the employee's job classification.

**f. Career Path Increase**

Career path increases are base pay adjustments due to professional development and career progression. Employees who apply new knowledge and skills that benefit the County and have been acquired through a defined job-related training, education, certification, and/or licensure path are eligible for a career path increase. A career path shall be established in advance to define the criteria for incremental increases. The Appointing Authority may grant the employee a pay adjustment in accordance with the following:

- Base pay increase of up to 2%, not to exceed the maximum pay rate of the employee's job classification.

**g. Market Adjustment**

When employee salaries in a specific classification are identified by Human Resources as significantly behind the labor market based on qualification and experience, the Appointing Authority may grant the employee a pay adjustment in accordance with the following:

- Base pay increase of 4% to 10%, not to exceed the maximum pay rate of the employee's job classification.

**h. General Increase**

A general increase is an increase applied to all eligible regular status or probationary classified employees. A general increase may be granted where the increase is included within the Appointing Authority's budget for that fiscal year.

**i. Eligibility**

Each Appointing Authority will determine an employee's eligibility for the general increase by taking into consideration factors which may include but are not limited to, the employee's hire date, last promotion date, past pay adjustments, voluntary demotion date, and disciplinary action received.

At the time general increases are made within the County, an Appointing Authority may at its discretion defer or deny the granting of the increase to an employee where:

- a) The employee is hired within 90 days prior to the date of a general increase;
- b) The employee is promoted within 90 days prior to a general increase;
- c) The employee receives an upward or downward pay adjustment within 90 days prior to a general increase;
- d) The employee is involuntarily demoted within 90 days prior to a general increase;
- e) The employee receives disciplinary action occurring in the 12-month period prior to the awarding of the general increase and lasting until such time as all disqualifying discipline becomes inactive.

**ii. Effect of Deferral or Denial Due to Active Discipline**

After the time for awarding general increases and upon inactivation of all disqualifying discipline, the employee shall be granted the deferred or denied general increase prospectively at the same rate and amount provided to all eligible classified employees in the employee's associated pay grade whose general increase was not deferred or denied that fiscal year, to be paid effective the first day of the payroll period following inactivation of the disqualifying discipline.

When a general increase is deferred or denied, the decision should be clearly disclosed to the employee and documented in the comments section of OPUS.

iii. **Determining Amount & Form of General Increase**

General increases in any manner awarded shall be awarded in the same amount and manner for all eligible classified employees in the associated pay grade within the Appointing Authority, except as denied in accordance with this Rule.

In determining the amount of any general increase and the manner of payment, the Appointing Authority has the discretion to determine if a general pay increase will be paid as a percentage increase, a lump sum increase, or a combination of both.

The amount of a percentage increase will be calculated on the midpoint of the pay grade established for the employee's associated pay grade.

The amount of a lump sum increase shall be at the discretion of the Appointing Authority.

If a percentage based general increase brings an employee's pay rate above the maximum rate established for the employee's associated pay grade, the Appointing Authority shall bring the employee to the maximum of the pay rate of the employee's associated pay grade and grant the remaining portion of the percentage based general increase as a one-time lump sum payment in lieu of a full base rate increase.

If an employee is at the maximum rate of pay established for the employee's associated pay grade, any percentage based general increase shall be granted as a one-time lump sum payment calculated as the annualized value of the increase.

i. **Equity Adjustment**

An Equity Adjustment is a pay rate adjustment provided to an employee outside the normal salary administration policies to correct a significant deviation from internal equity and to ensure compliance with fair pay practices. Equity Adjustments may be granted at the discretion of the Appointing Authority in consultation with the Director of Human Resources but may not be granted above the maximum rate established for the employee's classification.

j. **Pay Grade Change**

A pay grade change is the reallocation of a job classification from one pay grade to another.

An incumbent employee whose job classification has been allocated to a higher pay grade shall not receive an upward adjustment unless the employee is below the minimum pay rate of the new pay grade. In such case the employee's pay will be increased to the minimum of the new pay grade. An incumbent employee whose current rate of pay is at or above the maximum pay rate of the new pay grade shall continue to receive the current rate of pay.

An incumbent employee whose job classification has been allocated to a lower pay grade shall continue to receive their current rate of pay unless that rate is more than 10% above the maximum of the new pay grade, in which case their pay rate shall be decreased to 10% above the maximum pay rate of the new pay grade.

k. **Temporary Pay Increase**

- i. When an Appointing Authority temporarily assigns a classified employee to a higher classification and such assignment is expected to last more than 30 consecutive calendar days, a substitute or temporary appointment shall be



made. The employee shall receive a temporary pay increase not to exceed the maximum of the pay rate of the job classification to which the employee is temporarily promoted. The pay increase shall be done in accordance with the provisions of Promotional Increase C.1.c. above.

This adjustment shall be retroactive to the first day that the employee was assigned to perform in the higher classification.

Such temporary appointment may not exceed six months in duration without the approval of the Appointing Authority and the Director of Human Resources.

Upon conclusion of the appointment, the employee shall be returned to the position held immediately prior to the reassignment, and the employee's pay rate shall be adjusted back to the prior pay rate or, at the discretion of the Appointing Authority, to the pay rate that would have been attained had there not been a temporary reassignment.

- ii. When an Appointing Authority temporarily assigns a classified employee a portion of the duties and responsibilities of a higher classification and the assignment is expected to be more than 30 consecutive calendar days, the Appointing Authority may grant the employee a temporary pay increase. The amount of the increase shall be at the discretion of the Appointing Authority but shall not exceed the maximum of the pay grade of the higher classification. When the employee is no longer performing the additional duties, the employee's pay rate shall be adjusted back to the prior pay rate or, at the discretion of the Appointing Authority, to the pay rate that would have been attained had there not been a temporary assignment of additional duties and responsibilities. The temporary assignment of additional duties and responsibilities shall not exceed six months.

## **2. Base Pay Decreases**

### **a. Demotion – Classified Employees**

#### **i. Disciplinary**

An employee demoted for disciplinary reasons to a job classification for which the maximum pay rate of the pay grade of the new job classification is lower than that of the position's current pay grade shall have their rate of pay reduced in an amount determined by the Appointing Authority, but in no event shall the new pay rate be lower than the minimum of the classification to which the employee is demoted.

#### **ii. Reduction in Force**

If as the result of a reduction in force, a classified employee is displaced into a job classification for which the maximum pay rate of the pay grade of the new job is lower than that of the employee's current classification the employee shall have his/her salary adjusted in accordance with the provisions of Rule 5. Reduction in Force.

#### **iii. Voluntary**

Upon such demotion, a reduction in pay should be made. The demotion decrease is granted at the discretion of the Appointing Authority but may not be granted above the maximum pay rate of the employee's job classification. The



demotion decrease is calculated on the employee's current pay rate and within the following:

- The employee's pay may not be reduced below the minimum pay rate nor exceed the maximum pay rate of the pay grade to which the employee is being demoted.
- The Appointing Authority may make a demotion pay decrease of 4 to 10%.
- A decrease less than 4% or greater than 10% may be made by the Appointing Authority in consultation with the Director of Human Resources.

**b. Demotion – Exempt Employees**

Any change in pay for an exempt employee who is demoted is at the discretion of the Appointing Authority.

**c. Pay Reduction – Disciplinary**

Upon a disciplinary pay reduction, the employee's rate of pay shall be reduced up to 5% at the discretion of the Appointing Authority but in no event shall the new pay rate be lower than the minimum of the employee's pay grade.

**d. Reclassification**

When a position is reclassified to a job classification for which the maximum pay rate of the pay grade of the new job classification is lower than the maximum pay rate of the position's current pay grade or the job classification for the position is moved to a pay grade for which the maximum pay rate is lower than the maximum of the position's current pay grade, an incumbent shall continue to receive their current rate of pay unless that rate is more than 10% above the maximum of the new pay grade, in which case their pay rate shall be decreased to 10% above the maximum pay rate of the new pay grade.

An incumbent employee shall be offered a transfer to a vacancy in the original job classification with the same Appointing Authority, if one exists. Otherwise the employee shall remain in the reallocated position.

**D. Supplemental and Incentive Pay**

**1. Standby Pay**

- a. All Classified Service employees required to work standby shall be paid one hour additional pay ("standby pay") at the employee's straight hourly rate for every eight hours of the standby assignment regardless of whether the employee is called to report for work and regardless of the number of hours worked in the workweek. Standby pay is not hours worked.
- b. If required to physically report for work:
  - i. The employee's hours worked for the week (or for salaried classified employees for the pay period) shall include travel time from home to the work location and back home from the work location and all hours worked on the assignment.
  - ii. A minimum of two hours shall be counted as hours worked for the first instance requiring the employee to physically report to a work location in an eight hour standby period. No minimum number of hours worked shall be counted for subsequent standby call outs during the same standby period.

- c. If not required to physically report for work:
  - i. If an employee can complete the assignment without physically reporting to the work location, the employee's hours worked for the week (or for salaried classified employees for the pay period) shall include all hours worked on the assignment.
  - ii. A minimum of one hour shall be counted as hours worked for the first instance worked remotely in an eight hour standby period. No minimum number of hours worked shall be counted for subsequent call outs during the same standby period.
- d. Pay for reporting for standby duty, whether physically or remotely, is in addition to the standby pay.

## **2. Emergency Call Out Pay**

- a. In cases where there is no Standby Assignment, if an off-duty classified employee called out to work is required to physically report to a work location, the employee's hours worked for the week (or for the salaried classified employee for the pay period) shall include travel time from home to the work location and back home from the work location and all hours worked on the assignment.
- b. A minimum of two hours shall be counted as hours worked for each Emergency Call Out requiring an employee to physically report for work.
- c. In cases where the assignment can be completed without the employee physically reporting to a work location, a minimum of one hour shall be counted as hours worked for each Emergency Call Out.

## **3. Shift Differential Pay**

### **a. Five Percent Differential**

A shift differential pay of 5% shall be paid to those Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, who regularly work a shift where a majority of the hours worked falls after 5 p.m.

### **b. Ten Percent Differential**

A shift differential pay of 10% shall be paid to those Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, who regularly work a shift where the majority of the hours worked falls after midnight and before 6 a.m.

Excluding Airport Firefighters and Airport Fire Lieutenants, an employee who is assigned a specific shift when the majority of the worked hours falls after 5 p.m. and before 6 a.m. and who is assigned to this shift for a period of not less than four consecutive calendar weeks, will earn the applicable shift differential as of the first day worked on the assigned shift.

## **4. Control Burn Fire Team**

Each employee serving as a Fire Team Member shall be paid an additional \$3.00 per hour for each hour (or portion thereof) worked as a member of the Fire Team. Each employee serving as a Fire Team Supervisor shall be paid an additional \$5.00 per hour worked as a supervisor of a Fire Team.

Any hours worked on the Control Burn Fire Team will be counted as hours worked for all compensation purposes, including but not limited to calculating any overtime due.

**5. Classified Service Employees Working in the Citizen Information Center (CIC)**

Classified Service Employees working in the Citizen Information Center (CIC) during an emergency shall be paid their regular pay in situations where their CIC shift falls during their normally scheduled work time and work days and the County operations are continuing as usual. If the assigned CIC hours fall outside the normally scheduled work time or work days, the CIC employee will be compensated at the overtime rate, regardless of the actual number of hours worked in the week. The hours actually worked in the CIC shall also be included in the calculation of the time an employee worked during that work week.

**6. Declared Emergencies and Other Emergency or Disaster Situations**

When the Board of County Commissioners declares a state of emergency and/or the Appointing Authorities close their operations due to an emergency, employees will be compensated as follows:

- a. When regular County operations have been suspended because of an emergency situation, Classified Service employees directed to report to work in any capacity will be paid at the overtime rate regardless of the number of hours worked in the workweek.
- b. When regular County operations are fully or partially open regular pay rules will apply to Classified Service employees whether preparing for or dealing with the emergency or recovery efforts are part of the employee’s normal duties.
- c. If a Classified Service employee is assigned duties at a higher classification and such assignment continues longer than 30 consecutive calendar days, the employee will receive a pay adjustment in accordance with rules and practices governing temporary increases in C.1.h above.
- d. Appointing Authorities may grant employees administrative leave with pay if they direct them to leave work during their regularly scheduled hours in order to prepare their homes for emergency. Applicable shift differentials will be applied to the administrative leave with pay. Employees so directed who fail to return to work as directed by management may be considered AWOL (Absent Without Leave) and subject to discipline.
- e. Classified service employees required to work during an emergency (when County operations are closed) on a recognized County Holiday will be paid for such time in accordance with Personnel Rule 4 A.
- f. An Appointing Authority may elect to compensate exempt employees directed to report to work in any capacity during a declared local state of emergency after the Appointing Authority has closed his or her operations ~~at one and one half times that rate for any hours worked in the workweek over 40~~ pursuant to the then current Appointing Authorities’ emergency pay policy.
- g. County employees who are *directed not to report to work* during an emergency (when County operations are closed or partially closed) will be granted leave with pay equal to their normal work hours for a period up to four weeks duration.
  - i. County employees who have previously scheduled paid time off during such time will not be required to use the paid time off.

2/1/24 UPB update:  
Add “then current Appointing Authorities’ emergency pay” so it reads “pursuant to the then current Appointing Authorities’ emergency pay policy.”

- ii. County employees not scheduled to work on a day that would be covered by leave with pay under this provision are not eligible for leave with pay on that day or any other day in substitution for that day.
- h. County employees who are directed not to report to work due to such an emergency for a period in excess of four weeks duration will be granted leave without pay for this time beyond the initial four weeks. Employees so affected shall substitute available compensatory time, extended illness leave, floating holidays, personal day and then available annual leave for the leave without pay. Employees may retain up to 80 hours of annual leave and be granted leave without pay for the duration.

## **7. Market Driven Skills Supplement (MDSS)**

Market Driven Skills Supplement is an optional pay supplement with a variable rate not to exceed 10% of the employee's base rate for an employee that is proficient and engaged in work that requires the use of critical skill sets that are in short supply within the available labor market. The maximum rate of pay cannot exceed 10% above the maximum of the pay grade. The skill sets identified for eligibility for MDSS will be determined by the Human Resources Department in conjunction with the Appointing Authorities impacted by the critical skill shortages and approved by the Unified Personnel Board. The list will be reviewed and updated as needed, but at least every two years. The Director of Human Resources and Appointing Authority will determine when an approved skill set is no longer in short supply or is no longer deemed a critical skill set and recommend the Unified Personnel Board remove the skill set from those identified for eligibility for MDSS. Upon Unified Personnel Board approval, the supplemental pay will be ended.

## **8. Certification Pay**

Certification pay is a supplemental pay provided to an employee for possession and maintenance of specific certification(s). The supplemental pay may be an amount added to the employee's base pay or an amount paid at set intervals during the year (for example, monthly). Eligible certifications are determined by the Appointing Authority. Certifications which are required in the minimum qualification of the job classification are not eligible for certification pay. Possession of the certification should add value to the employee's ability to perform his/her job responsibilities. The added value should be meaningful and real. Loss or failure to maintain the certification will result in removal of the certification pay. Changes in job classification may result in removal of the certification pay.

## **9. Other Supplemental Pay**

Other supplemental pay as approved by the Appointing Authority may be provided to employees for performance of specific duties not required as part of the minimum qualifications of the employee's classification (e.g., fogging or 911 training).

## **E. Pay**

### **1. Method of Payment**

#### **a. Exempt Employees**

- i. Exempt employees are salaried employees paid a set salary for each week worked, subject to legally allowable deductions whether from the salary or accumulated leave. For administrative purposes only, such as the payout of accumulated leave the annualized salary is divided by 2,080 hours (and a pro-

rated amount for employees regularly scheduled for less than 40 hours in a workweek). All Exempt Service employees shall be available at all times for the performance of service beyond the generally scheduled workweek as may be required without any entitlement to extra compensation.

- ii. All members of the Exempt Service will have their pay directly deposited in a financial institution of their choosing.

**b. Classified Employees**

- i. Overtime: It shall be the general practice of the County to not have its employees work frequent or considerable overtime. However, Appointing Authorities may authorize or direct an employee to work overtime when necessary in order to meet emergency situations or operating needs. Each Appointing Authority shall maintain records of all hours worked, including overtime hours worked by Classified Service employees in his/her department.
  - a) For overtime compensation purposes, recognized Holidays or Leave with Pay for work-related purposes shall be considered as time actually worked. All other time used by the employee, such as, time paid under the Workers' Compensation Law, under short or long term disability plans, Compensatory Time, Annual Leave, Extended Illness Leave, Floating Holidays, Personal Days, or Leave with Pay for non-work related purposes shall not be considered as hours worked.
  - b) All hourly Classified Service employees, except Airport Firefighters and Airport Fire Lieutenants, paid on an hourly basis will be compensated at time and one half for any hours worked over 40 in any workweek in accordance with the Fair Labor Standards Act. Any hours worked over 40 in a workweek shall be considered overtime hours.
  - c) Pursuant to section 207 (k) of the Fair Labor Standards Act (FLSA) and Title 29 Code of Federal Regulations, Pinellas County establishes a 21 consecutive day work period for all Airport Firefighters and Airport Fire Lieutenants Employees effective November 20, 1988. All classified Airport Firefighters and Airport Fire Lieutenants working 159 hours or less during the established 21 consecutive work day period shall be paid at the straight hourly rate set forth in the Pinellas County Pay & Classification Plan. Should Fire Protection Employees be required to work more than 159 hours in any 21 consecutive day work period, all such time shall be considered overtime work.
  - d) Salaried Classified Service employees, those certified by the Appointing Authority through the County Attorney to the Director of Human Resources as excluded from the overtime provisions of the Fair Labor Standards Act ("Classified Excluded"), will be compensated at time and one half for any hours worked over 80 in a pay period if approved by the Appointing Authority.
  - e) Compensation for overtime may be monetary or in compensatory time, at the sole discretion of the Appointing Authority. Employees may not accumulate more compensatory time than designated below.

- f) The maximum accumulation of compensatory time for Classified hourly employees shall be 80 hours and for Classified Excluded employees shall be 240 hours.
- g) An employee who has accumulated compensatory time may request compensatory time off and such compensatory time off must be given within a reasonable time so long as it does not unduly disrupt departmental operations.
- h) Upon separation from employment, an employee shall receive a lump sum payment for all accumulated compensatory time at a rate which is not less than that employee's average regular rate during the last three years of employment, or that employee's final regular rate, whichever is higher.
  - ii. Employees promoted from the Classified Service to an exempt position shall, at the time of promotion, receive payment for accumulated compensatory time based upon the employee's regular rate of pay at the time of promotion.
  - iii. All members of the Classified Service will have their pay directly deposited in a financial institution of their choosing.

**F. Claims for Underpayment of Wages**

Claims for underpayment of wages must be made within two years of the underpayment.

**UNIFIED PERSONNEL SYSTEM**

Annex Building  
 400 S. Fort Harrison Ave.  
 Clearwater, Florida 33756  
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 Fax: (727) 453-3638  
 www.pinellas.gov/hr



Peggy Rowe  
 Interim Director

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

FROM: Peggy Rowe, Interim Director of Human Resources *MRN*

DATE: February 1, 2024

SUBJECT: Revisions to Appeal Procedures of the Pinellas County Unified Personnel Board

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**Recommendation:**

I recommend the changes to Appeal Procedures as described below and found in the attached redline version.

**Background:**

As a result of the Unified Personnel Board meeting held December 7, 2023, the verbiage for the Appeal Procedures has been modified for clarity on the Request for Reconsideration timeline. Below are the recommended changes:

Section 11. Request for Reconsideration (remove the following yellow highlighted text and add the red underlined text):

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~~ the Board's deliberation and decision announced at the conclusion of the hearing pursuant to Section 10, file a motion requesting it to reconsider, modify, or amend its findings and/or decision. However, such a request will only be granted if:

Attachment:

- Appeal Procedures Redline Version





## EMPLOYEE POLICIES & PROCEDURES

### 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 Forward Pinellas, the Chief Information Officer of Business Technology Services, the Human Rights Officer, and the Director of Human Resources. They have the power to appoint the employees who shall hold some or all positions under their supervision.
- 2-2 Board - Shall mean the Pinellas County Unified Personnel Board.
- 2-3 Calendar Day - Shall mean the respective days of the week. In computing any period of time prescribed by these rules, if the day on which the act is required to be done falls on a Saturday, Sunday, legal holiday, or county holiday, the act may be done on the next business day.
- 2-4 Classification Appeal – Shall refer to an appeal by an Employee whose position classification has been downgraded by the Director of Human Resources.
- 2-5 Counsel – Shall refer to Counsel for the Board.
- 2-6 Director - Shall refer to the Director of Human Resources or his or her designee.

## **Appeal Procedures**

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

### **Section 3. Hearing Requests and Scheduling**

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

### **Section 4. Pre-Hearing Conference and Procedure**

- 4-1 Upon request by the Director, the Counsel will issue a notice to the parties involved to appear at a pre-hearing conference. The notice to the parties shall be sent via certified mail, return receipt requested, and shall be mailed not later than 10 calendar days prior to the scheduled date of the pre-hearing conference. The purpose of the pre-hearing conference is to identify issues, witnesses and exhibits and agree to those matters that will not require strict proof before the Board. (See Appendix B, for example.)

## Appeal Procedures

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

## Appeal Procedures

- c. A listing of documentary evidence, exhibits, and witnesses to be presented, and a brief statement explaining their purpose.
  - d. Any stipulated issues and pertinent facts.  
(A sample Pre-Hearing Conference Statement is included as Appendix C.)
- 4-4 Exceptions regarding the Pre-Hearing Conference Statement must be in writing and shall be filed with the Counsel no later than seven calendar days from the date the Pre-Hearing Conference Statement is issued. A Party wishing to object to the granting or denial of an exception may do so at the beginning of the formal appeal hearing. The Board, by a majority vote, will then decide on the exception. Once exceptions have been decided, the Pre-Hearing Conference Statement shall become binding upon the parties, and any other testimony or evidence not reflected in it will be excluded. However, the Board may, by a majority vote, allow previously undisclosed testimony or evidence to be presented if good cause is shown by a requesting Party.

### Section 5. Continuance of Appeal Hearing

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

### Section 6. Subpoenas

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

## Appeal Procedures

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

### Section 7. Documentary Evidence

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

## Appeal Procedures

basis of the objection which will be submitted to the members of the Board at the time the proposed exhibits are submitted. A copy of any objection shall be served upon the Opposing Party. Objections to evidence will be heard prior to its admission into evidence.

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

### Section 8. Formal Hearing Procedures for Appealing a Termination

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



## Appeal Procedures

- d. After both parties have presented their cases, the Appointing Authority shall be given the opportunity to rebut evidence presented by the Appellant. Next, the Appellant will be given the opportunity for surrebuttal to the Appointing Authority's rebuttal. No new evidence or testimony will be permitted during rebuttal or surrebuttal, unless it explains or contradicts testimony or evidence previously submitted.

8-2 The burden shall be upon the Appointing Authority in appeals which involve termination, to show, by a preponderance of evidence, that the Appellant committed the activities for which he/she was disciplined, and that the activities violated the Personnel Rules cited.

### Section 9. Formal Hearing Procedure for Grievance Appeals

9-1 During an appeal hearing other than an appeal of a termination or a classification appeal, the following sequence of events will occur:

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



## Appeal Procedures

testimony or evidence previously submitted.

- 9-2 The burden in grievance appeals shall be upon the Appellant to show, by a preponderance of the evidence, that the action taken by the Appointing Authority should be modified or revoked.
- 9-3 The parties in a grievance appeal shall be limited in their presentations to the issues and evidence presented at the Informal Grievance Committee hearing. Evidence and witnesses not presented at the Informal Grievance Committee hearing shall only be admissible at the Board appeal hearing if the Party seeking to proffer such evidence (or witnesses) establishes to the satisfaction of the Board that it made a good faith effort to present the same at the Informal Grievance Committee hearing but was unable to do so.

### Section 10. Board Deliberation and Decision

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

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

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

## Appeal Procedures

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~~ the Board's deliberation and decision announced at the conclusion of the hearing pursuant to Section 10, file a motion requesting it to reconsider, modify, or amend its findings and/or decision. However, such a request will only be granted if:

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

## Appeal Procedures

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

### Section 12. Classification Appeals

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

## Appeal Procedures

- 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.

12-8 The burden shall be on the Appellant to show by a preponderance of the evidence that the action taken by the Director should be changed.

### Section 13. Waiver/Withdrawal of Appeals

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

13-2 Parties to an appeal are expected to appear at noticed pre-hearing conferences and appeal hearings. Upon motion and a showing that an appellant had notice of and failed to appear at a scheduled pre-hearing conference or appeal hearing, the Board may treat such failure to appear as a voluntary withdrawal of the appeal. Notice of the motion shall be provided by the Moving Party via regular U.S. Mail to the Non-Moving Party at his or her last known address. The Human Resources Department will notify both parties of the date and time of the meeting where it will be heard by the Board.

### Section 14. Waiver of Procedure for Good Cause

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

### Section 15. Quorum

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

## **Appeal Procedures**

### **Appendices:**

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

# Appeal Procedures

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

*Date*

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

Subject: Disciplinary Action/Grievance

Dear Director:

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

My appeal is based on the following grounds:

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

Thank you.

Sincerely yours,

\_\_\_\_\_  
Signature  
Address

# Appeal Procedures

## Appendix B - Notice of Pre-Hearing Conference

### The Pinellas County Unified Personnel Board

In Re:

\_\_\_\_\_ /

#### NOTICE OF PRE-HEARING CONFERENCE

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

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

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

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

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

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

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in Pinellas County.



# Appeal Procedures

\_\_\_\_\_  
Office of the County Attorney

## Certificate of Service

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

# Appeal Procedures

## Appendix C - Pre-Hearing Conference Statement

### The Pinellas County Unified Personnel Board

In Re:

\_\_\_\_\_ /

#### PRE-HEARING CONFERENCE STATEMENT

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

Parties:    Appellant  
              Appellee

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

Appellant                      Appellee

4. List of witnesses and summary of testimony:

Appellant                      Appellee

5. Stipulated issues and pertinent facts:

6. The parties agreed to the admissibility of the following documents:

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

7. The Parties attention is drawn to §7 of the Appellate Procedures which pertain to exhibits and filing deadlines.

8. The parties have seven calendar days from receipt of this pre-hearing conference statement to file with the County Attorney exceptions to the statement.

\_\_\_\_\_  
Office of the County Attorney

Date: \_\_\_\_\_

## Appeal Procedures

Appendix C, continued

### CERTIFICATE OF SERVICE

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

---

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

# Appeal Procedures

## Appendix D - Subpoena

### The Pinellas County Unified Personnel Board

In Re:

\_\_\_\_\_ /

### Subpoena

TO:

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

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

ON:

AT: 6:30 P.M.

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

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

WITNESS my hand and seal of the Board on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

PINELLAS COUNTY UNIFIED  
PERSONNEL BOARD

By: \_\_\_\_\_  
Chair

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

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

Subpoena requested by \_\_\_\_\_  
on behalf of \_\_\_\_\_.

# Appeal Procedures

## Appendix E - Findings and Decision

### The Pinellas County Unified Personnel Board

In Re:

\_\_\_\_\_ /

#### FINDINGS AND DECISION

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

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

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

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

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

Therefore, the Board rendered the following decision:

---

Chair

# Appeal Procedures

## Appendix F - Motion For Reconsideration, Modification, or Amendment

DATE

Director of Human Resources  
Pinellas County Florida  
Fourth Floor  
400 S. 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

**UNIFIED PERSONNEL SYSTEM**

Annex Building  
400 S. Fort Harrison Ave.  
Clearwater, Florida 33756  
Phone: (727) 464-3367  
Fax: (727) 453-3638  
www.pinellas.gov/hr



Peggy Rowe  
Interim Director

TO: The Honorable Chair and Members of the Unified Personnel Board  
FROM: Peggy Rowe, Interim Director of Human Resources *MRN*  
DATE: February 1, 2024  
SUBJECT: Human Resources Reclassification Recommendation

---

**Recommendation:**

I recommend that the members of the Unified Personnel Board approve the upward reclassification of Human Resources position #HRD/C40 to Human Resources Specialist effective February 11, 2024.

**Background:**

The position is currently classified as a Human Resources Technician at a pay grade C20. Based on an analysis of current duties and responsibilities of the position, I recommend that the position be reclassified to Human Resources Specialist, C22. The incumbent in this position is responsible for developing, implementing, and coordinating County-wide volunteer and outreach programs. This includes coordinating volunteer recruitment efforts, managing volunteer onboarding, enforcing volunteer policies and procedures, and maintaining relevant position descriptions. Work is performed with considerable independent judgment and initiative under general supervision.

**Attachment:**

- Human Resources Specialist Classification



## **Human Resources Specialist**

**Category:** Classified/Excluded  
**Pay Grade:** C22  
**Job Code:** 20130

*To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.*

### **JOB SUMMARY**

Performs technical and administrative tasks relating to implementation and maintenance of the Unified Personnel System; may be responsible for one or more specialized human resources programs such as benefits, employment, pay and classification, communications, human resources information systems, or training.

### **ESSENTIAL JOB FUNCTIONS (examples, not all inclusive)**

- Advises administrators and managers regarding position, promotions, demotions, transfers, reclassifications, temps, hiring, terminations, etc.;
- Coordinates and conducts training programs and assists in maintaining automated class schedules and records;
- Provides technical support in the administration of a broad range of employee benefits, assistance, and/or insurance programs including health, wellness, dental, life, retirement, employee assistance, and related tasks;
- Creates and edits graphics, logos, and outreach materials for use on the website or for publication;
- Designs the Human Resources website pages, maintain the content daily and compile web analytics as requested;
- Creates visual concepts to communicate ideas to inspire or inform employees;
- Develops unique branding for special initiatives to ensure a consistent attractive look;
- Meets with staff to assess their communication needs including the Human Resources Director for high-visibility projects, recommends outreach strategies, design, format, and content for the materials;
- Plans, implements, and provides employee education for the group health, disability, life insurance, and health improvement programs;
- Counsels supervisors, employees, and their dependents on a wide variety of laws, rules, and policies including the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), benefits eligibility, UPS rules, employment law and equal employment, etc.;
- Develops and edits articles and items for publication in newsletters, reports, websites, training materials, and broadcast distribution;
- Creates documents for publication including layout and graphic design using desktop publishing and other software;
- May perform information processing duties including data entry and retrieval, using available statistical and computer programs;
- Administers and supports the tuition reimbursement program;
- Performs other related job duties as assigned.

### **QUALIFICATIONS**

#### **Education and Experience:**

Associate's degree in personnel management, public or business administration, finance, or directly related field and four (4) years of highly technical and professional human resources or personnel administration experience; or Bachelor's degree in human resources, personnel administration, business, public administration, or a related field and two (2) years of highly technical and professional experience in human



resources or personnel administration; or six (6) years of highly technical and professional human resources or personnel administration experience applications or; an equivalent combination of education, training and/or experience.

**Special Qualifications (May be required depending on area of assignment):**

- Florida Driver's License or Florida Commercial Driver's License and endorsement, if any.
- Assignment to work a variety of work schedules including compulsory work periods in special, emergency, and/or disaster situations.
- Candidate to demonstrate more advanced proficiency, competency, and satisfactory completion of regularly assigned work in an independent manner. Appointing Authority retains discretion to employ an incumbent at this level or advance the incumbent non-competitively or competitively after a candidate meets the minimum qualification to an in-line career ladder position within the same organization or department.
- Candidate to demonstrate competence, possess specialized training, or certifications in one or more specific human resources programs and functions.
- Other knowledge, skills, abilities, and credentials required for a specific position.

**Knowledge, Skills and Abilities:**

- Knowledge of the principles and procedures of public sector human resources administration;
- Knowledge of the principles of management, education, career development, and statistics;
- Knowledge of principles, practices, and techniques relevant to recruiting qualified, employment applicants;
- Knowledge of principles, methods, and techniques relevant to labor classification and compensation;
- Knowledge of benefits programs, laws, and regulations;
- Knowledge of the Family Medical Leave Act, the Americans with Disability Act, and other benefits related to federal, state, and local laws;
- Knowledge of analytical concepts and methods used in benefits compensation, classification or testing determination;
- Knowledge of publication principles and methods including desktop and web publishing.
- Skill in the use of publishing software;
- Skill in public speaking;
- Skill in the use of a personal computer including word processing, spreadsheet and database applications.
- Ability to perform technical computations and statistical tabulations, and prepare reports based upon the findings;
- Ability to interact with community resource organizations;
- Ability to write and prepare documents for distribution including design and layout;
- Ability to express oneself clearly and concisely, orally and in writing;
- Ability to analyze facts, prepare reports, and maintain filing systems;
- Ability to deliver accurate and understandable information in response to inquiries and complaints;
- Ability to establish and maintain effective working relationships with customers, superiors, fellow employees, and others.

**PHYSICAL/MENTAL DEMANDS**

The work is light work which requires exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force to move objects. Additionally, the following physical abilities are required:

- Fingering: Picking, pinching, typing, or otherwise working, primarily with fingers rather than with the whole hand as in handling.
- Grasping: Applying pressure to an object with the fingers and palm.
- Handling: Picking, holding, or otherwise working, primarily with the whole hand.
- Visual ability: Sufficient to effectively operate office equipment including copier, computer, etc.; and to read and write reports, correspondence, instructions, etc.
- Hearing ability: Sufficient to hold a conversation with other individuals both in person and over a telephone; and to hear recording on transcription device.

- Speaking ability: Sufficient to communicate effectively with other individuals in person and over a telephone.
- Mental acuity: Ability to make rational decisions through sound logic and deductive processes.
- Talking: Expressing or exchanging ideas by means of the spoken word including those activities in which they must convey detailed or important spoken instructions to other workers accurately, loudly, or quickly.
- Repetitive motion: Substantial movements (motions) of the wrist, hands, and/or fingers.
- Standing: Particularly for sustained periods of time.
- Walking: Moving about on foot to accomplish tasks, particularly for long distances or moving from one work site to another.

### **WORKING CONDITIONS**

Work is performed in a dynamic environment that requires sensitivity to change and responsiveness to changing goals, priorities, and needs.



## HR Update for February (January 2024 Updates)

### Benefits & Wellness

- Our upcoming February wellness webinars include financial well-being classes (Financial Drowning – Learn to Swim, Retirement Saving and two onsite FRS workshops), Cancer Prevention, and a cooking demonstration.
- We're celebrating Black History Month with a Soul Food cooking demonstration and an African American Storytelling webinar in February.
- The annual Stepping Into Your Health walking challenge began January 29 and runs through March 22.
- The Wellness Team is preparing for the Wellness Center Open House on February 6.

### Communication & Outreach

- Currently supporting the communication plan for the roll out the cloud-based Learning Management System, LMS365.
- The pilot for Give Pulse (our new volunteer program management software) is ongoing. Full roll out of the system to the County is planned for April 1, 2024. We are providing extensive training to site managers and support for training of current volunteers to help build comfort and familiarity with the system.
- Annual report will be finalized in February.

### Internal Happenings

- Irena Karolak returns from leave on January 29.

### Learning & Development

- Organizational and Talent Development (OTD) is now called Learning & Development – this name is easier to understand and more clearly communicates our mission and focus.
- We continue to work with BTS and our Advisory Committee representing all 10 Appointing Authorities on the implementation of the cloud-based Learning Management System, LMS365. A soft launch is planned for February with complete system roll out scheduled for March.
- Boot Camp kicked off on January 23. There are 180 attendees scheduled to attend multiple sessions throughout 2024.
- We are collaborating with the Appointing Authorities to revamp New Employee Orientation (NEO). The updated NEO will be offered weekly and in person and is currently planned to begin in early March.

### Workforce Strategy – Recruitment / HRMS / Classification & Compensation

- The time to fill in December was 59.6 days.
- 28 new hires in December
- 52 promotions occurred in December.
- December's annualized turnover was 15.03% with 30 separations.

## Scorecard (December – 27 responses)

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

December: 96%

Goal: 92.5%

YTD 2023: 96.03%

After interaction with HR personnel:

The representative was professional & courteous

December: N/A\*

Goal: 100%

YTD 2023: 100%

The representative was helpful:

December: N/A\*

Goal: 100%

YTD 2023: 100%

Receive the requested information in a timely manner:

December: N/A\*

Goal: 95%

YTD 2023: 100%

\* None of the survey participants in December answered this question.

A total of 363 people responded to the survey in 2023.



**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 **January 06 through January 26, 2024**.

**TITLE CHANGE**

<b>Spec No.</b>	<b>Old Title</b>	<b>New Title</b>	<b>PG</b>
14627	Program Coordinator, BTS-OTI	Program Coordinator, BTS	E24
14682	Program Manager, BTS-OTI	Program Manager, BTS	E26