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Pinellas County Personnel Rules

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Rule I. Definitions

For the purpose of these Personnel Rules and as used herein, the following words and terms shall have the meaning indicated unless the context clearly indicates otherwise:

1. **Anniversary Date** - The date of employment, promotion, or the date of an employee's last merit pay increase or, as may be provided for elsewhere in these Personnel Rules, the date of demotion.
2. **Appointing Authority** - Constitutional Officers, the County Administrator and Department Heads who have been given the power to appoint the employees who shall hold some or all positions under their supervision.
3. **Classification Plan** - The orderly and systematic arrangement of individual positions and duties into classes of work based upon common factors, the similarity in the levels of work responsibility and difficulty, and the nature of the work performed. Such classes, when grouped, shall form comprehensive and understandable definitions of the several types of work in the Classified Service.
4. **Compensatory Time** - Compensatory time shall be granted in accordance with the provisions of Personnel Rule XI.
5. **Demotion** - The change of an employee from one job classification to another job classification for which the maximum step is lower, or the change of an employee from the present pay rate to a lower pay rate in the same grade.
6. **Department Head** - The managers or heads of the departments and divisions created by Legislative Act or by the Board of County Commissioners under the authority granted by Legislative Acts.
7. **Eligible Register** - A list of names of persons who have been qualified through suitable tests for employment in positions allocated to a specific job classification, such names being arranged in the order of the final total written examination grade, unless provided for otherwise in the Personnel Rules. Such lists shall be divided into layoff, promotional, and open sections.
8. **Employee in a Non-Pay Status** - Any employee in the County Service who is not receiving a regular salary from the County.
9. **Grievance** - Any discontent or dissatisfaction dealing with the following employment areas: (a) Any violation of the Personnel Rules of the Unified Personnel Board; (b) Any established departmental rule approved by the Personnel Board; or (c) Any matter relating to an employee's working condition, which an employee believes is unfair, unjust or inequitable.
10. **Grant Worker** - A permanent employee hired for a specific grant only. The respective Appointing Authorities make appointments to this classification, subject to concurrence of the Director of Personnel. The employee works for the length of the grant only, with extension to original appointment to be granted by the Appointing Authorities with the concurrence of the Director of Personnel. Employees in this classification are excluded from the layoff provisions in Rule XXIII, and may not appeal their terminations in the event the grant under which they are working expires or is not renewed.
11. **Job Classification** - A group of duties and responsibilities assigned by competent supervision requiring the full-time or part-time employment of one person. Each such job classification shall have a job title, a job description, and a pay grade and, where possible and practical, an appropriate test to determine the fitness of interested applicants.

12. **Job Description** - A written description of the essential characteristics of a job classification and the factors and work requirements that distinguish it from other job classifications. The job description shall outline the nature of work involved, illustrative tasks performed, knowledge, abilities and skills needed, and the experience and training desired or mandatory for the job classifications.
13. **Job Title** - A definite descriptive designation for a job classification.
14. **Layoff** - The dismissal from employment because of shortage of work or funds, or because of changes in organization.
15. **Layoff Section** - That section of the eligible register containing the names of those employees whose employment has been terminated due to a layoff and who are eligible for re-employment in accordance with applicable Personnel Rules.
16. **Members of the Classified Service** - All personnel employed in the County Service, except those serving in a job classification which is specifically declared by the Pinellas County Personnel Board to be an Exempt Service position.
17. **Members of the County Service** - All personnel employed by and under the jurisdiction of the Board of County Commissioners or a Constitutional Officer in one of the job classifications set forth in the Pinellas County Unified Personnel System either as members of the Classified Service or as members of the Exempt Service.
18. **Members of the Excluded Classified Service** - Classified service salaried employees certified by the Appointing Authorities through the County Attorney to the Director of Personnel as meeting the pertinent Administrative, Executive or Professional Fair Labor Standards Test and thus excluded from the overtime provisions of the Fair Labor Standards Act. These classifications are identified in Section A of the Pay & Classification Plan.
19. **Members of the Exempt Service** - All personnel employed in the County Service in one of the Exempt Service positions, as set forth by the Pinellas County Personnel Board.
20. **Merit Pay Increase** - An increase in the salary of a probationary or permanent employee by the advancement of such persons to a higher pay rate within the same pay grade as set forth in the pay schedule.
21. **Normal Work Week** - The normal work week for the Classified Service shall be forty (40) hours.
22. **Open Section** - That section of the eligible register containing the names of non-employees who have been found eligible through competitive examination, and former employees who, through the process of reinstatement, have been found qualified for consideration for employment or re-employment.
23. **Overtime Pay** - Cash payments for overtime work shall be paid in accordance with provisions of Personnel Rule XI.
24. **Overtime Work** - Overtime work shall be determined by the provisions of Personnel Rule XI.
25. **Pay Grade** - A salary range with a minimum and maximum pay bracket established to fairly and competitively compensate an employee for assigned work under the specific job classification.

26. **Pay Grade Change** - An increase or decrease in the pay grade established for a specific job classification, such changes being made for the purpose of insuring that a fair, equitable, and competitive pay grade is currently in effect. This is also known as a reallocation.
27. **Pay Plan** - A formal schedule of pay for all classes of work in the Classified Service. The schedule shall set forth as to each class the beginning rates, the maximum, and such intermediate rates of pay as may be necessary to provide for internal values of work between classes and fairly reflect external or prevailing rates of pay on similar or like kinds of work outside the Classified Service. In addition, the Pay Plan shall reflect the economic conditions of the area, the County's ability to pay, and difficulties experienced in recruitment.
28. **Pay Rates** - Those rates of pay, from minimum to maximum, that comprise each pay grade.
29. **Permanent Status Employee** - A Classified Service employee who has satisfactorily completed a probationary period of service.
30. **Permanent Employment** - Employment in the County Service in a position which has an expected duration of more than six (6) months.
31. **Position** - An approved budgeted personnel allocation.
32. **Position Reclassification** - The change of a job classification due to a permanent change in or an increase or decrease in the assigned duties and responsibilities of the position, or to correct inequities created by the reclassification of other positions.
33. **Probationary Status Employee** - A Classified Service employee currently serving a probationary period of service.
34. **Probationary Period** - That period of time beginning with a person's initial employment, promotion, or disciplinary demotion in the Classified Service and normally ending one year for newly hired employees and six months for permanent status promoted employees. An Appointing Authority may reduce either of these as deemed appropriate. For disciplinary demotions, the probationary period shall be as outlined in Personnel Rule VII. Appointing Authorities may remove newly hired and promoted employees from probation when deemed appropriate. Such decisions to remove or maintain the probationary period shall not be grievable.
35. **Promotion** - The change of an employee from one job classification to another job classification for which the maximum pay rate is higher.
36. **Promotional Section** - That section of the eligible register containing the names of those employees who have been found eligible through competitive examination for consideration for appointment to a higher job classification.
37. **Provisional Employment** - Employment in a Classified Service position in the absence of an eligible register, or pending completion of physical examination, such employment not to exceed six (6) months from the date of such employment nor more than forty-five (45) days following the establishment of an eligible register, whichever is less in length of time.
38. **Provisional Status Employee** - A Classified Service employee who is currently working in a provisional employment capacity.
39. **Reallocation** - See Pay Grade Change.

40. **Reinstated Employee** - A former permanent status County employee who, after resigning from the Classified Service in good standing, has, in accordance with applicable Personnel Rules, applied for and been approved for placement at the bottom of the open section of the eligible register for the classification previously served.
41. **Retired Employee**
 - (a) Florida Retirement System Pension Plan. An employee leaving the County Service will be considered retired if awarded “regular retirement benefits” or “early retirement benefits” or is approved to receive “disability retirement” benefits as defined in accordance with Florida Statutes Chapter 121.
 - (b) Public Employee Optional Retirement Plan (FRS Investment Plan). An employee leaving County Service will be considered retired if he or she elects to begin receiving benefits and:
 - (1) Meets the age and service requirements to qualify for normal retirement as set forth in Florida Statutes 121.021 as may be amended; or
 - (2) Has attained the age specified by s.72(t)(2)(A)(i) of the Internal Revenue Code as may be amended and has 6 years of creditable service.
42. **Sexual Harassment** - Unwelcome, one-sided attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that comes from supervisors, bosses, co-workers, clients or other individuals in the work place and which unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive working environment.
43. **Standby Assignment** - An assignment made by a Department Head which shall require a Classified Service employee to be available for emergency work, in addition to the employee's regular work week, on nights, weekends and holidays, or at any other required time.
44. **Standby Pay** - Cash payment to a Classified Service employee for standby assignment services.
45. **Suspension** - The separation without pay of a Classified Service employee for a temporary or fixed period of time.
46. **Temporary Employment** - Employment in the County Service in a position which has an expected duration of not more than six (6) months.
47. **Temporary Status Employee** - A Classified Service employee who is working in a temporary employment position.
48. **Transfer** - The change of an employee from one position to another position in the same job classification, or, in connection with a change in job classification, the change of an employee from one unit of the County government to another unit of the County government.

Rule II. Recruitment, Applications, and Examinations

A. Personnel Program, General Policy

It shall be the continuing policy of Pinellas County that the substance, design and administration of its personnel program shall assure the fair treatment of applicants and employees in all aspects for personnel administration without regard to political affiliation, age, race, color, national origin, sex, or religious creed, and with proper regard for their privacy and constitutional rights as citizens. Upon request for inspection and/or copying by any person of the personnel file(s) or job application(s) of an employee of or applicant for employment by Pinellas County, whether maintained by the Human Resources Department or other department(s), the Human Resources Department or other department shall, to the extent possible, notify the employee or applicant of the request and make said files and applications available for inspection and/or copying at reasonable times and under reasonable conditions. The inspection and/or copying of such files and applications shall be made in the Human Resources Department, under the supervision of the Human Resources Director or designee. The employee or applicant shall have the right to be present at said inspection and/or copying.

B. Application for Employment

No person responding to public notice shall be denied the opportunity of filing an application for employment with the County, and all such applications shall be made on standard forms designed and prepared by the Director of Human Resources and approved by the Personnel Board.

C. Rejection of Applications

The rejection of applications shall be objectively based on failure to meet any of the announced requirements, prior unsatisfactory employment in the County Service, giving false information concerning past employment history or conviction record, prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought, or for other just cause.

D. Announcement of Examinations

Unless vacancies shall be filled by demotion, transfer, or by certification from layoff eligible lists, they shall be filled so far as practical by the promotion of employees in the Classified Service. The Director of Human Resources shall in such case, upon recommendation of the Department Heads or other Appointing Authority of the various departments concerned, establish an open competitive examination or a promotional examination to be conducted among the eligible employees of the department or departments in which vacancies exist. If the vacancy cannot be filled through promotion, the Director of Human Resources shall make public announcement of open competitive examination in advance of the date fixed for closing the filing of applications, and such examination shall be advertised in a major newspaper of general circulation published in the County. The Director of Human Resources may also give public notice of examinations for County employment through radio, television, the posting of bulletins, or through other appropriate means of advertising necessary to bring the notice of examination to the attention of the prospective applicants. Such notice shall set forth the job requirements and the time and place at which applications for employment may be filed. If an Appointing Authority is actively engaged in a reduction in force, the Director of Human Resources shall, upon recommendation of the Appointing Authority or another Appointing Authority, establish a RIF examination and shall announce the examination to all employees of the Unified Personnel System.

E. Cancellation of Examination

The Director of Human Resources may cancel, postpone, reschedule, or re-announce any examination for any good and sufficient reasons deemed in the best interest of the County Service.

F. Examinations

All appointments, except to those positions exempted by the Personnel Board, to the Classified Service, either at the entrance or promotional level, shall be made on the basis of merit and fitness, to be determined as far as practical and possible by competitive examination, except that an incumbent may be promoted to an upgraded position without examination or by a noncompetitive examination upon recommendation of the Appointing Authority and concurrence of the Personnel Board. Whenever vacancies exist or are contemplated in the Classified Service, the Director of Human Resources shall prepare and administer standard level examinations which may consist of any, all, or a combination of the following tests designed to fairly and impartially test the merit, fitness, aptitude, experience, and other relative qualifications of an applicant to discharge the duties of the classification in which he seeks appointment:

1. Written Test
2. Oral Test
3. Performance Test
4. Physical or Medical Test
5. Evaluation of Training and Experience
6. Seniority
7. Any other applicable criteria which will fairly measure the relative abilities of individuals competing in examinations.

G. Types of Examination

Examinations may be assembled or unassembled and shall be announced in the following manner:

1. Open Competitive

Any examination in which competition is open to the public, providing they meet the announced requirements for admission to the examination.

2. Promotional

Any examination in which competition is limited to present employees with probationary, or permanent status in a lower job classification, providing they meet the announced requirements for admission to the examination.

3. RIF

Any examination during which the Appointing Authorities are actively engaged in a reduction in force and in which the competition is limited to present classified employees with probationary or permanent status, exempt employees who are to be impacted by the reduction in force, and former classified and exempt employees who have been separated from County service through lay off and whose separation date is less than six months from the closing date of the recruitment.

4. Noncompetitive

Any examination which is approved by the Personnel Board, upon the recommendation of the appropriate Appointing Authority, for an individual employee whose position has been reclassified.

H. Seniority Points - Application of Same

In computing scores for seniority in a promotional examination, the total length of continuous service immediately prior to the examination shall be used with a maximum credit allowance of ten (10) years. Seniority credit shall be granted at the rate of one-fourth (1/4) point for each three (3) months of service completed, and shall be added to the grade of those persons who receive a minimum or above passing grade on the written examination. No credit shall be given for periods of service of less than three (3) months.

I. Veterans' Preference Points - Application of Same

Individuals who are eligible for Veterans' Preference Points in accordance with Chapter 295, Florida Statutes, shall have such points added to their passing examination scores.

J. Results and Review of Examinations

The identity of each candidate shall be concealed during the examination process and, after the grading of examinations, the Human Resources Department shall advise each candidate as to the result of his examination. Within ten (10) days after the receipt of said notice, a candidate receiving such notice may, in the presence of the Director of Human Resources, review his examination question booklet. There shall be no time limit imposed relative to the candidate's re-examination following his review of the examination booklet.

Only where reasonable, extenuating circumstances exist, as determined by the Director of Human Resources, will a candidate be allowed to review his examination papers after the above specified ten (10) day time limit has elapsed. Employees in the Classified Service who are unable to review their examination papers in the above specified ten (10) day time limit because of being on sick or annual leave, or other approved leave, with or without pay, may review their examination papers within ten (10) days after their return to duty.

K. Appeals

Should an employee or new job applicant feel adversely affected or discriminated against in an opportunity for promotion or employment, or believes an injustice has been done in the grading of his/her examination papers, the individual may appeal to the Director of Human Resources. Should the matter not be resolved by the Director of Human Resources, the Pinellas County employee candidate may appeal to the Personnel Board. Any such appeal to the Personnel Board must be made in writing and shall specify the cause of complaint. The Personnel Board shall review the matter and shall render a final decision in the matter.

L. Examination Material Regarded as Confidential

Examination papers and materials are considered to be of a privileged nature and are not available for public inspection, but may be made available to the administrative officials of the County showing good reason why the disclosure of such information would be in the public interest, or to the Personnel Board where such material is pertinent in the case of a hearing.

Rule III. Eligible Registers, Certification, and Appointment

A. Eligible Registers

The Director of Human Resources shall establish and maintain such eligible registers for the various job classifications as are deemed necessary to meet the needs of the Classified Service. Names of eligibles shall be placed on the register in the order of their final earned score and in accordance with requirements set forth in Chapter 295, Florida Statutes. Ties in final ratings shall be resolved by (1) arranging names of such eligibles according to their rating on that part of the examination which has the greatest weight and (2) by priority in time of filing applications. An open competitive or promotional register shall be in effect from the date on which it is certified. Referral of eligibles shall be on the basis of the final standings on the register for open competitive examinations. An Appointing Authority may appoint any person on the eligible list to fill a vacancy so long as this appointment is in conformity with the requirements set forth in Chapter 295, Florida Statutes.

B. Eligible Register Sections

1. Open Competitive Section

That part of the eligible register containing the names and grades in order of rank, for those candidates attaining a minimum passing score on the open and competitive examinations. Duration of such lists shall be for a period of one (1) year from date of establishment unless the register is depleted.

2. Promotional Section

Employees retain eligibility on the promotional section of the eligible register for two years.

3. Layoff Section

That part of the eligible register containing the names of former employees who were separated through layoff procedures. The names of such former employees shall be placed on the register in an order determined by a combination of performance records and seniority in the respective class. Duration of such register shall be for a period of one (1) year from the date of placement of such names on the register.

4. Appropriate or Related Register

In the absence of an eligible register for a particular class within which a vacancy exists, the Director of Human Resources may certify from an appropriate existing register. Such appropriate or related register should be for a class having substantially the same requirements as the class in which the vacancy exists, and the pay grade should be commensurate between the classes. Also, the Director of Human Resources may supplement the names of candidates to an existing eligible register who have been certified to another eligible register of an equal or higher pay grade in a job family or career path.

C. Removal of Names from Eligible Register

The names of candidates shall be removed on the basis of the following:

1. Appointment through certification from the register to fill a vacant position.

2. Having been interviewed and rejected by three (3) different Appointing Authorities for positions in the same class; or in the case of such class existing in only a single department, being interviewed and rejected twice by the Appointing Authority. The Director of Human Resources may disapprove the reason of rejection if such is based on violation of the anti-discrimination policy of the County.
3. Failure to respond or report, within the time specified in the notice, to any inquiry of the Director of Human Resources or Appointing Authority concerning availability for employment.
4. Separation from the Classified Service.
5. Declining offer of employment three (3) times by a candidate.
6. Notice of postal authorities of their inability to locate the candidate at the last known address.
7. Discovery that the candidate lacks any of the qualifications prescribed as requirements for admission to the examination for the class or appointment to the position.
8. False statement of any fact or the practice of or attempt to practice deception or fraud in the candidate's application, or examination or, otherwise, in securing appointment or eligibility.
9. Discovery that the candidate has some physical or mental impairment which prevents the performance of the essential functions of the related job classification, even with a reasonable accommodation.
10. At the discretion of the Director of Human Resources, if finding that the candidate has been an unsatisfactory employee in either public or private employment because of inefficiency, delinquency, misconduct, or related reasons.
11. Disability which prevents the candidate from satisfactorily performing the duties of the position.

D. Reinstatement

Any former permanent status employee, who has resigned in good standing from the Classified Service, may within two (2) years from the date of resignation, request reinstatement to the appropriate eligible register for the previously served class or classes of employment. Such requests shall be made in writing and subject to the approval of the Director of Human Resources. On approval, the name of the former employee shall be placed at the bottom of the appropriate open competitive list. Any former employee who meets the requirements of Chapter 295, Florida Statutes, shall be reinstated to the previous position or an equivalent position.

E. Certification

The Director of Human Resources, based on receipt of an authorized requisition from an Appointing Authority, shall certify and refer the appropriate eligible registers. Consideration of the candidates by the Appointing Authority shall be in the following order:

1. The names of former employees of the department from the layoff section of the register.
2. The names of former employees of other departments from the layoff section of the register.
3. The names of eligibles from the promotional register, if any.

4. The names of eligibles from the open competitive register.
5. In the absence of an eligible register for the class and at the discretion of the Director of Human Resources, the names of eligibles from an appropriate or related register.

F. Drug Screening and Initial Medical Evaluation

Those applicants who are conditionally offered employment must successfully complete a drug screening in accordance with the provisions of the County's Substance Abuse Prevention Program, prior to beginning their employment.

Additionally, applicants who are conditionally offered employment must successfully complete a job-related medical evaluation by a physician selected by the Director of Human Resources. The purpose of this evaluation shall be to determine that, prior to beginning their work, these individuals are capable of safely performing the essential functions of their positions.

The above listed requirements may be waived by the Director of Human Resources for retirees from Pinellas County Government or other temporary workers needed on an emergency basis for periods of thirty (30) days or less, and for current or retired School Board employees performing temporary summer work for the County's Summer Food Service Program.

G. Types of Appointments

1. Probationary Appointments

Any new or promotional appointment made from a certified eligible register shall be a probationary appointment subject to the completion of a satisfactory probationary period. The probationary period shall be regarded as an integral part of the examination process and shall be utilized to evaluate the employee's performance on the job and for dismissing any employee who does not meet required standards of performance. The duration of such probationary period shall normally be for six (6) months in promotional situations and one year for newly hired employees from date of appointment. However, employees in an initial probationary status with the County who are absent for periods of time in excess of five (5) consecutive working days shall have their probationary period extended for the amount of time that such absence exceeds the five (5) day limit. Additionally, employees whose appointment to the Classified Service is temporary in nature shall be given up to six (6) months probationary service credit for the immediate prior temporary service provided the person is hired into a permanent position by the same department/division in the same or a lower related classification as the temporary appointment.

Employees who have completed the initial probationary period and are promoted will normally be required to satisfactorily complete a six (6) month probationary period in the new position without regard to any prior temporary service in the new position.

An Appointing Authority, at least ten (10) days prior to the expiration of an employee's probationary period, shall notify the Director of Human Resources in writing whether the services of the employee have been satisfactory or unsatisfactory. An employee whose services are deemed unsatisfactory shall be dropped from the payroll at any time prior to the expiration of the probationary period. If satisfactory, or if the Appointing Authority shall fail to furnish the required notice to the Director of Human Resources prior to expiration of the probationary period, the appointment shall be deemed permanent. At any point prior to the end of the employee's probationary period, the Appointing Authority may determine that the employee has successfully satisfied the job related requirements of the position and may remove the employee from probationary status. The determination of the Appointing Authority in either of these matters shall be final and is not grievable.

2. Permanent Appointment

The change of a Classified Service employee, who has satisfactorily completed the probationary period of service, to a permanent employment status.

3. Provisional Appointment

Employment in a Classified Service position in the absence of an eligible register or pending completion of physical examination, such employment not to exceed six (6) months from the date of such employment nor more than forty-five (45) days following the establishment of an eligible register, whichever is less in length of time.

4. Grant Worker

A permanent employee hired for a specific grant only. The respective Appointing Authorities make appointments to this classification, subject to concurrence of the Director of Human Resources. The employee works for the length of the grant only, with extension to original appointment to be granted by the Appointing Authority with the concurrence of Director of Human Resources. Employees in this classification are excluded from the layoff provisions in Rule XXIII, and may not appeal their terminations in the event the grant under which they are working expires or is not renewed.

5. Other Types of Appointments

To fill positions of a temporary nature, the following appointments shall be made:

a. Temporary Appointments

Such appointments shall be for work which is temporary in nature, or employment under a CETA or other federally-funded emergency jobs program. All candidates for such appointments shall meet requirements set by the Appointing Authority in confirmation with the Pay and Classification Plan. The temporary appointment may be extended for an additional six (6) months upon approval of the Personnel Board.

b. Part Time Appointments

Such appointments may be granted for work which requires the services of an employee for less than the number of hours of a typical work week. Candidates for appointment shall meet the requirements set by the Personnel Board.

c. Substitute Appointments

Such appointments may be allowed to fill a permanent, vacant position open due to extended leave of absence. Such appointments shall be made from appropriate eligible registers or in the case of a promotional position, from the lower related class. The substitute appointment shall confer no status, appeal, or related provision under the Personnel Rules. The substitute appointment shall be for a period not to exceed six (6) months. The substitute appointment may be extended for an additional six (6) months upon approval of the Personnel Board. In the case of a vacant position open due to military leave that exceeds one (1) year, the substitute appointment may be extended for the duration of the military leave, upon approval of the Personnel Board, providing the approval is sought in six (6) month intervals.

d. Assignments

An Appointing Authority may assign any Classified Service employee under the Authority's jurisdiction to any duties as long as such duties are within the same classification. No employee in the Classified Service may be assigned duties of a different class for a period in excess of thirty (30) consecutive calendar days. Should it be necessary to temporarily assign duties of a higher classification to a permanent or probationary Classified Service employee for more than thirty (30) consecutive calendar days, a substitute or temporary appointment shall be made, the employee shall receive a promotional increase as outlined in Rule VI Promotion and such increase shall be retroactive to the first day that such employee was assigned duties of a higher classification, the original anniversary date shall be preserved, and the employee shall remain eligible for merit consideration on this anniversary date. Upon conclusion of this appointment, the employee shall be returned to the permanent position held immediately prior to this reassignment, and the employee's pay rate shall be adjusted to the pay rate that would have normally been attained had there not been a promotion to the higher assignment.

- e. There are occasions where departments must double encumber positions. These circumstances include situations where there is a need to train successors when retirement, resignation etc. is on the horizon. Other circumstances include but are not limited to situations where an employee is on an extended leave of absence and the position is encumbered by another employee during that time, and the use of job sharing between two employees occupying the same position. Double encumbering of positions must be approved by the Appointing Authority or his or her designee and the Director of Human Resources.

H. Fingerprinting, Photographing and Employee Identification

Except as waived by the Director of Human Resources for temporary employees as provided in Section F of this Rule, all employees shall be fingerprinted and photographed and will be expected to have a photo/identification card issued by the Director of Human Resources in their possession while at work and they are not transferable to any other employee or individual. Wearing or other display of the card is left to the discretion of the appropriate Appointing Authority.

Photos will be updated every five years or as special needs require. Cards shall be surrendered upon renewal and at termination of employment.

I. Keeping Personnel File Current

Information concerning changes of address and telephone number must be provided within thirty (30) days of such change. Employees are also encouraged to provide information concerning changes in emergency contact, educational accomplishments, or training skills.

Rule IV. The Classification Plan

A. Purpose of the Plan

The Classification Plan provides a systematic arrangement and inventory of the positions in the Classified Service. The plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed. The class titles standardize the meaning, allocation, and usage of the plan throughout the Classified Service, again based upon the similarity of work and duties performed.

B. Uses of the Plan

The Classification Plan shall be utilized to:

1. Determine qualifications, prepare examination announcements, and examination content.
2. Determine salaries to be paid for the various classes of work.
3. Determine lines of promotion.
4. Develop an employee training program.
5. Provide an understandable and uniform terminology of jobs.

C. Content of the Plan

The Classification Plan shall consist of:

1. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility which require the same general qualifications, and which can be equitably compensated within the same pay grade.
2. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records. No person shall be appointed to a position in the Classified Service under a title not contained in the Classification Plan.
3. Written job descriptions for each job classification containing the nature of work and relative responsibilities of the class, typical illustrative tasks found in the class, requirements of the class setting forth the necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting to the class.
4. An allocation list setting forth the name of the employee and the classification within the plan to which the employee is placed.

D. Adoption of the Classification Plan

The Plan shall be prepared by the Director of Human Resources with such assistance as necessary and shall be presented to the Personnel Board for approval.

E. Changes in the Classification Plan

The addition of new classes or deletion of existing classes shall be accomplished in the same manner as the original adoption of the Plan.

F. Maintenance of the Classification Plan

The Personnel Board shall be charged with the responsibility of maintaining the Classification Plan and providing for the continued, proper allocation of the employees in the Classified Service. The Personnel Board shall:

1. On the basis of studies made by the Director of Human Resources on new or proposed positions and on the recommendations resulting therefrom, submitted by the Director of Human Resources, place the position in the proper class reflecting the duties and responsibilities of the work.
2. On the basis of studies made by the Director of Human Resources of permanent changes in the duties and responsibilities of incumbent employees and on the recommendations resulting therefrom, submitted by the Director of Human Resources, reclassify positions to the proper classification.
3. Appeals
 - a) Employee Initiated Appeals

(1) Positions Not Affected by Downgrade

Upon completion of a position audit, an affected employee who believes the recommended allocation is incorrect may contact the Personnel Analyst who conducted the review to discuss concerns. An employee who is not satisfied with the outcome of this discussion may appeal to the Director of Human Resources or designee who will review the findings and issue a decision thereon. This decision shall be final.

(2) Positions Affected by Downgrade

An employee, whose position is recommended for either a reclassification downward, or a pay grade reallocation downward, will follow the steps as provided in section F.3.a.1. After following these steps, the employee may then appeal the decision to the Personnel Board through the Director of Human Resources.

b) Appointing Authority Initiated Appeals

An Appointing Authority who is not satisfied with a pay grade or classification allocation may appeal, after discussing the matter with the Director of Human Resources, to the Personnel Board.

Rule V. The Pay Plan

A. Purpose of the Pay Plan

The Pay Plan shall be directly related to the Classification Plan and shall provide the basis of compensation for employees in the Classified Service. The Pay Plan shall be constructed with regard to the following:

1. Relative difficulty and responsibility existing between the various classes of work.
2. Prevailing rates of pay for similar types of work in private and public employment.
3. Availability of candidates for recruitment to the various classes of work.
4. Economic conditions of the area.
5. Financial policies of the Board of County Commissioners.

B. Composition of the Pay Plan

The Plan shall include:

1. A table of basic pay rates.
2. A schedule of salary grades for each title in the Classified Plan, consisting of minimum and maximum rates. The salary ranges shall provide administrative flexibility in recognizing individual differences between positions, recognizing meritorious service and providing incentive to the employees.

C. Adoption of the Pay Plan

After necessary study, inquiry and consultation, the Director of Human Resources, with such assistance as required, shall prepare the Pay Plan for the various classes of work in the Classified Service and present the Pay Plan to the Personnel Board for approval and adoption.

D. Amendment of the Pay Plan

Amendments to the Pay Plan shall be considered by the Director of Human Resources when changes of responsibilities of work or classes, living costs, availability of labor supply, prevailing rates of pay, the County's financial condition and policies, or other pertinent economic considerations warrant such action. Requests for amendments may be initiated by any officer or employee in the County Service. The Director of Human Resources, after consultation with Appointing Authorities and other concerned parties, may recommend amendment of the Pay Plan. Amendments shall be made in the same manner as the original adoption of the Pay Plan. Whenever new classes become a part of the Classification Plan, the salary for such classes shall be adopted in this same manner.

E. Administration of the Pay Plan

1. Employment to be in Accord with Pay Plan

All persons employed in the Classified Service shall be paid in accordance with the rates of pay set forth in the Pay Plan for the job classification to which the appointment is made.

2. Initial Appointment or Employment

All new appointments in the Classified Service shall normally be made at the entry level of the pay grade established for the job classification to which the appointment is made. However, any present or new employee, upon written request approved by the Appointing Authority and the Director of Human Resources, may be employed at a rate of pay less than the minimum rate established for the job classification to which the appointment is made. Further, on the recommendation of the Appointing Authority and with the approval of Director of Human Resources, new appointments may be made at above the minimum pay rate established for the job classification to which the appointment is made, at up to and including the third quartile of the pay grade range, providing it is found necessary to take such action in order to fill a job vacancy in which there is a lack of qualified applicants or because of other unusual or extenuating circumstances. Appointments may be made above the minimum rate at more than the third quartile of the pay grade range established for the job classification to which the appointment is made on recommendation of the Appointing Authority, the Director of Human Resources, and with the approval of the Personnel Board, providing it is found necessary to take such action in order to fill a job vacancy in which there is a lack of qualified applicants or because of other unusual or extenuating circumstances.

3. Merit Pay Increases

Merit pay increases within an established grade shall not be automatic but shall be granted by the Appointing Authority, based upon standards of performance as indicated by performance ratings and other pertinent data. Guidelines for granting merit pay increases will be determined annually, approved by the Personnel Board and will be found in the Performance Appraisals Program Manual.

Merit increases shall be based upon the actual salary of the employees.

Merit increases should occur no more often than:

a) Initial Employment

Initially hired employees shall be eligible for a merit review twelve (12) months after initial date of employment and each year thereafter on their anniversary date.

b) Promoted Employees

A permanent status employee who is promoted shall be eligible for a merit review six (6) months after the date of promotion, eighteen (18) months after the date of promotion, and each year thereafter on the employee's anniversary date.

c) Salary Increases for Employees at the Minimum of the Pay Range

Employees fulfilling their initial probationary period or a promotional probationary period shall have their job performance reviewed after three (3) months, six (6) months and twelve (12) months in classification. Probationary employees whose salary is at the minimum of the pay range for their classification shall receive a pay increase equivalent to the pay range structure adjustment for their classification, when the pay ranges are adjusted, if the employee is performing at a satisfactory level. Should only the maximum of the pay range structure be adjusted, probationary employees at the minimum of the pay ranges, shall receive no pay increase.

d) Other Merit Increases

An Appointing Authority may grant merit increases in greater amounts or more frequently than set forth herein if so warranted, based on the employee's exceptional performance or the unusual employment conditions that make such action necessary. No merit pay increase shall be granted above the maximum rate established for the employee's classification. Merit increases awarded within the provisions of this section shall not normally change the employee's anniversary date, except when it is determined to be appropriate by the Appointing Authority.

e) Employees who reach the maximum of their pay range on their anniversary date shall have their anniversary date adjusted to the beginning of the first pay period of the new fiscal year.

Employees who have their anniversary date changed to the beginning of the first pay period of the new fiscal year shall be eligible for the full merit increase, based upon their performance and the approved guidelines.

4. Retroactivity of Pay Issues

There is a limit of two (2) years in which an employee may make a claim of underpayment of wages. Conversely, the two (2) year limit shall also apply to the retrieval by Pinellas County for overpayment of wages.

Rule VI. Promotion

A. Effect of Promotion on Pay Grade, Pay Rate, Anniversary Date, and Probationary Period.

Permanent or probationary employees may be promoted to a job classification with a higher rate of pay after having successfully met any applicable requirements, except that any permanent or probationary employee who meets the requirements of Chapter 295, Florida Statutes, shall be promoted in accordance with such requirements. At the discretion of the Appointing Authority, the employee may be considered for a pro-rated merit increase immediately prior to promotion, provided they are not serving in an initial probationary period. Such consideration shall be based upon performance in the classification from which the employee is being promoted and be prorated by the ratio of the number of whole pay periods worked during the review period prior to promotion to the number of pay periods that would have been normally required for merit review had not the promotion occurred. No merit pay increase shall be granted above the maximum rate established for the employee's classification from which the employee is being promoted. Upon promotion, such employees shall have their pay grade, pay rate, anniversary date and probationary period adjusted in accordance with the following procedures.

1. Effect of Promotion on Pay Grade and Pay Rate

Upon promotion, an employee's rate of pay will be adjusted as follows:

- a. If the promotion is to a position one (1) or two (2) pay grade higher than the present grade, an employee shall receive the minimum pay rate of the pay grade established for the job classification to which the promotion is made, or four percent (4%) increase in pay rate, whichever is greater; provided, however, the new salary shall not exceed the maximum amount established for the employee's classification.
- b. If the promotion is to a position three (3) or more pay grades higher than the present grade, an employee shall receive the minimum pay rate of the pay grade established for the job classification to which the promotion is made, or a eight percent (8%) increase in pay rate, whichever is greater; provided, however, the new salary shall not exceed the maximum amount established for the employee's classification.

2. Effect of Promotion on Probationary Period

Upon promotion, an employee shall commence a new probationary period of service in accordance with the Personnel Rule governing probationary periods.

3. Effect of Promotion on Anniversary Date

Promotions shall establish a new anniversary date, and promoted employees shall be eligible for consideration for a merit pay increase at six (6) months and eighteen (18) months after the effective date of such promotion, and each year thereafter on the employee's anniversary date.

Rule VII. Demotion

A. Demotion for Inability or Voluntary Demotion

A permanent or probationary employee, except for an employee who is currently serving a probationary period following promotion, may, because of an inability to satisfactorily perform the duties and responsibilities required, be demoted to a job classification with a lower maximum pay rate in the pay grade assigned to such job classification. This section shall also apply to an incumbent employee promoted to fill a reclassified position and serving a probationary period following promotion. Such demotion may be made upon the employee's written request with the approval of the Appointing Authority and Director of Human Resources, or may be made by the Appointing Authority with the approval of the Director of Human Resources. Demotions may also be made in lieu of layoff or on a voluntary basis at the election of the employee and with the approval of the Appointing Authority and the Director of Human Resources.

1. Effect of Demotion for Inability or Voluntary Demotion on Pay Grade and Pay Rate

Upon such demotion, an employee's pay shall be reduced 2.5% for a one pay grade reduction, 5% for a two pay grade reduction and 1% additional decrease for each additional lower pay grade thereafter, not to exceed the maximum of the pay grade.

2. Effect of Demotion for Inability or Voluntary Demotion on Probationary Period

Upon such demotion, a probationary employee shall serve the balance of the probationary period but a permanent employee will not be required to serve another probationary period.

3. Effect of Demotion for Inability or Voluntary Demotion on Anniversary Date

Upon such demotion, employees shall retain their current anniversary dates.

B. Disciplinary Demotion

A permanent or probationary employee may be demoted for disciplinary reasons by the Appointing Authority for just cause. Such demotion may be awarded by a reduction in the pay rate of the employee's present pay grade or the employee's reduction to a job classification which has a lower pay grade established. Employees affected by such demotions shall be adjusted in accordance with the following procedures:

1. Demotion by Pay Rate Reduction

a. Effect of Demotion by Pay Rate Reduction

Upon such demotion, an employee shall be reduced to any lesser pay rate in the same pay grade as determined by the Appointing Authority.

b. Effect of Demotion by Pay Rate Reduction on Anniversary Date

Upon such demotion, an employee's anniversary date shall be changed to the effective date of such demotion and such employee shall not be eligible for consideration for a merit pay increase before twelve (12) months from the effective date of such demotion.

c. Effect of Demotion by Pay Rate Reduction on Probationary Period

Upon such demotion, a probationary employee shall serve the balance of the probationary period but a permanent employee will not be required to serve another probationary period.

2. Demotion by Job Classification Reduction

a. Effect of Demotion by Job Classification Reduction on Pay Rate

Upon such demotion, an employee shall be reduced to any lesser pay rate in the pay grade of the job classification to which the demotion is made as determined by the Appointing Authority.

b. Effect of Demotion by Job Classification Reduction on Anniversary Date

Upon such demotion, an employee's anniversary date shall be changed to the effective date of such demotion and such employee shall not be eligible for consideration for a merit pay increase before twelve (12) months from the effective date of demotion.

c. Effect of Demotion by Job Classification Reduction on Probationary Period: Exception

Upon such demotion, a probationary employee shall normally serve only the balance of his probationary period and a permanent employee shall normally not be required to serve another probationary period, except that an Appointing Authority may require a demoted probationary employee or a demoted permanent employee to serve an additional probationary period not to exceed six (6) months.

C. Demotion of Promoted Employee Currently Serving a Probationary Period

A promoted employee currently serving a probationary period following promotion may be demoted in accordance with the following:

1. Demotion for Inability and Voluntary Demotions

Such employee may be demoted for the inability to perform the duties and responsibilities required by the promoted job classification. Upon such demotion, such employee, except an incumbent employee who was promoted through a reclassification of the held position, shall be returned to a position in the employee's former job classification in accordance with seniority, and pay rate, anniversary date, and probationary period, if any, shall be adjusted to correspond to what normally would have attained had there not been a promotion. Any employee who is displaced by the demotion of a probationary employee in accordance with the above procedure shall be subject to the provisions outlines in Personnel Rule XXIII, Layoff. Section A of this rule shall apply to an incumbent employee promoted to fill his reclassified position.

2. Disciplinary Demotion

Such employee may be demoted for just cause and such demotion shall be in accordance with the provisions of the Personnel Rules governing disciplinary demotions.

Rule VIII. Transfer

A permanent or probationary employee may, with the approval of the Appointing Authorities concerned and the Director of Personnel, be transferred in accordance with the following:

A. Transfer to the Same Job Classification or to Another Job Classification with the Same Pay Grade

A permanent or probationary employee may be transferred to another position in the same job classification or at another job classification with the same pay grade that has substantially similar duties and responsibilities. Such transfer shall not change the employee's pay grade, pay rate, anniversary date, or probationary or permanent status.

B. Transfer to a Higher Job Classification

Upon the transfer of an employee to a job classification for which the maximum pay rate in the pay grade is higher, the transfer will also be considered a promotion, and the provisions of the Personnel Rules governing promotions shall apply.

C. Transfer to a Lower Job Classification

Upon the transfer of an employee to a job classification for which the maximum pay rate in the pay grade is lower, the transfer will also be considered a demotion, and the provisions of the Personnel Rules governing demotions shall apply, depending upon whether the demotion was for inability or for disciplinary reasons.

D. Transfers from the Exempt Service

No employee holding a position in the Exempt Service shall be transferred to a position in the Classified Service without first having passed an appropriate examination.

Rule IX. Position Reclassification

A. Reclassification to a Higher Pay Grade

Should the reclassified position be assigned a higher pay grade than that of the original classification due to a re-evaluation of the duties being performed by an incumbent employee, such incumbent employee may, upon recommendation of the Appointing Authority and approval of the Personnel Board be assigned to the new classification without an examination; otherwise an appropriate examination shall be called to fill the vacancy. Incumbent employees assigned to the new classification without an examination may be considered for a pro-rated merit increase immediately prior to reclassification, provided they are not serving in an initial probationary period and shall receive a pay adjustment in accordance with the following procedures:

- a. If the reclassification is to a position one (1) or two (2) pay grades higher than the present grade, an employee shall receive the minimum pay rate of the pay grade established for the job classification to which the reclassification is made, or four percent (4%) increase in pay rate, whichever is greater; provided, however, the new salary shall not exceed the maximum amount established for the employee's classification.
- b. If the reclassification is to a position three (3) or more pay grades higher than the present grade, an employee shall receive the minimum pay rate of the pay grade established for the job classification to which the reclassification is made, or eight percent (8%) increase in pay rate, whichever is greater; provided, however, the new salary shall not exceed the maximum amount established for the employee's classification.

B. Reclassification to the Same Pay Grade

Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the position, if vacant, shall be filled in the appropriate manner. If the position is filled, the incumbent employee shall receive a corresponding change in title without the benefit of examination, providing the reclassified position is in the same line and character of work and involves the same basic duties, responsibilities and skills. Otherwise, the incumbent must pass an appropriate examination in order to continue employment in the reclassified position.

C. Reclassification to a Lower Pay Grade

Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the position, if vacant, shall be filled in the appropriate manner. If the position is filled, the incumbent employee shall be offered transfer to a vacancy, if one exists, in the original classification in the same or another department. In the absence of such vacancy, the Appointing Authority shall allow the employee to remain in the current position until such time that, after passing an appropriate examination, the employee be changed to the same or another class of employment in the same or another department in which a vacancy exists. The employee's salary will not be reduced except that it shall not exceed the salary range of the new classification by more than 10%.

D. Effect of Reclassification on Anniversary Date

Reclassifications shall establish a new anniversary date, and reclassified employees shall be eligible for consideration for a merit pay increase at twelve (12) months after the effective date of such reclassification, and each year thereafter on the employee's anniversary date.

E. Training Time Following Position Reclassification

Following position reclassification, an Appointing Authority may allow a reasonable period of time for the purpose of training employees prior to requesting examinations which may be required for reclassified positions.

F. Effective Date

Appointment to a reclassified position not requiring an examination shall be made at the beginning of the first pay period following the approval of the reclassification by the Personnel Board. Appointment to a reclassified position requiring an examination shall be made within a reasonable period after certification of the eligible register by the Director of Human Resources.

G. Effect of Reclassification on Probationary Period

Upon reclassification, an employee shall not commence a new probationary period unless a probationary period is established by the Personnel Board based upon information provided at the time of the position reclassification.

H. Reclassification by Competitive Examination

In instances where an employee is reclassified competitively into a higher pay grade it shall be treated as a promotion.

Rule X. Pay Grade Change

A. Adjustment of Employees into New Pay Grade

Upon the Pay Grade change of an existing job classification, rates of pay for incumbent employees affected by such changes shall be adjusted in the following manner:

1. Upon implementation of the pay grade change, an employee whose job classification has been assigned to a higher pay grade shall receive an upward adjustment to the minimum pay rate of the new pay grade, or will remain at the present rate of pay if their salary falls within the pay range of the higher grade.
2. An 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, and shall not receive any increase in pay until the pay grade for the job classification is changed so as to provide a higher rate of pay for which the employee may qualify.
3. An employee whose job classification has been assigned to a lower pay grade shall continue to receive their current rate of pay.

B. Effect of Pay Grade Change on Recommended Merit Increase

Should the effective date of a pay grade change be the same as the date an employee's Appointing Authority has granted a merit pay increase, such merit pay increase shall be awarded and such employee shall be adjusted into the new pay grade in accordance with paragraph A. above.

C. Effect of Pay Grade Change on Probationary Period

Pay grade changes shall not impose any additional probationary service on those employees serving their probationary period, nor shall a pay grade change impose a probationary period of service on those employees who have satisfactorily completed such period of service.

D. Effect of Pay Grade Change on Anniversary Date

There shall be no change in the employee's anniversary date.

Rule XI. Standard Workweek, Overtime Compensation, and Standby Assignments

A. Method of Payment to Classified Service Employees

All Classified Service non-salaried employees, regularly working forty (40) or less hours per week shall be paid at the straight hourly rate set forth in the Pinellas County Pay and Classification Plan. Should an employee be required to work more than forty (40) hours in any one week, all such time shall be considered overtime work. Classified service salaried employees certified by the Appointing Authority through the County Attorney to the Director of Human Resources as meeting the pertinent Administrative, Executive or Professional Fair Labor Standard Test are excluded from the overtime provisions of the Fair Labor Standards Act. These classifications are identified in Section A of the Pay & Classification Plan. All members of the classified and exempt service will have their pay directly deposited in a financial institution of their choosing.

Pursuant to section 207 (k) of the Fair Labor Standards Act (FLSA) and Title 29 Code of Federal Regulations, Pinellas County establishes a twenty one (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 one hundred fifty-nine (159) hours or less during the established twenty-one (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 one hundred fifty-nine (159) hours in any twenty-one (21) consecutive day work period, all such time shall be considered overtime work.

For overtime compensation purposes, recognized Holidays or Leave with Pay for work-related purposes shall be considered as time actually worked. Any other time used by employee, such as benefits from the Group Health Plan, time paid under Workers' Compensation, 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 time worked.

B. Overtime Work, Overtime Pay, and Compensatory Time

It shall be the general policy 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 overtime worked by Classified Service employees in his department. No overtime pay or compensatory time off shall be granted except on the basis of such records, and all such records shall be available at all times for review by the Personnel Board.

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.

1. Overtime Pay and Compensatory Time for Classified Service Employees

Cash payment will be made for all authorized and necessary overtime except when duly authorized compensatory time is granted. In computing such payment, the employee's straight hourly rate of pay, plus differentials and incentive pay, shall be multiplied by one and one-half (1-1/2). Or, at discretion of the Appointing Authority, an employee may be granted compensatory time off in lieu of cash payment at the rate of one and one-half (1-1/2) hours for each hour of overtime worked.

The maximum accumulation of compensatory time shall be eighty (80) hours. After an employee has accrued the maximum compensatory time and not used it as leave, all overtime must be paid. An employee who 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. Separated employees shall receive lump sum payment for all unused compensatory time at a rate which is not less than that employee's average regular rate during the last three (3) years of employment, or that employee's final regular rate, whichever is higher.

1. Overtime Pay and Compensatory Time for Classified Service Salaried Employees Excluded from the Overtime Provisions of the Fair Labor Standards Act (FLSA)

- a. Classified Salaried Employees excluded from the overtime provision of the Fair Labor Standards Act (FLSA) shall be paid time and one half or granted compensatory time off at time and one half for Appointing Authority authorized overtime over 80 hours in a pay period. Which type of compensation shall be at the discretion of the Appointing Authority. The maximum accumulation of compensatory time shall be two hundred forty (240) hours. After an employee has accrued the maximum compensatory time and not used it as leave, all overtime must be paid in cash. If these employees have exhausted their available accumulated leave time, they may not have their salary reduced for absences of less than a day in duration. Separated employees shall receive lump sum payment for all overtime work based upon the employee's regular rate of pay at the time of separation.
- b. Employees who reside in County-owned houses on a rent free basis, and employees whose overtime classification is assigned category C in Section A of the Pay & Classification Plan, shall not be eligible to receive compensation for overtime work.

2. 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.

4. Overtime Pay and Compensatory Time for Exempt Service Employees Limited

All Appointing Authorities and other Exempt Service personnel shall be available at all times for the performance of such extraordinary service beyond the ordinary or normal workweek as may be required without the payment of extra compensation. Members of the Exempt Service shall be considered salaried employees and are assigned a flexible workweek depending upon the position requirements. If these employees have exhausted their available accumulated leave time, they may not have their salary reduced for absences of less than a day in duration.

C. Standby Assignment and Emergency Call Out

When it shall be in the best interest of the County, Classified Service employees may be required by their Appointing Authority to work emergency standby assignments.

1. Standby Pay

All Classified Service employees required to work standby assignments shall be paid at the rate of sixty (60) minutes additional pay at the employee's straight hourly rate for every such eight (8) hours so worked. If, while serving on such standby assignment, an employee is required to report for the performance of a specified job, such employee shall be compensated according to the provisions for overtime on a portal-to-portal basis for all such time actually worked with a minimum of two (2) hours paid on the first instance in any eight (8) hour standby period. If the assignment can be completed by telephone, computer or some remote application without reporting to the work location, the employee shall be compensated with a minimum of one (1) hour on the first instance in any eight (8) hour standby pay period. Such compensation shall be made in addition to the aforementioned standby pay.

2. Emergency Call Out Pay

In cases where there is no Standby Assignment, an off-duty employee called out to assist in an emergency shall receive a minimum credit of two (2) hours for each Emergency Call Out and will be compensated for time worked on a portal-to-portal basis with such pay subject to the provisions for Overtime Compensation. If the assignment can be completed by telephone, computer or some other remote application without reporting to the work location, the employee shall be compensated with a minimum of one (1) hour on the first instance in any eight (8) hour standby period.

D. Shift Differential Pay

1. Five Percent Differential

A shift differential pay of five percent (5%) shall be paid to those employees except Airport Firefighters and Airport Fire Lieutenants who regularly work a shift wherein a majority of the hours worked fall after 5 p.m.

2. Ten Percent Differential

A shift differential pay of ten percent (10%) shall be paid to those employees except Airport Firefighters and Airport Fire Lieutenants who regularly work a shift wherein the majority of the hours worked fall after midnight and before 6 a.m.

An employee, except Airport Firefighters and Airport Fire Lieutenants who on the basis of seniority requests and receives an assignment or receives an assignment as a result of lack of seniority or is by management decision assigned a specific shift wherein the majority of the worked hours fall after 5 p.m. and before 6 a.m. and who is assigned to this shift for a period of not less than four (4) consecutive calendar weeks would begin earning the applicable shift differential as of the first day worked on the assigned shift

E. Control Burn Fire Team

Employees serving as Fire Team Members shall earn an additional \$3.00 per hour for each hour worked as a member of the Fire Team. Each employee serving as a Fire Team Supervisor shall earn an additional \$5.00 per hour worked as a supervisor of a Fire Team. These hours worked will count as time worked.

F. Classified Service Employees working in the Citizen Information Center (CIC)

Classified Service Employees working in the Citizen Information Center (CIC) during emergencies shall receive 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 of the normally scheduled work time or work days, the CIC employee will be compensated at the overtime rate of pay, 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 pay week. Comp-time shall not be granted in lieu of payment.

G. Declared Emergencies and Other Emergency or Disaster Situations

When the Board of County Commissioners declares a state of emergency and/or the Appointing Authorities closes County operation due to an emergency or disaster situation, employees must comply with their Appointing Authority' directives regarding reporting to work. In addition to the above provisions, the following will apply:

1. When regular county operations have been suspended because of an emergency situation, classified employees who are directed to report to work in any capacity during that period will be paid at the overtime rate regardless of the number of hours worked.
2. If regular county operations are fully or partially open to the public, and if preparing for or dealing with the emergency or recovery efforts are normal duties of Classified Service employees by virtue of the positions held or duties assigned, these employees will be paid at their regular pay rates for hours worked up to and including forty. All time worked beyond the forty hour work week will be compensated at the overtime rate of pay either in cash or comp time at the discretion of the Appointing Authority or designee.
 - a. Classified service employees reassigned to perform preparation, emergency action, or recovery duties outside the normal scope of their duties, will be paid at their regular rates for hours worked up to and including forty. All time worked beyond the forty hour work week will be compensated at the overtime rates of pay either in cash or compensatory time at the discretion of the Appointing Authority or designee. If the reassigned duties are at a higher classification and continue longer than thirty days, Classified Service employees will be eligible for a pay adjustment in accordance with Rule III G 3d.
 - b. At times classified service employees may be directed by management to leave work during their regularly scheduled hours in order to prepare their homes and upon completion immediately return to work; however, return must not be any later than a time specified by management. This time away from work will be administrative leave with pay.

- c. Classified service employees will be eligible for any shift differential that applies to their assigned hours in accordance with Section D. above.
3. If classified service employees are required to work on a recognized County Holiday during such an emergency, all time worked will be paid in accordance with Personnel Rule XII, Holidays.
4. County employees who are directed not to report to work due to such an emergency will be granted leave with pay equal to their normal work hours for a period up to four (4) weeks duration.
 - a. County employees who have previously scheduled an annual leave day or floating holiday for any date on which their County facility is closed due to an emergency during the initial four (4) weeks outlined in item 4 above, will have their annual leave or floating holiday changed to leave with pay.
 - b. If county employees are not scheduled to work on a day in which their county facilities are closed due to such an emergency, and are not called in to work, the employee will not be granted leave with pay for that day nor for any other day in substitution for that day.
5. County employees who are directed not to report to work due to such an emergency for a period in excess of four (4) weeks duration will be granted leave without pay for this time beyond the initial four (4) weeks.. Employees so affected may substitute available compensatory time, then available annual leave for the leave without pay.

Rule XII. Holidays

A. Recognized Holidays

1. The following days shall be recognized holidays for the purposes of this rule:

New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving	
Christmas Day	December 25

and if Christmas or New Year's Day shall fall on Tuesday or Thursday, the preceding Monday or following Friday shall also be recognized as a holiday.

If any recognized holiday shall fall on a Saturday, the preceding Friday shall be observed as a holiday and if any recognized holiday shall fall on a Sunday, the following Monday shall be observed as a holiday.

Airport Firefighters and Fire Lieutenants assigned to a work week schedule of forty-eight (48) hours shall earn fourteen and four tenths (14.4) hours for each of the recognized holidays.

2. Leaves of Absence with Pay Allowed on Holidays: Exception
 - a. All members of the County Service, except temporary employees with less than one (1) month of continuous service, shall be allowed leave of absence with pay on every recognized holiday, except that holidays with pay shall not be given to an employee who is on a leave of absence without pay, a suspension, or if otherwise in a non-pay status for the entire pay period during which the holiday falls.
 - b. Employees receiving Worker's Compensation benefits or weekly income insurance benefits for the day on which a holiday falls shall not be entitled to holiday pay.
 - c. Employees who are required to work either, the calendar holiday, the observed holiday or both shall be compensated for all hours worked on those days at the overtime rate of pay, regardless of the actual number of hours worked in the week and in addition to being compensated for the County observed holiday at the regular rate of pay. At the discretion of the Appointing Authority, this compensation may be in cash payment or as compensatory time.
 - d. In the event a recognized holiday is observed while an employee is on annual leave with pay or extended illness leave with pay, leave of absence with pay shall be allowed on such day as a holiday and such day shall not be charged against the employee's annual or extended illness leave.

- e. In the case of part-time employment, holiday benefits as herein above described shall be computed according to the ratio that the employee's normal workweek bears to the County's standard forty (40) hour workweek.

B. Floating Holidays

Each payroll year all members of the County Service, except temporary employees, will be allowed leave of absence with pay on three floating holidays selected by the employee. Floating holidays are not cumulative and must be used during the payroll year in which they are gained.

Floating holidays must be scheduled and approved by the employee's Appointing Authority in accordance with the Appointing Authority's established guidelines for scheduled annual leave.

Holiday overtime provisions do not apply to floating holidays.

Floating holidays are for eight (8) hours pay for full time employees with a pro rated number of hours for part time employees as provided in Section A.2.e. of this rule. Airport Firefighters and Fire Lieutenants assigned to a work week schedule of forty-eight (48) hours shall earn fourteen and four tenths (14.4) hours for each floating holiday. The time may be taken in two (2) hour increments.

For those employees whose standard work day is greater than eight (8) hours, the employee may add the necessary number of hours from Annual Leave to bring the total number of hours to that of the eight hour standard work day. These additional hours will be considered scheduled annual leave. Departments may also offer additional work hours during the week chosen in order to make up the differences if such is deemed in the interest of the department.

New hires do not receive three (3) floating holidays during the payroll year of hire. These employees are entitled to two (2) floating holidays during the payroll year of hire in accordance with the following schedule: hire date from the beginning of payroll year through April 30 - two (2) floating holidays; hire date of May 1 through August 31 - one (1) floating holiday; and hire date of September 1 through the end of the payroll year - no (0) floating holidays.

Rule XIII. Annual Leave

A. Purpose and Accumulation of Annual Leave

Annual leave is provided for the purpose of vacation, personal business, emergencies, illness and medical and dental appointments.

Annual leave is accumulated in accordance with the following schedules:

↑ Employee Category	Hours of Annual Leave Earned per Year							
	Years of Service ↔	1	2	3	4	5-9	10-14	15-19
Hire Date after 12/25/94								
Classified Service and Temporary Exempt Service ^{1 2 3}	120	120	136	136	160	184	208	232
Airport Firefighters and Airport Fire Lieutenants ⁴	144	144	164	164	192	221	250	279
Exempt Service ^{2 3}	144	144	160	160	184	208	232	256
Hire Date before 12/25/94								
Classified Service and Temporary Exempt Service ^{1 2 3}	136	136	136	176	176	200	208	232
Airport Firefighters and Airport Fire Lieutenants ⁴	164	164	164	212	212	240	250	279
Exempt Service ^{2 3}	144	176	176	200	200	224	232	256

- 1 Excludes temporary employees with less than one (1) month of continuous service.
- 2 Partial accumulation of annual leave is authorized for employees who normally work less than the standard forty (40) hour workweek. Computation for this leave will be made based on the number of hours actually worked, and under a ratio which reflects the direct proportion that these hours bear to the standard forty (40) hour workweek.
- 3 No accumulation of annual leave is authorized for any time worked beyond the standard forty (40) hour workweek.
- 4 No accumulation of annual leave is authorized for any time worked beyond the one hundred fifty-nine (159) hours during the established twenty-one (21) consecutive work day period.

Effective prospectively from May 16, 1993, up to one year of continuous temporary service immediately preceding appointment to a regularly established position shall be counted for purposes of seniority in accruing annual leave.

B. Restrictions on Accumulation of Annual Leave

Annual leave shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status. Further, should an employee use annual leave in conjunction with resignation, such employee shall not earn annual leave during such leave period.

There is no maximum limitation on the number of annual leave hours which may be accrued.

C. Annual Leave Advances Prohibited

No employee shall be allowed to use annual leave that has not already been earned.

D. Annual Leave Records

Annual leave accumulation and usage records for all employees shall be maintained by the payroll section of each Appointing Authority, and shall be based upon the leave information submitted by the Appointing Authority on each payroll. No annual leave shall be granted except on the basis of such leave records.

E. Approval of Annual Leave Requests

Requests for Annual Leave are made in writing using the County's Leave request form. Leave may not be approved unless the information requested on the leave form is provided. Whenever, practical leave must be scheduled in advance according to the Appointing Authority's requirements which are based on the needs of the department. Leave taken outside the guidelines of the scheduled annual leave is considered to be unscheduled leave and may adversely affect an employee's performance review in accordance with the performance review guidelines approved by the Personnel Board. The determination of the Appointing Authority on the matter of scheduled annual leave vacation schedules shall be final.

F. Use of Annual Leave for Illness

1. Annual leave used for absences covered by the County's Family and Medical Leave (FMLA) Policy will run concurrently with the employee's FMLA annual entitlement. Procedural guidelines for requesting and approving Annual Leave for a serious medical condition of the employee or an immediate family member are contained in the FMLA policy handbook. If unscheduled leave is necessitated by a FMLA covered reason and the employee provides the Appointing Authority a certification from a health care provider authenticating the medical necessity for the absence, the leave will not be counted as unscheduled.
2. Annual leave may be granted for absence due to illness of any other person residing in the household, or related to the employee or to the employee's spouse if such use is deemed to be in the best interests of the County Service and upon presentation of a physician's statement certifying necessity of the employee's presence. Such leave is not designated FMLA leave.
3. Annual leave may be granted for absences due to illness not covered by the County's Family and Medical Leave policy. For such absence, proof of disability in excess of three (3) consecutive days may be required by the Appointing Authority provided the employee has been given written notice in advance that his/her absenteeism is creating a hardship for the department and medical

documentation will be required. Failure to provide documentation when requested to do so will result in denial of leave for reasons covered by this rule. Use of Annual leave on false claims of

illness, injury, or exposure to contagious disease, or falsification of proof to justify such leave shall be cause for discipline up to and including discharge.

G. Annual Leave, When Chargeable

Annual leave shall only be charged for absence upon a day which an employee would otherwise work and receive pay.

H. Computation of Annual Leave Charges

Absences from work for annual leave shall be charged according to the actual number of annual leave hours used by the employee.

I. Payment for Unused Annual Leave upon Termination or Death

Upon separation from the County Service, employees shall receive lump sum payment for all unused annual leave up to a maximum of three (3) times the employee's annual accrual rate for annual leave. Such payment shall be made at the employee's regular rate of pay at the time of separation; payment for such leave shall be made in accordance with the Florida Statutes.

J. Payment for Annual Leave

Payment for annual leave shall, except for conditions provided for in Paragraph I above and Rule XV, be made on the employee's regular pay day and advance payment for such leave shall be prohibited.

K. Payment in Lieu of Annual Leave Prohibited

Except for the provisions as set forth in Paragraph H above and Rule XV, payment in lieu of annual leave shall be prohibited.

L. Rate of Payment for Annual Leave Following Promotion or Demotion

Employees using annual leave after the effective date of their promotion or demotion to a higher or lower job classification shall receive annual leave pay at the rate in effect at the time the annual leave is taken.

M. Disposition of Annual Leave for Transferred Employee

When an employee is transferred from one department, division, office or agency of the Unified Personnel System to another department, division, office or agency of the Unified Personnel System, the employee's accumulated annual leave shall also be transferred and such leave, when taken, shall be chargeable to the department to which the transfer was made.

Rule XIV. Extended Illness Leave

Prior to December 24, 1994, all members of the County Service, except temporary employees with less than one (1) month of continuous service, were entitled to earn Extended Illness leave. On December 24, 1994, the accrual of extended illness leave was discontinued but accrued balances were maintained to be used in accordance with this rule.

A. Purpose of Extended Illness Leave

Accrued extended illness leave shall be granted for:

1. Employee's short term illness or medical or dental appointments.
2. FMLA qualifying absences in accordance with the FMLA policy handbook.
3. Non FMLA qualified absences due to illness in the family or of a guardian, or of any person residing in the household upon presentation of a physician's statement certifying necessity of the employee's presence. Family shall mean spouse, parent, child, sister or brother of the employee.
4. Illness of any other person related to the employee or related to their spouse if such use is deemed by the Appointing Authority to be in the best interests of the County Service and upon presentation of a physician's statement certifying necessity of the employee's presence.

B. Illness Leave Responsibilities

The employee shall have the responsibility of notifying the department promptly of any illness or disability in compliance with department regulations or safety rules. For absences due to reasons not covered in the County's FMLA policy, proof of disability in excess of three (3) consecutive working days may be required by the Appointing Authority provided the employee has been given written notice in advance that the absenteeism is creating a hardship for the department and medical documentation will be required. Use of Extended Illness leave on false claims of illness, injury, or exposure to contagious disease, or falsification of proof to justify such illness leave shall be cause for discipline up to and including discharge.

C. Entitlement to Accumulated Extended Illness Leave upon Separation

1. Employees hired before December 24, 1994, and separated from County employment before reaching ten (10) years of service shall forfeit all extended illness leave accumulated upon termination.
2. For employees with ten (10) or more years of uninterrupted service, terminal attendance award will be equal to one-half ($\frac{1}{2}$) of all extended illness leave accumulated. The lump sum terminal payment (*) shall be determined by using the base rate of pay received by the employee at the time of termination or death.

* Payments made pursuant to this section shall not be considered in any State-administered retirement system as salary payments, and shall not be used in determining the average final compensation of an employee in any State-administered retirement system.

D. Disposition of Extended Illness Leave for Transferred Employees

When an employee is transferred from one department, division, office or agency of the Unified Personnel System to another department, division, office or agency of the Unified Personnel System, the employee's accumulated extended illness leave shall also be transferred and such leave, when taken, shall be chargeable to the Department to which the transfer was made.

E. Disability Income

The County makes available both Short and Long Term Disability Income benefits. Application for benefits is made through the Personnel Department. Eligibility, disability determination and benefits payable are subject to the provisions of the respective plans. In all cases proof of disability is required. An employee's absence will run concurrently with any FMLA entitlement under the County's Family and Medical Leave policy.

1. Short-Term Disability Income

Short Term Disability Income is made available to all permanent, probationary and exempt (excluding Management Interns) status employees eligible for Group Health Insurance coverage. The maximum benefit period is as follows: Employees hired prior to December 25, 1994 are eligible for up to twenty-six (26) weeks of benefits. Employees hired after December 25, 1994 are eligible for up to six (6) weeks of disability income benefits during the first year of service. This eligibility period is increased by five (5) weeks for each year worked during the second through the fourth year of service. At five (5) years of service or longer, the employee is eligible for up to twenty-six (26) weeks of disability or until Social Security, Long Term Disability, and/or Retirement benefits begin, whichever comes first. Eligibility is effective the first of the month following the service anniversary date. The new maximum benefit period will be effective on the service anniversary date providing the employee is actively at work on that date or on the first day following a return to active duty.

- a. Classified employees who have no Extended Illness leave and have been disabled seven (7) consecutive calendar days are eligible for benefits. Exempt Service employees shall be immediately eligible upon exhaustion of accumulated Extended Illness leave.
- b. The Benefit Amount is two-third (2/3) of the employee's base wage rate or salary in effective at the time of disability.
 - 1. The amount of disability income payable will be reduced by any disability income payable under any government plan or from any wage continuance arrangement, to the extent the combined payments do not exceed 100% of the normal weekly wage.
 - 2. No amount will be payable for cosmetic surgery unless as a result of accidental bodily injury paid under the Group Health Insurance Plan.
 - 3. The County will continue to pay its portion of the premium for all insurance benefits while the employee is receiving short term disability income.
- c. Employees receiving Workers' Compensation benefits are eligible to apply for differential pay from the weekly income plan up to a maximum of 66 2/3% of total wage.

- d. An employee, who is totally disabled on the date of termination of employment, will receive the same disability benefits as though still employed.
- e. Probationary employees are not eligible for this benefit for the purposes of drug/alcohol rehabilitation inpatient treatment.

2. Long-Term Disability Insurance

A long-term disability insurance policy is provided to exempt employees and classified employees with five (5) or more years of continuous service who are eligible for the Group Health Insurance coverage. Classified employees who have completed one year of continuous service but who have less than five (5) years of service are eligible to purchase this coverage. Employees must be disabled six (6) months or more to qualify for benefits. Disability determination and benefits payable are subject to the provisions of the policy. An employee, who is totally disabled on the date of termination of employment, will receive the same disability benefits as though still employed.

Rule XV. County Service Optional Exchange of Leave

A. Exchange of Leave for Members of the Classified Service

Members of the Classified Service may exchange leave accumulations above designated minimums for the hourly wage rate equivalency amounts. This sum may be placed in one of the County approved deferred compensation programs (IRC 457) and/or exchanged for cash. The maximum amount of leave which may be exchanged in any one fiscal year shall not exceed the equivalent of eighty (80) hours regular pay for those classified service employees who have less than ten (10) years of continuous service with the County. Employees with 10 or more years of service with Pinellas County who have an Exceeds or Meets Expectations rating on their most recent performance evaluation may exchange up to one hundred sixty (160) hours of regular pay.

Leave eligible for exchange:

1. Compensatory time accumulated on an hour for hour basis. The exchange of all compensatory time will be required prior to the exchange of annual or extended illness leave.
2. Annual leave accumulation above forty (40) hours on an hour for hour basis.
3. Extended illness leave accumulation at the designated exchange rate of 1/2 or 1/3 depending upon length of service.
4. Combination of compensatory time, annual and extended illness leave accumulation as listed in 1., 2., and 3. above.

B. Exchange of Leave for Members of the Exempt Service

Members of the Exempt Service may exchange leave accumulations above designated minimums for the hourly wage rate equivalency amounts. This sum may be placed in one of the County approved deferred compensation programs (IRC 457) and/or exchanged for cash. The maximum amount of annual leave which may be exchanged in any fiscal year period shall not exceed the equivalent of one hundred sixty (160) hours regular pay.

Leave eligible for exchange:

1. Annual leave accumulation above forty (40) hours on an hour for hour basis.
2. Extended illness leave accumulation at the designated exchange rate of 1/2 or 1/3 depending upon length of service.
3. Combination of annual and extended illness leave accumulation as listed in 1. and 2. above.

C. Exchange Rates for Extended Illness Leave

The designated exchange rate for employees with less than ten (10) years of uninterrupted service is 1/3. The designated exchange rate for employee with ten (10) or more years of uninterrupted service is 1/2.

D. Restriction on Exchange of Leave

Partial conversion of annual leave is authorized for employees who normally work less than the standard forty (40) hour workweek. Computation for this leave conversion and the amount of annual leave which must be held in reserve will be made based on the number of regularly scheduled hours, and under a ratio which reflects the direct proportion that these hours bear to the standard forty (40) hour workweek.

E. Date Exchange Paid

The yearly exchange shall be offered in conjunction with the first pay day in November of each fiscal year and on an additional pay day later in the fiscal year as determined by the Appointing Authority.

Rule XVI. Leave of Absence

A. Leave of Absence with Pay

Leave of absence shall be allowed by the Appointing Authority for the reasons given in the following paragraphs:

1. Jury Duty and Witness Duty

A leave of absence with pay shall be granted to an employee to perform jury duty or testify as a witness, provided the employee is not the plaintiff or defendant, when legally required upon presentation of a summons or subpoena to appear in court. Such leave of absence shall not be charged against the employee's accumulated leave.

2. Special Meetings and Examinations

Whenever it is deemed for the best interest of the Classified Service, an employee may be granted time off with pay to attend professional or technical institutes or conferences or such other meetings as may contribute to the effectiveness of service to the County upon return to duty. Time off with pay shall also be granted an employee for the purpose of taking examinations for Classified Service positions in the County. The Appointing Authority shall report such leave granted on the attendance record. Such leave shall not be charged against the employee's accumulated leave.

3. Training and Education

An Appointing Authority may authorize leave with pay to an employee in order to secure special educational training directly appropriate to the employee's position, to visit other governmental agencies, or in other approved manner to achieve systematic improvement of the knowledge or skills required in the performance of individual or departmental work.

4. Funeral Leave

Any permanent or probationary employee shall be granted three (3) consecutive full working days leave of absence with pay to attend the funeral or memorial service in the event of the death of any person residing in the employee's household or any member of the employee's immediate family. Immediate family shall mean spouse, child, parent, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, grandparents or grandchildren, of the employee. If deemed in the best interests of the Classified Service, such employee may be granted, at the discretion of the Appointing Authority, additional time for funeral leave, chargeable, however, to annual leave or extended illness leave. If approved, additional time shall be considered scheduled leave.

5. Personal Day

All members of the County Service, except temporary and provisional employees and classified employees serving their first year of permanent employment, will be allowed leave for 8 hours during payroll year without pre-notification and this Personal Day will not be considered when evaluating the employee's attendance. The supervisor will be notified of the intent to use the Personal Day as soon as practicable. This time may not be taken in concert with other

employees in the same department. Additionally, if this time is taken immediately before or after a recognized holiday, it must be scheduled and approved in advance in accordance with department requirements for other scheduled leave or will be considered unscheduled. The Personal Day may be used in 1 (8) hour increment or (2) 4 hour increments only. This Personal Day will be chargeable to Administrative Leave. The Personal Day is not cumulative from one payroll year to the next payroll year.

The Personal Day is an eight (8) hour working day for employees working a standard forty (40) hour workweek. Computations for this leave shall be computed according to the ratio that the employee's normal workweek bears to the County's standard forty (40) hour workweek. Employees whose standard work day is greater than eight (8) hours may add the necessary number of hours from Annual Leave to bring the total number of hours to that of their standard work day. These additional hours will be considered scheduled annual leave. Departments may also offer additional hours during the week chosen in order to make up the difference if such is deemed in the interest of the department. Pro-ration of the eight (8) hour Personal Day is available for employees working less than the standard forty (40) hour workweek.

6. Other Leave

Upon approval of the Appointing Authority, other leaves of absence with pay may be allowed if such leave is deemed to be in the best interests of the Classified Service.

B. Leave of Absence without Pay

Leave of absence without pay for employees in the County Service shall be allowed as follows:

1. Medical Leave

Upon presentation of medical information by a classified service employee, an appointing authority may grant up to twelve (12) months of leave including qualified FMLA leave. This leave may be extended for any additional period of time needed upon approval of the Personnel Board at the request of the Appointing Authority. When the leave requested is not covered under the County's Family and Medical Leave policy, the Appointing Authority may require the employee to submit to additional medical examinations concerning the condition either before granting the initial request for leave or during the course of the leave. The cost of the additional medical examinations required by the Appointing Authority shall be paid by the Appointing Authority.

2. Workers Compensation Leave

If an employee suffers a compensable, on the job injury which requires an absence from the work place, the Appointing Authority may grant the leave beyond any qualified FMLA leave for a period of time up to twelve (12) months. An extension of this leave may be granted by the Personnel Board upon request of the Appointing Authority for any additional period of time needed.

3. Other Leaves

For any other reason deemed to be in the best interest of the Classified Service, an appointing authority may grant a leave for an initial twelve (12) months, and it may be extended for any additional period of time by the Personnel Board upon request by the Appointing Authority.

4. Exempt Service

Leave of absence without pay for employees in the Exempt Service shall be allowed upon the approval of the Appointing Authority.

C. Compulsory Medical Leave

If, in the opinion of the Appointing Authority, a classified service employee is unable to perform work on account of injury or illness, such employee may be required to submit to a physical examination by a physician designated or approved by the Director of Human Resources. If the report of the physician shows the employee to be in an unfit condition to perform these duties in a safe and satisfactory manner, the Appointing Authority shall have the right to require such employee to take sufficient leave of absence to become fit to perform these duties; provided, however, the employee shall have the right to appeal such action to the Personnel Board. Such leave may be approved by the Appointing Authority for a period up to six (6) months and may be extended for an additional six (6) months upon approval of the Personnel Board at the request of the Appointing Authority.

D. Leave of Absence for Military Training/Duty

1. Military Reserve and National Guard Training Leave.

- a. County employees, other than temporary employees whose position has an expected duration of less than six (6) months, who are reserve commissioned officers (including warrant officers) or reserve enlisted personnel in the United States Armed Forces or National Guard are entitled to administrative leave for any period during which they have been ordered to active or inactive duty training. Leave with pay shall be granted up to a total of 240 hours, whether continuous or intermittent, during the calendar year.
- b. Absences greater than 240 hours, whether continuous or intermittent, shall be granted without pay, unless the affected employee elects to utilize accrued leave or a personal day. Such leave shall not result in any loss of time for efficiency rating purposes, and during the period of time such leave is in a paid-leave status the employee shall accumulate all benefits granted under paid leave status.
- c. All such leave shall be considered creditable towards the accumulation of accrued leave.

2. National Guard State Service Leave.

- a. County employees who are members of the Florida National Guard shall be granted administrative leave during periods in which they are ordered to active service by the Governor, under Chapter 250, Florida Statutes. Leave with pay for such purposes shall be granted up to 30 calendar days at one time.
- b. Absences greater than 30 calendar days for Florida National Guard personnel may be covered by accrued leave or a personal day at the election of the county employee. Otherwise, such leave shall be without pay.
- c. Such leaves shall be without loss of time for efficiency rating purposes. During any such leave which is in a paid-leave status, the employee shall be entitled to accumulate all benefits granted under paid leave. Additionally, any such leave shall be credited towards the accumulation of accrued leave.

3. Leave for Other Military Service.

- a. County employees, other than temporary employees, who are ordered to active military service (either voluntarily or involuntarily) shall be granted leave beginning with the date they are ordered to active military service, and ending on the date they are required under federal law to apply for re-employment. Active military service shall include service within a branch of the United States Armed Forces, or other services as provided in Section 115.08, 115.09, and 115.14, Florida Statutes, and also includes service in the Florida National Guard for Homeland Defense or Operation Enduring Freedom. Such leave must be verified by official orders or appropriate military certification.
- b. Such leave shall be with full pay and benefits for the first thirty (30) calendar days, and the remainder with a supplemental amount necessary to bring their total salary, inclusive of their base military pay, to the level earned by them in County service at the time they were ordered to active military service. Additionally, such employees shall have their existing benefits continued. The pay and benefits provided herein shall apply to employees ordered to active military service since September 11, 2001 and continuing thereafter.
- c. During the active military service leave, the employee shall be entitled to retain the same rights and privileges as any other County employee granted leave with pay in accordance with the County's Personnel Rules. Such employees are entitled to participate in the insurance and other County benefits programs.
- d. All unused leave benefits shall be retained by the employee, who shall have the same credited to their record upon return to their assigned position.
- e. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class. However, the Appointing Authority may require the employee to submit to a medical examination to determine the employee's fitness to perform the duties of the position to which the employee may be returning and, based upon such medical findings, place the employee in another class with duties the employee is able to perform and which is the nearest approximation to the position held prior to military service.
- f. All such leave shall be considered as creditable service towards accumulation of accrued leave.

Rule XVII. Workers' Compensation Injuries

A. Service Connected Injuries

Employees who are injured on the job shall be entitled to Workers' Compensation benefits as established in Chapter 440, Florida Statutes.

B. Entitlement to Benefits

Determinations of the existence of an injury and its relationship to County employment shall be made in accordance with the Florida Statutes, Chapter 440 - Worker's Compensation. This Law generally provides that the employer is responsible for furnishing employees who have incurred service-connected injuries with such remedial treatment, care, and attendance under the direction and supervision of a qualified physician or surgeon or other recognized practitioner who is authorized by the Employer. The Workers' Compensation Law also establishes the process by which disputes between the Employer and the Employee are resolved.

C. Medical and Physical Re-examination

At any time the Appointing Authority or the Director of Risk Management may request that a disabled employee be re-examined by an authorized physician or as otherwise provided by the workers' compensation law. Such request shall be directed to the Director of Risk Management who shall make arrangements for the re-examination in accordance with the Florida Statutes. The results of the re-examination shall be made available to the Appointing Authority.

D. Compensation During Disability

Once their claim has been accepted as compensable under the Workers' Compensation Law, employees, as defined in Section 440.02 of the Worker's Compensation Law as amended, shall be eligible to receive Worker's Compensation benefits. Time lost due to injury shall be paid as administrative leave in accordance with Rule XVI until such time as weekly disability benefit payments pursuant to Chapter 440, Florida Statutes, are available. Employees may, upon request, supplement Worker's Compensation benefits received for service-connected injury until the employee's extended illness leave and/or annual leave have been exhausted, provided that no combination of benefits may exceed the employee's salary at that time.

An employee who has sustained a compensable injury and has returned to work, and whose injury necessitates that palliative or remedial care from their authorized physician be continued, shall be allowed reasonable time off the job for travel to and from the doctor and for treatment taken during working hours and such time shall not be deducted from normal pay nor shall it be deducted from accrued extended illness leave. An employee receiving such care shall be placed on administrative leave up to ten (10) hours per pay period. Payment for absences beyond a total of ten (10) hours, per pay period, may be offset by the use of annual leave or extended illness leave.

E. Coordination of Disability Income

In the event, a claim for Worker's Compensation benefits is denied Risk Management will immediately notify the employee, the employee's Appointing Authority and the Director of Human Resources. The employee may be entitled to paid or unpaid time off in accordance with the Unified Personnel System Rules. The employee may also be eligible for Short or Long Term Disability Income.

Rule XVIII. Employee Training

The Director of Human Resources shall foster and develop a training program for employees of the County Service. The purposes of this program are to increase employee effectiveness and operational efficiency, and to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Employee participation in the training program shall be voluntary. Training meetings and courses conducted by Human Resources Department Training Section may be held on the employee's own time, or with the approval of the Department Head, during official working hours. Course-work taken through Job Enhancement or Career Development shall be on the employees own time. Approved leave may be taken to satisfy this requirement, provided the employee does not exceed 40 hours of accumulated work and leave during any week of the training, except as approved by the Appointing Authority.

A. Job Enhancement Program

One of the principal components of the overall training program is the Job Enhancement Program. This is designed to assist employees by providing financial assistance to pursue educational courses on their own time which will broaden, up-date or otherwise improve their professional job performance; provided that such education is related to current job responsibilities and will show a direct benefit to Pinellas County.

Classified Service employees who have completed at least one year of permanent employment or exempt service employees are eligible. With the concurrence of their Supervisor, and Department/Division Head, and upon approval by their Appointing Authority (optional step at the discretion of each Appointing Authority) and the Director of Human Resources, eligible employees may pursue off-duty educational or vocational courses which will directly benefit the County in relation to the position they currently hold. Approval will be contingent upon the availability of budgeted monies from the County General Fund.

B. Career Development Program

The Career Development Program is established to assist in the career growth of County employees. This program, differ from the Job Enhancement Program in that counseling, assessment, and career planning will be emphasized as well as financial assistance. The goals and objectives of the program are as follows:

- To insure that a qualified and motivated County work force is being developed for years to come.
- To foster mutual long-term employment commitment between the County organization and individual employees through common goals and objectives.
- To help eliminate a minority or gender imbalance or underutilization in the County work force.
- To assist employees in developing and following through on career plans.
- To maintain and improve employee morale and productivity.

All participants in Career Development must be Classified Service employees who have completed at least one year of permanent employment or exempt employees who are pursuing a career path applicable to County Government. There must be a reasonable probability of completion, after which the employee will be competitive for placement on a Personnel Register. Approval will be contingent upon the concurrence of their Supervisor, their Department/Division Head, their Appointing Authority (optional

step at the discretion of each Appointing Authority), the Director of Human Resources, and the availability of budgeted monies from the County General Fund.

C. General Policies and Procedures

The following enrollment conditions apply:

- Employee may be required to complete a career plan interview with the Human Resources Department Training Section if career goals are not clearly stated or understood (Career Development Only).
- Coursework must be taken on employee's own time.
- It is recommended that the request to enroll form be submitted at least ten (10) days prior to first day of class in order to obtain confirmation of reimbursement. Anyone who enrolls and pays for training prior to receiving confirmation of acceptance from the Human Resources Department risks bearing the cost of the program. The Human Resources Department will not consider any enrollment request received more than thirty (30) days after the course completion date unless due to an administrative error which occurs after the request has been submitted by the employee for approval.

Reimbursement will require the adoption by the Board of County Commissioners of an appropriate Resolution, the administrative processing for which will be initiated by the Director of Human Resources. The legal basis for such disbursement of public funds for purposes of this kind is Chapter 65-2105, Laws of Florida and Chapter 77-642, Laws of Florida, Chapter 77-642, Laws of Florida, and Pinellas County Board of County Commissioners' Resolution 83-225.

Acceptance into either program may be also restricted because of available funds. Such funding may restrict participation to certain pay grades, classifications, programs or other variables as approved in the budget of the Human Resources Department for each fiscal year.

Employees whose enrollment is approved will be reimbursed up to a maximum of Eight Hundred Dollars (\$800) per graduate level course, Four Hundred Dollars (\$400) per course for all others, and a yearly maximum of Twenty-four Hundred Dollars (\$2,400) for full-time employees or Twelve Hundred Dollars (\$1,200) for part-time employees (including registration, fees, books, etc.), provided that upon completion of the course they can produce a receipt for payment, and a certified record showing that they successfully completed the course with a passing grade of "C" or better for undergraduate courses, or "B" or better for graduate courses. When grades are not given, a certified record of satisfactory completion shall be acceptable.

Employees may participate in either or both tuition reimbursement programs provided they meet the eligibility criteria. However, reimbursement is limited to a combined total of \$2,400 for full-time employees or \$1,200 for part-time employees per fiscal year; regardless of which program(s) employee use.

Portions of reimbursements may not be split between, or carried over to, different fiscal years. The governing date for determining the fiscal year to which reimbursements will be charged is the completion date of the course(s) taken.

Printed letter forms for making application for enrollment in the Job Enhancement and Career Development Programs, and for appropriate reimbursement thereunder, are available in the Personnel Department Training Section.

D. Certified Public Manager Program

Florida's Certified Public Manager (CPM) program is intended for employees in management or management staff positions. Employees who are nominated by their Department/Division Head and approved by the Director of Human Resources will have the full tuition costs for these classes reimbursed to them upon successful completion if they enroll for a class level presented by an external organization. In situations where the County contracts to provide an in-house class level, tuition costs will be borne by the County with the employee obligated to reimburse the County should they fail to satisfactorily complete the class. Attendance at these courses may be either on employees' own time or, at the discretion of their Appointing Authority, during official work time.

Acceptance into this program may also be restricted because of available funds. Employees who are approved to attend must provide a certified record showing successful completion of the course in order to be reimbursed for the expense.

Rule XIX. Employee Performance Review Program

The Director of Human Resources shall establish and administer a program for rating the work performance of employees in the Classified Service. A standardized employee evaluation form shall be established by Human Resources for all classified employees. Each employee shall be given a performance review at least annually. An employee shall have the opportunity to appeal a review rating pursuant to Unified Personnel System Rule XX.

Rule XX. Adjustment of Employee Grievance

All members of the Classified Service shall have the right to secure consideration of a grievance dealing with any of the following employment areas:

- Any wrongful application of the Personnel Rules as adopted by the Unified Personnel Board;
- Any established departmental policy or procedure or a departmental rule approved by the Personnel Board;
- Any matter relating to an employee's working condition; which an employee believes is unfair, unjust or inequitable; or
- Performance Reviews, except as described below.

Exceptions:

- A probationary employee may not grieve a dismissal or demotion.
- A permanent status employee serving a probationary period may not grieve a demotion.
- An employee receiving an overall rating of Meets Expectations may not grieve beyond Step 2 in the grievance procedure.
- An employee receiving an overall rating of Exceeds Expectations may not grieve a performance review.
- Layoffs and Displacements under Rule XXIII may not be grieved.

The submission of a grievance by a Classified Service employee shall in no way adversely affect the employee or his employment with the County. If needed, a member of the Human Resources Department staff may assist the aggrieved employee in the formulation of the grievance statement and in advising the affected employee of all rights and responsibilities in the grievance procedure. The staff member shall not act as a representative or advocate for the aggrieved employee. The Appointing Authority shall allow the aggrieved employee reasonable time to consult with the Human Resources Department and participate in the grievance process, and such time shall not be charged against the employee when it falls during the employee's normal duty hours. If such time falls outside of the employee's normal duty hours, it shall not be considered as time worked.

An aggrieved employee may, if desired, be represented by an attorney or lay advocate during any formal or informal hearing conducted under the provisions of this Rule.

A. Procedure

Unless grievance or appeal procedures are already in effect for the particular grievance, the following procedure shall be followed by an aggrieved employee.

Step 1:

The aggrieved employee shall have the right to personally bring a grievance to the attention of the immediate responsible supervisor (the supervisor who serves as the employee's Rating Authority in the Employee Performance Review Program) within ten (10) working days from when the employee first becomes aware of the aggrieved situation.

The supervisor may consult with superiors and shall attempt to resolve the matter in a manner which is satisfactory to the employee and which is consistent with the Personnel Rules or other County policies that may be involved. If the employee is not satisfied with the supervisor's response or does not receive a response answer, he or she may, within twenty (20) working days from the date the employee first became aware of the aggrieved situation, proceed to Step 2.

Step 2:

The employee may place the grievance in written form and submit it to the Department Head. The employee shall use the standard grievance form available in the Human Resources Department or on its web site for this purpose. The Department Head shall respond to the grievance in writing within ten (10) working days of his or her receipt of the form. If the employee is not satisfied with the Department Head's response, he or she may, within ten (10) working days of the date of the Department Head's response, proceed to Step 3.

Step 3:

The employee may request an informal hearing before an Informal Grievance Committee. The request shall be made by filing a written request with the Director of Human Resources within ten (10) working days of the date of the Department Heads response. The Informal Grievance Committee shall be a three member Committee unless either party requests a five member Committee. The three member Committee's composition shall be the Appointing Authority or designee, the Director of Human Resources or designee and a classified service employee who is not employed in the grievant's department. This employee shall be selected from a list of three provided by the Employees' Advisory Council with the grievant striking or eliminating one name, followed by the Appointing Authority striking another name. A five member Committee will be composed like the three member Committee with the addition of one classified service employee and one manager, neither of whom are employees of the grievant's department. The two classified service employees shall be selected from a list of six names provided by the Employees' Advisory Council with the grievant striking two names followed by the Appointing Authority striking two other names. The additional managerial employee shall be selected from a list of three names provided by the Appointing Authority with the grievant striking one name and the Appointing Authority striking another name.

The informal grievance hearing shall be arranged by the Director of Human Resources, and shall be held within twenty (20) working days from the date the written request was received from the aggrieved employee. At the request of either the grievant or the Appointing Authority, the Director of Human Resources shall grant a continuance of the hearing not to exceed ten (10) working days unless both parties agree to extend the period of continuance for a longer period.

Within ten (10) working days from the conclusion of the informal hearing, the Chairman of the Informal Grievance Committee shall notify the parties of the result of the informal hearing in writing. A decision rendered by the Informal Grievance Committee shall become final for Oral and Written Reminders and shall be carried out without further hearing or approval by the Personnel Board.

In all other matters, either party may proceed to Step 4.

Step 4:

Either party may appeal the decision of the Informal Grievance Committee to the Personnel Board. Such appeal shall be made by filing a written notice of appeal with the Director of Human Resources within ten (10) working days of the date of the written result of the Informal Grievance Committee. A notice of the formal hearing before the Personnel Board shall be issued within twenty (20) working days from the date of the notice

of appeal. The Personnel Board shall issue a decision within ten (10) working days from the conclusion of the Board hearing. The decision of the Personnel Board shall be final.

Failure of a party to timely initiate any step in this process will result in rejection of the grievance without further action.

Rule XXI. Outside or Non-County Employment

Members of the Classified Service are prohibited at all times from engaging in an employment or enterprise that is inconsistent, incompatible or in moral, legal or technical conflict with their duties, functions and responsibilities as a County employee. In order to insure that no such conflict exists in their present or future employment, employees must file a form prescribed by the Personnel Board seeking the prior approval of the Appointing Authority and such form, upon approval or disapproval, shall be placed in the employee's personnel file.

While the County discourages employees from engaging in employment outside of their regular County position, such employment is not automatically prohibited. In evaluating a request for outside employment, the appointing authority shall give consideration to the following:

Restrictions on outside employment under the Florida Code of Ethics for Public Employees, located at Chapter 112 of the Florida Statutes, and the County's Conflict of Interest Ordinance, Ordinance No. 86-6.

Whether, the employment will interfere with the efficient performance of assigned duties for the County.

If an employee has requested approval of outside employment and it has been denied, the denied request may be grieved in accordance with Personnel Rule XX, Adjustment of Employee Grievances.

Any request approved by the Appointing Authority may be canceled or terminated by the Appointing Authority upon giving ten (10) working days written notice to the employee for whom the request was approved.

Upon changes of classification or area of assignment, or if the nature of an employee's approved outside employment changes, an employee who has previously received approval for his or her outside employment shall request re-approval.

Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from outside duties if and when called for emergency service by the Appointing Authority.

Rule XXII. Resignations

Any employee wishing to leave the County Service in good standing shall file with the Appointing Authority a written resignation stating the date the employee is leaving and the reasons for leaving. The resignation should be submitted at least two (2) weeks before leaving. Failure to comply with this procedure may be cause for denying such employee future employment by the County.

Unauthorized absences from work for a period of three (3) working days may be considered as the employee's voluntary resignation by the Appointing Authority.

The effective date of separation from the Classified Service shall be at the close of business on the last day an employee reports for duty; the date specified in the written resignation or, the last day of leave granted should the employee fail to report for duty on the first working day following the expiration of the leave.

Rule XXIII. Layoff

A. Jurisdiction and Order of Layoff

This rule only applies to layoffs and displacements from the Classified Service.

Whenever it becomes necessary to separate employees from the Classified Service, because of lack of funds or work, or abolition of a position, or material change in duties or organization, the Appointing Authority shall determine the organizational unit(s) and classification(s) within those units under his or her jurisdiction from which the reduction can best be accomplished and based on such determination shall implement the layoff.

The Appointing Authority shall, at a minimum, give due consideration to the following factors in determining layoffs from the selected organization unit: organizational need, seniority, veterans' preference, and the proficiency of the employee measured by performance reviews and discipline.

An Appointing Authority implementing a layoff shall provide notice of his or her layoff plan to the Unified Personnel Board prior to implementation. The layoff plan shall address the factors to be used, and the weights thereof.

Before any non-probationary permanent status employee in a classification being reduced is laid off, all temporary employees, new provisional employees, and new probationary employees working in that class in the organizational unit from which the reduction is to be made shall be laid off.

Prior to implementation of the layoff plan, a temporarily promoted employee, a provisional status employee or a probationary employee promoted from a lower class serving in a position to be reduced shall be returned to the lower class in which the employee was serving before appointment to the employee's current position provided the employee was a permanent status employee in that class just prior to the temporary promotion, provisional appointment or a permanent promoted employee in a probationary status.

B. Displacement

1. Subject to the approval of the Appointing Authority, any permanent status employee who would otherwise be laid off may displace an employee in a lower pay classification in the same selected organizational unit which the permanent status employee has successfully encumbered provided:
 - a. The Appointing Authority certifies that the permanent status employee who would otherwise be laid off meets the minimum qualifications of the classification and the position and is capable of performing in that classification and position; and
 - b. The permanent status employee who would otherwise be laid off has a retention score for the position out of which he or she would displace the other employee at least equal to the retention score of the employee he or she would displace.
2. Notwithstanding any other Rule, an employee displaced under this Rule who is promoted within one year of the effective date of displacement is eligible for a pay rate adjustment as follows:
 - a. An employee promoted to the position or pay grade from which the employee was displaced shall be restored to the pay rate they were earning on the date of displacement.

- b. An employee promoted to a position at a lower pay grade than that from which the employee was displaced shall be placed at the pay rate the employee would have received if they had been displaced directly into that position.
 - c. An employee promoted to a higher pay grade than that from which the employee was displaced shall be entitled to a salary adjustment in accordance with Rule VI, except that the salary adjustment will be applied as though the employee was still in the position from which they were displaced.
 3. An employee displaced under this Rule who is promoted within one year of the effective date of displacement shall not be required to satisfy a probationary period in the promoted position if the promoted position is the position from which the employee was displaced, or if the promoted position is in the same job series and a lower pay grade as any classification the employee previously successfully encumbered.
 4. Determinations relating to displacement under this Rule are not grievable and may not be appealed except to the Appointing Authority as described in C.2.

C. Rights of laid off employees:

1. An employee separated by layoff shall be given at least fifteen (15) working days notice of the layoff.
2. An employee to be laid off who objects to the layoff decision shall have recourse by requesting to meet with the Department Director to discuss the determination of the retention score within five (5) working days of notification. After such meeting(s), if the employee continues to object to the layoff decision, he or she shall have the right to meet with his or her Appointing Authority or designee, to discuss his or her objection to the layoff decision and request a change in the layoff decision. The request must be made within five (5) working days of the conclusion of the prior meeting(s). The decision of the Appointing Authority following that meeting shall be made within five (5) working days and shall be final.
3. Upon separation, in accordance with applicable Unified Personnel System rules, the laid off employee shall be paid for his or her accumulated Extended Illness Leave (EI) and Annual Leave (AL), and shall be paid all accrued compensatory time. There is no entitlement to pay for unused Floating Holidays or Personal Days.
4. Re-employment:
 - a. A permanent status employee who is laid off shall have his or her name placed on the Layoff Register for the classification from which the employee was laid off. The employee's name shall remain on the Layoff Register for one year from the effective date of layoff or until he or she is reemployed in the Unified Personnel System, whichever is earlier. If not reemployed within that year, the employee's name will be placed on the regular competitive register for the classification from which the employee was laid off.
 - b. To the extent possible, recruitments for positions vacated by layoff will be filled from the Layoff Register. Individuals on the Layoff Register will be considered before any other applicants.
 - c. A laid off employee who is re-employed within one year from the effective date of layoff:
 - i. Shall be credited with his or her remaining leave (AL and EI leave) balances accrued but not paid at the time of layoff;

- ii. Shall accrue AL at the same accrual rate the employee was accruing at the time of layoff; and
- iii. Shall, if re-employed within one year from the effective date of layoff in the same classification from which he or she was laid off, be placed in the same pay grade and pay rate he or she was in at the time of layoff, or the minimum of the classification, whichever is greater, and shall not be required to serve a probationary period in that position.
- d. A laid off employee who is rehired into a classification other than the one from which he or she was laid off, or who is rehired after the expiration of one year from the effective date of layoff, shall be hired at a salary commensurate with the hiring practices of the County at the time of hire and serve a probationary period as defined in applicable Rules.

D. Grievance Procedure for layoff or displacement under UPS Rule XXIII:

A permanent classified service employee displaced or laid off under this rule who believes that the Appointing Authority has wrongfully applied this rule may file a grievance on that sole issue as follows:

The aggrieved employee shall place the grievance in written form and submit it to the Director of Human Resources with a request for an informal hearing before an Informal Grievance Committee within ten (10) working days of notification of the action grieved. The employee shall use the Layoff grievance form available in the Human Resources Department or on its web site for this purpose and shall state with particularity the reason for his or her claim that the Appointing Authority has wrongfully applied Personnel Rule XXIII. The Director of Human Resources shall determine if the grievance meets the requirements of this rule; and if not, reject the grievance without further action. This determination shall be final.

The Informal Grievance Committee shall be a three member Committee composed of the Appointing Authority or designee, the Director of Human Resources or designee and a classified service employee selected by the Director of Human Resources and the Appointing Authority.

The informal hearing shall be arranged by the Director of Human Resources, and shall be held within ten (10) working days from the date the written request was received from the aggrieved employee. At the hearing, each party will be allowed 15 minutes to present argument in support of his or her position.

Each party is responsible for obtaining his or her own exhibits, if any, and bringing 4 copies of each exhibit to the hearing. Each of the three Committee members and the aggrieved employee shall receive a copy of each exhibit presented or referred to in the argument.

The burden shall be on the employee to establish violation of this rule by a preponderance of the evidence.

The hearing shall be held in the sunshine as required by Fla. Stat. §286.011 and a decision shall be rendered at the conclusion of the hearing. That decision shall be final.

Failure of an employee to timely initiate a grievance will result in rejection of the grievance without further action.

Rule XXIV. Discipline

A. Purposes

The purposes of this Rule are (1) to provide direction on how to deal with deficiencies in performance and misconduct by classified service employees and (2) to establish standard ranges of penalties for various types of misconduct in order to promote reasonable consistency in the disciplining of classified service employees involved in similar situations.

B. Discipline Policy

County employment policy is designed to give each employee a full opportunity for work success. This objective is dependent upon good employee selection procedures, meaningful employee orientation, appropriate on-the-job training, periodic performance evaluations and a positive approach toward employee discipline by County supervisors.

Disciplinary action is considered a dimension of performance evaluation and employee development. It is a corrective process to help employees overcome work-related shortcomings, strengthen work performance and achieve success. When problems occur, they should be handled in reasonable ways that jointly support the concept of positive discipline and minimize the interruption of County services. Employee discipline may be needed and, as a corrective procedure, is an integral part of County employment policy. Underlying discipline, however, is an expectation that supervisors will direct their efforts toward employee development and success.

To insure maximum effectiveness of its operations, the County must strive to have a consistent, progressive, and fair system of employee discipline. A progressive disciplinary system will help insure that each employee is given an opportunity for his/her work performance to conform to expected standards and will clearly state what types of behavior are unacceptable. Discipline should be corrective and is not used to "get even" for something that has occurred. Because discipline is to be corrective, the disciplinary action taken must be applied consistently, must be appropriate for the offense and must be timely.

Key aspects of good supervisory methods include recognizing and encouraging good performance, correcting performance problems through coaching and counseling, and building commitment to high standards and safe work practices. Supervisors should focus on communicating an expectation of change and improvement in a personal, adult, non-threatening way while, at the same time, maintaining the seriousness of the situation. When this approach is followed, most employees will recognize and correct their own performance deficiencies.

Coaching and counseling are the expected methods for the supervisor to confront an employee about a problem in the areas of work performance, conduct/safety or attendance. The objective of performance counseling is to help the employee recognize that a problem exists and to develop effective solutions to it. Since it is the supervisor's approach to a performance problem that often brings about the employee's decision to change behavior, it is critical that the supervisor be prepared. Normally, performance problems can be resolved through this approach.

When an employee fails to respond to counseling or a single incident occurs which is serious enough to warrant a formal step of discipline, the supervisor will have several options, depending on the seriousness of the performance problem. These options or steps of the Progressive Discipline system are:

- (1) Oral Reminder
- (2) Written Reminder
- (3) Suspension
- (4) Reduction in Pay
- (5) Demotion
- (6) Dismissal

C. Retention of Disciplinary Action Information

In keeping with the policy of corrective rather than punitive discipline, references to disciplinary actions involving oral reminders, written reminders and suspensions may be removed from an employee's personnel file both in the employee's department and in the Human Resources Department as applicable when the problem performance has been corrected as determined by the Appointing Authority and another performance issue of the same or a different type has not occurred. If the Appointing Authority elects to remove the items connected with the discipline, they will be placed in a file separate from the regular personnel file used to retain employment information on the employee and maintained confidentially but in accordance with the requirements of Chapter 119, Florida Statutes. Such inactivated disciplinary actions shall not be considered when reviewing an employee's qualifications for promotion or transfer; however, they may be reactivated in the event future performance problems indicate that a more serious disciplinary action is required. The Appointing Authority will review these items for placement in this separate file minimally as follows: Oral Reminder - Six Months; Written Reminder - Nine Months; Suspension- Twelve Months. The determination of the Appointing Authority regarding placement of these items in this separate file shall be final and shall not be grievable.

D. Authority to Effect Discipline

- (1) Subject to appeal procedures referenced below the Appointing Authority shall have sole authority to dismiss, suspend, demote or reduce the pay of an employee, except that in the absence of the Appointing Authority this authority shall be delegated to a person designated by the Appointing Authority. Other disciplinary actions may be taken by supervisory personnel as authorized by the Appointing Authority.
- (2) Any supervisor is authorized to immediately suspend an employee who is deemed to pose a danger to the supervisor, the employer, or others. In such cases the supervisor shall notify the department Director of the action as soon as possible. The suspended employee shall remain on suspension for the remainder of the work day. At the beginning of the next scheduled work day the employee shall meet with the Department Director and the supervisor in order to determine the next course of action.

E. Appealable Actions

Any Classified Service employee may be suspended without pay, demoted or discharged by an Appointing Authority for any cause listed in the attached chart listing offenses and deficiencies. However, it should be noted that this chart is not exclusive and the Appointing Authorities retain the right to impose disciplinary action for other causes which impact upon the efficiency, morale or good

order and discipline of the Classified Service. A written statement of the reasons for the action shall be submitted to the Director of Personnel and to each employee suspended, demoted, or discharged. Any affected permanent status employee may grieve the disciplinary action within ten (10) working days from the effective date of such action, in accordance with the grievance procedure specified in Rule XX; except that a permanent status employee shall have the right to appeal directly to the Personnel Board a discharge within ten (10) working days from the effective date of the discharge. For purposes of this Rule as it relates to discharges and suspensions, a promoted employee serving the probationary period following a promotion who has, in the promotional position and in any other lesser classification, continuously served a total of one (1) year or more immediately preceding the disciplinary action shall be considered an employee with permanent status.

A member of the Human Resources Department staff may assist an aggrieved employee by advising the affected employee of all rights and responsibilities in the appeal procedure. The staff member shall not act as a representative or advocate for the aggrieved employee. The employee may, if desired, be represented by counsel or layman during a hearing conducted under the provisions of this rule. The Human Resources Department maintains a list of employees who have volunteered and have been trained to provide assistance and support to an employee at all stages of the appeal process.

F. Hearings

- (1) The Personnel Board shall be the final authority in all matters relating to the personnel policy and personnel actions, and the findings of the Board shall be binding on all affected parties.
- (2) Any affected permanent status employee entitled to an appeal pursuant to paragraph E. of this rule shall have the right to a fact-finding hearing. Investigations and hearings authorized by the Pinellas County Unified Personnel System Act and conducted by the Personnel Board, or at its direction, shall provide for the opportunity to be heard, in person, by layman or by counsel, and the right to introduce testimony and other evidence to each party to the proceeding.
- (3) The Personnel Board, when conducting any investigations or hearing pursuant to the provisions of the Pinellas County Unified Personnel System Act, in accordance with its appeal procedure, shall have the power to appoint hearing examiners, administer oaths, take depositions, issue subpoenas to compel the attendance of witnesses and/or the production of records, books, papers, or other documents, and apply to the Circuit Court to compel obedience to such subpoenas in case of disobedience or refusal to comply with same.

Witnesses subpoenaed by the Personnel Board shall be entitled to receive, for attendance, fees and mileage as provided by law for witnesses in civil cases. Service of subpoenas shall be made in the manner provided by the Florida Rules of Civil Procedure.

- (4) Within ten (10) calendar days from the conclusion of an appeal hearing by the Personnel Board, the Board shall render its findings and decision which may sustain, reverse, or alter the decision of the Appointing Authority in the following manner:
 - a. Upon a finding that just cause, existed for the suspension, demotion, or discharge, the Board shall affirm the disciplinary action taken;
 - b. Upon a finding that just cause did not exist for the suspension, demotion, or discharge, the Board may order the reinstatement of the employee, with or without pay;
 - c. Upon a finding that just cause for disciplinary action existed but the disciplinary action taken was inappropriate, the Board may in its discretion change the disciplinary action.

In that event, the Board will remand the matter to the Appointing Authority for its recommended alternative disciplinary action which shall be considered by the Board before making a final decision.

- (5) Upon motion of a proper party, or by its own motion, the Personnel Board may reconsider, modify, or amend its finding and/or decision when said motion is made within ten (10) calendar days of receipt of the Board's decision and:
- a. The motion for reconsideration, modification or amendment is based upon testimony taken at the previous hearing; or
 - b. The motion for reconsideration, modification or amendment claims that the Board's decision was made through, or based upon fraud, collusion, deceit, or mistake of law or fact.

G. Suspensions Pending Judicial Review

When any 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 Classified Service, the employee may, at the discretion of the Appointing Authority, be suspended with or without pay and such suspension may, in the discretion of the Appointing Authority, continue until any such charge has been prosecuted to its conclusion. In the event the suspension is without pay, the employee will be given an opportunity, either orally, in writing, or both, to present to the Appointing Authority reasons why the suspension without pay would be inappropriate.

Written notice of suspension shall be provided to the employee. In case any such employee has been tried and found guilty, and the conviction is not reversed, the Appointing Authority may terminate or reinstate the employee in the Classified Service. In the event adjudication is withheld, or the employee is placed in a Pre-Trial Intervention or similar program, the employee may be reinstated in the Classified Service at the discretion of the Appointing Authority, or the Appointing Authority may terminate the employee from the Classified Service. In the event such employee has been tried and acquitted, or the information or indictment is quashed or dismissed, the employee may present appropriate documentation to the Director of Personnel and request reinstatement.

Upon verification that such documentation is genuine and accurate, the employee may be reinstated in the Classified Service by the Appointing Authority or on affirmative action by the Personnel Board, and the employee may appeal to the Personnel Board for payment of wages and benefits lost during the suspension period less sums from all sources, including wages or salary earned from any and all public assistance and unemployment compensation received during the period of suspension. The Personnel Board may grant such payment only with the concurrence of the Appointing Authority.

H. Leave During Investigations

An employee who is under formal investigation by the Department for violation of a rule or statute for which dismissal is a penalty, may be placed on administrative leave with pay not to exceed 10 work days. This leave may be extended for an additional period of time if deemed necessary by the Appointing Authority. Such administrative leave is not an appealable action.

I. Types of Disciplinary Action

- (1) **Oral Reminders.** An oral reminder ordinarily, but not necessarily, will be given by the immediate supervisor. When a supervisor determines that an oral reminder will be given to an employee, the supervisor shall discuss orally with the employee the nature of the improper behavior or the offense involved and explain the necessary corrective action. The supervisor will inform the employee that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action in accordance with Rule XXIV, Standard Ranges of Disciplinary Actions. The employee shall be allowed to make comments regarding the incident.

A memorandum titled "Documentation of Oral Reminder" shall be given to the employee following the oral discussion. The memorandum shall include each of the items in the above paragraph. The memorandum should also inform the employee that promotional opportunities may be withheld during the active period of the Oral Reminder and that the employee's performance review may be adversely affected possibly resulting in a reduced or denied merit increase. The employee should not be required to sign an acknowledgment of having received a copy of this document.

- (2) **Written Reminders.** A written reminder ordinarily, but not necessarily, will be given by the immediate supervisor. When a supervisor determines that a written reminder will be given to an employee, a memorandum to the employee shall be prepared and will be given to the employee at the time the problem is discussed. The content of the memorandum shall indicate that the employee is receiving an official written reminder and contain the same information as is outlined above for an oral reminder.

Required Pre-Disciplinary Hearings

Under established law, the following actions require a pre-disciplinary hearing before becoming effective. Such hearings are not conducted under the auspices of the Unified Personnel System Board, therefore, they may be conducted in the manner determined appropriate by the respective Appointing Authority in conjunction with guidance from the County Attorney.

- (3) **Suspension.** Suspension is appropriate when a supervisor observes continued occurrence of minor violations or commission of a major offense. A suspension is a period of time without pay. A notice of suspension shall state the specific reason or reasons for the action, the length of the suspension, corrective behavior that will be needed in the future and the consequences of failure to correct the behavior.
- (4) **Reduction in Pay.** A reduction in pay action is appropriate when counseling, oral reminders and written reminders have not been successful in correcting poor performance or behavior. This type action should be used in lieu of suspension, particularly when suspension would be incongruous with the offense, e.g. excessive tardiness or excessive absence. The reduction in pay shall be limited to a maximum of five percent and should remain in effect until the problem is corrected, with a review of the employee's performance not less frequently than six months.
- (5) **Demotion.** Demotion for disciplinary reasons is appropriate when an employee has committed a serious offense and management has lost confidence in the employee's ability to function effectively in the current position, but believes the employee can contribute positively in a less responsible position.

- (6) **Dismissal.** This is the final step in the progressive discipline process. A dismissal may be the result of a single severe rule violation. More often it occurs as a result of an accumulation of minor offenses and the failure of the employee to react positively to the corrective efforts of the supervisor.

J. Standard Ranges of Disciplinary Actions

The following standard ranges of disciplinary actions are guidelines only and have been established to help ensure that all employees receive similar treatment in like circumstances. The recommended disciplinary action is normally the penalty which should be imposed; however, a violation of any offense is subject to discipline ranging from oral reminder to discharge depending on the circumstances which make a greater or lesser action more appropriate than the one suggested. The impact of the offense will be an important factor in determining the severity of the disciplinary action. Realizing that some of the offenses and deficiencies listed will be more serious and more frequent in certain cases, the person taking the disciplinary action must utilize good judgment in light of all available facts in each case. Second and subsequent offenses have a cumulative effect and justify greater penalties. An offense need not be similar in nature to an earlier offense in order to have such cumulative effect. An overall evaluation of satisfactory or better for a period of time between offenses does not diminish the cumulative effect. The length of the period of time between offenses is a factor that may be considered in determining the severity of the penalty.

When a disciplinary proceeding is based on an overall evaluation of needs attention or unsatisfactory, the action should be as consistent with the standard ranges as circumstances suggest. Likewise when disciplinary action is taken, the employee's performance review rating for that period will in all likelihood be adversely affected. As such, depending upon the severity of the circumstances and the level of discipline administered, any merit increase may be reduced or denied depending upon how severely the performance review is affected by the event(s) leading to the disciplinary action. Regarding promotional opportunities, these may be withheld as well during the period the disciplinary action is active depending upon the circumstances. Normally any disciplinary action requiring a pre-disciplinary hearing will result in a denial of a merit increase and promotional opportunities for one year.

In addition to or in lieu of the penalty imposed pursuant to the following standards, personnel action may include a reduction in pay.

The totality of the employee's work record and any mitigating circumstances should always be considered when making decisions regarding disciplinary action.

This list of offenses is not meant to be all-inclusive but rather a listing of the most common offenses.

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(1) Substandard quality or quantity of work.	Oral reminder to written reminder	Written reminder to 3 day suspension	3 day suspension to dismissal	Dismissal
(2) Sleeping on the job.	Written reminder to 3 day suspension	3 day suspension to dismissal	Dismissal	
(3) Failure to perform assigned duties.	Oral reminder to 3 day suspension	Written reminder to 5 day suspension	Dismissal	
(4) That 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		
(5) Insubordination.	Oral reminder to 3 day suspension	Written reminder to 5 day suspension	Dismissal	
(6) Excessive tardiness.	Oral reminder to written reminder	Written reminder to reduction in pay	Reduction in pay to dismissal	Dismissal
(7) Excessive absenteeism.	Oral reminder to written reminder	Written reminder to reduction in pay	Reduction in pay to dismissal	Dismissal
(8) Leaving work station without authorization.	Oral reminder to 3 day suspension	3 day suspension to dismissal	Dismissal	
(9) Absence without authorized leave.	Written reminder	3 day suspension	Dismissal	

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(10) Intentional falsification of records.	3 day suspension to dismissal	Dismissal		
(11) Unintentional destruction or misuse of property or equipment.	Oral reminder to 3 day suspension	Written reminder to 5 day suspension	Greater than 5 day suspension to dismissal	Dismissal
(12) Intentional destruction or misuse of property or equipment.	3 day suspension to dismissal	Dismissal		
(13) Unauthorized use of bulletin boards.	Oral reminder to 3 day suspension	Written reminder to 3 day suspension	5 day suspension to dismissal	Dismissal
(14) Unauthorized use of County equipment or property.	Oral reminder to 3 day suspension	Written reminder to dismissal	Dismissal	
(15) Violation of Safety Rules.	Oral reminder to 3 day suspension	3 day suspension to dismissal	Dismissal	
(16) Willful violation of written rules, regulation policies or statutes.	Written reminder to dismissal	3 day suspension to dismissal	Dismissal	
(17) Negligence resulting in minor consequences.	Oral or written reminder	Written reminder to 3 day suspension	Dismissal	
(18) Negligence resulting in serious consequences.	3 day suspension to dismissal	Dismissal		
(19) Unauthorized distribution, solicitation, or sales.	Oral to written reminder	Written reminder to 3 day suspension	Dismissal	
(20) That the employee has engaged in a physical fight at the work site.	3 day suspension to dismissal	Dismissal		

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(21) That the employee has engaged in a verbally abusive and/or intimidating confrontation with a supervisor, peer, employee or citizen.	Written reminder to dismissal	3 day suspension to dismissal	Dismissal	
(22) Horseplay.	Oral reminder to written reminder	Written reminder to 3 day suspension	3 day suspension to dismissal	Dismissal
(23) Unlawful gambling during working hours or on County property.	Oral reminder to 3 day suspension	3 day suspension to dismissal	Dismissal	
(24) That the employee possesses a deadly weapon, while on County owned or leased property, or in a County owned vehicle or in a personal vehicle while being used for County business except as specifically provided in Florida Statute §790.251. Prohibited possession under this Rule shall also apply to a deadly weapon located in an employee's privately-owned vehicle if such vehicle is parked on County owned or leased property. For the purposes of this Rule, a "deadly weapon" shall be defined as any instrument which will cause death or great bodily injury when used in the ordinary and usual manner contemplated by its design and construction and includes, but is not limited to, the following: Firearms; clubs; knives, other than a common pocket knife with a folding blade or an eating utensil; stun guns; brass knuckles; and numchucks, throwing stars, and other martial arts weapons. Exceptions to the above prohibitions may be granted by Appointing Authorities to employees whose duties require them to carry such an item or who have a need to carry a firearm or deadly weapon for their own personal protection.	3 day suspension to dismissal	Dismissal		
(25) Use of profane, obscene or abusive language.	Oral reminder to written reminder	Written reminder to 3 day suspension	3 day suspension to dismissal	Dismissal
(26) Violating decency or morality.	3 day suspension to dismissal	Dismissal		

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(27) That the employee has misappropriated County funds, appropriated County property for personal use, or illegally disposed of County property.	Written reminder to dismissal	Dismissal		
(28) Violation of County Substance Abuse Policy or CDL Testing Policy.	Dismissal			
(29) That the employee has been guilty of conduct unbecoming an employee of the County whether on or off duty.	Written reminder to dismissal	Dismissal		
(30) Finding of guilty or plea of guilty or nolo contendere to an employment-related first degree misdemeanor, or felony whether adjudication of guilt is withheld or not.	3 day suspension to dismissal	Dismissal		
(31) Finding of guilty or plea of guilty or nolo contendere to a misdemeanor or felony involving moral turpitude*, whether adjudication of guilt is withheld or not and whether related to employment or not.	Written reminder to dismissal	Dismissal		
(32) Unlawful harassment and/or discrimination	Written reminder to dismissal	Dismissal		
(33) That the employee is incapable of performing the essential functions of the job classification because of a mental or physical disability, even with a reasonable accommodation.	Demotion or dismissal			
(34) That the employee has violated the Personnel Act with regard to political activity.	Written reminder to dismissal	Dismissal		
(35) That the employee has been guilty of attempting to use political influence in attaining a position or in securing promotional positions or attempting to influence officers or supervisory employees in personnel matters.	Written reminder to dismissal	Dismissal		
(36) That 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 days suspension to dismissal	Dismissal		

* For the purpose of this rule, the term “moral turpitude” shall refer to acts which are contrary to justice, honesty, principle, or good morals in the community.

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(37) That the employee, after employment, is found to have made a false statement in his application for employment.	Written reminder to dismissal			
(38) That the employee is offensive in his conduct; antagonistic toward superiors, fellow employees, or the public; or whose conduct interferes with the proper cooperation of employees or impairs the efficiency of the County service.	Oral reminder to 3 day suspension	Written reminder to dismissal	Dismissal	
(39) That the employee has been refused a surety bond when applied for as a qualification for employment.	Dismissal			
(40) That the employee refuses to have fingerprints or photograph taken when directed to do so.	Dismissal			
(41) That the employee, whose position requires the operation of a motor vehicle in the performance of assigned duties, has a suspended driver's license or fails to advise the supervisor that the driver's license has been suspended or revoked.	Demotion or dismissal	Dismissal		
(42) That the employee whose position requires the operation of a motor vehicle in the performance of his duties, fails to immediately advise of a conviction for violation of any motor vehicle law or ordinance for which more than three (3) 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).	Oral to written reminder	Written reminder to 3 day suspension	3 day suspension to dismissal	Dismissal
(43) That the employee has failed to qualify on the examination required for the held required job classification.	Demotion or dismissal			
(44) That the employee, during working hours or non-duty hours, has engaged in an employment, activity, or enterprise that is inconsistent, incompatible, in moral or in legal or technical conflict with assigned duties, functions, and responsibilities as a County employee.	3 day suspension to dismissal	Dismissal		

Offenses and Deficiencies	First Offense	Second Offense	Third Offense	Fourth Offense
(45) 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			
(46) Violation of County Ethics Policy. That the employee has solicited or taken for personal use a fee, gift, or other valuable thing in the course of assigned work or in connection with it, when such fee, gift or other valuable thing so solicited or given might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future need.	Oral reminder to dismissal	Dismissal		
(47) 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		
(48) That the employee has failed to report any arrest during employment with the County (The employer may or may not elect to exercise a suspension pending judicial review (Section G))	Oral reminder to dismissal	Written reminder to dismissal	Dismissal	
(49) Violation of County or Departmental building, grounds or other security regulations.	Oral reminder to dismissal	Written reminder to dismissal	Dismissal	

Conferences 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.

Rule XXV. Political Activities

No person holding a position in either the Classified or Exempt Service shall hold, or be a candidate for public office while in the employment of the County, or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the County. For purposes of this rule, an employee will be deemed to be have become a candidate for public office when the employee completes formal qualification as a candidate; however, the employee's appointing authority may, at his or her discretion, require an employee to resign when he or she files an appointment of treasurer and designation of depository, or opens a campaign account if the appointing authority determines that there is a conflict of interest between the employee's duties as a county employee and the employee's candidacy for public office.

Nothing contained in this Rule should be deemed to prohibit employees from expressing their opinions on any candidate or issue, or from participating in any political campaign during their off-duty hours so long as such activities are not in conflict with the provisions of Florida Statutes and the Florida Division of Elections opinions. Classified Service employees violating the provisions of this Rule shall be disciplined in accordance with Personnel Rule XXIV.

Notwithstanding any other provision of this rule, a person holding a position in the Classified or Exempt Service may also serve as a member of the state executive committee or county executive committee of a political party.

The prohibition against employees taking any active part in any political campaigns shall include but not be limited to circulation of or seeking signatures to any petition provided for by any charter or law, or distributing badges, colors or indicating favoring or opposing a candidate for election or nomination to a federal, state, county or municipal public office during duty hours or while on County property.

Employees whose principle employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal Agency are subject to the provision of the Hatch Act.

Rule XXVI. Student Work Experience Programs

The Board, acting upon the request and with the advice of the Appointing Authority, may authorize trainee positions for any existing classification contained in the Classification and Pay Plan. Such trainee positions shall be authorized only for training purposes for students attending schools or educational institutions with an established Student Work Experience Program. Appointment to such trainee positions may be made by the Appointing Authority without regard to any existing eligible register. Persons so appointed shall acquire no rights under the County Service by virtue of such appointment, and said appointment shall terminate immediately upon completion of the training program or completion of two thousand eighty (2,080) working hours. The Personnel Board, upon request and for good cause, may grant an extension of such training employment for a specified period.

Rule XXVII. Disabling Illness

Employees with a serious and/or life threatening illness, or disability may wish to continue working and are entitled to do so, if their condition allows, in an atmosphere free from discrimination and harassment in accordance with all applicable federal, state and local laws.

Employees with a serious and/or life threatening illness and disability are subject to the same performance requirements and entitled to the same terms, conditions, and privileges of employment as other employees. Failure or refusal to work with a disabled employee will not be tolerated. Employees may be subject to individual civil liability for statements made regarding disabled employees. Employees are cautioned that it is inappropriate to discuss other employees' medical conditions or disabilities and, in addition to potential civil liability, such employees may be subject to discipline under these rules.

Rule XXVIII. Transfer to Inactive Service

A. Policy

As a general rule, it is expected that all employees will perform the essential functions of their assigned positions and be present for duty on a timely and regular basis, in order to continue their County employment. However, it is understood that on occasions some employees will be unable to perform the essential functions of their position and/or unable to be present for duty due to illness and/or injury. Although an employee's absence and/or inability to perform the essential functions of his/her position may be due to reasons beyond his/her control, it is also recognized that the Appointing Authorities require regular attendance and full duty performance by their employees in order to operate effectively. The focus of this rule is to reach a balance between the needs of the Appointing Authorities for present and capable workers and the need of full-time permanent employees for leaves of absences in order to recover from illness or injury.

B. Purpose

The purpose of this rule is to establish guidelines and procedures to be followed by the Appointing Authorities for transferring employees who have completed their initial probationary period to the Inactive Service when they become unable to return to work and/or unable to perform the essential functions of their position due to illness or injury.

C. Procedure for Transfer to Inactive Service

1. When an employee's treating physician provides documentation that an employee is unable to perform one or more of the essential functions of his/her job classification, even with a reasonable accommodation, the employee may be entitled to take leave in accordance with other applicable Personnel Rules, i.e., annual leave, extended leave, FMLA leave, etc. In the alternative, employees who are unable to perform the essential functions of his/her job classifications, but who are able to come to work, may, depending on the availability of such work and depending upon whether the employee is on FMLA leave, be assigned temporary duties in another vacant job classification under their Appointing Authority. An employee may be assigned temporary duties outside of a specific job classification, on an as-needed basis, for a period typically not longer than six (6) months. Such assignments shall be in a position which is either equal to or lower than their current pay grade. During the period of time these employees are performing such temporary duty, they will continue to receive their regular rate of pay.
2. At the end of the above-mentioned six (6) month period, affected employees will be required to advise their employer as to when, if ever, they expect to be able to return to full duty in their regular job classification. They will be provided a detailed description of their physical job duties by their supervisor. Their treating physician will be requested to provide the respective Appointing Authority a prognosis as to when they expect the employee will be able to return to work and perform the full duties of his/her regular job classification.

If it appears that an employee will be able to return to full duty in his/her regular job classification within ninety (90) days or less, the employee will be allowed to continue performing duties temporarily in the vacant classification or other assigned temporary work. This may continue until the employee is able to return to his or her regular job classification, or until the additional ninety (90) day period has expired.

3. If, at the end of the six (6) month period, or at the end of the ninety (90) day extension, an employee is still unable to perform the essential functions of his/her regular job classification, and if there is no indication as to when he or she will be able to do so, the Appointing Authority may ask the employee what, if any, accommodations may be made to enable him/her to return to full duty in his/her regular job classification. Within ten (10) working days of the date that the employee receives notice of the above, if no accommodation is requested, or if the accommodation requested is one which the employer cannot make, the employee may be offered placement in a vacant position at or below the pay grade he or she was previously in, provided a vacancy exists for which the employee is fully capable of performing the essential functions with or without a reasonable accommodation.
4. If the employee rejects an offer for placement in another vacant position for which he/she is qualified, the employee may be treated as having voluntarily resigned from his/her employment, under the provisions of Personnel Rule XXII, if he/she does not return to work in the position offered within three (3) working days of his/her receipt of such offer, and such action shall not be grievable or appealable under the Personnel Rules.
5. If an employee is unable to return to work after an additional ninety (90) day period, or if there is no vacancy available for which the employee is qualified, such employee may be assigned to the Inactive Service at their request. Employees in the Inactive Service are carried in a non-pay status, and will be removed from their regular job classification enabling the employer to hire a permanent replacement. They will not accrue annual leave, but will continue to receive long-term disability benefits, or worker's compensation benefits, for as long as they are eligible for such benefits. They also will be eligible for continued COBRA health insurance coverage at their own expense. Employees transferred to the Inactive Service will be responsible for one hundred (100%) percent payment of their premiums in order to continue COBRA health insurance coverage, basic level of life insurance, long-term disability, and any other applicable benefits during the period of time that they are in the Inactive Service. Under these circumstances, employees who do not request transfer to the Inactive Service may be treated as having resigned under the provisions of Personnel Rule XXII after they are absent three consecutive working days without authorization, and such action shall not be grievable or appealable under the Personnel Rules. Employees may not remain in the Inactive Service for longer than twelve (12) months, except for the situation discussed in paragraph D.1. below.

D. Return to Duty

1. Employees in the Inactive Service who receive a medical certification returning them to work will be given preference over other job applicants for their previous job classification, if they are able to perform the essential functions of that job classification with or without a reasonable accommodation. If there is no vacancy in that job classification, they will be placed at the top of the eligible register for that position, and offered alternative employment, as described below. Employees in this category retain a right of first refusal for up to twelve (12) months, following their return to work date, for a vacancy in their previous job classification.

If an Inactive Service employee is unable to return to the duties of the previous job classification due to inability to perform the essential functions of that class, with or without a reasonable accommodation, he/she will be offered any vacancy for which he/she is qualified, and can perform the essential functions with or without a reasonable accommodation. This job must be at the same pay grade or lower than the one which the employee previously held. If no vacancy exist, at that time, for which they are qualified, the employee may be extended in the Inactive Service for a

period of not more than ninety (90) days in order to allow time for such a vacancy to appear. If, at the end of that ninety (90) day period, there is still no vacancy for which the employee is qualified, they may be treated as having resigned under Personnel Rule XXII, once they are absent for three consecutive working days without authorization, and such action shall not be grievable or appealable under the Personnel Rules.

2. Employees in the Inactive Service at the end of twelve (12) months from the time they are placed in such status, who are still unable, or unwilling, to return to work as described above, will be treated as having resigned under the provisions of Personnel Rule XXII, once they are absent for three consecutive working days without authorization, and such action shall not be grievable or appealable under the Personnel Rules.

Employees in the inactive service shall be paid for their accumulated Extended Illness leave in accordance with Rule XIV. Inactive employees who are re-employed within one (1) year shall be credited with their remaining leave balance accrued at the time of their entry into the Inactive Service and shall not have their eligibility for earning longevity of annual leave interrupted.

3. The date that an employee returns to work from inactive service will normally become the employee's anniversary date for rating purposes.

E. Compensation for Unused Leave

Employees who are transferred to the Inactive Service will be eligible, at their request, to receive payment for any accrued leave time in accordance with the applicable Personnel Rules governing payment upon separation from service. If employees in the Inactive Service return to Active Service, they will not be eligible to buy back their leave time.