

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 919 Escambia County Civil Service System
SPONSOR(S): Benson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs</u>	_____	<u>Nelson</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill provides for the repeal of ch. 83-405, L.O.F., as amended, which establishes a career civil service board and system for Escambia County. The bill further provides for discretionary withdrawal of the board of county commissioners from the civil service system in the event that chapter 83-405, L.O.F., is not repealed.

According to the Economic Impact Statement, if the civil service board and system are eliminated, the net cost decrease to Escambia County in FY 04/05 will be \$491,610 and \$504,491 in FY 06/07. If the civil service board and system are not abolished, and the board of county commissioners withdraws from the system, the net increase in cost to Escambia County in 04/05 will be \$39,540 and \$42,594 in FY 05/06.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Background

The Escambia County Civil Service Act (ch. 83-405, L.O.F., as amended) establishes a career civil service system and requires its application to all Escambia County employees, including employees of the Escambia County Utilities Authority, and non-instructional employees of the district school board. Designated positions are exempted from required career service, and certain governmental agencies are authorized to withdraw from the civil service system.

The Act provides for a career civil service board comprised of five members. Vacancies on the board are filled by appointment by the Governor, subject to Senate confirmation. Members of the board serve uncompensated, but are reimbursed for certain expenses. The board must meet at least once a month, and all meetings are open to the public. A joint meeting is held annually, staffed by county and school district officers, to determine adjustments to pay ranges in the classified service.

All classified employees, including deputy sheriffs, have the right to participate in collective bargaining. The Circuit Court of Escambia County reviews Civil Service Board appeals. Chapter 120, the Administrative Procedures Act, does not apply to the board.

Escambia County is proposing to replace the civil service board with an administrative human resources department. (See, III. Comments, for additional information.)

HB 919

This bill repeals ch. 83-405, L.O.F., as amended, which establishes a career civil service board and system for Escambia County. The bill would thereby abolish the board and civil service system effective October 1, 2005. The bill further provides for discretionary withdrawal of the board of county commissioners from the Escambia Civil Service System in the event that chapter 83-405, L.O.F. is not repealed (i.e., in the event that the Legislature subsequently extends the time for or negates the abolishment of the civil service board and system.)

C. SECTION DIRECTORY:

Section 1: Repeals Chapter 83-405, L.O.F., as amended by chs. 88-552, 91-335, 93-394, and 2001-348, L.O.F., effective October 1, 2005.

Section 2: Provides that if ch. 83-405, L.O.F., as amended, is not repealed, then the Escambia County Board of County Commissioners may elect by a majority vote to withdraw from the civil service system by written notice to the civil service board.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 24, 2004

WHERE? *The Pensacola News Journal*, Escambia County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, if the civil service board and system are eliminated, the net cost decrease to Escambia County in FY 04/05 will be \$491,610 and \$504,491 in FY 06/07.

If the civil service board and system are not abolished, and the board of county commissioners withdraws from the system, the net increase in cost to Escambia County in 04/05 will be \$39,540 and \$42,594 in FY 05/06.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Escambia County Board of County Commissioners¹ provided the following comments:

Since the inception of the civil service form of personnel systems in Florida, there has been a steady stream of public entities that have requested and been granted rights to withdraw from this antiquated concept of personnel management. As a result, there are only two counties in Florida that remain under the old civil service form of management. In Escambia County, we have seen the same trend. The Escambia County School Board, Tax Collector, County Clerk's office and Property Appraiser have all requested, and been approved for withdrawal from our civil service system, due to bureaucratic procedures; slow or non-responsive customer service; employment rosters that block highly qualified external candidates from applying for current job vacancies or are filled with candidates who are

¹ Janet Lander, Escambia County Attorney.

marginally qualified or no longer available for employment; and/or the outdated classification and compensation management methodologies that hinder management's ability to assure personnel are adequately paid compared to others in their occupation groups.

In the past, the Escambia County Board of County Commissioners has not been able to successfully petition for withdrawal from the civil service system due to: (1) historically inadequate staffing in the board's human resources function and (2) lack of professionally developed, modern and well articulated personnel management plan to take the place of the old system. To remedy these shortfalls, the building of the new HR function was initiated in late 2002, when the new county administrator directed a nationwide search for a senior HR professional capable of organizing and leading a broad scope, state-of-the-art HR department. Starting in early January 2003, a new concept of operations was developed. The plan would continue to guarantee protection of merit rules and principles while simultaneously offering systems that would streamline and consolidate all personnel functions in one efficient and consolidated operation serving all the board employees. Employee merit rights would now be protected by a seven member, autonomous board, called the Merit System Protection Board (MSPB) that would have personnel system oversight responsibilities as well as full authority to adjudicate employee appeals. Staffing and compensation would now be a function of the integrated Human Resources Department. Key aspects of the plan include recruitment for jobs as vacancies occur, eliminating the "old roster system" and development of a classification system that would be linked to current compensation surveys and benefits reviews to establish a "total compensation" approach to employee recruitment and retention.

The MSPB rules, based on modern and time proven merit principles, combined with an HR department that has a major focus on professionalism, integrity and customer service, will assure compliance with MSPB rules and the full range of employment laws while implementing practices used by successful HR departments in the public sector today. The new rules have been widely disseminated to elected officials, managers and employees in briefings (with very favorable support), and union groups. The Amalgamated Transit Union (ATU), Local 1395, has endorsed the plan.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES