

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 4053 City of Pensacola, Escambia County

**SPONSOR(S):** Ford

**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 0 N	Dougherty	Rojas
2) State Affairs Committee	14 Y, 0 N	Stramski	Camechis

### SUMMARY ANALYSIS

This bill repeals the Civil Service Act of the City of Pensacola. This Civil Service Act was codified by the Legislature in 1984, but a 2009 referendum replaced many of its provisions with a new charter and strong mayor. Today, collective bargaining agreements have replaced most contracts and issues previously encompassed by the Civil Service Act. Over 80 percent of Pensacola's city employees do not rely on any facet of the Civil Service Act. For those employees still reliant on the Civil Service Act, the city intends to adopt a new policy that largely mirrors this Act but also reflects the changes made in the city's form of government. This replacement policy also gives broader rights to the employees, including an administrative appeal process for non-disciplinary complaints, mediation before disciplinary appeals, merit-based employment and promotions, the prohibition of nepotism, and an outlined method for lay-offs.

This bill shall take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

###### The Pensacola Civil Service Act

The Pensacola Civil Service Act (Civil Service Act or Act) originated in the 1931 city charter, which was codified as a special act in 1984. In 2009, the electors repealed by referendum the 1931 charter and replaced it with the current charter. The current charter reformed the local government by adopting a “strong mayor” format. The mayor has also implemented an updated structure that is intended to supersede many of the anachronistic provisions in the Civil Service Act.

###### The Civil Service Board

The Civil Service Board was codified in the 1984 act and is still in service today. This board consists of three members each serving two year terms. The first member is elected by the city council; the second, by the classified service employees; the third, by the other two members. The board approves minimum qualification changes, handles employee appeals for disciplinary actions, and executes the provisions in the Civil Service Act not repealed by the 2009 charter.

###### Employee Reliance on the Civil Service Act

Currently, 125 of 728 (approximately 17 percent) filled positions of Pensacola city employees are still covered by the Civil Service Act. The other 83 percent removed themselves from the Civil Service Act’s coverage by collectively bargaining separate, exclusive procedures into their contracts. These unions – the Fraternal Order of the Police, the International Association of Firefighters, and the American Federation of State, County and Municipal Employees – do not rely on the Civil Service Board or any provision of the Civil Service Act.

##### **Effect of Proposed Changes**

###### Repeal of the Civil Service Act

This bill repeals chs. 84-510, 86-447, 86-450, 88-537, and 90-437, L.O.F., collectively known as the Civil Service Act of the City of Pensacola. Many provisions therein were repealed by a local referendum and are now duplicative of the systems used by the new strong mayor. This bill would eliminate all provisions of the Civil Service Act, both used and unused, and remove Pensacola civil service rules from the purview of the Legislature.

###### Independent Personnel Board

Upon repeal of the Civil Service Act, the City of Pensacola’s human resources office intends to create an Independent Personnel Board (Personnel Board). Like the current Civil Service Board, this board would:

- (1) handle minimum qualification changes,
- (2) hear disciplinary appeals from city employees not otherwise protected by collective bargaining contracts, and
- (3) be provided an attorney.

The Personnel Board would be composed of three members: one selected by the mayor, one selected by the employees, and one selected by the first two. Each would serve two year terms. The existing Civil Service Board would assume the role of the new Personnel Board, where the members would finish their current terms and then hold elections according the policies governing the Personnel Board.

Personnel Administration Policy

Upon repeal of the Civil Service Act, the City of Pensacola's human resources office intends to implement a replacement policy known as the Personnel Administration Policy (Policy).<sup>1</sup> This Policy, a merit-based personnel system, would apply to all city employees not otherwise covered by a collective bargaining agreement. This Policy was written to largely mirror the currently used provisions of the Civil Service Act, with a few changes that give employees more employment-based rights. These include an administrative appeal process to resolve non-disciplinary complaints, mediation before hearing disciplinary appeals, merit-based employment and promotions, the prohibition of nepotism, and an outlined method for lay-offs.

The Policy also varies from the Civil Service Act in that it reflects the governmental structure change from the council-manager form to the strong mayor-council form. For example, the Policy states that all city employees are at will and the mayor is the official responsible for all employment. Therefore, the mayor may alter the Policy or the terms of any city employee's employment. All employees currently covered by the Civil Service Act would continue their employment under this Policy at the time of its adoption unless discharged for cause or by a lay-off.

**B. SECTION DIRECTORY:**

**Section 1:** Repeals ch. 84-510, L.O.F., as amended, known as the Pensacola Civil Service Act.

**Section 2:** Provides that the Act takes effect upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 2, 2013

WHERE? *Pensacola News Journal*, a daily newspaper published in 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

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

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<sup>1</sup> On March 27, 2013, Jacek Stramski, the House State Affairs Committee attorney assigned to this bill, interviewed Sherrer Kuchera, Human Resources Administrator, and Suzanne Humphrey, Assessment and Development Manager with the City of Pensacola, Human Resources Division, and was informed that the Personnel Administration Policy will be implemented by Executive Order of the Mayor upon repeal of the Act. A copy of the policy is on file with the House State Affairs Committee.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None