

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 683 Hillsborough County

SPONSOR(S): Young

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 4 N	Flegiel	Rojas
2) State Affairs Committee	10 Y, 5 N	Stramski	Camechis

SUMMARY ANALYSIS

The Hillsborough County Civil Service Act (Act) provides for the uniform administration of the employment of all classified service employees in Hillsborough County based on merit principles. The Act was created in 1951 and recodified in 2000. The Act applies to all agencies and authorities of Hillsborough County except for the judiciary, the district school board and municipalities in the county. Overall, the Act applies to approximately 9,300 classified employees working for 22 agencies of Hillsborough County.

The Hillsborough County Civil Service Board (Board) administers the Act and provides human resource services, such as recruitment, hiring, performance evaluation, discipline and record keeping, to all agencies subject to the provisions of the act. Non-exempt agencies must use the Board for all human resource services required for classified employees. The county commission must fund the Board at a rate of 0.65 percent of the county payroll for classified employees from the previous fiscal year.

HB 683 allows non-exempt agencies to opt-in or opt-out of all provisions of the Act except for those related to suspension, demotions, dismissals and appeals. The bill provides election periods during which agencies may opt-in or opt-out of the Act. Agencies that elect to opt-out may contract with the Board to provide the same human resource services in a non-regulatory capacity. The bill revises the Board's funding formula to account for when agencies opt-in, opt-out, or contract for additional services with the Board.

The fiscal impact of this bill is indeterminate.

This bill will take effect on July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Civil Service Act

The Hillsborough County Civil Service Act was created in 1951¹ and recodified in 2000 as the “Civil Service Act of 2000.”² The Act applies to all agencies and authorities of Hillsborough County except for the judiciary, the district school board and municipalities in the county. A classified employee is defined as a person whose position is subject to the rights contained in the Act and in the rules adopted by the board.³ Non-exempt County agencies employ approximately 10,000 people, approximately 9,300 of which are classified employees.⁴

The purpose of the Act is to ensure the uniform administration of the classified service based on merit principles. The Act contains detailed requirements for executing personnel functions, including:

- creating and abolishing positions,
- filling vacancies,
- probationary employment,
- suspensions, demotions and dismissals,
- appeals, and
- recommendation and adoption of pay plans.

The Civil Service Board

The Civil Service Board is a seven member board responsible for the administration of the Act.⁵ The Board employs approximately 29 individuals to carry out its duties.⁶ Board duties include: determining the qualifications necessary for classified positions, recruiting personnel for all classified positions, establishing a performance evaluation system, enforcing provisions of the act, making provisions for employee leave, hearing appeals from disciplinary actions, establishing provisions for employee grievances, keeping records and performing any act which may be necessary to carry out the Act.

Application

A classified employee is an employee whose position is subject to the rights contained in the Act and the rules adopted by the Board. Exempt employees, interchangeably called unclassified employees, are subject to the rights provided by their appointing authority and are not subject to the rights provided by the Act. Exempt employees include: elected officials and those appointed by the Governor; members of any board, authority or commission; physicians and attorneys-at-law; executive managers; temporary, part-time and substitute employees; and secretaries and administrative aides to the county attorney, chief executive officer of any board, authority, or commission, and each elected official.

¹Ch. 1951, 27601, L.O.F.

²Ch. 2000-445, L.O.F.

³S. 5, Ch. 2000-445, L.O.F.

⁴November 20, 2013 Civil Service Board Meeting Minutes. Supplement 2, Section 3.

⁵S. 7, Ch. 2000-445, L.O.F.

⁶About Civil Service Board, available at <http://www.hillsboroughcounty.org/index.aspx?NID=1076> (last visited March 14, 2014).

The Act applies to all classified personnel employed by the following agencies or authorities within Hillsborough County:

- County Commission
- County Administrator
- Clerk of the Circuit Court
- Supervisor of Elections
- Property Appraiser
- Tax Collector
- Sheriff
- Environmental Protection Commission
- Aviation Authority
- Port Authority
- Planning Commission
- Public Transportation Commission
- Expressway Authority
- Law Library
- Legislative Delegation
- Soil and Water Conservation District
- Civil Service Board
- Sports Authority
- Children's Board
- County Attorney
- Arts Council
- Victim's Assistance

The district school board, the judiciary, and municipalities of the county are explicitly exempt from the provisions of the Act. However, positions within the Administrative Office of the Courts which were classified as of January 1, 1998 and which are funded by the county are subject to hearings to review actions of dismissal, demotion or suspension.

Funding

The county is required to fund the Board at the rate of 0.65 percent of the total classified employee payroll from the prior fiscal year.⁷ For example, an agency with an annual classified employee payroll of \$1,000,000 would require the county to budget \$6,500 in funding to the Board for the upcoming fiscal year. In FY 2011-2012, the total classified payroll for all Hillsborough County agencies was \$498.3 million, meaning the county must appropriate \$3.238 million to the Board in FY 2013-2014.⁸ In FY 2012-2013, the Board had an actual budget of \$2.359 million.⁹

Effect of Proposed Changes

Application

HB 683 gives county agencies the ability to opt-in or opt-out of sections 1 – 10 and 13 – 20 of the Act. Participation in the provisions pertaining to suspension, demotions, dismissals, and appeals remains mandatory for all agencies.

Personnel functions subject to the opt-in opt-out election include: employee recruitment, selection and hiring, creation and adoption of classification plans, benefit plans and pay plans, promotions, abolition and creation of new positions, filling vacancies, performance review and evaluation systems, reductions in force and methods of reemployment, guidelines for leave, determination of classified status and tenure, and any other human resource functions.

The bill allows an agency to opt-out of portions of the act without opting out of the entire act. It also allows an agency to make separate elections for different classes of employees. For example, an agency could elect to opt-out of the Act for half its employees, opt-out of portions of the Act for a quarter of its employees, and opt-out of none of the Act for the other quarter of its employees.

⁷ S. 15, Ch. 2000-445, L.O.F.

⁸ Letter from Clerk of Circuit Court, 13th Circuit, County Finance Dept. to Hillsborough County Civil Service Board. Jan. 15, 2013.

⁹ Hillsborough County Recommended Biennial Budget, FY 14 – FY 15, p. 340. Available at <http://www.hillsboroughcounty.org/index.aspx?nid=3440> (last visited March 14, 2014).

An agency may make an opt-out or opt-in election within one month of the bill becoming law (in July 2014) or during the month of December every year thereafter. Agencies that make no election shall continue to be subject to all provisions of the Act they were previously subject to. Agencies that opt-out may contract with the Board to continue providing human resource services in a non-regulatory capacity.

Funding

HB 683 changes the Board's funding equation, requiring the county commission to fund the board at a rate of 0.65 percent, less the cost saved from services that agencies have opted out of, plus the cost of services agencies have contracted for the board to provide.

B. SECTION DIRECTORY:

Section 1 Amends sections 4 and 15 of ch. 2000-445, L.O.F., "The Civil Service Act of 2000," allowing Hillsborough County agencies to opt-in or opt-out of certain provisions of the Civil Service Act; amends the Board's funding equation.

Section 2 Provides that the act shall take effect on July 1, 2014.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 17, 2013

WHERE? *The Tampa Tribune*, a daily newspaper published in Tampa, Hillsborough County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Not applicable.

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: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.