

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2228

SPONSOR: Criminal Justice Committee and Senator Cowin

SUBJECT: Career Service Exemptions

DATE: April 16, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>ACJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This Committee Substitute moves Correctional Officer Majors and Correctional Officer Colonels from the Career Service class to the Select Exempt Service class. It also reorganizes the list of exempt positions, without substantive change other than the addition of the Colonel and Major positions.

The CS also deletes obsolete references to the Correctional Education Program and to superintendents and assistant superintendents.

This CS substantially amends the following section of the Florida Statutes: 110.205.

## II. Present Situation:

Section 110.205(2)(d), F.S., provides that officers and employees of state universities and of the Correctional Education Program within the Department of Corrections are exempt positions not covered by the career service system. The Correctional Education Program no longer exists, so references to it are obsolete.

Section 110.205(2)(m), F.S., provides that a number of positions within the department are to be classified as Selected Exempt Service. Superintendent and assistant superintendent are included in this list, but those terms are no longer used by the department. Instead, terms "warden" and "assistant warden" are used.

The department has 53 Correctional Officer Colonel positions and 78 Correctional Officer Major positions. Both positions are management positions involved in planning, organizing, and directing the security activities of correctional institutions. Because the positions are assigned to

the managerial or confidential collective bargaining designation, officers in these positions are not represented by a union.

Correctional Officer Colonels and Majors are Career Service employees in the Special Risk class. As such, some of their benefits include:

- Accrual of up to 13 hours of annual leave each month, depending upon length of service, with eligibility for terminal payment of up to 240 hours
- Accrual of 8.667 hours of sick leave monthly (104 annually)
- Normal retirement at age 55 or after 25 years of service at any age, with a benefit factor of 3 percent
- Payment of a portion of the monthly premium for group health (\$37.14 for individual coverage; \$133.62 for family coverage), and payment of 20 percent of the premium for life insurance
- Nine paid holidays and one personal holiday annually
- Eligible for receipt of on-call pay
- Dismissal only for cause

### **III. Effect of Proposed Changes:**

The CS amends s. 110.205(2)(m), F.S., to include Correctional Officer Majors and Correctional Officer Colonels in the Select Exempt Service. This will change the benefits and protections that such employees currently have as Career Service employees. Changes include:

- Receipt of 176 hours of annual leave upon appointment to SES and at each anniversary, which is a minimum increase of 20 hours of annual leave per year
- Eligibility for terminal payment of up to 480 hours of annual leave, an increase from the 240 hours allowed under the Career Service designation
- Payment of the entire group health insurance premium and life insurance premium by the state
- Not eligible for receipt of on-call pay
- May be dismissed at the pleasure of the Secretary, rather than only for cause

The department estimates that the amendment will cause it to incur additional costs of approximately \$85,000 as detailed in the Fiscal section of this analysis.

Additionally, the CS reorganizes the list of exempt positions by creating separate subparagraphs for each category. This is not a substantive change in the law, except for the addition of Colonels and Majors as discussed above.

The amendments to delete references to the Correctional Education Program in s. 110.205(2)(d), F.S., will have no effect because the program no longer exists. Likewise, the deletion of obsolete references to superintendents and assistant superintendents in s. 110.205(2)(m), F.S., will have no effect.

The CS provides that it will take effect upon becoming a law.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The department estimates that the full cost of conversion of the Correctional Officer Colonel and Major positions is \$271,549 on an annual basis. Because Colonels and Majors would no longer be eligible for on-call pay, which is estimated to cost \$187,200 per year, the net recurring annual increase is \$84,349. The department expects to assume these costs within its existing budget.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.