

District Court of Appeal Budget Commission
Video Conference Meeting
May 14, 2013



Members Present

Judge Richard Orfinger, Chair
Judge Simone Marstiller
Judge Robert Benton, II
Judge Morris Silberman
Judge Stevan Northcutt
Judge Frank Shepherd
Marshal Veronica Antonoff
Marshal Charles Crawford

Judge Linda Wells
Judge Dorian Damoorgian
Judge Melanie May
Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Stephen Nevels
Marshal Jo Haynes
Marshal Glen Rubin

Others Present

Daniel DiGiacomo, Judge Alan Lawson, Deputy Marshal Gino Detrick, Lisa Goodner, Theresa Westerfield, Dorothy Wilson and OSCA staff

Welcome and Opening Remarks

Judge Richard Orfinger welcomed members and recognized the incoming 4th DCA Marshal Daniel DiGiacomo. Judge Orfinger called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:22 p.m.

Approval of 12/17/12 Meeting Minutes

A motion was made by Judge May to adopt the December 17, 2012 meeting minutes as drafted. Judge Torpy seconded and the motion was passed without objection.

FY 2012-13 Rate Distribution

Judge Orfinger explained that there were two items for consideration on the meeting agenda. The first was a rate distribution for FY 2012-13 and second, individual Salary Budget exception requests submitted by the 1st, 2nd and 4th District Courts of Appeal (DCA). Judge Orfinger mentioned that if the DCABC decided to consider and approve the individual salary exceptions, most likely the 3rd and 5th DCA would submit exception requests as well.

Judge Orfinger stated that the statewide policies implemented by the DCABC have generated a savings and the DCABC could consider a rate distribution for the current fiscal year. Judge Orfinger inquired if the rate distribution were approved, would there be a need for the individual salary exceptions. Judge Marstiller responded that if the rate distribution were approved, the 1st

DCA would not pursue the requested salary budget exception. Judge Silberman indicated the 2nd DCA would still pursue the reclassification request. Judge May replied the 4th DCA would not pursue the salary exception if the rate distribution was approved.

Dorothy Wilson reviewed the FY 2012-13 Rate Distribution proposal, explaining that the distribution would provide each court with an allocation allowing them to provide certain employees a rate increase based on parameters approved by the DCABC. The rate increases would be effective in the current fiscal year, pending the approval of the DCABC recommendations by the Chief Justice, and would have a recurring impact on the payroll projections for the FY 2013-14.

Ms. Wilson further explained that the payroll projections for FY 2013-14 are scheduled to be completed and presented to the DCABC during the August 23, 2013 meeting. There are several unknown factors that will impact the payroll projections including Health and Retirement Premium increases for full time positions and Health Premiums for OPS employees. While these issues were funded by the Legislature we are unable to determine if they were fully funded until the funding is released by the Governor's office sometime in late July. The 2013-14 payroll projections will also be impacted by the Social Security Cap, \$14,732 and the estimated Law Clerk Pay Plan Liability, \$187,781 both of which are unfunded. The rate savings as of March 31, 2013 was \$38,763. Ms. Wilson noted that any stagnant vacancies were backed out to allow for a true picture of the lapse that may be generated next year. She added that lapse savings are temporary.

Ms. Wilson presented the following options to determine the amount of rate to distribute.

Option One: Distribute \$38,763 in rate based on rate savings as of March 31, 2013 (estimated impact to salary and benefits is \$43,771)

Option Two: Distribute \$50,000 in rate (estimated impact to salary and benefits is \$56,415)

Option Three: Distribute \$75,000 in rate (estimated impact to salary and benefits is \$84,623)

Judge Silberman made a motion for Option Three. Judge Northcutt seconded the motion. A roll call vote was taken and the motion passed unanimously.

Dorothy Wilson presented the following options to determine how to distribute the rate equitably across the five DCA's.

Option One: Distribute the rate based on the number of FTE in each DCA excluding the Judges and the vacant positions of one year or more.

Option Two: Distribute the rate based on the number of FTE in each DCA excluding the Judges. *Note: Previous rate distributions in other budget entities have been calculated using FTE excluding the Judges since their salary is set in the General Appropriations Act and are unable to receive rate increases.*

Option Three: Distribute the rate based on the total number of Judges in each DCA.

Judge Torpy made a motion for Option Two. Judge Marstiller seconded the motion. A roll call vote was taken and the motion passed unanimously.

Theresa Westerfield reviewed the next decision for consideration, to determine the parameters for the rate distribution. The following considerations were posed for the DCABC's approval:

1. Allow increases up to those provided in the Personnel Regulations governing:
 - Appointment rates
These are currently limited in the FY 2012-13 Budget and Pay Administration memorandum (Budget & Pay Memo) to the minimum of the class unless an exception for up to 10% above the minimum is approved by the DCABC; Personnel Regulations allow appointment rates up to 10% above the minimum of the class for those employees possessing training and/or experience above the minimum requirements for the class which is directly related and immediately usable.
 - Upward reclassifications, including Lead Workers
These are currently limited in the Budget & Pay Memo to those which result in a salary increase of 5% or less over the original classification or over the employee's current salary, whichever is greater unless an exception for a resulting salary increase of over 5% is approved by the DCABC; upward reclassifications are analogous to promotions and, as such, Personnel Regulations relating to salary increases upon promotion would apply.

- Promotions

These are currently limited in the Budget & Pay Memo to 5% above the employee's salary prior to the promotion if the increase to the minimum of the class is less than 5% unless an exception for up to 10% of the employee's salary prior to promotion is approved by the DCABC; Personnel Regulations allow an increase of up to 10% above the employee's salary prior to the promotion if the employee's salary prior to promotion is at or above the minimum of the higher class; Personnel Regulations also allow for an increase of 10% above the minimum of the pay range for the higher class if the employee possesses training and/or experience above the minimum requirements for the class which is directly related and immediately usable.

2. Limit special pay increases to 10% above the employee's current salary.
3. Allow increases, limited to 10% above the employee's current salary, for reassignments with justification, e.g., when a reassignment results in an advanced role such as the "Director of Writs and Motions" in the 1st DCA.
4. Any unused rate on June 30, 2013, shall be returned to the statewide pool on July 1, 2013.

Ms. Westerfield further explained that the intention was that 10% would be the maximum for each employee, cumulative for the year.

Judge May made a motion to adopt the considerations as presented. Judge Silberman seconded the motion. A roll call vote was taken and the motion passed unanimously.

2nd DCA Salary Budget Exception Request

The 2nd DCA presented an exception request to reclassify an Administrative Assistant II position to a User Support Analyst. This position is critical in order to restore the User Support Analyst position. The incumbent's current salary is \$30,320.04. The incumbent would be slated to receive a promotional pay increase to the minimum of the class, which is \$39,708.48. The reclassification results in an increase of \$9,388.44 (31%) in rate at a cost of \$10,592.98, including benefits.

Judge Orfinger requested clarification that under the current Budget & Pay Memo, even if the position was vacant, would it require DCABC approval. Theresa Westerfield confirmed that under the current memo it would require approval.

Judge Shepherd presented a motion to fund half of the increase from the statewide allocation and fund the other half from the 2nd DCA's portion of the rate distribution. Judge Torpy seconded the motion. Judge Silberman remarked that the 2nd DCA would like the reclassification increase to be fully funded from the statewide allocation. Judge Marstiller suggested the option to fund statewide but to revisit the amount of the rate distribution approved.

Judge Orfinger took a verbal vote for the following two options:

Option One: To fund half of the increase from the statewide allocation and the other half to be funded from the 2nd DCA's portion of the rate distribution.

Option Two: Fund the 2nd DCA request from the statewide allocation and approve \$64,000 in rate distribution to distribute across the five DCA's.

The verbal vote resulted in the passage of Option One.

Upcoming Meetings

Dorothy Wilson reminded the members that the next DCABC meetings were scheduled for June 20, 2013 in Tampa and August 23, 2013, location to be determined.

Adjournment

With no other business before the Commission, the meeting adjourned at 4:59 p.m.