The first meeting of the HR Subcommittee of the CIG HB1385 implementation Team met at the DOT OIG (Rhyne Bldg, New Koger Center, Room 308) from 9 to 10:30 Friday 5/9/14.

Attending were Jeff Beasley, Inspector General, Florida Department of Corrections, Lynne Winston, Inspector General, Florida Department of Business and Professional Regulation and Bob Clift, Inspector General, Florida Department of Transportation.

The purpose of this meeting was to identify issues to be resolved surrounding implementation of the highlighted portion of HB1385, passed by the 2014 Florida Legislature.

*(3)(b) The inspector general shall report to and be under the general supervision of the agency head and is not subject to supervision by any other employee of the state agency in which the office is established. For state agencies under the jurisdiction of the Governor, the inspector general shall be under the general supervision of the agency head, shall report to the Chief Inspector General, and may hire and remove staff within the office of the inspector general in consultation with the Chief Inspector General but independently of the agency.*

**The Workgroup identified the following primary issues:**

1. **New OIG hiring actions for OIG Staff**
   1. Will the CIG want direct participation in staff hiring actions or will consultation[[1]](#footnote-1) achieve this requirement?
   2. Will the CIG want direct participation in senior staff hiring actions (audit director/investigations director positions) or will consultation achieve this requirement?
   3. Who will have the hiring authority?
      1. Currently, in some agencies, agency heads must sign authorizing hiring actions and offer letters to the most qualified applicants.
      2. Recommended Action Step Now: Identify agencies in which the Inspector General is not currently independently authorizing OIG hires and signing offer letters.
   4. Can the IG determine the method of hiring? (i.e.: Advertising vs. management appointment)
   5. How will salary be determined for OIG staff hires and within what parameters?
      1. Can an inspector general affect a hire within available salary and rate parameters?
      2. If the IG makes this determination, will the CIG want participation in the decision or will consultation achieve this requirement?
      3. What is the process for filling a vacancy if sufficient salary/rate is not available?
2. **Internal promotions within the OIG**
   1. Can the IG determine if an internal promotion based on vacancy can be filled by management appointment prior to advertising?
   2. If the IG makes this determination, will the CIG want participation in the decision or will consultation achieve this requirement?
3. **Added duty salary increases**
   1. Can an inspector general add duties as appropriate within salary and rate parameters?
   2. If the IG makes this determination, will the CIG want participation in the decision or will consultation achieve this requirement?
4. **Staff Performance Management**
   1. Will the OIG participate in agency-wide performance pay exercises?
      1. Does the CIG need to be informed when these are taking place within an agency?
   2. Who approves authorized salary increases based on merit?
      1. Can an inspector general grant a merit increase as appropriate within salary and rate parameters?
      2. If the IG makes this determination, how much involvement with the CIG is needed – notification? Concurrence?
   3. When Performance Improvement Plans are required, how much involvement with the CIG is needed – notification? Concurrence?
      1. How will CIG consultation be documented?
      2. Does the agency HR/OGC function continue to provide recommendations?
      3. Does the agency HR/OGC function provide *approval*?
   4. When disciplinary actions required to correct performance deficiencies, how much involvement with the CIG is needed – notification? Concurrence?
      1. How will CIG consultation be documented?
      2. Does the agency HR/OGC function continue to provide recommendations?
      3. Does the agency HR/OGC function provide *approval for the action*?
5. **Termination of employment**
   1. Does the IG have the authority to terminate employment?
   2. How much involvement with the CIG is needed – notification? Concurrence? Approval?
      1. How will CIG consultation be documented?
   3. Does the agency HR/OGC function continue to provide recommendations?
   4. Does the agency HR/OGC function provide *approval for a termination?*
6. **Agency position reductions**
   1. Does the agency *direct* OIG participation in position reduction exercises?
   2. May the agency *request* OIG participation in position reduction exercises?
   3. If a position is reduced within an OIG, may it be repurposed within the agency, or must it be offered for elimination?
      1. How much involvement with the CIG is needed – notification? Concurrence? Approval?
7. **Protections from adverse or undesirable actions during transition**
   1. Protect salary and rate from agency reductions
   2. Protect existing OIG staffing levels from reductions
   3. Protect other additional resources such as staff office space, assigned vehicles and or equipment.
8. **Career Service vs. Select Exempt OIG positions**
   1. Recommended Action Step Now: Identify agency OIG positions in Career Service status now.
   2. Will existing Select Exempt staff positions currently within OIGs remain SES?
      1. Will Select Exempt positions be converted to Career Service on attrition?
   3. Will existing Select Exempt supervisory positions within OIGs remain SES?
      1. Will Select Exempt supervisory positions be converted to Career Service on attrition?
9. **Sworn vs. Non-sworn staff members** 
   1. Absent a specific statutory authorization for sworn staff members in an OIG:
      1. Develop a supportable business case to justify the added costs of staffing sworn positions in agency OIGs without specific statutory authority.
   2. Should currently sworn positions without a statutory foundation be filled with sworn members on attrition?
   3. Does the IG have the independent authority to cause within the agency a sworn position to be acquired
      1. How much involvement with the CIG is needed – notification? Concurrence? Approval?
      2. What are the considerations if an OIG staff member is sworn under the auspices of another division in the agency, a division which also supplies their weapons, vehicles, etc.
10. **Inspectors General in the Senior Management Service class**

10.1. Recommended Action Step Now: Identify IG positions not in the Senior Management Service Class

10.2. Determine how to address the apparent conflict between s. 110.403 F.S. SMS serve at the pleasure, conflict with new language

*s. 110.403, F.S. Powers and duties of the department.—*

*(1)(a) ”… Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.”*

1. **Agency-specific legislation impacting IG**

11.1. Recommended Action Step Now: Identify conflicts to the 2014 revision to Section 20.055.

*Example: (s. 20.23, F.S.): Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency. (1)(d)* *The secretary shall appoint an inspector general pursuant to s.* [*20.055*](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0020/Sections/0020.055.html) *who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.*

**Secondary HR issues:**

1. **Position consistency IG Community-wide**

12.1. Should staff auditors in all Governors agency OIG be in the same DMS broadband class?

12.1.1. Example: What DMS class best fits the staff auditor/investigator positions?

12.2. Should there be consistency in IG Community working titles

12.2.1. Example: Do we need Chiefs of Investigation or Directors of Investigation or Assistant Inspector General for Investigation?

1. **Salary consistency IG Community-wide**

13.1. Should staff at various levels in all Governors agency OIG be compensated using the same parameters?

1. **Staffing consistency IG Community-wide**

14.1. Should there be a formula developed, allowing for agency-specific exceptions, for staffing agency offices of inspector general.

1. The Workgroup should recommend a definition what “consultation” means and obtain CIG concurrence or modification. The Workgroup should also recommend a point in the process would that the consultation should take place and to whom (the CIG or one of her staff) it would be appropriate to consult with or to notify. [↑](#footnote-ref-1)