



**Video Conference Meeting
Tuesday, May 14, 2013
3:15pm – 4:45pm**

AGENDA

- I. Welcome and Opening Remarks**
 - A. Roll Call**
 - B. Approval of December 17, 2012 Minutes**

- II. FY 2012-13 Rate Distribution**

- III. Salary Budget Exception Requests**
 - A. 1st DCA**
 - B. 2nd DCA**
 - C. 4th DCA**

- IV. Upcoming Meetings**
 - June 20, 2013 - Wyndham Westshore Hotel in Tampa, FL**
 - August 23, 2013 - TBD**

**District Court of Appeal Budget Commission
Conference Call Meeting
December 17, 2012**



Members Present

Judge Richard Orfinger, Chair
Judge Simone Marsteller
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

Members Absent

Marshal Glen Rubin

Others Present

Theresa Westerfield, Dorothy Wilson and OSCA staff

Welcome and Opening Remarks

Judge Richard Orfinger welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 4:02 p.m.

Approval of 12/04/12 Meeting Minutes

Judge Orfinger reviewed a correction to the draft minutes for December 4, 2012. Judge Orfinger asked if there were any other revisions to the December 4, 2012 meeting minutes. A motion was made by Judge May to adopt the minutes as amended. Judge Torpy seconded and the motion was passed without objection.

Current Year Salary Budget Review

Dorothy Wilson reviewed the FY 2012-13 District Courts of Appeal (DCA) Salary Budget as of November 30, 2012 for the DCA. The final adjusted liability for all district courts was under the salary appropriation by \$362,164. Ms. Wilson reported that the actual payroll adjustments through November 30, 2012 accounted for (\$351,245) and estimated remaining leave payouts were projected at \$8,181. Ms. Wilson noted that in comparison to last year at this time, lapse is down a little over \$100,000.

2nd DCA Exemption Request to Current Salary Policies

Judge Orfinger reminded the members that the 2nd DCA request had previously been tabled due to the 4th DCA's concerns of having staff members in a similar situation, thus allowing the 4th DCA time to submit a request for consideration. Judge Orfinger explained that since the December 4th meeting, Judge May indicated that the 4th DCA will not pursue a salary exception at this time and that the 4th DCA would abstain from taking a position on the 2nd DCA's request.

Judge Marstiller asked for clarification from the 2nd DCA on whether their request was for a 10% increase or the \$5,809 that was noted in the original request letter. Judge Silberman responded that the 2nd DCA is requesting a 10% increase, which would equal \$5,960.

Judge May made a motion to pull the 2nd DCA's request from the table. Judge Wells seconded and the motion passed. Judge Orfinger presented the previous motion made by Judge Silberman and Judge Northcutt during the December 4, 2012 meeting to approve the 10% increase requested by the 2nd DCA. A roll call vote was taken and the motion passed.

3rd DCA Exemption Request to Current Salary Policies

The 3rd DCA presented an exemption request to hire a judicial assistant at \$41,000, which is above the minimum of \$34,820.44. Judge Orfinger explained that the provision in the Budget and Pay Memorandum for an employee that has exceptional experience can be recommended to hire at 10% above the minimum, which would be \$38,852 with the CAD included. Judge Orfinger requested Judge Salter to modify the 3rd DCA's request to the 10% above the minimum to be recommended to the Chief Justice for approval. Judge Marstiller inquired if the request was to be considered an initial appointment or a re-hire. Theresa Westerfield responded that this is considered an initial appointment.

Judge Marstiller requested clarification on the State Personnel Regulation 7.02 Employment Rates which states, "An employee who has previously been employed with Florida State government may be appointed at the discretion of the Chief Judge/Justice or designee at any rate within the pay range for the class to which the employee is being reinstated, which is equal to or below the rate being paid at the time of separation. The employee shall not be eligible for adjustments in the pay range while not employed; however, if the employee's rate at the time of separation is lower than the current minimum of the pay range for the class, the employee shall be paid at least the current minimum rate, and may be paid at the discretion of the Chief Judge/Justice or designee, up to the midpoint of the pay range if the employee possesses exceptional training and/or experience directly related to substantive area to which the employee

is assigned and that the training and/or experience would enable the employee to make an immediate and significant contribution to the State Courts System.”

Judge Northcutt commented that the request is consistent with the personnel regulations and that the Budget and Pay Memo does not prohibit this type of request. After discussing various options Judge Orfinger suggested recommending to the Chief Justice to approve the \$41,000 originally requested in the 3rd DCA’s exception request.

A roll call vote was called and the recommendation passed.

Adjournment

With no other business before the Commission, the meeting adjourned at 5:03 p.m.

DRAFT

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

Agenda Item II: FY 2012-13 Rate Distribution

The District Courts of Appeal (DCA) have expressed the interest in approving a current year rate distribution. The distribution would provide each court with an allocation allowing them to provide certain employees a rate increase based on parameters approved by the District Court of Appeal Budget Commission (DCABC). The rate increases would be effective in the current year, pending the approval of the DCABC recommendations by the Chief Justice, and would have a recurring impact on the payroll projections for the fiscal year 2013-14.

At this time, the payroll projections for fiscal year 2013-14 are scheduled to be completed and presented to the DCABC during the August 23, 2013 meeting. There are many factors, some of which are unknown at this time, that impact the payroll projections including the increase in the federal social security cap, law clerk pay plan liability, health and retirement premium increases for the employer and the health insurance premium related to the Other Personnel Services (OPS) employees who work 30 hours a week or more. The impacts to the extent known are summarized below to give you an idea of how they will affect the fiscal year 2013-14 payroll projections.

Rate Savings as of March 31, 2013	(\$38,763)
Social Security Cap (unfunded)	\$14,732
Estimated Law Clerk Pay Plan Liability (unfunded)	\$187,781
Health Premium Increases	Unknown
Retirement Premium Increases	Unknown
Health Premiums for OPS employees	Unknown

There have been multiple approved payroll actions throughout the year that have impacted the salary budget. However, even with these actions, the DCA have generated a savings of \$38,763 in rate as of March 31, 2013 through turnover. Additionally, lapse has begun to level off in the current fiscal year at 1.50% or \$527,423 (down from 2.90% or \$1,019,684 for FY 11-12) as a result of the salary budget managed statewide eliminating the need to hold positions vacant in order to manage the individual DCA's salary budget.

Based on the information provided, the following options are presented to the DCABC for consideration and approval in order to determine the amount of the distribution and how to allocate the distribution across the five DCAs.

DECISION ONE: 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)

DECISION TWO: Determine how to distribute the rate equitably across the five DCAs. (Attachment A)

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.

DECISION THREE: Determine the parameters for the rate distribution.

Considerations:

1. Allow increases up to those provided in 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 (see below).
 - Promotions
These are currently limited in the Budget & Pay Memo to 5% above the employee's salary prior to 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 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 ten percent above the employee's current salary.
 3. Allow increases, limited to ten percent 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 First DCA.
 4. Any unused rate on June 30, 2013, shall be returned to the statewide pool on July 1, 2013.

Auditing Actions:

Each DCA will provide a copy of all PARs (Personnel Action Requests) to OSCA's Chief of Personnel Services for auditing purposes to insure that the actions comply with the rate distribution parameters and that the total of the actions do not exceed each DCA's rate allocation.

Agenda Item II: Attachment A

Option One: Distribute rate based on FTE excluding Judges and vacant positions of one year or more.

DCA	Total FTE	% of Total	Option One (\$38,763)	Option Two (\$50,000)	Option Three (\$75,000)
1	92.0	26.17%	10,146	13,087	19,630
2	79.5	22.62%	8,767	11,309	16,963
3	54.0	15.36%	5,955	7,681	11,522
4	65.0	18.49%	7,168	9,246	13,869
5	61.0	17.35%	6,727	8,677	13,016
Total	351.5	100.00%	38,763	50,000	75,000

Option Two: Distribute rate based on FTE excluding Judges

DCA	Total FTE	% of Total	Option One (\$38,763)	Option Two (\$50,000)	Option Three (\$75,000)
1	94.0	26.59%	10,307	13,295	19,943
2	79.5	22.49%	8,718	11,245	16,867
3	54.0	15.28%	5,921	7,638	11,457
4	65.0	18.39%	7,128	9,194	13,791
5	61.0	17.26%	6,689	8,628	12,942
Total	353.5	100.00%	38,763	50,000	75,000

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

DCA	Total FTE	% of Total	Option One (\$38,763)	Option Two (\$50,000)	Option Three (\$75,000)
1	15.0	24.59%	9,532	12,295	18,443
2	14.0	22.95%	8,896	11,475	17,213
3	10.0	16.39%	6,355	8,197	12,295
4	12.0	19.67%	7,625	9,836	14,754
5	10.0	16.39%	6,355	8,197	12,295
Total	61.0	100.00%	38,763	50,000	75,000

Item III.A. 1st DCA Exception Request

Issue: First District Court of Appeal Chief Judge Robert T. Benton, II submitted a request for a ten percent salary increase for Career Attorney Ken McLaughlin who will be moving to a soon to be vacant Career Attorney position with a working title of “Director of Writs and Motions”. (See attached e-mail which includes details of the responsibilities of this position.)

Discussion: State Courts System Personnel Regulation 7.05, Pay Upon Reassignment, states: “An employee who is given a reassignment appointment shall not be granted a pay increase solely as a result of being reassigned.” Both Mr. McLaughlin’s current position and the position of “Director of Writs and Motions” are classified as Career Attorney positions assigned to pay grade 62; therefore, the change in position is not deemed to be a promotion, though the 1st DCA considers it as such given the increased duties of the “Director” position. The request would require the Chief Justice’s approval for an exception to the Personnel Regulations and to the FY 2012/13 Budget and Pay Administration memorandum as there is no provision in the memo for special pay increases.

Mr. McLaughlin’s current salary is \$73,663.08. A ten percent increase would bring Mr. McLaughlin’s salary up to \$81,029.40 requiring 7,366.32 in rate at a cost of \$8,311.42, including benefits. The salary rate required is \$3,794.40 less than that of the salary of the individual who recently vacated the position.

Option 1: Recommend and request an exception to the Chief Justice to the Personnel Regulations and to the FY 2012/13 Budget and Pay Administration memorandum to effectuate a ten percent salary increase for Mr. McLaughlin.

Option 2: Make no recommendation to the Chief Justice.

From: Judge Robert Benton [<mailto:bentonb@1dca.org>]
Sent: Thursday, April 04, 2013 11:13 AM
To: Judge Richard B. Orfinger
Subject: draft

April 3, 2013

The Honorable Richard B. Orfinger, Chair
District Court of Appeal Budget Commission
District Court of Appeal, Fifth District
300 South Beach Street
Daytona Beach, Florida 32114

Dear Chief Judge Orfinger,

The Director of our Writs and Motions staff is retiring on April 30, 2013, and I have selected Ken McLaughlin, a Career Attorney and long-time employee (19+ years at the First District) as the new Director. I am requesting that he receive a salary increase in connection with his promotion, in keeping with Section 4(b) of the Budget and Pay Memorandum issued by Chief Justice Polston in August of 2012 for Fiscal Year 2012/13.

Specifically, this is to request District Court of Appeal Budget Commission authorization to increase Mr. McLaughlin's salary (now \$73,663) by ten per cent (\$7,366.30), which would still leave him almost four thousand dollars (\$3,793.61) below what the current Director is making.

Granting the request would not increase total salary costs at the First District. The difference between the Director's current annual salary and Mr. McLaughlin's current annual salary is \$11,160. I plan to fill the Career Attorney position Mr. McLaughlin is vacating at the minimum salary for the position (\$59,607). Given his replacement's anticipated salary, paying him the salary I am requesting will actually result in an overall, annual savings of \$17,849.61 in salary, not including benefits.

This is an extremely responsible position. In addition to leading a busy staff handling writs and motions matters, along with a preliminary review of Anders briefs and child cases, the Director acts as General Counsel for the court. He advises the Chief Judge and the whole court on public records requests, and represents the court in many contractual and other matters, frequently filing responsive pleadings in the Florida Supreme Court, and handling miscellaneous civil suits filed against judges and court staff. The Director of our Writs and Motions staff coordinates en banc proceedings and attends all Court conferences and Chief Judge staff meetings.

I respectfully ask that this matter be addressed as soon as possible since a vacancy in this important position will exist as of May 1.

Sincerely,

Robert T. Benton, II

Item III. B. 2nd DCA Exception Requests

Issue: Second District Court of Appeal Chief Judge Morris Silberman submitted a request for a ten percent increase for the Deputy Marshal, a request for a lead worker in central staff with a corresponding ten percent increase, and a request for a reclassification which would result in a salary increase over five percent of the original classification. (See attached letters.)

Discussion:

1. The request for ten percent increase for the Deputy Marshal would require the Chief Justice’s approval for an exception to the FY 2012/13 Budget and Pay Administration memorandum as there is no provision in the memo for special pay increases.

Chief Judge Silberman reports that when Deputy Marshal Mary Siegel joined the court over 13 year ago, “she brought 20 years of experience in practical accounting, administration and human resource management” and that, among other duties, “she directly supervises the maintenance engineer, the supervising custodian, and an administrative assistant.” Chief Judge Silberman also notes that upon “the 2008 retirement of the AAIII (at a salary of \$59,736)” the duties of the deputy marshal and the AA III were merged and that Ms. Siegel capably assumed all of the additional duties. He further notes that due to the ongoing budget restrictions, Ms. Siegel permanently absorbed these duties without a corresponding increase in pay. Ms. Siegel’s current salary is \$54,262.44. Chief Judge Silberman notes this “is low compared to the other districts’ deputy marshals’ education and experience” and that prior “to the lean years, the deputy marshals’ salaries had been in the \$60,000 - \$79,000 range.” The following chart reflects current deputy marshal salaries:

Court	Deputy	Deputy Date	State Courts System Date	Salary
First	Tharp	07/01/08	09/24/96	52,868.64
Second	Siegel	*	10/18/99	54,262.44
Third	Glenn	02/18/13	09/01/11	45,303.72
Fourth	Detrick	12/18/96	12/18/96	60,836.76
Fifth	Sierzega	07/01/11	07/01/11	45,303.72

* Promoted prior to November, 2004 when the People First System was implemented; the 2nd DCA maintains its own personnel files.

A ten percent increase would bring Ms. Siegel's salary up to \$59,688.70 requiring 5,426.26 in rate at a cost of \$6,122.44, including benefits.

Option 1: Recommend and request an exception to the Chief Justice to the FY 2012/13 Budget and Pay Administration memorandum to effectuate a ten percent salary increase for Deputy Marshal Mary Siegel.

Option 2: Make no recommendation to the Chief Justice.

2. The request for a lead worker with a ten percent corresponding increase can be approved by the DCABC pursuant to the FY 2012/13 Budget and Pay Administration memorandum which allows for exceptions to the limitation on reclassifications to those which result in a salary increase of five percent or less over the original classification.

Chief Judge Silberman notes that Jay Thomas, a career attorney in central staff, "is tasked with additional duties and responsibilities that justify the position being designated as a lead worker position."

A ten percent increase over Mr. Thomas' current salary of \$59,607 would bring his salary up to \$65,567.70, requiring 5,960.70 in rate at a cost of \$6,725.46, including benefits.

Option 1: Approve the exception pending approval of the reclassification to Lead Worker by the State Courts Administrator.

Option 2: Do not approve the exception.

3. The request to reclassify an Administrative Assistant II position to a User Support Analyst can be approved by the DCABC pursuant to the FY 2012/13 Budget and Pay Administration memorandum which allows for exceptions to the limitation on reclassifications to those which result in a salary increase of five percent or less over the original classification.

Chief Judge Silberman notes this reclassification is critical in order to restore the User Support Analyst position and that the court has been without a second technology support position since the cuts in 2007. He further notes the various technological advances in the court since the elimination of the position and reports that with eFACTS deployment imminent, the court has "no choice but to move forward with a reclassification action to address this critical need."

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. This results in an increase of 9,388.44 (31%) in rate at a cost of \$10,592.98, including benefits.

Option 1: Approve the exception pending approval of the reclassification from Administrative Assistant II to User Support Analyst by the State Courts Administrator.

Option 2: Do not approve the exception.

MORRIS SILBERMAN
 CHIEF JUDGE
 CHRIS W. ALTENBERND
 STEVAN T. NORTHCUTT
 DARRYL C. CASANUEVA
 CHARLES A. DAVIS, JR.
 PATRICIA J. KELLY
 CRAIG C. VILLANTI
 DOUGLAS A. WALLACE
 EDWARD C. LAROSE
 NELLY N. KHOUZAM
 MARVA L. CRENSHAW
 ROBERT J. MORRIS, JR.
 ANTHONY K. BLACK
 DANIEL H. SLEET
 JUDGES

JAMES BIRKHOLO
 CLERK
 JACINDA (JO) HAYNES
 MARSHAL

DISTRICT COURT OF APPEAL
SECOND DISTRICT
 1005 E. MEMORIAL BOULEVARD
 LAKELAND, FLORIDA 33801-0327

PLEASE REPLY TO:
 P.O. BOX 327
 LAKELAND, FL 33802-0327
 (863) 499-2290
 1700 N. TAMPA ST. #300
 TAMPA, FL 33602-2653
 (813) 272-3430

April 17, 2013

Chief Judge Rick Orfinger
 Chair, District Court Budget Committee
 Fifth District Court of Appeal
 300 South Beach Street
 Daytona Beach, FL 32114

Dear Chief Judge Orfinger:

In response to the requests from the first and fourth districts for special pay increases for their deserving employees, I write to submit my court's special pay issues. I suggest we schedule a phone or v-con meeting to address these issues. Although I am not against considering these issues as presented, it may be worthwhile for the DCABC to consider whether it might be best to address these needs via a modest rate distribution to each court rather than requiring each chief judge to make the case for individual increases.

We have a 35 million dollar salary budget with a historical 2.5% lapse. The DCABC could simply allocate a small amount to each court to let that court address special pay increases needs in the respective districts. As an example, if we determined that \$35,000 is available to be distributed, we could distribute that amount to the five districts based on the number of judges, resulting in the following rate distribution:

Allocation	Judges	Distribution
35000	15	8607
	14	8033
	10	5738
	12	6885
	10	5738

If the FY 13-14 salary projections indicate that there are not sufficient dollars to meet our obligations, we can easily manage it by deploying the usual budget management tools targeted at

prospective employees, e.g., establishing a 30-day vacancy policy or requiring that staff attorney vacancies be initially appointed at the law clerk or sr. law clerk class. It seems to me that deploying our salary management tools for future employees is preferable to deploying salary management tools on our deserving current employees.

There are many deserving individuals in our court who would appropriately be considered for a special pay increase based on their exemplary performance. However, limiting my issues to those who have are clearly under-compensated for reasons directly related to the salary restrictions over the past 5 years, I submit the following:

Deputy Marshal Mary Siegel has been employed in the marshal's office for over 13 years, the last eight as deputy marshal. She has a bachelors' degree in accounting with a minor in finance. When she joined the court, she brought 20 years of experience in practical accounting, administration and human resource management, including over 10 years of corporate accounting and production planning responsibilities. Mary is responsible for the court's business operations, human resources, purchasing, contracts, auditing invoices and submitting them for payment, and facility management; she directly supervises the maintenance engineer, the supervising custodian, and an administrative assistant.

When initially promoted to the deputy marshal position our court operated with the equivalent of two deputy marshals - the deputy marshal and an AIII. Because the traditional deputy marshal duties were split between two positions, Mary's salary was low when compared to the other districts' deputy marshals. Upon the 2008 retirement of the AIII (at a salary of \$59,736) the duties of these two positions were merged and Mary capably assumed all of the additional duties, effectively reducing the marshal's staff by 1.0 FTE. Due to the ongoing budget restrictions these duties have been permanently absorbed by Ms. Siegel without a corresponding increase in pay.

We received permission to increase Ms Siegel's pay by 5% in 2011 and her current salary is \$54,262, which is low when compared to the other districts' deputy marshals' education and experience. Prior to the lean budget years, the deputy marshals' salaries had been in the \$60,000 - 79,000 range. An increase of 10% will allow us to bring Ms. Siegel's salary to just under the bottom of that range but still less than the salary of the individual whose duties she absorbed.

Lead Worker Designation for Central Staff Career Attorney. The first district's request for an increase for the career attorney designated as the Director of Writs and Motions is similar to our issue with a lead worker in central staff. The number of central staff attorney positions and our two locations requires that one of the career attorneys assume additional duties. In our court, Jay Thomas is tasked with additional duties and responsibilities that justify the position being designated as a lead worker position, with the corresponding 10% increase that may be granted with the lead worker designation. Assigning the lead worker designation to the position will eliminate the need to seek a special pay increase each time an individual is assigned to this position. (See sections 6.06 and 7.03(3)(D) of the SCS Personnel Regulations.)

In my view, these issues are worthy of discussion by the DCABC. It may be worth waiting until just after the legislative session ends, so that we can also address any other issues that may require our attention, although I would hesitate to postpone these issues until the June 20 meeting.

If there are any questions, please do not hesitate to contact me. Thank you for all of your efforts on these issues and during the ongoing session.

Very truly yours,

Morris Silberman

Cc: Judge Stevan Northcutt
Marshal Jo Haynes



MORRIS SILBERMAN
CHIEF JUDGE
CHRIS W. ALTENBERND
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(813) 272-3430

April 29, 2013

Ms. Lisa Goodner
State Courts Administrator
Florida Supreme Court Building
Tallahassee, Florida 32399-1900

Dear Ms. Goodner,

I write to request that an administrative assistant II position in our marshal's office be reclassified as a user support analyst. This reclassification is necessary to more accurately reflect the work that will be assigned to the employee currently in the position. Enclosed is a proposed position description.

Although this reclassification action will be at the expense of the marshal's purchasing, accounting and administrative support, the restoration of this position is critical. As you know, our court has been without a second technology support position since the Special Session C cuts in 2007. Since the elimination of the user support position, our court has introduced VoIP phones, an access control and video security system in two locations, courtroom recording in two locations, as well as numerous peripheral devices, such as iPads and desktop scanners. With the eFACTS deployment imminent, we have no choice but to move forward with a reclassification action to address this critical need.

We sincerely appreciate your office's efforts to have the position restored by the legislature, as well as the continued support of the DCABC. If you have any questions please do not hesitate to call me or Marshal Jo Haynes.

As always, thank you for your assistance.

Sincerely,

Morris Silberman

MS/jh
enclosures
cc: Marshal Jo Haynes
The Honorable Rick Orfinger, DCABC Chair

Item II. C. 4th DCA Exception Requests

Issue: Fourth District Court of Appeal Chief Judge Melanie G. May submitted requests for special pay increases for three staff: a ten percent increase for the Maintenance Engineer, a ten percent increase for a Career Attorney in Central Staff, and a five percent increase for another Career Attorney in Central Staff. (See attached letter.)

Discussion: The request would require the Chief Justice's approval for an exception to the FY 2012/13 Budget and Pay Administration memorandum as there is no provision in the memo for special pay increases.

1. Chief Judge May reports that the repair and refurbishment abilities of Alvaro Miranda, the Maintenance Engineer, have resulted in "tremendous savings" to the court and requests a 10% increase in his salary. The current base salary for Mr. Miranda is \$26,031.96 with a Competitive Area Differential (CAD) additive of \$1,365.84 for a total of \$27,397.80. The request is for a 10% increase to Mr. Miranda's salary. When calculating percentage increases, the total salary including the CAD is used resulting in a new salary for Mr. Miranda of \$30,137.58. This would require 2,739.78 in rate at a cost of \$3,091.30, including benefits.

Option 1: Recommend and request an exception to the Chief Justice to the FY 2012/13 Budget and Pay Administration memorandum to effectuate a ten percent salary increase for Mr. Miranda.

Option 2: Make no recommendation to the Chief Justice.

2. A ten percent salary increase is requested for Joe Levis, Career Attorney in central staff. Chief Judge May notes that Mr. Levis has added responsibilities as the court's screening clerk, "improved processing of cases, participated in the central staff workgroup, and was instrumental in formulating the best practices that emanated from that workgroup." Mr. Levis' current salary is \$68,846.16. A ten percent increase would bring Mr. Levis' salary up to \$75,730.78 requiring 6,884.62 in rate at a cost of \$7,767.92, including benefits.

Option 1: Recommend and request an exception to the Chief Justice to the FY 2012/13 Budget and Pay Administration memorandum to effectuate a ten percent salary increase for Mr. Levis.

Option 2: Make no recommendation to the Chief Justice.

3. Chief Judge May requests a five percent increase for Jennifer Brooks, another Career Attorney in central staff. Chief Judge May notes that Ms. Brooks has “taken on the back-up duties for Joe Levis, and has gone above and beyond in assisting” him. Ms. Brooks’ current salary is \$69,171.36. A ten percent increase would bring Ms. Brooks salary up to \$72,629.93 requiring 3,457.56 in rate at a cost of \$3,902.32, including benefits.

Option 1: Recommend and request an exception to the Chief Justice to the FY 2012/13 Budget and Pay Administration memorandum to effectuate a five percent salary increase for Mrs. Brooks.

Option 2: Make no recommendation to the Chief Justice.

MELANIE G. MAY
CHIEF JUDGE
MARTHA C. WARNER
MARK E. POLEN
W. MATTHEW STEVENSON
ROBERT M. GROSS
CAROLE Y. TAYLOR
DORIAN K. DAMOORGIAN
CORY J. CIKLIN
JONATHAN D. GERBER
SPENCER D. LEVINE
BURTON C. CONNER
ALAN O. FORST
JUDGES



DISTRICT COURT OF APPEAL
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FOURTH DISTRICT
1525 PALM BEACH LAKES BOULEVARD
WEST PALM BEACH, FLORIDA 33401
561-242-2000

MARILYN
BEUTTENMULLER
CLERK
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April 16, 2013

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APR 19 2013

Richard B. Orfinger
District Judge

The Honorable Richard Orfinger
Chief Judge, DCABC Chair
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, FL 32114

Re: Salary Increases

Dear Judge Orfinger:

As you know, there has been a suspension of special pay increases since last August, awaiting the reports of the DCABC workgroups. I have three employees, who have performed above and beyond expectations, and who deserve special pay increases. As the Second District has previously asked for an exception to the suspension, and the First District is now asking for another exception from the suspension, we are asking for the same consideration.

Alvaro Miranda with our maintenance staff is worth his weight in gold. He currently earns \$27,397.80. His ability to repair and refurbish just about anything has resulted in tremendous savings to our court. We are requesting a 10% increase in his salary to \$30,137.58.

Joe Levis, a member of our central staff, took on added responsibilities last summer to become our screening clerk. He has worked tirelessly to improve our processing of cases, participated in the central staff workgroup, and was instrumental in formulating the best practices that emanated from that workgroup. We are requesting a 10% increase in his salary from \$68,846.16 to \$75,730.78.

Jennifer Brooks, another member of our central staff, has taken on the back-up duties for Joe Levis, and has gone above and beyond in assisting Joe Levis. We are requesting a 5% increase in her salary from \$69,171.36 to \$72,629.93.

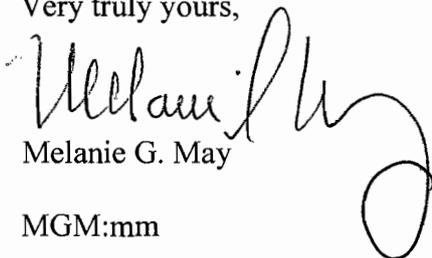
ge. yordani

Orfinger
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We have sufficient salary and rate dollars to cover these raises in our existing budget. We request that these increases be considered at the same time as the First District's request made today.

We request that the 5% increases be made immediately, pending any approval of the 10% by the DCABC.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Melanie G. May". The signature is written in black ink and is positioned to the right of the typed name.

Melanie G. May

MGM:mm

cc: Judge Dorian K. Damoorgian