

*Resolution  
Adopted  
General*

28

No. \_\_\_\_\_  
BCC 8-9-11  
9:31 A.M. Schmidt/SMITKE

#28 Resolution No. 11-68 adopted designating the Human Resources Director as Plan Administrator responsible for design and administration of all Unified Personnel System employee benefit plans.

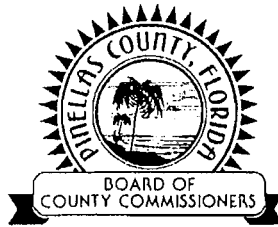
Motion - Commissioner Welch  
Second - Commissioner Seel

In response to queries by Commissioner Roche, Human Resources Director Peggy Rowe explained the review process for employee appeals of claim denials, noting that Human Resources handles the processing on behalf of the Board; and confirmed that, in conjunction with the vendor, she has final denial authority.

Responding to further query by Commissioner Roche, Ms. Rowe related that she has not spoken with the Unified Personnel Board (UPB) or the Employees' Advisory Council (EAC) regarding the item because they do not have any authority over the plan design or benefits structure; that Human Resources works with the Appointing Authorities, the vendor, and the Office of Management and Budget to determine any changes to the plan; and that the proposed resolution ratifies a practice that has been in place since 1975; whereupon, Commissioner Roche asked that the item be deferred until the UPB and EAC have been advised of the action and given the opportunity to provide input.

During discussion, Administrator LaSala noted that the health plan is reviewed annually with the UPB and EAC; and Ms. Rowe related that she meets with the EAC Representatives monthly and the Delegates every other month; that she is very careful to advise them of proposed changes to any personnel policy, rule, practice, or benefit and get their input; and that the difference here is that no change is proposed; whereupon, Benefits Manager David Blasewitz presented additional information pertaining to the appeal process.

Vote - 6 - 1 (Commissioner Roche dissenting)



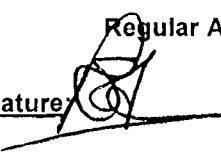
BOARD OF COUNTY COMMISSIONERS

DATE: August 9, 2011  
AGENDA ITEM NO. 28

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature 

**Subject:**

Proposed Resolution Delegating the Human Resources Director As Benefit Plan Administrator

**Department:**

Human Resources

**Staff Member Responsible:**

Peggy Rowe, Director

**Recommended Action:**

I RECOMMENDED THE BOARD OF COUNTY COMMISSIONERS (BOARD) ADOPT THE ATTACHED RESOLUTION TO DESIGNATE THE HUMAN RESOURCES DIRECTOR AS PLAN ADMINISTRATOR RESPONSIBLE FOR THE OVERALL DESIGN AND ADMINISTRATION OF ALL UNIFIED PERSONNEL SYSTEM (UPS) BENEFIT PLANS DESCRIBED HEREIN.

**Summary Explanation/Background:**

In conjunction with standard contract language in defining Plan Administrator as the one "generally responsible" and as a formalization of past practice, it is recommended that the Board, as Plan Sponsor, formally designate the Director of Human Resources as the Plan Administrator of all UPS Benefit Plans and delegate the following responsibility for the administration of such plans. Administration includes:

- Contract administration for all third party administrator contracts;
- Implementation of programs offered through county contracts, e.g. pharmacy management and consumer driven health plan options;
- Implementation and management of health and wellness incentives;
- Design of the Plans, including coverages, exclusions, co-pays, deductibles and maximums consistent with approved budgets;
- Overall management of the Plans, including claim review, unless otherwise contracted, and formal appeal authority on benefit denials;
- Acting as designee of the Plan Administrator on all HIPAA privacy and security issues; and
- Implementation of time sensitive, legally mandated changes.
- Approve and execute contracts and applications to participate in programs related to provision of benefits under existing contracts when there is no increase cost to the County or extension of the term of underlying benefit contracts approved by the Board or County Administrator, including applications to participate in rebate, reimbursement and other money saving programs.

In the event that a time-sensitive legally mandated change not within the designated authority of the Plan Administrator must be implemented prior to Board approval to protect the county or comply with legal obligations, the Plan Administrator shall implement said change. Such implementation will be brought to the Board for ratification at the next available BCC meeting.

All other plan design changes or amendments, including those governing law requires the Plan Sponsor or governing body to approve, shall be approved by the Board prior to becoming effective.

In addition, it is recommended that the Board confirm the prior delegation to the Benefits Manager to compromise subrogation claims up to \$25,000.

The County Attorney concurs with this recommendation.

**Fiscal Impact/Cost/Revenue Summary:**

None

**Exhibits/Attachments Attached:**

Resolution

Memo from Peggy Rowe, Human Resources Director

RESOLUTION NO. 11- 68

RESOLUTION REGARDING THE AUTHORITY OF THE HUMAN RESOURCES DIRECTOR TO ACT AS PLAN ADMINISTRATOR OF BOARD OF COUNTY COMMISSIONERS SPONSORED EMPLOYEE BENEFIT PLANS, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the course of administering employment related benefit plans, the Director of Human Resources must make decisions regarding the management and implementation of Employee Benefit Plans; and

WHEREAS, such decisions allow the Board of County Commissioners sponsored benefit plans to be administered consistently and within approved budgets; and

WHEREAS, the Board of County Commissioners finds that the Director of Human Resources is the most appropriate official to make such decisions; and

WHEREAS, the Board of County Commissioners desires to confirm past practice and vest authority for such duties in the Director of Human Resources.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, at a duly assembled meeting held on this 9th day of August, 2011 that the Director of Human Resources be vested with authority to act as Plan Administrator on all Board of County Commissioners sponsored Employee Benefit Plans for the good of the County and, in doing so, exercise authority over the following:

- Contract administration for all third party administrator contracts;
- Implementation of programs offered through contracts, e.g. pharmacy management and consumer driven health plan options;
- Implementation and management of health and wellness incentives;
- Design of the Plans, including coverages, exclusions, co-pays, deductibles and maximums consistent with approved budgets;
- Overall management of the Plans, including claim review, unless otherwise contracted, and formal appeal authority on benefit denials;
- Implementation of changes to and overall management of retirement and other savings plans offered by the County; and
- Acting as designee of the Plan Sponsor on all HIPAA privacy and security issues; and
- Implementing any time-sensitive legally mandated changes.
- Approve and execute contracts and applications to participate in programs related to provision of benefits under existing contracts when there is no increase cost to the County or extension of the term of underlying benefit contracts approved by the Board of County Commissioners or County Administrator, including applications to participate in rebate, reimbursement and other money saving programs.

In the event that a time-sensitive legally mandated change not within the designated authority of the Plan Administrator must be implemented prior to Board of County Commissioners' approval to protect the county or comply with legal obligations, such implementation will be brought to the BCC for ratification at the next available BCC meeting.

All other plan design changes or amendments, including those governing law requires the Plan Sponsor or governing body to approve, shall be approved by the Board of County Commissioners.

EFFECTIVE DATE: This Resolution shall become effective immediately.

Commissioner Welch offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Seel, and upon roll call the vote was:

AYES: **Latvala, Morroni, Welch, Bostock, Brickfield, and Seel.**

NAYS: **Roche.**

ABSENT AND NOT VOTING: **None.**

APPROVED AS TO FORM.

By

Clayton Anzures  
County Attorney

**UNIFIED PERSONNEL SYSTEM**

Annex Building 4<sup>th</sup> Floor  
400 S. Fort Harrison Ave  
Clearwater, FL 33756  
Phone: (727) 464-3367  
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Website: [www.pinellascounty.org/hr](http://www.pinellascounty.org/hr)



**TO:** The Honorable Chairman and Members of the  
Board of County Commissioners

**FROM:** Peggy Rowe, Director, Human Resources

**SUBJECT:** Proposed Resolution Regarding the Authority of the Human Resources Director  
to Act as Plan Administrator for Board Sponsored Employee Benefit Plans

**DATE:** July 26, 2011

The Board of County Commissioners sponsors various benefit plans for current and retired employees and their family members. These include group medical, dental, life and disability plans and other plans such as deferred compensation, flexible spending and health savings accounts. The past and current practice of the County has been for the Human Resources staff to work with the Office of Management and Budget, contracted plan vendors, and when appropriate the health and welfare benefits consultants, to determine plan coverage, deductibles, copayments, and other plan provisions. Input from the Appointing Authorities and the Employee Advisory Council is considered when appropriate. Benefit plan expenditures are included in department personal services budgets and ultimate approval is by the Board through the budget approval process. This proposed resolution is not changing this practice.

The resolution, if approved, will delegate responsibility to act on behalf of the Board in its role as plan sponsor to the Human Resources Director. The County Attorney concurs with this recommendation.

## **Haumann, Cynthia N**

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**From:** Haumann, Cynthia N  
**Sent:** Thursday, August 11, 2011 11:09 AM  
**To:** Rowe, Peggy; Chancey, Connie M  
**Cc:** Smitke, Arlene L; Groves, Helen  
**Subject:** Item No. 28 on the 080911 BCC Agenda - Resolution Delegating HR Director as Benefit Plan Administrator

Good morning,

The Board memo for this item indicates that there was a memo from you attached. However, when we received the item from the County Administrator's Office, there was no memo with the item. Please provide a copy of the memo for the Board's records.

Thanks,  
Cindy

Cynthia N. Haumann, Manager  
Board Records Department, Finance Division  
Pinellas County Clerk of the Circuit Court  
315 Court Street, Fifth Floor  
Clearwater, FL 33756  
(727) 464-3463