

1 Introduced by the Council President at the request of the Sheriff:
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4 **ORDINANCE 2023-302**

5 AN ORDINANCE REGARDING EMPLOYEES WORKING IN AN
6 "ACTING" CAPACITY ON A TEMPORARY BASIS; AMENDING
7 SECTION 37.103 (PROCEDURES INVOLVING VACANCIES
8 IN CERTAIN APPOINTED POSITIONS), PART 1
9 (ORGANIZATION), CHAPTER 37 (OFFICE OF THE
10 SHERIFF), *ORDINANCE CODE*, TO AUTHORIZE "INTERIM"
11 AND "ACTING" EMPLOYEE STATUS; TO SIMPLIFY THE
12 "INTERIM" AND "ACTING" DESIGNATION PROCESS AND
13 TO ALLOW SUCH "INTERIM" AND "ACTING" EMPLOYEES
14 TO BE COMPENSATED AT THE LEVEL OF THE POSITION'S
15 DUTIES WHICH THEY ARE TEMPORARILY PERFORMING;
16 PROVIDING AN EFFECTIVE DATE.
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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Amending Section 37.103 (Procedures involving**
20 **vacancies in certain appointed positions), Part 1 (Organization),**
21 **Chapter 37 (Office of the Sheriff), *Ordinance Code*.** Section 37.103
22 (Procedures involving vacancies in certain appointed positions), Part
23 1 (Organization), Chapter 37 (Office of the Sheriff), *Ordinance Code*,
24 is hereby amended to read as follows:

25 **CHAPTER 37 - OFFICE OF THE SHERIFF**

26 * * *

27 **PART 1. - ORGANIZATION**

28 * * *

29 **Sec. 37.103. - Procedures involving vacancies in certain appointed**
30 **positions.**

31 (a) Whenever a vacancy occurs for any reason whatsoever in a

1 position appointed by the Sheriff and confirmed by the
2 Council, the Sheriff may designate in writing a qualified
3 person to assume the powers and duties of the vacant
4 position in one of two capacities: interim or acting.

5 (b) An "Interim" employee is designated with the intention of
6 being a temporary replacement to the vacant position
7 before, and until, an "Acting" employee is designated
8 according to paragraph (c) below. Legislation is not
9 required or involved in designating an employee as an
10 "Interim" employee, and "Interim" employees shall not be
11 required to possess any residency, experience or other
12 qualifications necessary for the permanent official. Such
13 an employee shall be known as and designated as "Interim"
14 before the name of the position which is being filled. The
15 Sheriff may make such "Interim" designation at any time
16 prior to the expiration of, and for a period no longer
17 than, 90 days from the date on which the vacancy occurred.
18 Upon the expiration of the 90-day period, no person may be
19 designated to assume the powers and duties of the vacant
20 position in an "Interim" position. While a position is
21 filled by an "Interim" employee pursuant to this Section:

22 i. The "Interim" employee shall be authorized
23 automatically and immediately to exercise and
24 perform the powers and duties of the vacant
25 position on a temporary basis, which powers and
26 duties shall be in addition to the employee's
27 existing powers and duties;

28 ii. The "Interim" employee shall, upon the Sheriff's
29 designation of the employee as "Interim" and while
30 the employee is functioning in the "Interim"
31 position, receive an appropriate increase in

1 compensation as directed by the Sheriff. The
2 compensation for an "Interim" employee shall not
3 exceed the maximum of the pay range of the
4 "Interim" position being filled. Under no
5 circumstance shall the "Interim" employee receive
6 compensation for both the employee's regular
7 position and the "Interim" position; and

8 iii. All correspondence related to such position shall
9 carry the designation of "Interim."

10 Any person serving in an "Interim" capacity shall not
11 continue to act in such capacity, or continue to receive
12 compensation for acting in such capacity, if the Sheriff
13 designates an "Acting" employee for the same position,
14 pursuant to the procedures outlined in this Section.

15 (c) An "Acting" employee is identified with the intention of
16 being the permanent replacement to the vacant position.
17 In order to be considered an "Acting" employee, legislation
18 confirming the Sheriff's designation must be submitted for
19 Council approval immediately following the Sheriff's
20 designation. Such an employee shall be known as and
21 designated as "Acting" before the name of the position
22 which is being filled until the appointment to such
23 position has been confirmed by the Council. ~~and there is~~
24 ~~no person designated by law to assume the powers and duties~~
25 ~~appertaining to the vacant position, the next immediate~~
26 ~~subordinate to the vacant position is authorized~~
27 ~~automatically and immediately to exercise and perform the~~
28 ~~powers and duties of the vacant position on a temporary~~
29 ~~basis, which powers and duties shall be in addition to the~~
30 ~~subordinate's existing powers and duties. In the event~~
31 ~~there is a conflict as to which subordinate is the next~~

1 ~~immediate subordinate, the Sheriff shall determine and~~
2 ~~designate for all positions under his responsibility the~~
3 ~~next immediate subordinate. The next immediate subordinate~~
4 ~~is authorized to continue the performance of the powers~~
5 ~~and duties of the vacant position on a temporary basis~~
6 ~~until such time as a person is designated to serve in the~~
7 ~~vacant position in an acting capacity or, in the event no~~
8 ~~person is designated to serve in an acting capacity, until~~
9 ~~such time as a person is appointed by the Sheriff and~~
10 ~~confirmed by the Council to fill the vacant position, but~~
11 ~~in no event shall the subordinate be authorized to so~~
12 ~~exercise and perform for a period longer than 90 days from~~
13 ~~the date on which the vacancy occurred. While a position~~
14 ~~is filled by an "Acting" employee pursuant to this Section:~~

15 i. The "Acting" employee shall be authorized
16 automatically and immediately to exercise and
17 perform the powers and duties of the vacant
18 position;

19 ii. The "Acting" employee shall, upon the Sheriff's
20 designation of the employee as "Acting," receive
21 compensation at the appropriate level within the
22 pay range of the position, commensurate with
23 education and experience, as directed by the
24 Sheriff; and

25 iii. All correspondence related to such position shall
26 carry the designation of "Acting."

27 Furthermore, any person serving in an "Acting" capacity
28 shall not continue to act in such capacity, or continue to
29 receive compensation for acting in such capacity, if the
30 Sheriff or the Council withdraws or denies the bill
31 confirming such appointment.

1 ~~(b) Whenever a vacancy occurs for any reason whatsoever in a~~
2 ~~position appointed by the Sheriff and confirmed by the~~
3 ~~Council and there is no person designated by law to assume~~
4 ~~the powers and duties appertaining to the vacant position,~~
5 ~~the Sheriff may designate a qualified person to assume the~~
6 ~~powers and duties of the vacant position in an acting~~
7 ~~capacity at any time prior to the expiration of and for a~~
8 ~~period no longer than 90 days from the date on which the~~
9 ~~vacancy occurred. Upon the expiration of the 90-day period,~~
10 ~~no person may be designated to assume the powers and duties~~
11 ~~of the vacant position in an acting capacity.~~

12 ~~(c) No person authorized pursuant to subsection (a) of this~~
13 ~~Section or designated pursuant to subsection (b) of this~~
14 ~~Section shall receive an increase in current salary on the~~
15 ~~basis of the exercise of the powers and duties of a vacant~~
16 ~~position under subsection (a) of this Section or on the~~
17 ~~basis of the assumption of the powers and duties of a~~
18 ~~vacant position under subsection (b) of this Section;~~
19 ~~provided, that nothing herein shall prohibit or be~~
20 ~~construed to prohibit the official or employee from being~~
21 ~~granted and from receiving an increase in salary on any~~
22 ~~other basis.~~

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24 **Section 2. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

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3 /s/ Gaby Young

4 Office of General Counsel

5 Legislation prepared by: Gabriella Young

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