

1 Introduced by the Council Member Carrico and amended by the Rules  
2 Committee:

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5 **ORDINANCE 2022-571-E**

6 AN ORDINANCE REGARDING EMPLOYEES WORKING IN AN  
7 "ACTING" CAPACITY ON A TEMPORARY BASIS; AMENDING  
8 SECTION 20.103 (PROCEDURES INVOLVING VACANCIES  
9 OF CERTAIN APPOINTED POSITIONS), PART 1  
10 (GENERAL), CHAPTER 20 (EXECUTIVE OFFICE OF THE  
11 MAYOR), *ORDINANCE CODE*, TO AUTHORIZE "INTERIM"  
12 AND "ACTING" EMPLOYEE STATUS; TO SIMPLIFY THE  
13 "INTERIM" AND "ACTING" DESIGNATION PROCESS AND  
14 TO ALLOW SUCH "INTERIM" AND "ACTING" EMPLOYEES  
15 TO BE COMPENSATED AT THE LEVEL OF THE POSITION'S  
16 DUTIES WHICH THEY ARE TEMPORARILY PERFORMING;  
17 PROVIDING AN EFFECTIVE DATE.

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19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Amending Section 20.103 (Procedures involving**  
21 **vacancies of certain appointed positions), Part 1 (General), Chapter**  
22 **20 (Executive Office of the Mayor), Ordinance Code.** Section 20.103  
23 (Procedures involving vacancies of certain appointed positions), Part  
24 1 (General), Chapter 20 (Executive Office of the Mayor), *Ordinance*  
25 *Code*, is hereby amended to read as follows:

26 **CHAPTER 20 - EXECUTIVE OFFICE OF THE MAYOR**

27 \* \* \*

28 **PART 1. - GENERAL**

29 \* \* \*

30 **Sec. 20.103. - Procedures involving vacancies of certain appointed**  
31 **positions.**

1 (a) Whenever a vacancy shall occur for any reason whatsoever  
2 in a position appointed by the Mayor and confirmed by the  
3 Council (except members of boards, commissions and  
4 authorities and elected officials of the City), the Mayor  
5 may designate in writing a qualified person to assume the  
6 powers and duties of the vacant position in one of two  
7 capacities: interim or acting.

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

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

31 ii. The "Interim" employee shall, upon the Mayor's

1 designation of the employee as "Interim" and while  
2 the employee is functioning in the "Interim"  
3 position, receive an appropriate increase in  
4 compensation as directed by the Mayor. The  
5 compensation for an "Interim" employee shall not  
6 exceed the maximum of the pay range of the  
7 "Interim" position being filled. Under no  
8 circumstance shall the "Interim" employee receive  
9 compensation for both the employee's regular  
10 position and the "Interim" position; and

11 iii. All correspondence related to such position shall  
12 carry the designation of "Interim."

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

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

1 ~~basis, which powers and duties shall be in addition to the~~  
2 ~~subordinate's existing powers and duties. In the event~~  
3 ~~there is a conflict as to which subordinate is the next~~  
4 ~~immediate subordinate, the Mayor shall determine and~~  
5 ~~designate for all positions under his responsibility the~~  
6 ~~next immediate subordinate. The next immediate subordinate~~  
7 ~~is authorized to continue the performance of the powers~~  
8 ~~and duties of the vacant position on a temporary basis~~  
9 ~~until such time as a person is designated to serve in the~~  
10 ~~vacant position in an acting capacity or, in the event no~~  
11 ~~person is designated to serve in an acting capacity, until~~  
12 ~~such time as a person is appointed by the Mayor and~~  
13 ~~confirmed by the Council to fill the vacant position but~~  
14 ~~in no event shall the subordinate be authorized to so~~  
15 ~~exercise and perform for any period longer than 60 days~~  
16 ~~from the date on which the vacancy occurred. Any appointed~~  
17 ~~position filled pursuant to this Section shall be known as~~  
18 ~~and designated as "Acting" before the name of the position~~  
19 ~~which is being filled and all correspondence related to~~  
20 ~~such position shall carry the designation of "Acting,"~~  
21 ~~also, until the appointment to such position has been~~  
22 ~~confirmed by the Council. While a position is filled by an~~  
23 ~~"Acting" employee pursuant to this Section:~~

- 24 i. The "Acting" employee shall be authorized  
25 automatically and immediately to exercise and  
26 perform the powers and duties of the vacant  
27 position;
- 28 ii. The "Acting" employee shall, upon the Mayor's  
29 designation of the employee as "Acting," receive  
30 compensation at the appropriate level within the  
31 pay range of the position, commensurate with

1                   education and experience, as directed by the Mayor;

2                   and

3                   iii. All correspondence related to such position shall  
4                   carry the designation of "Acting."

5                   ~~Furthermore, Any person serving in an "Acting" capacity~~  
6                   ~~shall not continue to act in such capacity, or continue to~~  
7                   ~~receive compensation for acting in such capacity, if the~~  
8                   ~~Mayor or the Council withdraws or denies the bill~~  
9                   ~~confirming such appointment.~~

10                  ~~(d) Whenever a vacancy shall occur for any reason whatsoever~~  
11                  ~~in a position appointed by the Mayor and confirmed by the~~  
12                  ~~Council (except members of boards, commissions and~~  
13                  ~~authorities and elected officials of the City) and there~~  
14                  ~~is no person designated by law to assume the powers and~~  
15                  ~~duties appertaining to the vacant position, the Mayor may~~  
16                  ~~designate a qualified person to assume the powers and~~  
17                  ~~duties of the vacant position in an acting capacity at any~~  
18                  ~~time prior to the expiration of and for a period no longer~~  
19                  ~~than 60 days from the date on which the vacancy occurred.~~  
20                  ~~Upon the expiration of the 60-day period, no person may be~~  
21                  ~~designated to assume the powers and duties of the vacant~~  
22                  ~~position in an acting capacity. Any appointed position~~  
23                  ~~filled pursuant to this Section shall be known as and~~  
24                  ~~designated as "Acting" before the name of the position~~  
25                  ~~which is being filled and all correspondence related to~~  
26                  ~~such position shall carry the designation of "Acting,"~~  
27                  ~~also, until the appointment to such position has been~~  
28                  ~~confirmed by the Council. Furthermore, any person serving~~  
29                  ~~in an acting capacity shall not continue to act in such~~  
30                  ~~capacity if the Mayor or the Council withdraws or denies~~  
31                  ~~the bill confirming such appointment.~~

1 ~~(c) No person authorized pursuant to subsection (a) of this~~  
2 ~~Section or designated pursuant to subsection (b) of this~~  
3 ~~Section shall receive an increase in current salary on the~~  
4 ~~basis of the exercise of the powers and duties of a vacant~~  
5 ~~position under subsection (a) of this Section or on the~~  
6 ~~basis of the assumption of the powers and duties of a~~  
7 ~~vacant position under subsection (b); provided, that~~  
8 ~~nothing herein shall prohibit or be construed to prohibit~~  
9 ~~an official or employee from being granted and from~~  
10 ~~receiving any increase in salary on another basis.~~

11 \* \* \*

12 **Section 2. Effective Date.** This Ordinance shall become  
13 effective upon signature by the Mayor or upon becoming effective  
14 without the Mayor's signature.

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16 Form Approved:

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18           /s/ Paige H. Johnston          

19 Office of General Counsel

20 Legislation prepared by: Ariel P. Cook

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