

1 Introduced by Council Member Diamond:
2
3

4 **ORDINANCE 2024-120**

5 AN ORDINANCE REGARDING CITY AND JEA EMPLOYEES
6 ENTERING INTO CERTAIN MILITARY SERVICE; AMENDING
7 SECTION 116.501 (MILITARY LEAVES OF ABSENCE),
8 PART 5 (MILITARY LEAVE), CHAPTER 116 (EMPLOYEES
9 AND EMPLOYEE BENEFITS), *ORDINANCE CODE*, TO
10 EXTEND THE AMOUNT OF TIME CITY AND JEA EMPLOYEES
11 MAY REMAIN ON ACTIVE PAY ROLL FROM 30 TO 90 DAYS
12 UPON COMMENCEMENT OF CERTAIN MILITARY SERVICE;
13 PROVIDING FOR ADDITIONAL PAID LEAVE FOR CERTAIN
14 CITY AND JEA EMPLOYEES WHOSE SPOUSES ARE ORDERED
15 INTO CERTAIN MILITARY SERVICE; AMENDING COUNCIL
16 RULE 2.202 (ATTENDANCE; VOTING), CHAPTER 2
17 (COMMITTEES), *COUNCIL RULES*, TO PROVIDE FOR
18 STANDING EXCUSED ABSENCES FOR MEMBERS CALLED
19 INTO MILITARY SERVICE; AMENDING COUNCIL RULE
20 4.501 (ABSENCE FROM MEETINGS), CHAPTER 4
21 (PROCEDURES), *COUNCIL RULES*, TO PROVIDE FOR
22 STANDING EXCUSED ABSENCES FOR MEMBERS CALLED
23 INTO MILITARY SERVICE; REQUIRING COLLECTIVE
24 BARGAINING; PROVIDING FOR CODIFICATION
25 INSTRUCTIONS; PROVIDING FOR SEVERABILITY; AND
26 PROVIDING AN EFFECTIVE DATE.

27
28 **WHEREAS**, Section 116.501, *Ordinance Code*, provides certain
29 rights and benefits to City and JEA employees who are ordered into
30 military service; and

31 **WHEREAS**, Section 116.501, *Ordinance Code*, currently provides

1 that City and JEA employees ordered into military service will remain
2 on active payroll for 30 days; and

3 **WHEREAS**, the Council acknowledges that an increased burden is
4 placed on the families of those ordered into military service,
5 particularly spouses who care for dependents;

6 **WHEREAS**, Section 116.501, *Ordinance Code*, does not currently
7 provide any benefits to City and JEA employees whose spouses are
8 ordered into military service; and

9 **WHEREAS**, Council Rule 2.202 requires attendance at every regular
10 or special meeting of each standing, special or select committee to
11 which a Council Member is appointed and provides that absences may
12 be excused by the committee chair, but does not provide for an
13 extended absence due to military service of a Council Member; and

14 **WHEREAS**, Council Rule 4.501 requires notification by a Council
15 Member who is unable to attend a Council or committee meeting but
16 does not provide for an extended absence due to military service of
17 a Council Member; now therefore

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

19 **Section 1. Amending Section 116.501 (Military Leaves Of**
20 **Absence), Part 5 (Military Leave), Chapter 116 (Employees and Employee**
21 **Benefits), Ordinance Code.** Section 116.501 (Military Leaves Of
22 Absence), Part 5 (Military Leave), Chapter 116 (Employees and Employee
23 Benefits), *Ordinance Code*, is hereby amended to read as follows:

24 **CHAPTER 116. EMPLOYEES AND EMPLOYEE BENEFITS**

25 * * *

26 **PART 5. MILITARY LEAVE**

27 * * *

28 **Sec. 116.501. - Military leaves of absence.**

29 This Section shall hereinafter be known as the "Jacksonville
30 Heroes' Act."

31 (a) All permanent employees who are ordered into military

1 service pursuant to State or federal law, including those called
2 into active military service because of National Guard or military
3 reserve status, or those employees who, while being subject to
4 mandatory military service, volunteer for a period not longer than
5 their required military service shall be entitled to military leaves
6 of absence. An employee who is entitled to reemployment under federal
7 and State law and who applies for reemployment within the timeframe
8 required by federal and State law after termination of active service
9 shall be entitled to:

10 (1) The reemployment rights prescribed by federal and State
11 law.

12 (2) All rights, privileges and benefits accorded the employee
13 under any pension fund of the City of which the employee was a member
14 immediately prior to the commencement of a military leave of absence,
15 which rights, privileges and benefits will accrue and be maintained
16 during such military absence to the same extent as if the employee
17 had continuously served as a City of Jacksonville or JEA employee.

18 (3) The rights and benefits described in paragraphs (b) through
19 (g) below, all of which shall be subject to the terms and conditions
20 of subsection 116.501(a).

21 (b) During any ~~the~~ period, of at least 30 days, of active full-
22 time duty under U.S.C. Title 10, ~~such military leave,~~ the employee
23 who is entitled to military leave of absence will remain on the
24 active payroll of the City of Jacksonville or the JEA for a period
25 of up to 90~~30~~ days following his or her departure for active duty.
26 During any other period of military leave, the employee who is
27 entitled to military leave of absence will remain on the active
28 payroll of the City of Jacksonville or the JEA for a period of up
29 to 30 days following his or her departure for active duty.

30 (c) Following the foregoing 30-day or 90-day period, the City
31 of Jacksonville and the JEA will provide employees entitled to

1 military leave of absence with supplemental payments in the amount
2 necessary to bring their total compensation, inclusive of their
3 military pay, to the level of base pay plus Service Pay, City
4 Education Pay, State Incentive (Basic, Career and Education), EMT
5 Certificate Pay, Paramedic Certificate Pay, Fire Inspector
6 Certificate Pay, ASE Certification Pay, Planner Certification Pay
7 and A&P Inspection Certification Pay and other Special Incentive Pay
8 as determined by the Chief of Human Resources for which they were
9 eligible and were being paid at the time they were called to active
10 military duty.

11 (d) In addition the City/JEA shall pay activated employee-
12 reservists all amounts provided as pass-through incentive payments
13 from the State or federal government. Such payments to employees
14 shall be terminated if not paid to the City/JEA by the State or
15 federal government.

16 (e) Employees entitled to such military leave of absence may
17 elect also to receive a lump-sum payment from accrued annual,
18 vacation, retirement or sick leave banks for an amount equal to the
19 number of days specified in the orders to active duty up to a maximum
20 of 90 days, or the maximum amount of accrued leave, if less than 90
21 days.

22 (f) Employees entitled to such military leave of absence, and
23 their covered dependents, will continue to be covered by the City
24 or JEA health insurance plans under the same terms and conditions
25 as other employees on approved leaves of absence.

26 (g) Employees entitled to such military leave of absence who
27 are active members of the General Employees Retirement Plan, the
28 Corrections Officers' Retirement Plan, the ~~or~~ Police and Fire Pension
29 Plans, the General Employees Defined Contribution Plan, the
30 Corrections Employees Defined Contribution Plan, or the Police and
31 Fire Employees Defined Contribution Plan will continue to receive

1 all benefits under said ~~pension~~ plans in accordance with this Section
2 and applicable federal and State law. While absent on such military
3 leave, such employees shall not be required to make contributions
4 to any such-pension plan of the City, except for those contributions
5 that originate from the employees' use of annual leave balances
6 during such military leave of absence and from compensation wherein
7 the employees are allowed to remain on the active payroll for the
8 period of up to 30 or 90 days following the departure for active
9 duty. Additional contributions by the City, if any, shall be
10 ascertained and included in the biennial certification of the
11 appropriate Plan's enrolled actuary.

12 (h) In computing the length of service of the employee for
13 purposes of job qualifications and voluntary retirement, the
14 employee shall be given full credit for the period of the employee's
15 military leave of absence to the same extent as if the employee had
16 continuously served as a City or JEA employee during the period of
17 military leave of absence. However, the employee shall not be
18 entitled to any additional pension or other benefits related to such
19 period of military leave, except as set forth in this Section.

20 (i) The respective Boards of the General Employees and
21 Corrections Officers' Pension Fund and the Police and Fire Pension
22 Fund shall make such rules as they deem necessary or desirable for
23 the effective and efficient administration of this Section.

24 (j) Any City or JEA employee who has a minor dependent child
25 or a disabled adult dependent child, and whose spouse is ordered
26 into military service pursuant to U.S.C. Title 10 for a period of
27 at least 30 days, shall be granted 40 hours of paid special leave
28 each calendar year to care for the dependent(s) during the
29 deployment.

30 (k) For purposes of this Section, employee means and is
31 limited to probationary or permanent full-time employees and

1 ~~officials of the City or JEA~~all employees and officials of the City
2 ~~or JEA who are members of any pension plan of the City and eligible~~
3 ~~to receive health insurance benefits from the City or JEA, or who~~
4 ~~at some time during their employment were eligible to be members of~~
5 ~~any such pension plan and to receive such health insurance benefits,~~
6 ~~and who meet the terms and conditions of subsection 116.501(a).~~ The
7 rights and benefits of all other employees of the City or JEA related
8 to military service shall be limited to the rights and benefits
9 required under federal and State law.

10 (1) This Section is intended to supplement, but not limit,
11 benefits mandated by other federal or State laws.

12 **Section 2. Amending Council Rule 2.202 (Attendance;**
13 **Voting), Part 2 (Committee Procedure), Chapter 2 (Committees),**
14 **Council Rules.** Rule 2.202 (Attendance; Voting), Part 2 (Committee
15 Procedure), Chapter 2 (Committees), *Council Rules*, is hereby amended
16 to read as follows:

17 **CHAPTER 2. COMMITTEES**

18 * * *

19 **PART 2. COMMITTEE PROCEDURE**

20 * * *

21 **RULE 2.202 ATTENDANCE; VOTING**

22 (a) Attendance. Each Council Member shall attend every regular
23 or special meeting of each standing, special or select committee to
24 which he/she is appointed, unless excused by the committee chair. Any
25 member who is ordered into military service pursuant to state or
26 federal law, and who provides notice to the Council Secretary or the
27 Chief of Legislative Services upon receiving such order, shall be
28 excused from all meetings during the period of such military service
29 and shall not be required to provide any additional notice of
30 absence. Failure to attend three consecutive regular meetings of a
31 standing committee, or three meetings of a special or select committee

1 without excuse may, upon recommendation by the chair to the President,
2 constitute automatic withdrawal from the committee and create a
3 vacancy, which shall be filled by appointment by the President. Every
4 Council Member may attend any meeting of any committee of which he/she
5 is not a member and there participate in interviewing of 17 witnesses
6 and offer his/her comments and observations, but he/she may not vote
7 on any question, except the President as provided in Rule 2.211.

8 * * *

9 **Section 3. Amending Council Rule 4.501 (Absence from Meetings),**
10 **Part 5 (Rules of Decorum), Chapter 4 (Procedures), Council Rules.**
11 Rule 4.501 (Absence from Meetings), Part 5 (Rules of Decorum), Chapter
12 4 (Procedures), *Council Rules*, is hereby amended to read as follows:

13 **CHAPTER 4. PROCEDURES**

14 * * *

15 **PART 5. RULES OF DECORUM**

16
17 **RULE 4.501 ABSENCE FROM MEETINGS**

18 Any member who is unable to attend a Council or committee meeting
19 due to sickness or for a duly authorized reason shall notify the
20 Council Secretary or the Chief of Legislative Services, who shall
21 notify the President, committee chair or Legislative Aide before the
22 meeting convenes. Any member who is ordered into military service
23 pursuant to state or federal law, and who provides notice to the
24 Council Secretary or the Chief of Legislative Services upon receiving
25 such order, shall be excused from attending any Council or committee
26 meetings during the period of such military service and shall not
27 be required to provide any additional notice of absence. No member
28 present at any meeting of the Council shall absent himself/herself
29 from the meeting without permission from the chair and prior notice
30 given.

31 **Section 4. Collective Bargaining.** Section 1 of this Ordinance

1 is subject to, and requires collective bargaining.

2 **Section 5. Severability.** If any section, clause, sentence, or
3 provision of this Ordinance or the application of such section,
4 clause, sentence, or provision to any person or bodies or under any
5 circumstances shall be held to be inoperative, invalid, or
6 unconstitutional, the invalidity of such section, clause, sentence,
7 or provision shall not be deemed, held, or taken to affect the
8 validity or constitutionality of any of the remaining parts of this
9 Ordinance, or the application of any of the provisions of this
10 Ordinance to persons, bodies, or in circumstances other than those
11 as to which it or any part thereof shall have been inoperative,
12 invalid, or unconstitutional, and it is intended that this Ordinance
13 shall be construed and applied as if any section, clause, sentence,
14 or provision held inoperative, invalid, or unconstitutional had not
15 been included in this Ordinance.

16 **Section 6. Codification Instructions.** The Codifier and the
17 Office of General Counsel are authorized to make all chapter and
18 division "tables of contents" consistent with the changes set forth
19 herein. Such editorial changes and any others necessary to make the
20 *Ordinance Code* consistent with the intent of this legislation are
21 approved and directed herein, and changes to the *Ordinance Code* shall
22 be made forthwith and when inconsistencies are discovered.

23 **Section 7. Effective Date.** This Ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

26
27 Form Approved:

28 /s/ Sean Granat

29 Office of General Counsel

30 Legislation Prepared By: Sean Granat

31 GC-#1612365-v1-Heroes' Act Legislation