

1 Introduced by the Council Member White and amended on the Floor of
2 Council:

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5 **ORDINANCE 2022-412-E**

6 AN ORDINANCE REGARDING MAXIMUM HOURS WORKED BY
7 PART TIME AND/OR TEMPORARY EMPLOYEES WORKING
8 DURING AN ELECTION CYCLE OF THE SUPERVISOR OF
9 ELECTIONS; AMENDING CHAPTER 116 (EMPLOYEES AND
10 EMPLOYEE BENEFITS), PART 15 (FULL TIME AND
11 TEMPORARY EMPLOYMENT), SECTION 116.1502
12 (LIMITATIONS ON EMPLOYMENT AND USE OF
13 "TEMPORARY" EMPLOYEES), *ORDINANCE CODE*, AND
14 CHAPTER 120 (GENERAL EMPLOYEES AND CORRECTIONS
15 OFFICER PENSION PLANS AND ALL EMPLOYEES DEFINED
16 CONTRIBUTION RETIREMENT PLANS), PART II (THE
17 GENERAL EMPLOYEES RETIREMENT PLAN), SECTION
18 120.209 (VESTING, TERMINATION, RE-EMPLOYMENT),
19 *ORDINANCE CODE*, TO ALLOW ADDITIONAL HOURS TO BE
20 WORKED BY TEMPORARY AND/OR PART TIME EMPLOYEES
21 OF THE SUPERVISOR OF ELECTIONS DURING ELECTION
22 CYCLES; WAIVING SECTION 120.102(V)
23 (ADMINISTRATION OF THE RETIREMENT SYSTEM), PART
24 I (PROVISIONS APPLICABLE TO THE SYSTEM AS A
25 WHOLE), CHAPTER 120 (GENERAL EMPLOYEES AND
26 CORRECTIONS OFFICER PENSION PLANS AND ALL
27 EMPLOYEES DEFINED CONTRIBUTION RETIREMENT
28 PLANS), *ORDINANCE CODE*, TO AUTHORIZE ENACTMENT
29 OF THIS ORDINANCE WITHOUT REVIEW BY THE PENSION
30 ADVISORY COMMITTEE; REQUESTING ONE CYCLE
31 EMERGENCY PASSAGE; PROVIDING AN EFFECTIVE DATE.

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

3 **Section 1. Amending Chapter 116 (Employees and Employee**
4 **Benefits), Part 15 (Full Time and Temporary Employment), Section**
5 **116.1502 (Limitations on Employment and Use of "Temporary"**
6 **Employees), Ordinance Code.** Chapter 116 (Employees and Employee
7 Benefits), Part 15 (Full Time and Temporary Employment), Section
8 116.1502 (Limitations on Employment and Use of "Temporary"
9 Employees), *Ordinance Code*, is hereby amended to read as follows:

10 **CHAPTER 116 - EMPLOYEES AND EMPLOYEE BENEFITS**

11 * * *

12 **PART 15. - FULL TIME AND TEMPORARY EMPLOYMENT**

13 * * *

14 **Sec. 116.1502. - Limitations on Employment and Use of "Temporary"**
15 **Employees.**

16 Effective October 1, 2005, unless exempted ~~by subsection (d)~~
17 below, no employee shall be hired in a temporary status except under
18 one of the circumstances described below:

- 19 (a) Temporary Full-time Status: An employee may be hired to
20 work 40 hours per week for a maximum of six months. Such
21 employees will be automatically terminated from service at
22 the conclusion of six months full-time employment. For
23 those temporary employees hired prior to enactment of this
24 ordinance, the six months will commence as of October 1,
25 2005. Any temporary full-time employee who knowingly and
26 voluntarily requests, in writing, to remain on Temporary
27 Full-time Status after six months, may do so with
28 concurrence of the Department, upon completion of a form
29 created for City-wide use by the Employee Services
30 Department, backed up by supporting documentation, which
31 demonstrates that the employee has acted on his or her own

1 initiative, voluntarily, without coercion, and that there
2 exists a tangible economic benefit to the employee by
3 remaining on temporary status.

4 (b) Regular Part-time Status: An employee may be hired to work
5 up to 50 hours per pay period (an average of 25 hours per
6 week) for an indefinite period.

7 (c) Seasonal Status: An employee may be hired on a full-time
8 or part-time basis for a limited time not to exceed six-
9 months, for seasonal work limited to certain periods of
10 the year.

11 (d) Exemption: ~~Any temporary employee who knowingly and~~
12 ~~voluntarily requests, in writing, to remain on Temporary~~
13 ~~Full-time Status after six months, may do so with~~
14 ~~concurrence of the Department, upon completion of a form~~
15 ~~created for City-wide use by City Human Resources, backed~~
16 ~~up by supporting documentation, which demonstrates that~~
17 ~~the employee has acted on his or her own initiative,~~
18 ~~voluntarily, without coercion, and that there exists a~~
19 ~~tangible economic benefit to the employee by remaining on~~
20 ~~temporary status. Nor shall t~~ The provisions of this Part
21 Section, including the hours per week cap identified in
22 Section 116.1502(a) and (b), shall not apply to:

23 (i) Any temporary full-time employee who is a retired
24 pensioner of the City authorized by Chapters 120 or
25 121 to continue to receive pension payments upon
26 reemployment by the City; ~~or~~

27 (ii) Civilian bailiffs in the Office of the Sheriff;

28 (iii) Any employees of Cecil Aquatic Center or any future
29 indoor aquatic center created by the City; ~~or~~

30 (iv) Any full or part-time students working for the Clerk
31 of Court; or

(v) Any temporary and/or part time employee working for the Supervisor of Elections, for work performed during the period beginning eight weeks before and ending two weeks after an election conducted by the Supervisor of Elections.

Section 2. Amending Chapter 120 (General Employees and Corrections Officer Pension Plans and All Employees Defined Contribution Retirement Plans), Part II (The General Employees Retirement Plan), Section 120.209 (Vesting, Termination, Re-Employment), Ordinance Code. Chapter 120 (General Employees and Corrections Officer Pension Plans and All Employees Defined Contribution Retirement Plans), Part II (The General Employees Retirement Plan), Section 120.209 (Vesting, Termination, Re-Employment), *Ordinance Code*, is hereby amended as follows:

CHAPTER 120 - GENERAL EMPLOYEES AND CORRECTIONS OFFICER PENSION PLANS AND ALL EMPLOYEES DEFINED CONTRIBUTION RETIREMENT PLANS

* * *

PART II. - THE GENERAL EMPLOYEES RETIREMENT PLAN

* * *

Sec. 120.209. - Vesting, Termination, Re-Employment.

* * *

(c) If a retiree or separated vested member re-enters City service in a position covered by this Plan, benefit payments shall cease and the retiree or separated vested member shall again become an active member of the Plan. Upon subsequent retirement, the new pension benefit shall be computed in accordance with the provisions of Section 120.206, but based on a final monthly compensation computed as if there were no gap in time between the original retirement date and the reemployment date, provided that the period of re-employment exceeds one year. This Section

1 shall not apply to retired members re-hired as poll
2 workers.

3 (d) Notwithstanding the provisions of subparagraph (c) ~~to~~
4 ~~Section 120.209, Ordinance Code~~ above, or any other City
5 ordinance to the contrary, any time service retiree of the
6 City of Jacksonville General Employees Retirement Plan,
7 who otherwise qualifies, may be re-employed by the City on
8 a part-time or temporary basis without the cessation of
9 retirement benefits payable to such retiree pursuant to
10 Chapter 120, Ordinance Code, because of, and during, such
11 re-employment. For purposes of this subparagraph (d), the
12 term "part-time" shall mean a position routinely requiring
13 fewer than 25 hours of work per week (50 hours per pay
14 period) on a regular and recurring basis, and the term
15 "temporary" shall mean a full-time temporary position
16 required for less than six months on a special assignment
17 or to replace an employee on leave. Part time employees
18 working for the Supervisor of Elections may, during the
19 period beginning eight weeks before and ending two weeks
20 after an election conducted by the Supervisor of Elections,
21 work more than 25 hours per week (50 hours per pay period)
22 without the cessation of retirement benefits payable under
23 Chapter 120, Ordinance Code. In no event shall any time
24 service retiree of the City of Jacksonville General
25 Employees Retirement Plan acquire time service credit or
26 any other benefit under Chapter 120, Ordinance Code,
27 during, or in connection with, such re-employment, nor
28 shall any amendment to the Plan not otherwise applicable
29 to retired members apply to any re-employed retired member.

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31 **Section 3. Waiving Section 120.102(v), Part I (Provisions**

1 **Applicable to the System as a Whole), Chapter 120 (General Employees**
2 **and Corrections Officer Pension Plans and all Employees Defined**
3 **Contribution Retirement Plans), Ordinance Code.** The provision of
4 Section 120.102(v), Part I (Provisions Applicable to the System as a
5 Whole), Chapter 120 (General Employees and Corrections Officer
6 Pension Plans and all Employees Defined Contribution Retirement
7 Plans), *Ordinance Code*, requiring review by the Pension Advisory
8 Committee before adoption of any legislation affecting any Plan in
9 the System, is hereby waived. The waiver is justified in that the
10 Board of Trustees has already reviewed this ordinance at its most
11 recent board meeting, and a deferral of this ordinance to afford the
12 Pension Advisory Committee time to review would prevent the ordinance
13 from taking effect prior to the upcoming August 2022 election cycle.

14 **Section 4. Requesting One Cycle Emergency Passage Pursuant**
15 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
16 legislation is requested. The nature of the emergency is that there
17 is a primary election scheduled for August 23, 2022; however, the
18 Supervisor of Elections' employees affected by this legislation are
19 required to certify petitions, qualify candidates, plan for and train
20 poll workers, and prepare early voting and polling locations months
21 in advance of the August 2022 primary election.

22 **Section 5. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

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26 Form Approved:

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/s/ Paige H. Johnston

29 Office of General Counsel

30 Legislation prepared by: Ariel P. Cook