

1 Introduced by the Council Member Carrico:
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4 **ORDINANCE 2022-571**

5 AN ORDINANCE REGARDING EMPLOYEES WORKING IN AN
6 "ACTING" CAPACITY ON A TEMPORARY BASIS; AMENDING
7 SECTION 20.103 (PROCEDURES INVOLVING VACANCIES
8 OF CERTAIN APPOINTED POSITIONS), PART 1
9 (GENERAL), CHAPTER 20 (EXECUTIVE OFFICE OF THE
10 MAYOR), *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 20.103 (Procedures involving**
20 **vacancies of certain appointed positions), Part 1 (General), Chapter**
21 **20 (Executive Office of the Mayor), Ordinance Code.** Section 20.103
22 (Procedures involving vacancies of certain appointed positions), Part
23 1 (General), Chapter 20 (Executive Office of the Mayor), *Ordinance*
24 *Code*, is hereby amended to read as follows:

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

26 * * *

27 **PART 1. - GENERAL**

28 * * *

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

31 (a) Whenever a vacancy shall occur for any reason whatsoever

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

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

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

30 ii. The "Interim" employee shall, upon the Mayor's
31 designation of the employee as "Interim" and while

1 the employee is functioning in the "Interim"
2 position, receive an appropriate increase in
3 compensation as directed by the Mayor. Under no
4 circumstance shall the "Interim" employee receive
5 compensation for both the employee's regular
6 position and the "Interim" position; and

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

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

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

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

- 20 i. The "Acting" employee shall be authorized
21 automatically and immediately to exercise and
22 perform the powers and duties of the vacant
23 position;
- 24 ii. The "Acting" employee shall, upon the Mayor's
25 designation of the employee as "Acting," receive
26 compensation at the appropriate level within the
27 pay range of the position, commensurate with
28 education and experience, as directed by the Mayor;
29 and
- 30 iii. All correspondence related to such position shall
31 carry the designation of "Acting."

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

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

28 ~~(e) No person authorized pursuant to subsection (a) of this~~
29 ~~Section or designated pursuant to subsection (b) of this~~
30 ~~Section shall receive an increase in current salary on the~~
31 ~~basis of the exercise of the powers and duties of a vacant~~

1 ~~position under subsection (a) of this Section or on the~~
2 ~~basis of the assumption of the powers and duties of a~~
3 ~~vacant position under subsection (b); provided, that~~
4 ~~nothing herein shall prohibit or be construed to prohibit~~
5 ~~an official or employee from being granted and from~~
6 ~~receiving any increase in salary on another basis.~~

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8 **Section 2. Effective Date.** This Ordinance shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

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12 Form Approved:

13
14 /s/ Paige H. Johnston

15 Office of General Counsel

16 Legislation prepared by: Ariel P. Cook

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