

1 Introduced by the Council President at the request of the Sheriff and
2 Co-Sponsored by Council Member Clark-Murray:

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5 **ORDINANCE 2023-302-E**

6 AN ORDINANCE REGARDING EMPLOYEES WORKING IN AN
7 "ACTING" CAPACITY ON A TEMPORARY BASIS; AMENDING
8 SECTION 37.103 (PROCEDURES INVOLVING VACANCIES
9 IN CERTAIN APPOINTED POSITIONS), PART 1
10 (ORGANIZATION), CHAPTER 37 (OFFICE OF THE
11 SHERIFF), *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 37.103 (Procedures involving**
21 **vacancies in certain appointed positions), Part 1 (Organization),**
22 **Chapter 37 (Office of the Sheriff), Ordinance Code.** Section 37.103
23 (Procedures involving vacancies in certain appointed positions), Part
24 1 (Organization), Chapter 37 (Office of the Sheriff), *Ordinance Code*,
25 is hereby amended to read as follows:

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

27 * * *

28 **PART 1. - ORGANIZATION**

29 * * *

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

1 (a) Whenever a vacancy occurs for any reason whatsoever in a
2 position appointed by the Sheriff and confirmed by the
3 Council, the Sheriff may designate in writing a qualified
4 person to assume the powers and duties of the vacant
5 position in one of two capacities: interim or acting.

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

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

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

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

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

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

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

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

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

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

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

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

1 confirming such appointment.

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

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

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/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Gabriella Young

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