

1 Introduced by Council Member Diamond and Co-Sponsored by Council  
2 Members Howland, Miller, Lahnen, White, Freeman, Johnson, Boylan,  
3 Arias and Carrico and amended by the Rules Committee:  
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5

6 **ORDINANCE 2024-120-E**

7 AN ORDINANCE REGARDING CITY AND JEA EMPLOYEES  
8 ENTERING INTO CERTAIN MILITARY SERVICE; AMENDING  
9 SECTION 116.501 (MILITARY LEAVES OF ABSENCE),  
10 PART 5 (MILITARY LEAVE), CHAPTER 116 (EMPLOYEES  
11 AND EMPLOYEE BENEFITS), *ORDINANCE CODE*, TO  
12 EXTEND THE AMOUNT OF TIME CITY AND JEA EMPLOYEES  
13 MAY REMAIN ON ACTIVE PAYROLL FROM 30 TO 90 DAYS  
14 UPON COMMENCEMENT OF CERTAIN MILITARY SERVICE;  
15 PROVIDING FOR ADDITIONAL PAID LEAVE FOR CERTAIN  
16 CITY AND JEA EMPLOYEES WHOSE SPOUSES ARE ORDERED  
17 INTO CERTAIN MILITARY SERVICE; AMENDING COUNCIL  
18 RULE 2.202 (ATTENDANCE; VOTING), CHAPTER 2  
19 (COMMITTEES), *COUNCIL RULES*, TO PROVIDE FOR  
20 STANDING EXCUSED ABSENCES FOR MEMBERS CALLED  
21 INTO MILITARY SERVICE; AMENDING COUNCIL RULE  
22 4.501 (ABSENCE FROM MEETINGS), CHAPTER 4  
23 (PROCEDURES), *COUNCIL RULES*, TO PROVIDE FOR  
24 STANDING EXCUSED ABSENCES FOR MEMBERS CALLED  
25 INTO MILITARY SERVICE; REQUIRING COLLECTIVE  
26 BARGAINING; PROVIDING FOR SEVERABILITY;  
27 PROVIDING FOR CODIFICATION INSTRUCTIONS; AND  
28 PROVIDING AN EFFECTIVE DATE.  
29

30 **WHEREAS**, Section 116.501, *Ordinance Code*, provides certain  
31 rights and benefits to City and JEA employees who are ordered into

1 military service; and

2       **WHEREAS**, Section 116.501, *Ordinance Code*, currently provides  
3 that City and JEA employees ordered into military service will remain  
4 on active payroll for 30 days; and

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

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

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

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

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

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

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

28                                   **\* \* \***

29                                   **PART 5. MILITARY LEAVE**

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

31       This Section shall hereinafter be known as the "Jacksonville

1 Heroes' Act."

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

12 (1) The reemployment rights prescribed by federal and State  
13 law.

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

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

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

1 Jacksonville or the JEA for a period of 30 days following his or her  
2 departure for active duty. During any other period of military leave,  
3 the employee who is entitled to military leave of absence will remain  
4 on the active payroll of the City of Jacksonville or the JEA for a  
5 period of up to 30 days following his or her departure for active  
6 duty.

7 (c) Following the foregoing 30-day or 90-day period, the City  
8 of Jacksonville and the JEA will provide employees entitled to  
9 military leave of absence with supplemental payments in the amount  
10 necessary to bring their total compensation, inclusive of their  
11 military pay, to the level of base pay plus Service Pay, City  
12 Education Pay, State Incentive (Basic, Career and Education), EMT  
13 Certificate Pay, Paramedic Certificate Pay, Fire Inspector  
14 Certificate Pay, ASE Certification Pay, Planner Certification Pay  
15 and A&P Inspection Certification Pay and other Special Incentive Pay  
16 as determined by the Director of Employee Services ~~Chief of Human~~  
17 ~~Resources~~ for which they were eligible and were being paid at the  
18 time they were called to active military duty.

19 (d) In addition the City/JEA shall pay activated employee-  
20 reservists all amounts provided as pass-through incentive payments  
21 from the State or federal government. Such payments to employees  
22 shall be terminated if not paid to the City/JEA by the State or  
23 federal government.

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

30 (f) Employees entitled to such military leave of absence, and their  
31 covered dependents, will continue to be covered by the City or JEA

1 health insurance plans under the same terms and conditions as other  
2 employees on approved leaves of absence.

3 (g) Employees entitled to such military leave of absence who are  
4 active members of the General Employees Retirement Plan, the  
5 Corrections Officers' Retirement Plan, the ~~or~~ Police and Fire Pension  
6 Plans, the General Employees Defined Contribution Plan, the  
7 Corrections Employees Defined Contribution Plan, or the Police and  
8 Fire Employees Defined Contribution Plan will continue to receive  
9 all benefits under said ~~pension~~ plans in accordance with this Section  
10 and applicable federal and State law. While absent on such military  
11 leave, such employees shall not be required to make contributions  
12 to any ~~such-pension~~ plan of the City, except for those contributions  
13 that originate from the employees' use of annual leave balances  
14 during such military leave of absence and from compensation wherein  
15 the employees are allowed to remain on the active payroll for the  
16 period of up to 30 or 90 days following the departure for active  
17 duty. Additional contributions by the City, if any, shall be  
18 ascertained and included in the biennial certification of the  
19 appropriate Plan's enrolled actuary.

20 (h) In computing the length of service of the employee for  
21 purposes of job qualifications and voluntary retirement, the  
22 employee shall be given full credit for the period of the employee's  
23 military leave of absence to the same extent as if the employee had  
24 continuously served as a City or JEA employee during the period of  
25 military leave of absence. However, the employee shall not be  
26 entitled to any additional pension or other benefits related to such  
27 period of military leave, except as set forth in this Section.

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

1 (j) Any City or JEA employee, with the exception of employees who  
2 are also elected officials of Duval County, who has a minor dependent  
3 child or a disabled adult dependent child, and whose spouse is  
4 ordered into military service pursuant to U.S.C. Title 10 for a  
5 period of at least 30 days, shall be granted 40 hours of paid special  
6 leave each calendar year to care for the dependent(s) during the  
7 deployment.

8 (k) For purposes of this Section 116.501, *employee* means and  
9 is limited to probationary or permanent full-time employees and  
10 officials of the City or JEA~~all employees and officials of the City~~  
11 ~~or JEA who are members of any pension plan of the City and eligible~~  
12 ~~to receive health insurance benefits from the City or JEA, or who~~  
13 ~~at some time during their employment were eligible to be members of~~  
14 ~~any such pension plan and to receive such health insurance benefits,~~  
15 ~~and who meet the terms and conditions of subsection 116.501(a). The~~  
16 ~~rights and benefits of all other employees of the City or JEA related~~  
17 ~~to military service shall be limited to the rights and benefits~~  
18 ~~required under federal and State law.~~

19 (l) This Section is intended to supplement, but not limit,  
20 benefits mandated by other federal or State laws.

21 **Section 2. Amending Council Rule 2.202 (Attendance;**  
22 **Voting), Part 2 (Committee Procedure), Chapter 2 (Committees),**  
23 **Council Rules.** Rule 2.202 (Attendance; Voting), Part 2 (Committee  
24 Procedure), Chapter 2 (Committees), *Council Rules*, is hereby amended  
25 to read as follows:

26 **CHAPTER 2. COMMITTEES**

27 \* \* \*

28 **PART 2. COMMITTEE PROCEDURE**

29 \* \* \*

30 **RULE 2.202 ATTENDANCE; VOTING**

31 (a) Attendance. Each Council Member shall attend every regular

1 or special meeting of each standing, special or select committee to  
 2 which he/she is appointed, unless excused by the committee chair. Any  
 3 member who is ordered into military service pursuant to state or  
 4 federal law, and who provides notice to the Council Secretary or the  
 5 Chief of Legislative Services upon receiving such order, shall be  
 6 excused from all meetings during the period of such military service  
 7 and shall not be required to provide any additional notice of  
 8 absence. Failure to attend three consecutive regular meetings of a  
 9 standing committee, or three meetings of a special or select committee  
 10 without excuse may, upon recommendation by the chair to the President,  
 11 constitute automatic withdrawal from the committee and create a  
 12 vacancy, which shall be filled by appointment by the President. Every  
 13 Council Member may attend any meeting of any committee of which he/she  
 14 is not a member and there participate in interviewing of 17 witnesses  
 15 and offer his/her comments and observations, but he/she may not vote  
 16 on any question, except the President as provided in Rule 2.211.

17 \* \* \*

18 **Section 3. Amending Council Rule 4.501 (Absence from Meetings),**  
 19 **Part 5 (Rules of Decorum), Chapter 4 (Procedures), Council Rules.**  
 20 Rule 4.501 (Absence from Meetings), Part 5 (Rules of Decorum), Chapter  
 21 4 (Procedures), *Council Rules*, is hereby amended to read as follows:

22 **CHAPTER 4. PROCEDURES**

23 \* \* \*

24 **PART 5. RULES OF DECORUM**

25  
 26 **RULE 4.501 ABSENCE FROM MEETINGS**

27 Any member who is unable to attend a Council or committee meeting  
 28 due to sickness or for a duly authorized reason shall notify the  
 29 Council Secretary or the Chief of Legislative Services, who shall  
 30 notify the President, committee chair or Legislative Aide before the  
 31 meeting convenes. Any member who is ordered into military service

1 pursuant to state or federal law, and who provides notice to the  
2 Council Secretary or the Chief of Legislative Services upon receiving  
3 such order, shall be excused from attending any Council or committee  
4 meetings during the period of such military service and shall not  
5 be required to provide any additional notice of absence. No member  
6 present at any meeting of the Council shall absent himself/herself  
7 from the meeting without permission from the chair and prior notice  
8 given.

9       **Section 4.       Collective Bargaining.**       Section 1 of this  
10 Ordinance is subject to, and requires collective bargaining.

11       **Section 5.       Severability.** If any section, clause, sentence,  
12 or provision of this Ordinance or the application of such section,  
13 clause, sentence, or provision to any person or bodies or under any  
14 circumstances shall be held to be inoperative, invalid, or  
15 unconstitutional, the invalidity of such section, clause, sentence,  
16 or provision shall not be deemed, held, or taken to affect the  
17 validity or constitutionality of any of the remaining parts of this  
18 Ordinance, or the application of any of the provisions of this  
19 Ordinance to persons, bodies, or in circumstances other than those  
20 as to which it or any part thereof shall have been inoperative,  
21 invalid, or unconstitutional, and it is intended that this Ordinance  
22 shall be construed and applied as if any section, clause, sentence,  
23 or provision held inoperative, invalid, or unconstitutional had not  
24 been included in this Ordinance.

25       **Section 6.       Codification Instructions.** The Codifier and the  
26 Office of General Counsel are authorized to make all chapter and  
27 division "tables of contents" consistent with the changes set forth  
28 herein. Such editorial changes and any others necessary to make the  
29 *Ordinance Code* consistent with the intent of this legislation are  
30 approved and directed herein, and changes to the *Ordinance Code* shall  
31 be made forthwith and when inconsistencies are discovered.



1           **Section 7.           Effective Date.** This Ordinance shall become  
2 effective upon signature by the Mayor or upon becoming effective  
3 without the Mayor's signature.

4  
5 Form Approved:

6  
7           /s/ Mary E. Staffopoulos          

8 Office of General Counsel

9 Legislation Prepared By: Sean Granat

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