

Ordinance No.: 4908

AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING SECTION 2-120 OF THE CITY CODE OF ORDINANCES BY PROVIDING DATE FOR PAYMENT; PROVIDING FOR SUSPENSION, MODIFICATION, OR LIMITATION OF PAYMENTS; PROVIDING FOR PRO RATA PAYMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, many employees have accrued a large number of sick, annual leave or compensatory time leave;

WHEREAS, many employees would prefer to receive direct payments in lieu of sick, annual or compensatory leave time; and,

WHEREAS, said sick, annual or compensatory leave time constitute unfunded liabilities on the part of the city; and,

WHEREAS, it was in the interest of the city to establish a program whereby employees may convert sick, annual or compensatory leave time into monetary compensation both in order to help attract and keep qualified employees and also in order to liquidate unfunded liabilities; and,

WHEREAS, such program was established in June, 2022 and codified as §2-120 of the City Code of Ordinances; and,

WHEREAS, it is in the interests of the City that certain modifications to §2-120 be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA:

Section 1. The above preamble is incorporated herein by reference as if set forth in full.

Section 2. Article IV, Division 1, section 2-120 of the city code of ordinances is hereby amended by the addition of underscored text and ~~deletion of stricken-through text~~, as follows:

Sec. 2-120. – Conversion of Leave Time

- (a) Leave time is defined as sick, annual or compensatory leave time but shall not include bereavement time.

Section 4. It is the intention of the Mayor and the City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention codifiers may change the words “ordinance” or “section” to other appropriate words.

Section 5. If any portion of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the ordinance.

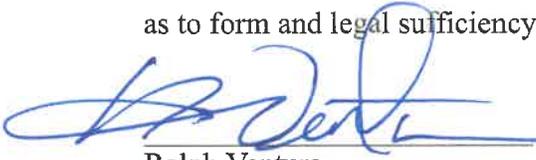
Section 6. This ordinance shall become effective upon its adoption by the City Commission and approval by the Mayor or, if vetoed, upon its reenactment by the City Commission as provided by the Charter of the City of Sweetwater.

Attest:


Carmen Garcia,
City Clerk

Ordinance Came back without the Mayor's signature. Becomes effective on 1-20-23
CJF
Orlando Lopez,
Mayor

as to form and legal sufficiency


Ralph Ventura
City Attorney


Saul Diaz,
Commission President

Saul Diaz, President of the City Commission	Yes
Isidro Ruiz, Vice President of the City Commission	Absent
Idania Llanio, Commissioner	Yes
Jose Marti, Commissioner	Yes
Reinaldo Rey, Commissioner	Yes
Ian Vallecillo, Commissioner	Yes
Marcos Villanueva, Commissioner	Yes

Date of first reading

12-05-2022

Date of publication

12-28-2022

Date of second reading

01-09-2023

Ord. #4908

- (b) Employees may convert their leave time leave to monetary compensation on an hour-to-hour basis in a manner consistent with this section.
- (c) Prior to October 1, 2022 employees wishing to avail themselves of this section shall submit a written request to convert their leave time not later than twenty (20) days after the effective date of this ordinance. All such payments shall be made in the first full pay period of fiscal year 2022-23.
- (d) Commencing October 1, 2022, employees wishing to avail themselves of this section shall submit a written request to convert their leave time not later than the thirty-first day of May of a given fiscal year. All such payments shall be made ~~in no later than the first full pay period in November~~ of the following fiscal year.
- (e) The mayor may establish procedures and forms for processing requests under this section. The mayor may, in his sole discretion, allow employees to convert their leave time at other times during the year provided that the employee demonstrates financial hardship and the city's finances so permit.
- (f) No earlier than April 1 and no later than May 1 of every fiscal year, the city clerk shall inform all employees either by email or by written document of their ability to convert leave time under this section and the procedures and deadlines required in order to do so.
- (g) In any conflict between this section and a collective bargaining agreement, the collective bargaining agreement shall control.
- (h) ~~Notwithstanding anything to the contrary, the city commission may by resolution suspend payments under his section for one fiscal year if, in its judgment, payments hereunder will have a deleterious effect on the city's budget. Any such resolution must bear an effective date subsequent to the adoption of a tentative millage but prior to the adoption of the annual budget for the fiscal year in which the suspension shall be effective.~~

Notwithstanding anything to the contrary, the city commission may by resolution suspend, modify, or limit payments for any given fiscal year if, in its judgment, payments hereunder will have a deleterious effect on the city's budget. Modifications may include reducing expenditures hereunder and paying each employee who has requested such payment a pro rata share.

Section 3. All ordinances or portions of the Code of Ordinances of the City of Sweetwater in conflict with the provisions of this ordinance shall be repealed upon the effective date hereof.

Ord. #4908