

ORDINANCE NO. 1053-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 34-14, APPOINTMENTS, BY ADDING THERETO A MAXIMUM NUMBER OF HOURS FOR OTHER THAN FULLTIME CLASSIFIED EMPLOYEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the City's insurance consultant has advised the City Administrative Staff of the currently known impacts of the implementation of the "Affordable Care Act" (ACA) on the City; and,

WHEREAS, although the full impacts on local government will not be known for some time following implementation of the Act on January 1, 2014, it is prudent for the City to take all advance actions that it anticipates will lessen the impact of ACA on the City; and,

WHEREAS, one of the major impactful components of the ACA is the designation of a 29 hour work week as the line of demarcation between part-time and fulltime (classified) employees; and,

WHEREAS, even the inadvertent working of in excess of 29 hours a week by other than fulltime employees may, if occurring with certain averaged consistency, cause such employees to acquire "fulltime status" for insurance purposes; and,

WHEREAS, the City Administrative Staff is desirous of codifying the 29 hour weekly limitation in order to avoid any confusion or inadvertent penalties being incurred by the City; and,

WHEREAS, the City Council has considered the impact of the ACA in regard to the hourly work week provision and has determined that the enactment of the subject ordinance amendment is in the best interests of the City and its citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section 34-14, Appointments, is hereby amended as follows;

Section 34-14. Appointments

- (A)
- (B)
- (C)
- (D)

- (E) Types of appointments.
 - (1)
 - (2)
 - (3)
 - (4)
 - (5) Other types of appointments.

To fill positions of a seasonal, part-time, or temporary nature, the following appointments may be made. The appointments will confer no rights of status, appeal, or related rights. Except as to subsection (d) below, in no event shall any person hired by the City in any of the following categories of employment be permitted to work in excess of 59 hours during any bi-weekly pay period.

- (a) Seasonal and temporary
- (b) Part-time
- (c) Substitute
- (d) Special administrative appointments

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

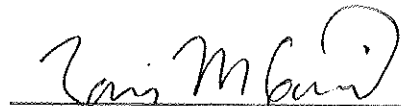
Section 3: That this Ordinance shall take effect immediately upon adoption.

(THIS SPACE INTENTIONALLY LEFT BLANK)

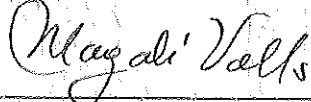
PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 13th day of May, 2013.

The motion to adopt the foregoing ordinance was offered on second reading by Councilman Lob, seconded by Vice Mayor Windrem, and on roll call the following vote ensued:

Vice Mayor Windrem	"aye"
Councilman Bain	"aye"
Councilman Lob	"aye"
Councilman Petralanda	"aye"
Mayor Garcia	"aye"


Zavier M. Garcia
Mayor


ATTEST:



Magali Valls, CMC
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 04-22-2013
Second reading: 05-13-2013

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.