

Introduced by: Mr. Smiley

Date of introduction: May 26, 2015

**ORDINANCE NO. 15- 057**

**TO AMEND THE RATES OF PAY FOR UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL AND TO REVISE THE FY16 APPROVED OPERATING BUDGET TO APPROPRIATE \$12,500 TO COUNTY COUNCIL FOR SALARIES AND WAGES**

**WHEREAS**, New Castle County Council voted to approve Ordinance No. 15-015 to provide minimal pay adjustments for its long-term staff; in other words, to approve internal operating expenses of the legislative branch of government; and

**WHEREAS**, the County Executive vetoed the measure on March 18, 2015;

**WHEREAS**, the Office of Law opined that the County Executive was permitted to veto Council's pay plan amendment because it was not an "appropriation" relating to the internal operating expenses of County Government (State law precludes the County Executive from disapproving items of appropriation relating to the internal operating expenses of County Council); and

**WHEREAS**, rather than wasting valuable government resources arguing the legal point, and without conceding the same, this ordinance adds the specific word "appropriation" to satisfy the Office of Law's concerns; and

**WHEREAS**, as noted in Original Ordinance 15-015, the New Castle County Executive, the President of New Castle County Council and the members of New Castle County Council all receive annual salary adjustments in an amount equal to the percentage increase, if any, in the cost of living within the New Castle County Standard Metropolitan Statistical Area (SMSA) for the previous twelve (12)-month period (*New Castle County Code* Section 2.02.03); and

**WHEREAS**, the cost of living for the New Castle County Standard Metropolitan Statistical Area, as published by the United States Department of Labor, set as of July 1 of each respective year, was as follows: 5.1% 2008; no change 2009; 1.9% 2010; 2.8% 2011; 1.3% 2012; 1.5% 2013; 1.8% 2014; and

**WHEREAS**, the last pay plan amendment to include cost of living increases for the non-union, unclassified service appointees of County Council was adopted more than nine (9) years ago, in September 2005, with the last effective date for a cost of living increase being April 1, 2007; and

**WHEREAS**, numerous Council staff have been at the top step of their assigned pay plan for an extended period of years; and

**WHEREAS**, in addition to no cost of living, County Council employees at step 10 (and in fact all Council employees) are unprotected by collective bargaining, serve at will, and thus may be discharged at any time; additionally, legislative assistants automatically lose their job if the appointing Council member leaves office (for example, if the Council member whom they serve loses a general election on the first Tuesday in November, the office (and thus the job of the legislative assistant) terminates the first Wednesday in November (the next day) when the new Council member takes office (*9 Del. C. Section 1141*)); and

**WHEREAS**, Council appointees who are not at the top step of their grade in the pay plan may at least receive an annual merit increase in the amount of five (5)%, while the salaries of the more senior staff stagnate; and

**WHEREAS**, it is rational and reasonable for New Castle County Council to seek to retain and show its appreciation for its most experienced staff (those who have topped out of the 10-step pay plan in their grade) by prospectively granting them the same annual percentage increase deemed fair by the New Castle County Compensation Commission for the County's elected officials; and

**WHEREAS**, systems to recognize long-term service (for example, at least 10 years of service) have been implemented in other jurisdictions in the form of longevity pay;

**WHEREAS**, although the small cost of living increase for Council employees who have completed step 10 in their pay grade will not compensate for up to eight years of stagnant wages or change their at-will status, it will act as a small retention incentive to the benefit of the Council and the County at large; and

**WHEREAS**, Council has voted to approve pay increases for Executive branch staff, including Senior appointed managers, and numerous Executive branch reclassifications and upgrades also have been approved by County Council.

**NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

Section 1. The salaries of the Unclassified Employees of New Castle County Council who have completed step 10 (completed a year of service in step 10) of their grade in Council's pay plan shall be adjusted annually, beginning with the fiscal year commencing July 1, 2016, in an amount equal to the percentage increase, if any, in the cost of living for the New Castle County Standard Metropolitan Statistical Area for the prior twelve (12)-month period.

Section 2. The ordinance shall become effective upon adoption by New Castle County Council.

Adopted by County Council of  
New Castle County on:

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President of County Council of  
New Castle County

Approved on:

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County Executive

New Castle County

**SYNOPSIS:** This ordinance provides to the Unclassified Employees of New Castle County Council who have completed step 10 of their grade in the pay plan an annual increase in an amount equal to the percentage increase, if any, in the cost of living for the New Castle County Standard Metropolitan Statistical Area (SMSA) for the previous 12-month period, as determined by the United States Department of Labor.

This is the same increase accorded to County elected officials as recommended by the New Castle County Compensation Commission. It is rational and reasonable to provide a small incentive to retain more experienced Council employees with this small increase. The proposal is analogous to longevity pay for employees with certain years of service in other jurisdictions. Those Council employees who have not yet reached step 10 may continue to receive annual five percent merit increases and will be eligible for the SMSA increase upon completion of step 10. All Council appointees are at-will and may be terminated at any time; legislative assistants automatically lose their jobs if their appointing Council member leaves office and they are not retained in another capacity. This small increase, although not compensating for years of stagnated pay, may help to retain qualified, experienced staff who enjoy no job security.

This ordinance also amends the FY16 operating budget to appropriate \$12,500 for raises anticipated through FY2016.

**FISCAL NOTE:**