

Introduced by: Mr. Smiley
Date of introduction: June 9, 2015

ORDINANCE NO. 15-063

TO AMEND THE RATES OF PAY FOR UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL AND TO REVISE THE FY16 APPROVED OPERATING BUDGET TO APPROPRIATE \$19,100 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; and

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, 2015, 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 FY16 approved operating budget is hereby revised to appropriate \$19,100 to County Council for salaries, wages and benefits as reflected on Exhibit A.

Section 3. The ordinance shall become effective at the beginning of Fiscal Year 2016 on July 1, 2015.

Adopted by County Council of
New Castle County on:

President of County Council of
New Castle County

Approved on:

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 \$19,100 for raises anticipated through FY2016.

FISCAL NOTE:

COUNTY COUNCIL

Personal Services - Salaries & Wages	1,934,410	\$	1,946,910
Personal Services - Employee Benefits	1,008,529		1,015,129
Training and Civic Expenses			67,187
Communications & Utilities			22,894
Materials & Supplies			77,892
Contractual Services			344,897
Equipment Replacement/Addition			1,600
Grants & Fixed Charges			130,000
Debt Service			
Land & Structures			
Contingency			
Intragovernmental Services			
Total	3,587,409	\$	3,606,509
Total Authorized Full-Time Positions		34	

COUNTY EXECUTIVE

Personal Services - Salaries & Wages		\$	1,208,279
Personal Services - Employee Benefits			637,971
Training and Civic Expenses			38,904
Communications & Utilities			17,100
Materials & Supplies			21,388
Contractual Services			202,934
Equipment Replacement/Addition			1,000
Grants & Fixed Charges			40,000
Debt Service			
Land & Structures			
Contingency			
Intragovernmental Services			
Total		\$	2,167,576
Total Authorized Full-Time Positions		13	

DEPARTMENT OF ADMINISTRATION

Personal Services - Salaries & Wages		\$	10,805,336
Personal Services - Employee Benefits			5,617,657
Training and Civic Expenses			140,420
Communications & Utilities			5,966,704
Materials & Supplies			198,504
Contractual Services			6,598,215
Equipment Replacement/Addition			252,300
Grants & Fixed Charges			3,933,000
Debt Service			
Land & Structures			
Contingency			
Intragovernmental Services			(12,983,838)
Total		\$	20,528,298
Total Authorized Full-Time Positions		161	

DEPARTMENT OF SPECIAL SERVICES

Personal Services - Salaries & Wages	\$	21,424,039
Personal Services - Employee Benefits		11,183,910
Training and Civic Expenses		34,822
Communications & Utilities		21,385,522
Materials & Supplies		4,496,866
Contractual Services		12,893,960
Equipment Replacement/Addition		681,174
Grants & Fixed Charges		1,178,900
Debt Service		
Land & Structures		28,600
Contingency		
Intragovernmental Services		(11,550,367)
Total	\$	61,757,426
Total Authorized Full-Time Positions	390	

DEPARTMENT OF LAND USE

Personal Services - Salaries & Wages	\$	7,211,486
Personal Services - Employee Benefits		3,760,161
Training and Civic Expenses		50,005
Communications & Utilities		106,300
Materials & Supplies		115,777
Contractual Services		1,476,801
Equipment Replacement/Addition		5,300
Grants & Fixed Charges		31,500
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	12,757,330
Total Authorized Full-Time Positions	118	

DEPARTMENT OF COMMUNITY SERVICES

Personal Services - Salaries & Wages	\$	8,196,588
Personal Services - Employee Benefits		3,501,712
Training and Civic Expenses		3,060
Communications & Utilities		839,195
Materials & Supplies		1,035,099
Contractual Services		2,494,669
Equipment Replacement/Addition		10,900
Grants & Fixed Charges		2,939,285
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		(182,000)
Total	\$	18,838,508
Total Authorized Full-Time Positions	148	

DEPARTMENT OF PUBLIC SAFETY

Personal Services - Salaries & Wages	\$	48,186,261
Personal Services - Employee Benefits		25,163,199
Training and Civic Expenses		122,754
Communications & Utilities		692,466
Materials & Supplies		922,167
Contractual Services		12,738,302
Equipment Replacement/Addition		106,511
Grants & Fixed Charges		4,091,115
Debt Service		
Land & Structures		
Contingency		627,000
Intragovernmental Services		
Total	\$	92,649,775
Total Authorized Full-Time Positions	645	

PROTHONOTARY

Personal Services - Salaries & Wages	\$	
Personal Services - Employee Benefits		35,500
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	35,500
Total Authorized Full-Time Positions	0	

REGISTER IN CHANCERY

Personal Services - Salaries & Wages	\$	166,813
Personal Services - Employee Benefits		88,078
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	254,891
Total Authorized Full-Time Positions	3	

REGISTER OF WILLS

Personal Services - Salaries & Wages	\$	939,570
Personal Services - Employee Benefits		496,093
Training and Civic Expenses		21,682
Communications & Utilities		9,485
Materials & Supplies		13,000
Contractual Services		89,969
Equipment Replacement/Addition		800
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	1,570,599
Total Authorized Full-Time Positions	19	

RECORDER OF DEEDS

Personal Services - Salaries & Wages	\$	1,272,254
Personal Services - Employee Benefits		661,053
Training and Civic Expenses		39,900
Communications & Utilities		24,675
Materials & Supplies		12,050
Contractual Services		231,261
Equipment Replacement/Addition		8,000
Grants & Fixed Charges		15,000
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	2,264,193
Total Authorized Full-Time Positions	27	

SHERIFF

Personal Services - Salaries & Wages	\$	1,078,996
Personal Services - Employee Benefits		566,376
Training and Civic Expenses		26,278
Communications & Utilities		16,550
Materials & Supplies		20,260
Contractual Services		254,152
Equipment Replacement/Addition		5,000
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	1,967,612
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Personal Services - Salaries & Wages	\$	403,330
Personal Services - Employee Benefits		212,958
Training and Civic Expenses		14,270
Communications & Utilities		2,750
Materials & Supplies		2,250
Contractual Services		42,547
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	678,105
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Personal Services - Salaries & Wages	\$	
Personal Services - Employee Benefits		
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		36,046,203
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	36,046,203
Total Authorized Full-Time Positions	0	

ETHICS COMMISSION

Personal Services - Salaries & Wages	\$	30,000
Personal Services - Employee Benefits		3,000
Training and Civic Expenses		9,950
Communications & Utilities		3,200
Materials & Supplies		2,400
Contractual Services		166,874
Equipment Replacement/Addition		500
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		
Intragovernmental Services		
Total	\$	215,924
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Personal Services - Salaries & Wages	\$	
Personal Services - Employee Benefits		
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		266,000
Intragovernmental Services		
Total	\$	266,000
Total Authorized Full-Time Positions	0	

EXECUTIVE CONTINGENCY

Personal Services - Salaries & Wages	\$	
Personal Services - Employee Benefits		
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		400,000
Intragovernmental Services		
Total	\$	400,000
Total Authorized Full-Time Positions	0	

SEVERANCE CONTINGENCY

Personal Services - Salaries & Wages	\$	
Personal Services - Employee Benefits		
Training and Civic Expenses		
Communications & Utilities		
Materials & Supplies		
Contractual Services		
Equipment Replacement/Addition		
Grants & Fixed Charges		
Debt Service		
Land & Structures		
Contingency		300,000
Intragovernmental Services		
Total	\$	300,000
Total Authorized Full-Time Positions	0	

SALARY ADJUSTMENT CONTINGENCY

Personal Services - Salaries & Wages		\$	
Personal Services - Employee Benefits			
Training and Civic Expenses			
Communications & Utilities			
Materials & Supplies			
Contractual Services			
Equipment Replacement/Addition			
Grants & Fixed Charges			
Debt Service			
Land & Structures			
Contingency	426,000		<u>406,900</u>
Intragovernmental Services			
Total	426,000	\$	<u>406,900</u>
Total Authorized Full-Time Positions		0	

EMPLOYEE COST REDUCTIONS

Personal Services - Salaries & Wages		\$	
Personal Services - Employee Benefits			
Training and Civic Expenses			
Communications & Utilities			
Materials & Supplies			
Contractual Services			
Equipment Replacement/Addition			
Grants & Fixed Charges			
Debt Service			
Land & Structures			
Contingency			
Intragovernmental Services			
Total		\$	0
Total Authorized Full-Time Positions		0	

SUB-TOTAL NEW CASTLE COUNTY

Personal Services - Salaries & Wages	102,857,362	\$	<u>102,869,862</u>
Personal Services - Employee Benefits	52,936,197		<u>52,942,797</u>
Training and Civic Expenses			569,232
Communications & Utilities			29,086,841
Materials & Supplies			6,917,653
Contractual Services			37,534,581
Equipment Replacement/Addition			1,073,085
Grants & Fixed Charges			12,358,800
Debt Service			36,046,203
Land & Structures			28,600
Contingency	2,019,000		<u>1,999,900</u>
Intragovernmental Services			(24,716,205)
Sub-Total Operating Budget		\$	256,711,349
Total Authorized Full-Time Positions		1,586	

RESERVE ACCOUNTS

Tax Stabilization Reserve Account		48,677,847
Sewer Rate Stabilization Reserve Account		9,574,311
General Fund Budget Reserve Account		33,641,626
Sewer Fund Budget Reserve Account		14,201,372

Sub-Total Reserves: **106,095,156**

TOTAL NEW CASTLE COUNTY WITH RESERVES

Personal Services - Salaries & Wages	102,857,362	\$	102,869,862
Personal Services - Employee Benefits	52,936,197		52,942,797
Training and Civic Expenses			569,232
Communications & Utilities			29,086,841
Materials & Supplies			6,917,653
Contractual Services			37,534,581
Equipment Replacement/Addition			1,073,085
Grants & Fixed Charges			12,358,800
Debt Service			36,046,203
Land & Structures			28,600
Contingency	2,019,000		1,999,900
Reserves			106,095,156
Intragovernmental Services			(24,716,205)
<i>Total Operating Budget with Reserves:</i>		\$	362,806,505
<i>Total Authorized Full-Time Positions</i>		1,586	