

THOMAS P. GORDON
County Executive



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EXECUTIVE OFFICE

For Immediate Release
April 14, 2015

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STATEMENT ON ORDINANCE 15-015

"Per title," Ordinance No. 15-015 amends "The rates of pay" for certain Council employees. It is not an ordinance of appropriation but rather an amendment of a pay plan. There have been no operating appropriations made for the July 1, 2015 to June 30, 2016 fiscal year.

Therefore the veto is effective.

We will refer the matter to the County Attorney for review.

A copy of the original ordinance vetoed by New Castle County Executive Tom Gordon is pasted onto on the next two pages of this press release.

Introduced by: Mr. Smiley
Date of introduction: February 24, 2015

ORDINANCE NO. 15-015

TO AMEND THE RATES OF PAY FOR UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL

WHEREAS, 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.

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 ordinance shall become effective upon adoption by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del. C.* Section 1156.

Section 3. The provisions of this ordinance shall become effective 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.

FISCAL NOTE: