

Sussex County Council, Georgetown, Delaware - Personnel Board Public Hearing

June 20, 2013

A scheduled Public Hearing of the Sussex County Personnel Board was held on Thursday, June 20, 2013 at 9:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware with the following present:

Mr. Everett Moore, County Attorney

Mr. David Kenton, Chairman, Personnel Board

Dr. Michael Owens, Personnel Board

Mr. Clay Yocum, Personnel Board

Call to

Order Mr. Moore called the meeting to order.

The agenda was approved by consent.

Mr. Moore opened the floor up for nominations for a Chairman for the Personnel Board.

A motion was made by Dr. Owens, seconded by Mr. Yocum, to nominate Mr. Kenton to serve as Chairman of the Sussex County Personnel Board for the Year 2013.

It was a unanimous vote and Mr. Kenton will remain the Chairman for the Year 2013.

Mr. Moore started the Public Hearing regarding the proposed ordinance to amend Chapter 29. Personnel. Mr. Moore explained the Public Hearing process and the sequence of events that will have to occur for the proposed ordinance to be adopted.

Mr. Barry Willoughby, Labor Attorney, presented an overview of why Chapter 29. Personnel Ordinance is being updated. Mr. Willoughby then focused on the major points of the proposed changes:

- 1) Incorporate all categories into the Personnel Ordinance, i.e., race, gender, religion etc.
- 2) Bring current the verbiage on Due Process
- 3) Clarify which position(s) fall within a certain classification. Identified categories of employee types and to remove reference to positions that are no longer in existence. Specify which positions fall within state code and include the verbiage from the code "serve at the pleasure of the County Council"
- 4) Clarify how overtime is paid to be consistent across the County
- 5) Define an employee in good standing at the time of termination whether voluntary or involuntary

Mr. Moore asked the Personnel Board if they had any questions. No questions were posed from the Personnel Board.

Mr. Moore indicated some of the changes he observed. He noted the proposed document is gender neutral and it does include the types within the protected class. Mr. Moore also made note of the overtime rules. Mr. Willoughby stated that overtime pay rules will be outlined in a policy. Mr. Willoughby noted the proposed ordinance does state that policies and procedures can be put in place as long as they do not conflict with the ordinance.

Mr. Moore opened floor up to Public.

Mr. Dan Kramer came forward with a list of questions/comments:

- 1) Did the Personnel Board read the document? All the way through? Each member of the Personnel Board indicated they did.
- 2) Mr. Kramer made the statement “why does it need to be changed, this is a waste of time”?
- 3) Mr. Kramer stating his displeasure about the termination process and the potential for employee’s to lose their vacation and sick payout.
- 4) Mr. Kramer disagrees that it be mandatory for employees to have to use paid leave when on FMLA.
- 5) Mr. Kramer stated he liked that the Personnel Board has control of the Human Resources Department.

Mr. Willoughby addressed Mr. Kramer’s questions/comments. He stated that the termination process that was changed was for unclassified positions and that the intent is not for arbitrary dismissal and reiterated this is in state code. Regarding FMLA, it is the employer’s discretion whether FMLA runs concurrent with paid leave. Every employer he represents administers their FMLA to run concurrent so the employee’s salary continues and leave time does not build up. Mr. Willoughby’s recommendation is run FMLA concurrent. Mr. Willoughby also addressed Mr. Kramer’s comment regarding the criteria for an employee to be in good standing at the time they exit the County.

Mr. Moore asked for any additional public comments. There were no more comments.

Mr. Moore stated as there are no more questions/comments the Public Hearing is closed.

Mr. Kenton asked for a recommendation to send the proposed ordinance to the County Administrator.

Dr. Owens recommended sending the proposed ordinance to the County Administrator and added his feedback. He compliments the County Administrator and the staff for updating the code and also for including employee focus groups for input. He felt it was a very positive thing.

Mr. Yocum also recommended sending the proposed document to the County Administrator and noted he was impressed with the comments from the employees and felt they had very good questions. He stated he feels this is the right step in the right direction in becoming uniform with both State and Federal codes that will always protect the employee.

Mr. Kenton concurred with all the comments and felt it was very detailed. Mr. Kenton asked for a motion to send the proposed ordinance to the County Administrator. Dr. Owens moved to recommend the County Administrator move forward and present the Council with the proposed ordinance. Mr. Yocum seconded, motion carried.

Mr. Kenton asked for a motion to adjourn the Public Hearing meeting. Dr. Owens made a motion and Mr. Yocum seconded.

The meeting was adjourned at 9:26 a.m.