

COUNTY OF DELAWARE PENNSYLVANIA
ORDINANCE No. 2023-7

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 6-15 OF THE ADMINISTRATIVE CODE REGARDING ORGANIZATIONAL STRUCTURE, ARTICLE IV REGARDING PERSONNEL AND SECTION 6-35 REGARDING BUDGET MANAGEMENT.

WHEREAS, pursuant to Section 6-121 of the Administrative Code (the "Code") of the County of Delaware, Commonwealth of Pennsylvania (the "County"), the Code may be amended by ordinances of the County Council; and

WHEREAS, County Council desires to make certain changes to the Code regarding organizational structure, personnel and budget management;

IT IS HEREBY ENACTED AND ORDAINED BY County Council of Delaware County, Commonwealth of Pennsylvania as follows:

SECTION 1. The Code shall be amended by deleting "Planning Department" from Section 6-15.A.

SECTION 2. The Code shall be amended to replace Subsections 6-15.B(1) (k) through (s) with Subsections 6-15.B(1) (k) through (t) to read in their entirety as set forth below.

- (k) Planning Department.
- (l) Public Relations.
- (m) Public Works and Risk and Safety Management.
- (n) Senior Citizen Services.
- (o) Soil and Water Conservation.
- (p) Solid Waste Management.
- (q) Special Events.
- (r) Vehicle Management.
- (s) Information Technology.
- (t) Telecommunications.

SECTION 3. The Code shall be amended to replace Sections 6-18.C (1) and (2) to read in their entirety as set forth below.

- (1) Developing, promoting, and implementing an affirmative action plan (which plan is subject to approval by the Executive Director and County Council) for recruitment, employment and promotion in order to assure equal employment opportunities and nondiscrimination with regard to race, color, sex, creed, age, sexual orientation, gender identity and expression, or national origin;
- (2) Managing and directing labor-management relations matters, including negotiations or collective bargaining; advising on matters concerning preservation of management's rights; and participating in and advising on all matters pertaining to grievances and arbitrations;

SECTION 4. The Code shall be amended to add Section 6-18.D to read in its entirety as set forth below.

- D. Human Resources. The Personnel Department shall be referred to as the Human Resources Department and the Director of Personnel shall be referred to as the Chief Human

Resources Officer, and all references to the Personnel Department and to the Director of Personnel shall be deemed to be references to the Human Resources Department and the Chief Human Resources Officer, respectively.

SECTION 5. The Code shall be amended to replace Section 6-19.A(1) and to add Section 6-19.A(4), each to read in its entirety as set forth below.

- (1) The Board of Personnel Grievance and Performance Review shall be responsible for the review of the personnel grievances of employees stemming from a violation of County policy or state or federal law who shall request a hearing. Certain employees shall have the right to have their grievances reviewed by the Board subject to the limitations in § 6-19C(2) of this chapter.

* * *

- (4) The grievance procedure before the Board shall not be used to resolve disputes resulting from an internal investigation or grievances from probationary employees.

SECTION 6. The Code shall be amended to add Section 6-19.B(7) to read in its entirety as set forth below.

- (7) Delegation. By unanimous consent in writing, the Board may, for any given grievance or class of grievance, delegate its duties hereunder to an alternative board of one (1) to three (3) persons designated in such consent.

SECTION 7. The Code shall be amended to replace Sections 6-19.C(2)(d) and (f), each to read in its entirety as set forth below.

- (d) An employee is required to follow the grievance procedure outlined in the current County Employee Handbook before submitting a grievance to the Board.

* * *

- (f) Written notice providing the time, date, and place of the hearing shall be given to an employee within 30 days of a request for a hearing. A manual of rules governing hearings shall be promulgated by the Board.

SECTION 8. The Code shall be amended to replace Section 6-20.E(2)(b) to read in its entirety as set forth below.

- (b) [Deleted].

SECTION 9. The Code shall be amended to replace Section 6-20.F(2) to read in its entirety as set forth below.

- (2) Selection. The applicable department head shall recommend a qualified candidate for approval by (i) the Director of Personnel, (ii) the Executive Director and (iii) the County Council Chairman or his Council member designee, and no person may begin employment in the County prior to the effective date for employment as approved by the Chairman of Council.

SECTION 10. The Code shall be amended to replace Section 6-20.G(4) to read in its entirety as set forth below.

(4) [Deleted].

SECTION 11. The Code shall be amended to replace Section 6-20.H(2) to read in its entirety as set forth below.

(2) Duration. All positions shall have a probationary period of three months (or such longer period as designated by the Director of Personnel) except as otherwise provided in the various collective bargaining agreements.

SECTION 12. The Code shall be amended to replace Section 6-20.I(1)(e) to read in its entirety as set forth below.

(e) Failure to perform during the probationary period shall warrant returning the employee to a position in the same classification from which he or she came, if available.

SECTION 13. The Code shall be amended to replace Sections 6-21.B(1) and B(1)(b), each to read in its entirety as set forth below.

(1) Causes for disciplinary action. Disciplinary action shall be based on the following:

* * *

(b) Violation of articles pertaining to discipline in the various collective bargaining agreements, applicable work rules and/or County policies; or

SECTION 14. The Code shall be amended to replace Sections 6-21.B(5) to read in its entirety as set forth below.

(5) Suspension. An employee may be suspended as a result of conduct set forth in § 6-21B(1) of this chapter as causes for disciplinary action. A suspension without pay shall not exceed 30 days. A written statement shall be furnished to the employee which specifically states the reasons for suspension. A copy shall be made part of the employee's service record in the Personnel Department.

SECTION 15. The Code shall be amended.

C. All County non-bargaining employees are at will unless otherwise provided in the Charter.

SECTION 16. The Code shall be amended by deleting “with the final approval of County Council” in Section 6-22.D.

SECTION 17. The Code shall be amended by adding Section 6-21.D(6) to read in its entirety as set forth below.

(6) Leave in accordance with state or federal law such as FMLA.

SECTION 18. The Code shall be amended by deleting “upon the final approval of County Council” in Section 6-22.E(1), to amend Section 6-22.E(1)(a) to read in its entirety as set forth below and to add Section 6-22.E(1)(e) to read in its entirety as set forth below.

(a) Funeral leave as outlined by the County employee handbook.

* * *

(e) As set forth in a benefit plan adopted by County Council or as required by law.

SECTION 19. The Code shall be amended by adding Section 6-22.E(3) to read in its entirety as set forth below.

(3) Except as provided for in a collective bargaining agreement, employees shall accrue vacation as set forth in a policy approved by County Council. Such policy may be changed by County Council in its sole discretion. Employees shall have no vested interest in vacation time except to the extent set forth in a policy approved by County Council.

SECTION 20. The Code shall be amended to replace Section 6-35.B to read in its entirety as set forth below.

B. Approval of personnel actions. All personnel actions involving expenditures of County funds shall first require certification from the Budget Management Department that unencumbered funds are available within the budgets of the affected department to fund said personnel actions. In case of a personnel action to be effective in the next calendar year but considered for approval prior to the adoption of the budget for such year, this subsection shall not apply.

SECTION 21. This Ordinance shall take effect on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this
day of 2023.

COUNTY OF DELAWARE

Dr. Monica Taylor, Chair

Elaine Paul Schaefer, Vice Chair

Kevin M. Madden

Christine A. Reuther

Richard R. Womack, Jr.

Attested:

Anne M. Coogan
County Clerk