


**New Castle County
Human Resources Advisory Board
Annual Report to New Castle County for 2017**

To: The Honorable Matthew Meyer, County Executive
The Honorable Karen Hartley-Nagle, County Council President
Council Members, New Castle County Council

From: Dr. Valencia "Lynn" Beaty, Chair, Human Resources Advisory Board 

cc: Patricia L. Purnell, Member, Human Resources Advisory Board
O. Floyd Corbin, Member, Human Resources Advisory Board

Re: HR Advisory Board Annual Report to New Castle County for 2017
(In compliance with New Castle County Code Section 2.04.001)

Date: March 1, 2018

Human Resources Advisory Board Members in 2017:

- Dr. Valencia "Lynn" Beaty, Chair
Appointed by Resolution R17-034 on 02/14/17; Term expires 02/14/23
- Patricia L. Purnell
Appointed by Resolution R12-116 on 09/04/12; Term expires 08/21/18
- O. Floyd Corbin
Appointed by Resolution R16-063 on 04/12/16; Term expires 04/12/22

Duties of the Human Resources Advisory Board:

The Human Resources Advisory Board shall represent the public interest in the merit system. The Human Resources Advisory Board shall provide advice and make recommendations to the Chief Human Resources Officer. It shall devote its efforts to the broader aspect of the program through studies, investigations, and recommendations such as advice to the Chief Human Resources Officer, the County Executive and County Council on the improvement of human resources administration in County employment. The Board shall also hear and act upon all appeals as provided in Chapter 26 of the New Castle County Code. It shall make an annual report to the County Executive and County Council which shall be made public.

Additional Information Regarding the Human Resources Advisory Board:

The Human Resources Advisory Board shall consist of three (3) members. The members of the Human Resources Advisory Board shall be appointed by the County Executive, with consent of County Council, for terms of six (6) years or until their successors are appointed and qualified. Appointments made upon the expiration of any Board member's term shall be for six (6) years from such expiration date. When vacancies occur, they shall be filled for the unexpired term. The members of the Board shall be residents of the County. They shall be persons of recognized character and ability whose experience provides knowledge of human resources practices and procedures and knowledge and support of merit principles as applied to public employment. No member of the Board shall be a member of any local, state or national committee of a political party or an officer or a member of a committee of any partisan or

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political group or shall hold or be a candidate for any political office, and no more than two (2) of the members shall be of the same political party.

Members of the Board shall be compensated according to Section 26.01.009 of the New Castle County Code.

One (1) of the members shall be elected Chairperson by the members of the Board. Meetings shall be called and held as shall be provided by rules to be adopted by the Board. Two (2) members shall constitute a quorum.

Summary of Actions in 2017:

March 2, 2017

Board Members Present:

Dr. Valencia "Lynn" Beaty, Chair
Patricia L. Purnell, Member
O. Floyd Corbin, Member

- Approval of Human Resources Advisory Board Annual Report for 2016

The Board approved the Human Resources Advisory Board Annual Report for 2016.

- Election of Chairperson – 2.05.507 (C)

The Board voted in favor of the new Chairperson, Dr. Valencia "Lynn" Beaty.

- Consider the Establishment of Time Limits under Merit System Section 26.01.010 (E) – Appeals to Human Resources Advisory Board. (26.03.1101 and 26.01.021)

The Board recommended adding information to the website that directs applicants to the Code. The Chair suggested adding Section 26.01.010 (E) to the agenda of the next meeting for review.

April 6, 2017

Board Members Present:

Dr. Valencia "Lynn" Beaty, Chair
O. Floyd Corbin, Member

Board Members Absent:

Patricia L. Purnell

- Consider new class specification of Crime Analyst (Pay Plan and Rates of Pay for Non-Union Classified Service Employees) - Pay Grade 24 (\$44,930 - \$69,706 per year)

The Board recommended approval of the new class specification of Crime Analyst. (Ordinance 17-043 was adopted by Council and Approved by the County Executive.)

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- Consider revisions to Chapter 26 of the New Castle County Code
 1. 26.01.010 – Appeals by employees to the Human Resources Advisory Board
 2. 26.03.1101 – Complaints and grievances

The Chair recommended that the Administration draft language for the Board's review at the next meeting.

- Consider Ordinance to amend New Castle County Code Chapter 26.03.512 (Return to the Classified Service) to Incentivize the Selection of Appointees with Institutional New Castle County Knowledge and Experience and to Solidify Council Confirmation Rights by Amending County Code Provisions on Return to the Classified Service to Mirror State Law Provisions

The Board recommended approval of the Ordinance. (Ordinance 17-023 was adopted by Council and Approved by the County Executive.)

May 4, 2017

Board Members Present:

Dr. Valencia "Lynn" Beaty, Chair
O. Floyd Corbin, Member

Board Members Absent:

Patricia L. Purnell

- Consider revisions to Chapter 26 of the New Castle County Code to ensure consistency in discipline of employees on a County-wide basis. All disciplinary actions, including written reprimands, suspensions and dismissals should be taken only upon recommendation and approval of the Chief Human Resources Officer.

1. 26.03.907 – Dismissals;

The Board recommended approval of changing the language to read, "All dismissals are made upon the recommendation of the appropriate department general manager upon consultation and approval of the Chief Human Resource Officer to ensure consistency with the discipline matrix." (Ordinances 17-077 and 17-080 were withdrawn by Council.)

2. 26.03.1001 – Dismissals and suspensions;

The Board recommended approval of the language as drafted: "With the prior approval of the Chief Human Resources Officer, a department general manager may, for disciplinary purposes, suspend without pay any employee in his or her department for a length of time not to exceed thirty (30) days in any twelve (12) month period. A department general manager must provide to the employee written notice of the suspension as well as the reasons for the suspension. A copy of such notice shall be filed with the Chief Human Resources Officer." (Ordinances 17-077 and 17-080 were withdrawn by Council.)

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3. 26.03.1004 – Written reprimands.

The Chair proposed to defer this Section until a full Board could be present.

- Consider revisions to Chapter 26 of the New Castle County Code to provide for guidelines and establish time limits to file appeals with the Human Resources Advisory Board by applicants seeking employment and to ensure consistency with timelines for employees.

1. 26.01.010 – Appeals by employees to the Human Resources Advisory Board
2. 26.03.1101 – Complaints and grievances.

The Chair proposed to defer this Section until the next meeting.

- Consider revisions to Chapter 26 of the New Castle County Code to allow for the processing of merit increases for all employees in an efficient manner, in the absence of a timely performance evaluation with an overall rating of improvement needed or unsatisfactory.

1. 26.03.203 – In-grade pay increment

The Board recommended making a change to Section C of 26.03.203, that states evaluations will be processed “in accordance with Division 26.03.800” rather than “at a specified period prior to his or her being considered for each merit increase.”

The Board recommended adding a Section D to state that a merit increase will be processed on the employee’s anniversary date if the overall rating on the annual performance evaluation is not “Unsatisfactory”. (Ordinance 17-076 was adopted by Council and Approved by the County Executive.)

2. 26.03.802 – Period of evaluation.

The Board recommended approval of the language to read, “An employee shall not be eligible for a merit increase if the overall rating on the final performance evaluation is “Unsatisfactory”. (Ordinance 17-076 was adopted by Council and approved by the County Executive.)

June 15, 2017

Board Members Present:

Dr. Valencia “Lynn” Beaty, Chair
O. Floyd Corbin, Member
Patricia L. Purnell, Member

- Consider revisions to Chapter 26 of the New Castle County Code to provide for guidelines and establish time limits to file appeals with the Human Resources Advisory Board by applicants seeking employment and to ensure consistency with timelines for employees.

1. 26.01.010 – Appeals by employees to the Human Resources Advisory Board

The Board recommended approval of the language to read, "Appeals by applicants shall be governed by Section 26.03.1101"; and redundant language in the last paragraph was stricken since it is covered in Section 26.03.1101. (Ordinance 17-078 was adopted by Council and Approved by the County Executive.)

2. 26.03.1101 – Complaints and grievances.

C. Grievances filed by persons seeking employment as set forth in A (3) of this section shall be acted upon as described in this subsection.

- 1. Not later than ten (10) working days after a person seeking employment receives notice of an employment action that he or she believes is a denial of equal opportunity as set forth in Section 26.01.021(E), the person seeking employment shall provide written notice to the Chief Human Resources Officer for New Castle County of his or her desire to appeal the employment related action to the Human Resources Advisory Board.*
- 2. The Chief Human Resources Officer shall forward the written request to the members of the Human Resources Advisory Board within five (5) working days. The Chief Human Resources Officer shall arrange a meeting of the Human Resources Advisory Board to hear the appealed grievance at the earliest possible date but no later than thirty (30) working days from the date the Chief Human Resources Officer receives the written request from the person seeking employment.*
- 3. The hearing shall be attended by the person seeking employment, and may bring a representative. The Chief Human Resources Officer or his or her representative shall present the County's position to the Human Resources Advisory Board. The Human Resources Advisory Board shall submit their decision, in writing, to the person seeking employment with a copy to the County within fifteen (15) working days following the closing of the appealed hearing and affix their signatures thereto. The Human Resources Advisory Board shall limit their decision strictly to the application and interpretation of this Article and Article 1 of this Chapter and shall be without power to make any decision contrary or inconsistent with the terms of this Chapter nor shall the Human Resources Advisory Board modify or vary, in any way, the terms of this Chapter. If the Human Resources Advisory Board determines a person seeking employment was denied equal opportunity, it shall refer the matter to the Chief Human Resources Officer for resolution.*

The Board recommended approval of the above. (Ordinance 17-078 was adopted by Council and Approved by the County Executive.)

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- Consider revisions to Chapter 26 of the New Castle County Code to ensure consistency in discipline of employees on a County-wide basis. All disciplinary actions, including written reprimands, suspensions and dismissals should be taken only upon recommendation and approval of the Chief Human Resources Officer.

1. 26.03.1004 – Written reprimands.

A motion was made that we approve, to add the language as presented in Section 26.03.1004 – Written reprimands, as written, to add the language that has been provided. The motion died and the Board declared that the original submitted language in the regulation stands, which reads, “A department general manager or his or her designee may issue to an employee a written reprimand for any action or behavior which he or she deems inappropriate or unsatisfactory. The written reprimand shall describe the action or behavior for which the employee is being cited. A copy of the written reprimand shall be transmitted to the Chief Human Resources Officer and made a part of the employee’s personnel file and records.”

- Consider Ordinance No. 17-046 introduced by the President of County Council entitled, “To Amend New Castle County Code Section 26.03.503 (“Methods of Filling Vacancies”) which provides for eliminating any vacant position that has remained unfilled for more than one (1) year from the inception of the vacancy.

The motion to approve the ordinance failed. (Ordinance 17-046 was tabled by Council.)

September 14, 2017

Board Members Present:

Dr. Valencia “Lynn” Beaty, Chair
O. Floyd Corbin, Member
Patricia L. Purnell, Member

- Consider new class specification of Victim’s Assistance Office Coordinator (Pay Plan and Rates of Pay for Non-Union Classified Service Employees) - Pay Grade 22 (\$40,753 - \$63,225 per year)

The Board recommended approval of the new class specification of Victim’s Assistance Office Coordinator. (Ordinance 17-093 was adopted by Council and Approved by the County Executive.)

- Consider new class specification of Master Electronics Technician (Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by AFSCME Local 1607) - Pay Grade 25 (\$53,917 - \$83,646 per year)

The Board recommended approval of the new class specification of Master Electronics Technician. (Ordinance 17-100 was adopted by Council and Approved by the County Executive.)

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- Consider Ordinance No. 17-080 introduced by County Council entitled To Amend New Castle County Code Chapter 26 (“Human Resources”), Article 3 (“Merit System”), to Require Approval by the Chief Human Resources Officer of Suspensions and Dismissals for Non-Police Classified Employees, and to Clarify that Authority to Suspend or Recommend Dismissal of Police Officers Rests with the Chief of Police.

Ordinance 17-080 replaces Ordinance 17-077 which uses language approved by the Board on May 4, 2017. The new ordinance clarifies in the title and in the body that the legislation does not impact police. The Administration requested the Board’s opinion on moving forward with 17-080, as we do not have the support of the FOP, or whether we should add language to the ordinance to state that County work rules do not apply to police officers.

The Board supported adding language to the ordinance and looked forward to seeing a new ordinance when presented. (Ordinances 17-077 and 17-080 were withdrawn by Council.)

- Review Bylaws of the Human Resources Advisory Board Adopted December 18, 2014

The Board recommended approval to accept the bylaws with a stipulated correction that meetings occur on the first Thursday of the month.

- Review 2018 meeting schedule

The Board recommended approval of the 2018 HR Advisory Board meeting schedule with the stipulated change of the July 5, 2018, meeting to July 12, 2018.

December 7, 2017

Board Members Present:

Dr. Valencia “Lynn” Beaty, Chair
O. Floyd Corbin, Member
Patricia L. Purnell, Member

- Consider revisions to *New Castle County Code* Chapter 26, to include additional federal and state protected anti-discrimination protections to the following articles:

- 26.01.001. General purpose;
- 26.01.010. Appeals by employees to Human Resources Advisory Board;
- 26.01.018. Prohibitions and penalties;
- 26.01.021. Workforce diversity and equal employment opportunity;
- 26.03.1101. Complaints and grievances.

The Board recommended adding the following underlined protected classes to Chapter 26: political affiliation, race, color, national origin, gender, religious creed, age, mental or physical disability, marital status, sexual orientation, genetic information, gender identity, pregnancy, veteran status, or other nonmerit factors. (Legislation is pending introduction by County Council.)