

INTRODUCED BY: Commissioner Allan F. Angel  
DATE INTRODUCED: February 8, 2022  
PUBLIC HEARING DATE: February 22, 2022  
HEARING TIME: 7:00 p.m.  
ADOPTION DATE: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_

(PROPOSED) ORDINANCE LC21-20

AN ORDINANCE TO AMEND CHAPTER 68 OF THE KENT COUNTY CODE  
RELATING TO CATEGORIES OF EMPLOYMENT SERVICE.

WHEREAS, The 151st General Assembly of Delaware amended Chapter 41, Title 9 of the Delaware Code to formalize the position of County Administrator and prescribe therein certain duties; and

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code relating to the Kent County Personnel Policy to remove certain conflicting language as it relates to the new Delaware Code provisions, and other minor revisions;

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. CHAPTER 68 of the Kent County Code, **§68-2 Applicability; categories of employment service** is hereby amended as follows:

**Applicability; categories of employment service.**

A. Employment in the Kent County government shall be divided into four services: excluded, elected, unclassified and classified.

B. Employees in the excluded service shall not be subject to the provisions of this chapter, except that the County government shall keep appropriate personnel records on the persons in this service, and they shall be ineligible for any employee benefits [~~except that members of the Board of Assessment shall be eligible for specific employee benefits as determined by Levy Court~~]. The excluded service shall include the following:

- (1) Temporary, **contracted**, intermittent or seasonal employees.
- (2) Members of appointed boards, commissions and advisory committees.
- (3) Employees hired by the County government to perform services on a fee or fixed cost basis, including County Attorney(s) and other contracted professionals or consultants.
- (4) [~~The Mortgage Commissioner~~].
- (5) Employees serving under the provisions of federal employment programs.

C. Employees in the elected service shall not be subject to the provisions of this chapter, except as prescribed by this chapter in a management role, but shall be eligible for specific employee benefits as determined by Levy Court. The elected service shall include all elected officials and their appointed deputies and/or chief deputies provided for in Delaware law.

D. Employees in the unclassified service shall be appointed by Levy Court, [~~except the Secretary to the Board of Assessment~~], and therefore exempt from provisions of this chapter

requiring competitive examinations or other appointment/selection requirements. Notwithstanding the foregoing, employees in the unclassified service shall be subject to all provisions of this chapter and other policies and regulations approved by Levy Court; their positions shall be in accordance with the approved classification plan; their remuneration shall be administered by the Director of Personnel, who shall use the most current pay plan officially approved by Levy Court as the basis for wage and salary decisions. Employees in the unclassified service shall also be eligible for such employee benefits as are in effect during the time of their employment.

(1) The unclassified service shall include the County Administrator, [~~Assistant County Administrator, Director of Community Services,~~] and Director of Finance [~~, Director of Planning Services (Planning Director), Director of Public Safety, Director of Public Works (County Engineer) and any other nonelected department head~~].

(2) Employees in the unclassified service shall by the nature of their positions be exempt administrative, executive or professional employees as defined under the Federal Fair Labor Standards Act receiving a fixed salary and shall not be required to account for partial day absences.

E. Employees in the classified service are subject to all provisions of this chapter; their positions shall be in accordance with the approved classification plan; their remuneration shall be administered by the Director of Personnel, who shall use the most current pay plan officially approved by Levy Court as the basis for wage and salary decisions; and they shall be governed by all policies and regulations approved by Levy Court. The classified service shall include all County employees not included under Subsections B, C and D(1) above.

F. The class in which each employee shall have status shall be determined in the manner provided in § 68-5.

Section 2. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any or the remaining provisions.

Section 3. This Ordinance shall become effective upon adoption.

### SYNOPSIS

This ordinance removes certain department director positions from the unclassified service and clarifies other language.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

\_\_\_\_\_  
President, Kent County Levy Court  
This \_\_\_\_\_ day of \_\_\_\_\_, 2022

ATTEST: \_\_\_\_\_  
Clerk of the Peace