

NO. 25-20-OR

ORDINANCE

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 1009, entitled "Personnel Policies," in order to establish a paid holiday structure for all County employees.

Whereas, pursuant to Article IV, §6 of the Home Rule Charter of Allegheny County, "County Council shall adopt by ordinance, and amend as needed, an Administrative Code that shall provide a complete plan of organization, departmental structure and operation for the County government. The Administrative Code shall include, at a minimum, a procedure for the adoption of emergency ordinances, resolutions and appropriations, procedures for public notification of official actions, procedures for initiative and referendum, procedures for adjusting the compensation of the Chief Executive and reimbursing the expenses of elected officers, a personnel system, components of the comprehensive fiscal plan, sunset review procedures, the powers of the Manager while serving as temporary Chief Executive, a competitive procurement system and a table of organization for all departments and agencies."; and

Whereas, in accordance with the provisions of Article IV, §6, the Administrative Code of Allegheny County, Part 10 of which deals exclusively with County personnel; and

Whereas, Article 1009 of the Administrative Code deals exclusively with personnel policies, and, *inter alia*, contains provisions directing that the County's personnel policies cover the subject of paid holidays for County employees (*see* §5-1009.01.B), and requiring that County paid holidays be delineated in the County's employee handbook (*see* §5-1009.03.A(8)); and

Whereas, pursuant to the grant of authority by the Charter to County Council to govern the County's operations and personnel system, and in accordance with the inclusion of provisions relating to County employee holiday delineation within the existing Administrative Code, it is the judgment of Council that establishing the County's paid holidays are within the sound discretion of the Council, and can be established by validly enacted ordinance amending the Administrative Code; and

Whereas, on Wednesday, June 19, 2019, Governor Tom Wolf signed Act 9 of 2020 (P.L. 34) into law, officially recognizing Juneteenth National Freedom Day within the Commonwealth, after the legislation passed in the Commonwealth's House of Representatives by a vote of 191-0 and in the Commonwealth's Senate by a vote of 50-0; and

Whereas, as noted in the text of Act 9 (attached hereto), the Juneteenth holiday was officially celebrated in at least 37 states as of late 2019, and "[o]riginating in Galveston, Texas, on June 19, 1865, when slaves in that state learned that they had been freed, "Juneteenth National Freedom Day" is the oldest African-American holiday observance in the United States."; and

Whereas, also as noted in the text of Act 9, "'Juneteenth National Freedom Day' further commemorates the impact of slavery, the abolition movement and African-American emancipation in the United States and has become a traditional celebration of independence, human rights and African-American culture in many communities... [r]ecognition of 'Juneteenth National Freedom Day' in this Commonwealth would encourage all governmental entities, civic organizations, schools and institutions of higher education in this Commonwealth to observe the day in a manner that emphasizes the meaning and importance of the end of slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people."; and

Whereas, while the provisions of Act 9 apply only to the Commonwealth itself and only encourage other entities to recognize the holiday, it is the judgment of Council that commemoration of the Juneteenth holiday for County employees is in keeping with the County's commitment to equity, diversity and inclusion; and

Whereas, accordingly, it is the desire of Council to include Juneteenth National Freedom Day among the paid holidays for County employees, and also to strongly encourage other governmental and private entities to do the same;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Amendment of the Administrative Code.

The Administrative Code of Allegheny County, Article 1009, entitled "Personnel Policies," is hereby amended as follows:

§ 5-1009.01. Preparation and contents of personnel policies.

- A. The Human Resources Director shall be responsible for preparing and promulgating personnel policies governing all employees serving under the jurisdiction of the County Officers. All policies shall be subject to the approval of the County Manager before they are implemented.
- B. Personnel policies shall cover, but not be limited to, the following subjects: equal opportunity, sexual harassment, holidays (as provided for within §5-1009.08 of this Article), vacation, employee benefits, family medical leave act, leaves of absence, affirmative action, drug free work place.
- C. The existing Allegheny County Policies and Procedures Manual shall continue in effect until amended or replaced. In cases of conflict between the wording of this Administrative Code and the existing Allegheny County Policies and Procedures Manual, this Administrative Code shall prevail.

§ 5-1009.02. Orientation.

- A. Within the three months after the Administrative Code becomes effective in the County, the Human Resources Director shall arrange meetings with all employees to provide an orientation to the new government and its policies.
- B. Within one year of the effective date of the Administrative Code, the Human Resources Director shall have in place a formal orientation program for all employees. The Human Resources Director shall decide the timing for orientation, the scope of the program, and those who will be involved.

§ 5-1009.03. Employee handbook.

- A. Prior to the start of the orientation program, the Human Resources Director shall cause to be prepared an employee handbook (policy guide) designed to provide information which will be helpful to the employee during his tenure with Allegheny County, and which makes clear the obligation which the individual undertakes as an employee of the County. The purpose shall be to encourage commitment to their job and to the County. The handbook will cover such areas as:
 - (1) Employee benefits;
 - (2) The Accountability, Conduct and Ethics Code;
 - (3) Performance evaluation system;
 - (4) Disciplinary system;

- (5) Grievance procedure;
- (6) Hours of work;
- (7) Pay periods;
- (8) Holidays (as provided for within §5-1009.08 of this Article), sick leave, leaves of absence, etc.

B. Part of each orientation should be devoted to a discussion of the handbook, and each employee shall receive a personal copy. Each person may be asked to sign a statement to the effect that he or she has received such copy, understands its contents, and agrees to abide by established policies.

§ 5-1009.04. Performance evaluations.

- A. Within one year after the effective date of the Administrative Code, a Performance Evaluation System shall be established by the Human Resources Director and approved by the County Manager. Among other things, the procedures shall provide for the frequency of evaluation, the type of evaluation rating appropriate for each class of employees, the review process, and the opportunity for an employee to file objection to the evaluation.
- B. The evaluation system shall be performance-based and established on job related criteria. Its principal objectives shall be the development of personnel and the correction of poor performance, to the degree possible.
- C. The Human Resources Director shall arrange for training sessions for all persons responsible for evaluating others. Such sessions shall, among other things, guide evaluators in the use of rating forms, stress the importance of objectivity and professionalism in evaluating others, and the need to be familiar with the work and performance of the person being evaluated.

§ 5-1009.05. Employee development.

The Human Resources Director shall foster and develop programs for the improvement of employee development and effectiveness. The funds needed to support such programs shall be recommended in the balanced annual operating budget for the Human Resources Division. The recommended policy on employee development also shall include guidelines for participation in such programs.

§ 5-1009.06. Employee roster.

The Human Resources Director shall maintain a roster of County officials, County officers, all career service and exempted career service employees. Where applicable, such roster shall specify the class or title of the position held, the current salary and pay

grade, any changes in class or title, salary or pay, and such other data as may be deemed useful.

§ 5-1009.07. Files and inspection of files.

- A. The Human Resources Director shall maintain the official personnel file of each employee.
- B. All personnel files shall be considered confidential and shall only be disclosed within the County to aid in personnel administration, and only with the approval of the Human Resources Director.
- C. No data in personnel files shall be disclosed to outside sources of inquiry except as required by law or with the consent of the employee.
- D. Each employee shall have the right to inspect those records, which have been or may be used in connection with any personnel action relating to that employee in accordance with applicable law. The Human Resources Director may establish rules in the furtherance of this provision.

§ 5-1009.08. Paid County Holidays.

- A. County employees shall be granted paid holidays for the following days in each calendar year:
 - 1. New Years Day, on January 1st;
 - 2. Dr. Martin Luther King Day, on the third Monday in January;
 - 3. Presidents' Day, on the third Monday in February;
 - 4. Memorial Day, on the last Monday in May;
 - 5. Juneteenth National Freedom Day, on June 19th;
 - 6. Independence Day, on July 4;
 - 7. Labor Day, on the first Monday in September;
 - 8. Columbus Day, on the second Monday in October;
 - 9. Veterans Day, on November 11th;
 - 10. Thanksgiving Day, on the fourth Thursday in November; and
 - 11. Christmas Day, on December 25th.

- B. In addition to the holidays designated in Subsection A., any independently elected official designated within this Administrative Code, the Allegheny County Court of Common Pleas, Allegheny County Council, and/or the Chief Executive of Allegheny County may, at their sole discretion, grant employees within their offices any one or any combination of the following paid holidays:
1. Primary Election Day, as designated by the Commonwealth of Pennsylvania;
 2. Good Friday, as designated annually;
 3. Flag Day, on June 14; or
 4. General Election Day, as designated by the Commonwealth of Pennsylvania.
- C. Should any of the dates delineated within this Section fall upon a weekend or other day on which County offices are generally closed, the County shall observe the holiday and grant paid leave to County employees on a date within three (3) calendar days of the delineated date. In the event that Juneteenth National Freedom Day falls upon a Tuesday or Wednesday, the holiday shall be observed on the Monday preceding June 19th, and in the event that such holiday falls on a Thursday, it shall be observed on the Friday following June 19th.
- D. Nothing contained herein shall be read or interpreted to supersede, preempt, or otherwise alter any provision of an in-force collective bargaining or other contractual agreement that applies to any County employee.
- E. In the event that the date of any holiday designated herein is altered by applicable Federal or Commonwealth law, observance of such holiday shall be in accordance with such statute(s).
- F. The abolition or discontinuance of the observation of any Federal or Commonwealth holiday shall have no effect upon the provisions of this Section in the absence of its amendment.

SECTION 3. Effective Date.

The provisions of this Ordinance shall become effective as of January 1 of the first calendar year after the date of final approval.

SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER BENNETT

CO-SPONSORS: COUNCIL MEMBER HALLAM

Enacted in Council, this 20th day of October, 2020,

Council Agenda No. 11600-20



Patrick Catena
President of Council

Attest:



Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office October 20th, 2020

Approved:



Rich Fitzgerald
Chief Executive

Attest:



~~Sonya Dietz~~
~~Executive's Secretary~~

Jennifer M. C. Ptak
Chief of Staff

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 619 Session of 2019

INTRODUCED BY HELM, BERNSTINE, BIZZARRO, BOBACK, BROWN, BURNS, CALTAGIRONE, DAVIDSON, DIGIROLAMO, FREEMAN, HENNESSEY, HILL-EVANS, KINSEY, KORTZ, KULIK, LONGIETTI, MEHAFFIE, MILLARD, NEILSON, OBERLANDER, RABB, READSHAW, ROTHMAN, RYAN, SAYLOR, SCHLOSSBERG, SCHWEYER, SONNEY AND WHEELAND, FEBRUARY 28, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 2019

AN ACT

1 Providing for the annual designation and holiday observance June
2 19 as "Juneteenth National Freedom Day" in this Commonwealth.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Legislative findings.

6 The General Assembly hereby finds and declares as follows:

7 (1) Originating in Galveston, Texas, on June 19, 1865,
8 when slaves in that state learned that they had been freed,
9 "Juneteenth National Freedom Day" is the oldest African-
10 American holiday observance in the United States.

11 (2) "Juneteenth National Freedom Day" commemorates the
12 survival instinct of Africans who endured a transatlantic
13 journey, known as the Middle Passage, on slave ships from
14 their homeland to this country.

15 (3) Approximately 11.5 million Africans survived the
16 harsh voyage to slave markets in the New World, and the slave

1 population in America grew quickly.

2 (4) "Juneteenth National Freedom Day" further
3 commemorates the impact of slavery, the abolition movement
4 and African-American emancipation in the United States and
5 has become a traditional celebration of independence, human
6 rights and African-American culture in many communities.

7 (5) Recognition of "Juneteenth National Freedom Day" in
8 this Commonwealth would encourage all governmental entities,
9 civic organizations, schools and institutions of higher
10 education in this Commonwealth to observe the day in a manner
11 that emphasizes the meaning and importance of the end of
12 slavery in the United States and to recognize and celebrate
13 the importance of this day to every person who cherishes
14 liberty and equality for all people.

15 (6) "Juneteenth National Freedom Day" is celebrated
16 annually in at least 37 states nationwide.

17 Section 2. Designation.

18 June 19 is designated as "Juneteenth National Freedom Day" in
19 this Commonwealth.

20 Section 3. Construction.

21 Nothing in this act shall be construed as requiring an
22 employer to treat June 19 as a legal or official holiday or to
23 provide paid leave to an employee on June 19 solely by virtue of
24 the date being designated under this act.

25 Section 4. Effective date.

26 This act shall take effect immediately.