

INTRODUCED BY: Commissioner Allan F. Angel  
DATE INTRODUCED: October 26, 2021  
PUBLIC HEARING DATE: November 23, 2021  
HEARING TIME: 7:00 p.m.  
ADOPTION DATE: November 23, 2021  
EFFECTIVE DATE: Upon Adoption

ORDINANCE 21-13

AN ORDINANCE TO AMEND CHAPTER 68 OF THE KENT COUNTY CODE  
RELATING TO HOLIDAYS.

WHEREAS, Juneteenth is now recognized as a legal holiday by the federal and state governments; and

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code relating to the Kent County Personnel Policy to incorporate Juneteenth as a new holiday, offer compensating hours off for employees physically working on certain dates when specific holidays fall on the weekend, allow adjustment of the day of the week for observance of the Day after Christmas holiday, and other revisions;

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

Section 1. CHAPTER 68 of the Kent County Code, **§68-20 Holidays** is hereby amended as follows:

A. All **nonexempt non-represented position** classified **employees**, [~~and~~] unclassified employees, **and elected employees**, except part-time employees and temporary employees **or other excluded employees**, shall **be eligible for the day off on the following official Kent County holidays, with the specific date of observance to be determined annually by the County Administrator, and receive holiday pay equal to their regular rate of pay for eight hours, or seven hours as assigned:** [~~receive their regular rate of pay for eight hours, 7.5 hours, or seven hours as assigned, and exempt employees shall have the day off on the following listed holidays and for any other date or portion of a day proclaimed by the President of Levy Court as a holiday:~~]

New Year's Day  
Martin Luther King Jr. Day  
Presidents' Day  
Good Friday  
Memorial Day  
**Juneteenth**  
Independence Day  
Labor Day  
Election Day in even-numbered years  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day  
Day after Christmas

B. When any holiday falls on a Saturday, the preceding business day shall be considered the **official Kent County** [legal] holiday.

C. When any holiday falls on a Sunday, the following business day shall be considered the **official Kent County** [legal] holiday.

~~D. If efficient operations require an employee's services to be performed on any holiday, some other mutually agreeable compensating day off shall be granted by the department head and the employee shall be compensated at a rate double his/her normal hourly rate for any work on the holiday.~~

**D. If efficient operations require a nonexempt non-represented position employee's services to be performed on any official Kent County holiday, the employee shall be compensated at a rate double their regular hourly rate for any work physically performed on a Kent County holiday and receive holiday pay as provided in paragraph (A), or in lieu of holiday pay may accrue equivalent hours of vacation leave if the employee requested such in advance on a calendar year basis. Whenever June 19 (Juneteenth), July 4 (Independence Day), November 11 (Veterans Day), December 25 (Christmas), or January 1 (New Year's Day) fall on a Saturday or Sunday on the calendar, a nonexempt non-represented position employee shall accrue vacation leave equal to any hours physically worked on these specific dates.**

E. For the nonexempt employee to be eligible for holiday pay, **the eligible nonexempt employee** [he/she] must have worked on the last scheduled workday prior to and the next scheduled work day after said holiday unless the employee is on approved absence with pay in accordance with this chapter, or absent with pay with prior approval of the department head.

~~[F. Special holidays or reduced working schedules declared due to inclement weather, emergencies or some other specific reason shall not be substituted with a compensating day off for employees on approved or unapproved absence or unaffected by the circumstances demanding the declaration.]~~

**F. If December 25 (Christmas) or December 26 (Day after Christmas) fall on a Saturday or Sunday on the calendar, the President of Levy Court can by declaration adjust the day on which the official Day after Christmas holiday is observed to the business day before or after the day Christmas is observed.**

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 designates Juneteenth as a Kent County holiday and clarifies other language.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

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President, Kent County Levy Court  
This 23<sup>rd</sup> day of November, 2021

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