

CITY OF VINELAND

ORDINANCE NO. 2018-76

ORDINANCE AMENDING ORDINANCE 2018-31, AN ORDINANCE TO AMEND AND SUPPLEMENT ORDINANCE NO. 8, AS AMENDED, WHICH ESTABLISHED THE CLASSIFICATION AND COMPENSATION PLANS FOR THE CITY OF VINELAND FOR THE POSITION OF HEALTH OFFICER, RETROACTIVE TO JUNE 30, 2018 SO AS TO CURE AND CORRECT AN ERROR AND INEQUITY

WHEREAS, the City of Vineland has created the position of health officer to administer the local board of health, served by the City Council of the City of Vineland; and

WHEREAS, on July 1, 2013, the person serving as the health officer for the City of Vineland also served as health officer for the Cumberland County Board of Health and on said date retired from the City as health officer with a salary of \$111,094.00; and

WHEREAS, in accordance with the Shared Services Agreement with the Cumberland County Board of Health, the City received a contribution of \$27,774.00 towards the health officer's salary reducing the City's costs towards the salary to \$83,320.00 as well as contributing 100% of the cost of health benefits; and

WHEREAS, the procedure followed by the Department of Personnel to set forth the salary range to be adopted by amendment to Ordinance No. 8 is to take the collective bargaining agreements and calculate the highest salary to be paid for each title based upon the negotiated increases for the total term of the agreement and utilize that amount as the high range so as each year an increase is paid to the person in each title, the amount would be within the range and no further Ordinance amendment would be needed through the term of the collective bargaining agreement; and

WHEREAS, since July 1, 2013, the shared services agreement between the City of Vineland/ City of Vineland Board of Health and the Cumberland County Board of Health for the service of the Vineland health officer had expired or otherwise terminated, however no reduction in the high end of the Salary Ordinance was considered or brought to the attention of the governing body for consideration; and

WHEREAS, the Department of Personnel continued to calculate the high end of the salary range for the health officer and incorporated that in the Salary Ordinance based upon subsequent collective bargaining agreements for the purpose of efficiency and in May 2018, City Council adopted Ordinance 2018-31, amending Ordinance No. 8, as amended, setting forth the high end of the salary range for the position of health officer at \$123,377; and

WHEREAS, the present health officer served in the capacity of assistant health officer from July 1, 2013 until January 1, 2014 at which time the present health officer was appointed to the position of health officer in accordance with the Civil Service Act; N.J.S.A. 11A:1-1 et seq.; and

WHEREAS, N.J.S.A. 26:3-25.1 and N.J.S.A. 26:1A-41 specifies that every person holding a health officers license and employed in that position "shall receive the maximum salary in the persons range within 5 years from the date of appointment to his position..." ; and

WHEREAS, the present salary of the health officer of the City of Vineland is \$93,182.00 and said person's service does not include service to the Cumberland County Board of Health and further said person has or will be in service for the City for a period of 5 years and would entitle said person to a salary increase of \$30,195.00 to the high range of the salary set forth in Ordinance 2018-31, which is \$123,377.00; and

WHEREAS, the adoption of Ordinance 2018-31 setting the high salary range of \$123,377.00 for the position of health officer was not intended by the governing body to provide an increase in salary by \$30,195.00 representing a 32.4% increase in salary to the health officer but was done for convenience and the application of N.J.S.A. 26:3-25.1 under the circumstances is an error and inequity; and

WHEREAS, in order to correct and cure the unintentional and erroneous increase in salary by 32.4% or \$30,195.00, it is necessary to amend Ordinance 2018-31 and set the high end of the salary for the health officer to a range intended by the governing body to be a correct range considering all factors including the 2% cap on municipal salaries for property tax relief to the taxpayers of the city of Vineland; and

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WHEREAS, City Council finds that a fair range which would provide the health officer position a fair salary after 5 years of service is \$79,303 as a low and \$97,841.00 as a high representing a 5% increase over that person's present salary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the salary range set forth in Ordinance 2018-31, Schedule No. 7-2018 for the title of health officer be amended to \$79,303.00-\$97,841.00 retroactive to June 30, 2018.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of competent jurisdiction, the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should the retroactive effect of this Ordinance be deemed impermissible by a court of competent jurisdiction, then this Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

BE IT FURTHER ORDAINED that the balance of Ordinance 2018-31 no so amended hereby shall remain in full force and effect

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk