



FRANK WHITE, JR.
Jackson County Executive

February 24, 2023

Veto Message from the County Executive

Ordinance 5712

TO THE JACKSON COUNTY LEGISLATURE:

RECEIVED

FEB 24 2023

3:50 pm
JHK

MAILED
FEB 24 2023

I am returning herewith without my approval Ordinance 5712, which most notably creates inequitable and unjustified pay grades among county associates which likely violate numerous current labor agreements.

First, I believe our Associates are our most valuable asset and that they deserve to receive an honest day's pay for an honest day's work. That is why we conducted the first countywide Classification and Compensation Study in decades. In collaboration and with the full support of the County Legislature, we successfully implemented a competitive compensation and classification system in Jackson County that not only encourages strong recruitment and retention, but most importantly, ensures all county associates are compensated fairly and equitably. Importantly, the compensation study also includes provisions that provide procedures that should be used for the review and adjustment of salary ranges should they be needed and properly justified.¹

¹ See Classification and Compensation Study for Jackson County, Missouri. February 6, 2020.

Second, Ord. 5712 would almost certainly lead to a violation of the county's current labor agreements with the St. Louis- Kansas City Carpenters Regional Council (Carpenters) and Local 42 of the International Association of Fire Fighters (IAFF).² In addition to the reputational harm of violating an existing contractual agreement, these violations would almost certainly result in expensive litigation and the potential award of damages. Specifically, the Carpenters' current agreement contains the following language, which appears in an almost identical form in the IAFF agreement, and is often referred to in Jackson County as a "me-too" clause:

In the event the County provides a wage increase for any County department, division or employee, including wage increases for elected officials not otherwise required by law that is above that provided to members of the bargaining unit, members covered by this Memorandum will receive a percentage increase equal to that granted to the other department, division, employee(s) or elected officials.

And while there are certain limited exceptions to the clause, the testimony provided by the ordinances sponsor and County Auditor make those limited exceptions almost certainly irrelevant.

Third, Ord. 5712 proposes changing salary ranges for associates that may currently be part of the merit system. Specifically, the Constitutional Home Rule Charter of Jackson County (Charter) states, in part, that:

*There shall be a system of personnel administration for the appointment of all county employees and appointive county officers, except as otherwise provided in this charter, on the basis of merit ascertained as nearly as practicable by competitive examination and for the retention of said employees and officers on the basis of merit and ability. The system shall provide a plan of classification of positions in which the principle of equal pay for substantially equal work will be followed.*³

² See Res. 19427 (2017); Res. 19271 (2016).

³ See Charter Art. IX, Sec. 1.

The Charter goes on to list the positions that shall not be part of the merit system, but notably does not include the staff of the County Auditor.⁴ Importantly, the Charter specifically states that “the only other exemptions from the merit system shall be those recommended by the Merit System Commission (Commission) and authorized by the County Legislature.”⁵ To date, the Commission has made no such a recommendation and therefore the Legislature has not authorized such a classification.

Finally, the recent changes I made to Jackson County’s Personnel Rules, ensure that the county uses the same fair and equitable process for the creation and classification of new positions in the county regardless of merit system status. In addition to ensuring fairness and equity in the process, the updated Personnel Rules will also provide additional safeguards against potential legal risks caused by the passage of this ordinance, or something similar in the future. In addition, I look forward to working with the Legislature to ensure that the process for adding new positions, classifying those positions, and selecting applicants is clear, consistent, and based in common-sense.

For the foregoing reasons, I am required to return Ordinance 5712 to the County Legislature without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Frank White, Jr.", with a long horizontal flourish extending to the left.

Frank White, Jr.
Jackson County Executive

⁴ The Charter does reference the staff of other officers, such as: “members of the staff of the County Executive”; “members of the staff of the County Legislature”; “the Court Administrator and his or her employees”.

⁵ *Id.* at Sec. 2.

IN THE COUNTY LEGISLATURE OF JACKSON, MISSOURI

AN ORDINANCE repealing schedule I to chapter 2, Jackson County Code, 1984, relating to County associates not within the Merit System, and enacting, in lieu thereof, one new schedule relating to the same subject.

ORDINANCE NO. 5712, January 30, 2023

INTRODUCED BY Manuel Abarca IV, County Legislator

WHEREAS, by Resolution 20104, dated March 11, 2019, the Legislature did award a contract to Evergreen Solutions, LLC, of Tallahassee, FL, to perform a compensation study relating to all County associates, and,

WHEREAS, Evergreen completed the study, which made recommendations regarding new salary ranges for all County positions and the proper placement of all County associates within those ranges; and,

WHEREAS, by Ordinance 5373, dated June 29, 2020, the Legislature adopted Evergreen's recommendations in the study regarding associates not within the Merit System and implemented the new ranges by the revision of certain provisions of chapter 2 of the Jackson County Code; and,

WHEREAS, in this implementation, Ordinance 5373 deleted from schedule I certain historical positions in County government that did not have incumbents at the time of implementation; and,

WHEREAS, the Auditor now recommends that one of these former positions, Assistant Auditor, be added back into schedule I at an appropriate salary range; and,

WHEREAS, the Auditor is reviewing the status of three other former positions omitted from Schedule I and may make further recommendations regarding these positions at a future date; and,

WHEREAS, the Auditor also recommends that certain positions within the Legislature, Auditor's Office, and County Clerk's Office be reclassified to higher grades with the associated increased salary ranges, all to allow more flexibility in managing the career progress for certain County associates; and,

WHEREAS, it is in the best interests of the health, welfare, and safety of the citizens of Jackson County that schedule 1 to chapter 2 be amended as recommended by the Auditor; now therefore,

BE IT ORDAINED, by the County Legislature of Jackson County, Missouri, as follows:

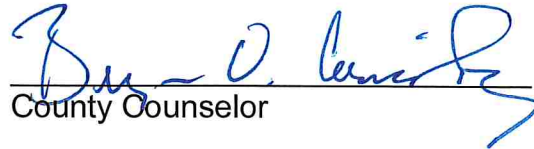
Section A. Enacting Clause.

Schedule I to chapter 2, Jackson County Code, 1984, is hereby repealed and one new schedule enacted in lieu thereof, to be known as schedule I, to read as attached.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5712 introduced on January 30, 2023, was duly passed on February 14, 2023 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 2

Abstaining 1

Absents 0

This Ordinance is hereby transmitted to the County Executive for his signature.

2.14.2023
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5712.

Date

Frank White, Jr., County Executive

| NON-MERIT CLASSIFICATION TITLE | | GRADE | 2023 MINIMUM SALARY | 2023 MAXIMUM SALARY |
|--------------------------------|---------------------------------|------------|---------------------|---------------------|
| COUNTY LEGISLATURE | | | | |
| | Legislature as a Whole | | | |
| | Legislative Aide | N/A | Open | Open |
| | Communications Officer | <u>300</u> | <u>\$73,882.00</u> | <u>\$114,424.00</u> |
| | County Auditor | | | |
| | Secretary to Auditor | [160] | [\$40,398.00] | [\$62,617.00] |
| | | <u>170</u> | <u>\$42,176.00</u> | <u>\$65,373.00</u> |
| | Compliance Review Officer | [200] | [\$47,992.00] | [\$74,388.00] |
| | | <u>260</u> | <u>\$62,142.00</u> | <u>\$96,320.00</u> |
| | Chief Compliance Review Officer | [230] | [\$54,611.00] | [\$84,647.00] |
| | | <u>300</u> | <u>\$73,822.00</u> | <u>\$114,424.00</u> |
| | Assistant Auditor | <u>230</u> | <u>\$54,611.00</u> | <u>\$84,647.00</u> |
| | Chief Deputy Auditor | [260] | [\$62,142.00] | [\$96,320.00] |
| | | <u>300</u> | <u>\$73,822.00</u> | <u>\$114,424.00</u> |
| | County Auditor | 370 | \$106,098.00 | \$180,367.00 |
| | | | | |
| | County Clerk | | | |
| | Administrative Assistant II | 140 | \$37,064.00 | \$57,449.00 |
| | Legislative Secretary | 150 | \$38,695.00 | \$59,977.00 |
| | Deputy Clerk of the Legislature | 300 | \$73,822.00 | \$114,424.00 |
| | Clerk of the County Legislature | [350] | [\$91,556.00] | [\$141,912.00] |
| | | <u>370</u> | <u>\$106,098.00</u> | <u>\$180,367.00</u> |
| | | | | |
| COUNTY EXECUTIVE | | | | |
| | Executive Assistant | 170 | \$42,176.00 | \$65,373.00 |
| | Asst. to County | 210 | \$50,104.00 | \$77,661.00 |
| | Chief (County Executive) | 370 | \$106,098.00 | \$180,367.00 |
| | County Administrator | 999 | \$175,000.00 | \$300,000.00 |
| | | | | |
| | All County Departments | | | |
| | Executive Assistant | 170 | \$42,176.00 | \$65,373.00 |
| | Deputy Department Director | 300 | \$73,822.00 | \$114,424.00 |
| | Department Director | 350 | \$91,556.00 | \$141,912.00 |
| | Director of Public Works | 360 | \$95,584.00 | \$162,493.00 |
| | | | | |
| | OHRCC | | | |
| | Administrative Assistant II | 140 | \$37,064.00 | \$57,449.00 |
| | Director of OHRCC | 210 | \$50,104.00 | \$77,661.00 |

[illegible]

| SHERIFF | | | | | |
|---------|--|------------------------------|-----|-------------|--------------|
| | | Executive Assistant | 170 | \$42,176.00 | \$65,373.00 |
| | | Deputy Director of | 300 | \$73,822.00 | \$114,424.00 |
| | | Deputy Corrections Center | 300 | \$73,822.00 | \$114,424.00 |
| | | Correctional Center Director | 350 | \$91,556.00 | \$141,912.00 |
| | | Major | 360 | \$95,584.00 | \$162,493.00 |