

	CITY OF JONESBORO, GEORGIA COUNCIL Agenda Item Summary	COUNCIL MEETING DATE: August 10, 2026
Requesting Agency (Initiator): Councilwoman Santia Fox		Sponsor(s): Councilwoman Santia Fox
Item Title:	Consideration and Approval of a Revised Employee Grievance Process	
Requested Action: Approve an ordinance revising the City Personnel Manual Chapter IX Employee Grievance Process.		
Requirement for Board Action: Approval		
Is this Item Goal Related? Yes		
Summary and Background: The City Attorney was tasked with reviewing and recommending revisions to the City's Employee Grievance Policy. The proposed ordinance makes an immediate and targeted revision to the City's personnel policies while the broader comprehensive review of the personnel manual remains underway. The amendment addresses a present deficiency in the existing Employee Grievance Policy, which does not provide a clear reporting or review process when the supervisor or official ordinarily responsible for receiving a complaint is the subject of that complaint. Most significantly, the existing policy does not address how an employee may report a complaint involving the Mayor, who serves as the City's chief executive and administrative officer. The ordinance repeals and replaces the existing Chapter IX grievance provisions and adopts a separate Chapter IX-A governing Protected Complaints. The revised policies establish two distinct processes based on the substance of the employee's concern. Chapter IX applies to ordinary Workplace Grievances involving the interpretation or application of personnel policies, departmental work rules, workplace procedures, working conditions and other non-disciplinary administrative matters. It establishes alternative reporting routes when a supervisor, Department Director, City Manager, Mayor or other designated recipient is involved or has a conflict of interest. The policy is not an administrative appeal and may not be used to challenge disciplinary actions, hiring decisions, promotion or demotion decisions, performance evaluations, classification determinations, salary decisions, transfers, reassignments or other excluded personnel decisions. Under the revised reporting structure, a grievance involving an immediate supervisor may be submitted to the Department Director. A grievance involving a Department Director may be submitted to the City Manager. A grievance involving the City Manager must be submitted to the Mayor. A grievance involving the Mayor must be submitted to the Mayor Pro Tem. The Mayor may not receive, assign, direct, review or determine a grievance concerning the Mayor. For a formal grievance involving the Mayor, the Mayor Pro Tem must provide the members of City Council and the City Attorney with the grievance and supporting materials within three Business Days, subject only to redactions or withholding required by law. Council, acting as a body, may appoint or authorize an impartial reviewer. The Mayor must receive notice of the material concerns and a reasonable opportunity to respond but may not direct or control the review. The policy preserves the respective authority of the Mayor, Council and City administration under the City Charter, Code of Ordinances and applicable law.		

Chapter IX-A separately addresses Protected Complaints. It begins with a general prohibition against unlawful employment discrimination, unlawful harassment and retaliation. Protected Complaints include allegations involving a legally protected status, retaliation for protected activity, interference with a protected employment right or conduct protected by the Georgia Whistleblower Act. These complaints are excluded from the ordinary grievance process and are not subject to its informal reporting requirement or filing deadlines.

An employee may report a Protected Complaint to a supervisor, Department Director, Human Resources Officer, City Manager or Mayor and may bypass any person who is the subject of the complaint or has a conflict of interest. The City must provide a prompt, thorough and impartial review or investigation. The person whose conduct is at issue may not select, direct, supervise or control the reviewer or the review.

The Protected Complaints Policy also expressly recognizes the Georgia Whistleblower Act. It prohibits retaliation against a public employee for protected disclosures, objections or refusals to participate in conduct the employee reasonably believes violates a law, rule or regulation. It also incorporates the statutory restriction against disclosing the identity of a public employee without written consent unless disclosure is necessary and unavoidable during the investigation. When such disclosure is necessary, the employee must receive at least seven days' written notice.

The policy does not promise general confidentiality or restrict Council from receiving information necessary to perform its lawful responsibilities. Any restriction on access or disclosure is limited to applicable law, legally recognized privileges and the specific employee identity protection required by the Georgia Whistleblower Act.

Neither policy creates an administrative appeal, a right to an internal hearing, a contract of employment or a right to continued employment. The policies also preserve an employee's right to contact the Equal Employment Opportunity Commission or another government agency. Filing an internal complaint does not extend or satisfy an external filing deadline.

The ordinance makes the revised policies effective immediately upon adoption. It also authorizes Human Resources to distribute and incorporate the policies into the personnel manual and directs the City Clerk to maintain the official adopted version.

Fiscal Impact: No.

Exhibits Attached: Yes. (1) Existing Ordinance Chapter IX; (2) Revised Ordinance Chapter IX and IXA

Staff Recommendation: Approve.

FOLLOW-UP APPROVAL ACTION (Completed by City Clerk)

Typed Name and Title	Date	
Signature	City Clerk's Office	

CURRENT GRIEVANCE POLICY

Overtime for all employees, except law enforcement and exempt personnel, is defined as all hours worked over forty (40) during a normal workweek. Department Directors must assure budgetary compliance when approving payment for overtime. Overtime payment or compensatory time shall be subject to conditions described in the Fair Labor Standards Act for all classes of employees. The Mayor shall have final authority on matters pertaining to this section.

Exempt employees shall not accrue compensatory time but may work flexible schedules upon approval of the Mayor.

SECTION F: INCLEMENT WEATHER/EMERGENCY CONDITIONS

Inclement weather conditions/emergency conditions from time-to-time will create a need for the City to reduce services or close City Offices. Inclement weather is defined as any weather condition that exists that will create hazardous driving conditions, loss of electricity, or will put the employee's life in jeopardy should they travel away from home. However, certain positions (Law Enforcement, Public Safety, and Public Works) that are necessary to the welfare of the citizens of the City of Jonesboro are required to work. The following procedures will be in effect for all employees in case of inclement weather/emergency conditions:

1. A designated City administrative official will release to local stations and other news media a statement regarding work schedules.
2. Pay policies for inclement weather/emergency conditions for reduced services are as follows:
 - a. Non-Emergency Employee Pay Rules: After a decision is made to reduce services, non-emergency employees must decide for themselves, with approval of the employee's Department Director, whether to work as scheduled, use accrued vacation or compensatory time, or take leave without pay.
 - b. Emergency Employee Pay Rules: Emergency employees are to remain on duty during their normal work schedule or alternate schedule as determined by their supervisor or Department Director. Employees are to be paid in accordance with FLSA regulations.
3. Pay Rules after the decision to close work stations: Employees who are unable to report to work due to the closing of their work station, or have not been assigned an alternate work station, will not lose compensation. Such time shall be entered on the time sheet as "excused other" leave.

CHAPTER IX

GRIEVANCES AND APPEALS

SECTION A: DEFINITION

A grievance is a complaint made by an employee concerning the interpretation of these policies and procedures, departmental work rules, or non-disciplinary action affecting the employee's employment with the City. Matters which are not subject to grievance or appeal are disciplinary actions of any kind, including, but not limited to, reprimands, promotions, demotions, suspensions or dismissals.

As a reminder, employment with the City is "at will." No rights to appeal employment decisions are created hereunder, and there shall be no formal or informal recourse for disciplinary actions, promotions, demotions, suspensions or dismissals.

SECTION B: POLICY

The most effective accomplishment of the work of the City requires prompt and equitable adjustment of employee grievances. It is the desire of the City to address grievances informally, and both employees and supervisors are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances, which will be resolved only after a formal appeal and review. No employee shall be disciplined or discriminated against in any way because of the proper use of the grievance procedure.

SECTION C: GRIEVANCE PROCEDURE

An employee will file grievances in the following manner:

1. **INFORMAL GRIEVANCES:** An employee shall first discuss a grievance with the immediate supervisor or the official who has the authority to hear the grievance and offer the type of corrective action the employee is seeking. The supervisor or official shall make inquiry into the facts and circumstances of the complaint and attempt to resolve the problem promptly and fairly.
2. **FORMAL GRIEVANCES:** An employee who is not satisfied with the decision received informally shall have the right to file a formal written complaint with the City Manager. An employee must file a grievance within ten (10) business days of the decision on the Informal Grievance.

The City Manager should, within five (5) business days, convene a conference to discuss the grievance with the employee, the Department Director or supervisor and other appropriate individuals. A decision will normally be rendered within fifteen (15) business days and shall be final. The employee will receive same in writing.

CHAPTER X

**STATE OF GEORGIA
CITY OF JONESBORO
COUNTY OF CLAYTON**

ORDINANCE NO. 2026-____

AN ORDINANCE TO ADOPT A REVISED EMPLOYEE GRIEVANCE POLICY; TO ADOPT A SEPARATE PROTECTED COMPLAINTS POLICY; TO REPLACE THE EXISTING GRIEVANCE PROVISIONS OF THE CITY PERSONNEL POLICIES; TO PROVIDE FOR IMPLEMENTATION, SEVERABILITY AND AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Jonesboro has adopted personnel policies governing the terms and conditions of City employment, including Chapter IX concerning employee grievances; and

WHEREAS, the Mayor and Council directed the City Attorney to review the Employee Grievance Policy and recommend amendments necessary to establish clear, impartial and consistent procedures for grievances involving the supervisor or official ordinarily responsible for receiving or reviewing the matter; and

WHEREAS, the existing grievance provisions do not provide a complete alternative reporting process when the employee's immediate supervisor, Department Director, City Manager, Mayor or another designated recipient is the subject of the grievance or has a conflict of interest; and

WHEREAS, the Mayor serves as the City's chief executive and administrative officer and a complaint involving the Mayor must be received and reviewed through a process that does not permit the Mayor to direct or control the matter; and

WHEREAS, the Mayor and Council find that ordinary workplace grievances should be distinguished from complaints alleging unlawful discrimination, unlawful harassment, retaliation, interference with a legally protected employment right or activity protected by the Georgia Whistleblower Act; and

WHEREAS, the revised policies provide alternative reporting paths, require the recusal of persons with a conflict of interest, provide for impartial review, preserve appropriate procedural protections and recognize the lawful authority of the Mayor, Council and City administration; and

WHEREAS, the Mayor and Council desire to adopt the revised Employee Grievance Policy and the separate Protected Complaints Policy attached to this Ordinance as Exhibit A.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JONESBORO, GEORGIA, AND BY THE AUTHORITY THEREOF, AS FOLLOWS:

Section 1. Findings. The recitals contained in this Ordinance are adopted as the findings of the Mayor and Council and are incorporated into this Ordinance as if fully stated herein.

Section 2. Adoption of Revised Policies. The revised Employee Grievance Policy designated as Chapter IX and the Protected Complaints Policy designated as Chapter IX-A, attached as Exhibit A and incorporated by reference, are hereby approved and adopted as an amendment to the City of Jonesboro Personnel Policies.

Section 3. Replacement of Existing Grievance Provisions. The existing Chapter IX, Sections A through C, concerning employee grievances is superseded and replaced in its entirety by Chapter IX contained in Exhibit A.

Section 4. Relationship to Existing Employment Policies. The City's existing equal employment opportunity, anti-retaliation and harassment provisions remain in effect except to the extent that an existing reporting, routing or review provision conflicts with Chapter IX-A. In the event of a conflict, Chapter IX-A shall control. A Protected Complaint shall not be rejected, delayed or returned to the employee because another personnel policy identifies a different recipient or procedure.

Section 5. Pending Matters. Chapter IX and Chapter IX-A apply to complaints received on or after the effective date of this Ordinance. To the extent reasonably practicable and consistent with applicable law, unresolved complaints pending on the effective date may be transferred to the appropriate unconflicted recipient for further handling under the revised policies. Nothing in this section reopens a matter that received a final disposition before the effective date or creates an appeal that did not previously exist.

Section 6. Implementation and Distribution. The Human Resources Officer shall distribute the revised policies to City employees and shall incorporate them into the City Personnel Policies. The City Clerk shall maintain the official adopted copy with this Ordinance. City officials and

employees shall implement the revised policies consistent with the City Charter, Code of Ordinances and applicable law.

Section 7. No Contract or Change in Employment Status. Neither this Ordinance nor the policies adopted by it create a contract of employment, create a right to continued employment, alter employment at will or create an internal appeal or hearing except as expressly required by applicable law.

Section 8. Authority Preserved. Nothing in this Ordinance transfers executive or administrative authority assigned to the Mayor by the City Charter or applicable law. Nothing in this Ordinance authorizes the Mayor Pro Tem, an individual councilmember, Council, a reviewer or another City official to act beyond that person's or body's lawful authority.

Section 9. Administrative Corrections. The City Clerk, with the concurrence of the City Attorney, may correct typographical errors, formatting, cross references and section numbering in the policies adopted by this Ordinance, provided that no correction changes the substantive meaning or effect of the adopted text.

Section 10. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or the policies adopted by it is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force to the greatest extent permitted by law.

Section 11. Conflicting Policies. All ordinances or parts of ordinances, personnel policies, resolutions and administrative practices in conflict with this Ordinance are repealed or superseded only to the extent of the conflict.

Section 12. Effective Date. This Ordinance and the policies adopted by it shall become effective immediately upon adoption.

ORDAINED AND ADOPTED this ____ day of _____, 2026.

CITY OF JONESBORO, GEORGIA

By: _____
Dr. Donya L. Sartor, Mayor

ATTEST:

Shandrella Jewett, City Clerk

APPROVED AS TO FORM:

LaTonya Nix Wiley, City Attorney

EXHIBIT A

1 **CHAPTER IX**
2 **EMPLOYEE GRIEVANCES**

3
4 **SECTION A. DEFINITIONS AND SCOPE**

5 1. Workplace Grievance
6

7 A “Workplace Grievance” is a complaint by a City employee concerning the interpretation,
8 application or administration of a personnel policy, departmental work rule, established workplace
9 procedure or non-disciplinary administrative action that materially affects the employee’s work or
10 employment with the City.

11
12 A Workplace Grievance may include:

- 13
14 a. A complaint that a personnel policy, departmental work rule or established procedure
15 was incorrectly interpreted, inconsistently applied or not followed;
16
17 b. A complaint concerning the administration of a work assignment, schedule, workload,
18 reporting requirement, workplace resource or working condition;
19
20 c. A complaint concerning the calculation or administration of compensation, overtime,
21 leave or benefits under an existing written policy or approved compensation plan;
22
23 d. A complaint concerning non-disciplinary supervisory or administrative conduct; or
24
25 e. A complaint that the employee was denied access to the grievance procedure or was
26 required to submit a grievance to a person whose conduct was at issue.
27

28 A personal disagreement, generalized dissatisfaction or difference of opinion does not, by itself,
29 constitute a Workplace Grievance. The employee must identify a specific policy, rule, procedure,
30 workplace condition or administrative action and explain how it materially affected the employee’s
31 work or employment.
32

33 2. Conflict of Interest
34

35 A “Conflict of Interest” exists when the person designated to receive, consider or determine a
36 grievance:

- 37
38 a. Is the subject of the grievance;
39
40 b. Participated materially in the conduct or decision at issue;
41
42 c. Reports directly to or is supervised by the person whose conduct is at issue;
43
44 d. Has a personal, familial, financial or professional relationship that could materially affect
45 the person’s impartiality; or
46

e. Has another interest or involvement that would cause a reasonable person to question the person's ability to consider the grievance fairly and impartially.

Employment by the City or general familiarity with the persons involved does not, by itself, constitute a Conflict of Interest.

3. Business Day

"Business day" means a day on which the City's administrative offices are open for regular business. The day of the event or receipt is not counted. If the final day falls on a day when the City's administrative offices are closed, the deadline continues through the next business day.

4. Matters Not Subject to the Grievance Procedure

The grievance procedure may not be used to challenge, appeal or obtain reconsideration of:

- a. A hiring, applicant screening or selection decision;
- b. A decision to promote or not promote an employee;
- c. A demotion decision;
- d. A performance evaluation, performance rating or assessment of an employee's work performance;
- e. A job classification determination, allocation of a position to a classification or decision concerning a request for reclassification;
- f. A personnel examination, test, assessment, rating or score used to evaluate an applicant or employee;
- g. A salary determination, pay rate decision, placement within an approved compensation plan or decision concerning an increase, adjustment or reduction in compensation;
- h. A transfer, reassignment, material change in duties or change in reporting relationship;
- i. A termination or layoff resulting from lack of work, elimination of a position, reorganization or reduction in force;
- j. Routine supervisory counseling, coaching or performance management, including the decision to initiate counseling, any related supervisory inquiry, the information considered, the conclusions reached or the corrective expectations communicated to the employee;
- k. A disciplinary action, including an oral or written reprimand, suspension, disciplinary demotion or dismissal;

l. The merits of a decision that these personnel policies assign to the discretion of the Mayor, City Manager, Department Director or governing authority; or

m. An ordinance, resolution, budget, compensation plan or policy decision adopted by the governing authority.

An employee may not obtain review of an excluded matter by describing it as a disagreement concerning policy interpretation, supervisory judgment, fairness or workplace conditions.

The exclusion of a discretionary decision does not prevent an employee from alleging that the person making the decision exceeded the authority granted by City policy or failed to follow a mandatory procedure. The grievance may address compliance with the applicable policy or procedure but may not be used to substitute the reviewer's judgment for a decision expressly committed to the discretion of the authorized official.

The exclusion of salary decisions does not prevent an employee from submitting a grievance concerning a mathematical, payroll, overtime or leave accounting error or the City's failure to pay an amount required by an existing written policy or approved compensation plan. Such a grievance may address only whether the approved policy or compensation decision was correctly implemented.

The exclusion of transfers, reassignments and changes in duties does not prevent an employee from submitting a grievance concerning the administration of an existing work assignment, schedule, workload or workplace procedure. The procedure may not be used to challenge the underlying management decision to transfer, reassign or materially change the employee's duties.

The exclusion of disciplinary actions does not prevent an employee from reporting that discipline or other adverse treatment was imposed in retaliation for the employee's good faith use of this Chapter. Review of such an allegation shall be limited to the alleged retaliation and shall not constitute a general appeal of the underlying disciplinary decision. An allegation of retaliation prohibited by federal or state law shall be handled under the Protected Complaints Policy.

5. Protected Complaints Excluded

A complaint alleging unlawful discrimination, unlawful harassment, retaliation prohibited by law, interference with a legally protected right or conduct protected by the Georgia Whistleblower Act is not a Workplace Grievance. Such a complaint shall be addressed under the City's separate Protected Complaints Policy.

A Protected Complaint is not subject to the informal reporting requirement, filing deadlines or disposition provisions contained in this Chapter.

If a submission contains both a Workplace Grievance and a Protected Complaint, the protected allegations shall be referred for handling under the Protected Complaints Policy. Any remaining Workplace Grievance may proceed under this Chapter if it can be considered separately without impairing the fair review of either matter.

A complaint shall not lose its original City submission date because the employee submitted it under the wrong City procedure or presented it to the wrong City official. The recipient shall promptly transfer the complaint to the proper recipient and notify the employee of the transfer. The employee shall not be required to resubmit the complaint.

SECTION B. POLICY

The City intends to provide employees with a clear process for raising and resolving ordinary workplace concerns.

An employee ordinarily should attempt to resolve a Workplace Grievance informally before submitting a Formal Grievance. Informal resolution is not required when:

- a. The grievance concerns the employee's immediate supervisor;
- b. The person ordinarily responsible for receiving or considering the grievance is the subject of the grievance;
- c. The grievance concerns an official to whom the employee or designated recipient directly reports;
- d. A Conflict of Interest exists;
- e. The grievance involves the Mayor, City Manager, Mayor Pro Tem or a councilmember; or
- f. The employee reasonably believes the circumstances make informal resolution inappropriate.

No employee shall be disciplined, threatened, intimidated or subjected to adverse treatment because the employee made, assisted with or participated in a grievance in good faith under this Chapter.

An allegation of retaliation for using this Chapter may be submitted directly as a Formal Grievance to the next available recipient who does not have a Conflict of Interest. If the alleged retaliation is prohibited by federal or state law, the allegation shall be referred for handling under the Protected Complaints Policy.

The informal and formal grievance procedures are internal methods for raising and resolving workplace concerns. They do not constitute an administrative appeal, create a right to an evidentiary hearing or authorize an appeal of a disciplinary or employment decision.

Nothing in this Chapter creates a contract of employment, changes an employee's at-will employment status or creates a right to continued employment.

SECTION C. GRIEVANCE PROCEDURE

1. Informal Reporting

An employee ordinarily should first discuss a Workplace Grievance with the employee's immediate supervisor. The employee should describe the concern, identify the policy, procedure or workplace condition involved and explain the corrective action requested.

The supervisor shall make a reasonable inquiry into the facts and attempt to resolve the grievance promptly and fairly.

The supervisor shall provide the employee with a written response within five Business days after receiving the grievance. If additional time is reasonably necessary, the supervisor shall notify the employee of the reason for the delay and the anticipated response date.

The response to an informal grievance is an effort to resolve the concern. It is not an adjudication of rights, alteration of employment rights or appealable employment decision.

An employee who is dissatisfied with the informal response may submit a Formal Grievance under Section D. The Formal Grievance is a separate request for formal consideration. It is not an appeal from the supervisor's informal response.

Any informal resolution shall be memorialized in writing and submitted to the Human Resources Officer for inclusion in the appropriate City records. If the grievance involves the Human Resources Officer or another Conflict of Interest prevents submission to Human Resources, the resolution shall be submitted to the City Clerk or another custodian designated by the City Attorney.

2. Exceptions to Informal Reporting

An employee is not required to pursue informal resolution with the employee's immediate supervisor when the employee reasonably believes the matter should be handled by another City official or when any circumstance identified in Section B applies.

An employee who is not required to pursue informal resolution may proceed directly to a Formal Grievance through the alternative reporting process.

A grievance involving the Mayor or City Manager is not subject to informal resolution and may proceed directly to the appropriate alternative reporting recipient.

3. Alternative Reporting

An employee may bypass the immediate supervisor and submit the grievance as follows:

- a. A grievance involving the immediate supervisor may be submitted to the Department Director.

b. A grievance involving a Department Director may be submitted to the City Manager.

c. A grievance involving the City Manager shall be submitted to the Mayor. The City Manager shall not receive, consider, assign, review or determine the grievance.

d. A grievance involving the Mayor shall be submitted to the Mayor Pro Tem. The Mayor shall not receive, consider, assign, direct, review or determine the grievance.

e. A grievance involving the Mayor Pro Tem or another councilmember shall be submitted to the City Attorney solely for transmission to the members of City Council. The councilmember whose conduct is at issue shall not participate in the receipt, assignment, consideration or disposition of the grievance.

f. A grievance involving an appointed official not otherwise addressed in this reporting sequence shall be submitted to the official or governing body possessing authority to appoint or supervise that official. The subject of the grievance shall not participate in its receipt, assignment, consideration or disposition.

If a grievance involves more than one official, the grievance shall be submitted according to the reporting procedure applicable to the highest ranking official whose conduct is at issue.

If the designated recipient has a Conflict of Interest, the grievance shall proceed to the next official identified in the reporting sequence who does not have a Conflict of Interest.

If the Mayor Pro Tem is unavailable or has a Conflict of Interest, a grievance involving the Mayor shall be submitted to the City Attorney solely for transmission to the members of City Council.

Submission to an official who is later determined to have a Conflict of Interest does not invalidate the grievance. The grievance shall be transferred promptly to the proper recipient. The original submission date shall be preserved and the employee shall not be required to resubmit the grievance.

SECTION D. FORMAL GRIEVANCES

1. Filing Deadline

An employee who chooses not to pursue informal resolution shall submit a Formal Grievance within ten Business days after the employee knew or reasonably should have known of the policy application, workplace condition or administrative action giving rise to the grievance.

An employee who timely initiates informal reporting shall submit any subsequent Formal Grievance within ten Business days after receiving the written informal response or after expiration of the period for providing that response, whichever occurs first.

The appropriate recipient may extend the filing deadline when circumstances outside the employee's reasonable control prevented timely filing or when other good cause is shown. A

determination concerning an extension shall be made by a person who does not have a Conflict of Interest.

A grievance submitted to the wrong official within the applicable filing period shall be considered timely filed.

2. Contents and Acknowledgment

A Formal Grievance shall be submitted in writing to the appropriate recipient and should identify:

- a. The employee submitting the grievance;
- b. The policy, procedure, condition or administrative action at issue;
- c. The material facts and approximate dates;
- d. The persons involved and any known witnesses;
- e. Any supporting information; and
- f. The corrective action requested.

A grievance shall not be rejected merely because the employee cannot provide every item listed above.

The recipient shall provide written acknowledgment of the grievance within two Business days. The acknowledgment shall state the date received and identify the person responsible for considering the grievance.

3. Consideration of Formal Grievance

The person responsible for considering the grievance may meet with the employee, review relevant documents, speak with persons having knowledge of the matter and take other reasonable steps necessary to understand and determine the grievance.

A person whose conduct is at issue shall receive notice of the material concerns and a reasonable opportunity to respond before a written disposition is issued.

The reviewer shall determine whether an applicable personnel policy, departmental work rule or established procedure was incorrectly interpreted, inconsistently applied or not followed. The reviewer shall not substitute personal judgment for a decision that City policy assigns to the discretion of another official.

A written disposition shall state:

- a. Whether the grievance is granted, denied or granted in part;

b. The principal reasons for the determination;

c. Any corrective action authorized; and

d. Any recommendation that must be referred to another official or body possessing authority to act.

The written disposition shall be issued within fifteen (15) business days after receipt of the Formal Grievance unless additional time is reasonably necessary. If additional time is required, the employee shall be notified in writing of the reason and anticipated completion date. The employee shall receive an additional written status notice for each fifteen Business Day period during which the grievance remains unresolved.

No reviewer may order or promise corrective action outside the reviewer's lawful authority. If corrective action requires action by another official or governing body, the written disposition shall identify the recommendation and the person or body possessing authority to consider it.

4. Formal Grievance Involving the Mayor

Within three (3) Business days after receiving a Formal Grievance involving the Mayor, the Mayor Pro Tem shall provide each member of City Council and the City Attorney with a complete copy of the grievance and its supporting materials. Information shall be redacted or withheld only to the extent required by applicable law.

The Mayor shall receive notice of the material concerns and have a reasonable opportunity to respond. The Mayor shall participate only as the person whose conduct is at issue and shall not direct, supervise or control consideration of the grievance.

The Mayor Pro Tem may coordinate the presentation of the matter to Council. Council, acting as a body, shall appoint or authorize the retention of a qualified impartial person to consider the grievance.

If Council determines the grievance requires an administrative investigation governed by Article VII of Chapter 2 of the City Code, the appointment and investigation shall proceed in accordance with that Article. Appointment and retention of an independent investigator shall be completed in the manner required by the City Charter, Code of Ordinances, purchasing requirements and applicable law.

Nothing in this Chapter transfers the Mayor's executive or administrative authority to the Mayor Pro Tem or Council. Council shall act as a body and within its lawful authority. Council may take or authorize only those actions within its authority under the City Charter, Code of Ordinances or applicable law.

5. Grievance Involving the Mayor Pro Tem or Another Councilmember

A Formal Grievance involving the Mayor Pro Tem or another councilmember shall be handled under the procedures applicable to a grievance involving the Mayor, except that:

a. The grievance shall be submitted to the Mayor for transmission to Council and the City Attorney;

b. The councilmember whose conduct is at issue shall receive notice and a reasonable opportunity to respond;

c. The councilmember whose conduct is at issue shall not participate in the appointment or supervision of the reviewer or Council's consideration and disposition of the grievance.

6. Records

The written grievance, acknowledgment, supporting materials, response and final disposition shall be maintained as official City records in accordance with applicable records retention requirements.

Records concerning a grievance involving the Mayor, Mayor Pro Tem, City Attorney or a councilmember shall be maintained by the City Clerk or another custodian designated by Council who does not have a Conflict of Interest.

Nothing in this Chapter restricts access by the governing authority to information concerning a grievance involving the Mayor or another elected official. Disclosure and maintenance of grievance records shall remain subject to applicable federal law, state law and legally recognized privileges.

7. Final Disposition

The written disposition concludes the City's internal grievance process.

The disposition is not an adjudication of a legal right, an administrative appeal or an appealable employment decision. No further internal review, hearing or appeal is created by this Chapter.

The absence of an internal appeal does not limit any right or remedy that may exist independently under federal law, state law, the City Charter or another applicable City ordinance.

CHAPTER IX-A

PROTECTED COMPLAINTS

SECTION A. EQUAL EMPLOYMENT OPPORTUNITY, ANTI-DISCRIMINATION AND ANTI-RETALIATION

The City provides equal employment opportunity and prohibits unlawful discrimination in recruitment, hiring, compensation, benefits, work assignments, training, promotion, transfer, discipline, termination and every other term, condition or privilege of employment.

The City prohibits unlawful employment discrimination because of race, color, religion, sex, pregnancy, childbirth or a related medical condition, sexual orientation, gender identity, national origin, age of forty years or older, disability, genetic information, military or veteran status, political affiliation or any other status protected by applicable federal, state or local law or City policy.

The City prohibits unlawful harassment based on a protected status. This prohibition applies to conduct by elected officials, appointed officials, supervisors, employees, applicants, contractors, vendors and other persons who interact with City employees in connection with City employment.

The City prohibits retaliation against any person because the person reported or opposed conduct reasonably believed to constitute unlawful discrimination or harassment, requested an accommodation, exercised a legally protected employment right, filed a charge or complaint, provided information or participated in an inquiry, investigation, hearing or other proceeding. The City also prohibits retaliation against a public employee for activity protected by the Georgia Whistleblower Act.

These prohibitions apply regardless of the position or authority of the person whose conduct is at issue. No elected official, appointed official, supervisor or employee is exempt from this policy.

SECTION B. PROTECTED COMPLAINTS

A “Protected Complaint” is a report or allegation of unlawful discrimination, unlawful harassment based on a protected status, retaliation prohibited by law, interference with a legally protected employment right or conduct protected by the Georgia Whistleblower Act.

A Protected Complaint is separate from a Workplace Grievance. It is not subject to the informal grievance requirement or the filing deadlines and disposition provisions of Chapter IX.

Conduct is not a Protected Complaint merely because it is described as unfair, disrespectful, hostile, abusive or inappropriate. Unless the complaint alleges a connection to a protected status, protected activity, protected employment right, whistleblower activity or another violation of applicable law, the concern shall be addressed under the Workplace Grievance Policy or another applicable City policy.

SECTION C. REPORTING PROTECTED COMPLAINTS

A Protected Complaint may be made orally or in writing to the Human Resources Officer, City Manager or Mayor. The employee may report to any listed recipient and is not required to report first to the immediate supervisor.

An employee may bypass any person who is the subject of the complaint, reports to the subject or otherwise has a Conflict of Interest as defined in Chapter IX. A City official who receives or becomes aware of a possible Protected Complaint shall promptly notify the City Attorney. The employee shall not be required to repeat or resubmit the complaint.

1. Complaint Involving the City Manager

A Protected Complaint involving the City Manager shall be submitted or promptly transferred to the Mayor. The City Manager shall not receive, assign, direct, supervise, review or determine the complaint.

2. Complaint Involving the Mayor

A Protected Complaint involving the Mayor shall be submitted or promptly transferred to the Mayor Pro Tem. The Mayor shall not receive, assign, direct, supervise, review or determine the complaint.

Within three Business Days after receipt, the Mayor Pro Tem shall provide the members of City Council and the City Attorney with the complaint and supporting materials. Information shall be redacted or withheld only to the extent required by applicable law.

If the Mayor Pro Tem is unavailable or has a Conflict of Interest, the complaint shall be submitted to the City Attorney solely for transmission to Council. If the City Attorney also has a Conflict of Interest, the complaint shall be submitted to the City Clerk solely for transmission to Council.

3. Complaint Involving the Mayor Pro Tem or Another Councilmember

A Protected Complaint involving the Mayor Pro Tem or another councilmember shall be submitted to the Mayor for transmission to Council and the City Attorney. The councilmember whose conduct is at issue shall not participate in the selection or supervision of the reviewer or in Council's consideration of the complaint. If the Mayor has a Conflict of Interest, the complaint shall be submitted to the City Attorney or, if necessary, the City Clerk solely for transmission to the unconflicted members of Council.

4. Submission to the Wrong Recipient

A complaint submitted under the wrong City procedure or to the wrong City official shall be promptly transferred to the proper recipient. The original City submission date shall be preserved. The employee shall be notified of the transfer.

SECTION D. CITY RESPONSE

The City shall promptly acknowledge a Protected Complaint and shall arrange for a prompt, thorough and impartial investigation appropriate to the allegations by a person who does not have a Conflict of Interest. The person whose conduct is at issue shall not select, direct, supervise or control the reviewer or the review.

The employee may provide supporting information and identify persons believed to have relevant information. The person whose conduct is at issue shall receive notice of the material allegations and a reasonable opportunity to respond before the review is concluded.

The employee and the person whose conduct was at issue shall receive written notice when the review is concluded and whether the complaint was substantiated. When a violation is substantiated, the City shall take prompt corrective or preventive action within the authority of the official or governing body responsible for that action.

For a complaint involving the Mayor, Mayor Pro Tem or another councilmember, Council shall act as a body to appoint or authorize any impartial outside reviewer and to receive the reviewer's findings. Any appointment, investigation or action shall comply with the City Charter, Code of Ordinances and applicable law. If Article VII of Chapter 2 of the City Code applies, that Article shall govern the appointment and investigation.

Nothing in this Chapter transfers the Mayor's executive or administrative authority to the Mayor Pro Tem or Council. Council may act only as a body and only within its lawful authority. This Chapter does not create an internal appeal or hearing.

SECTION E. PROTECTION AGAINST RETALIATION

No person shall be discharged, suspended, demoted, threatened, intimidated or otherwise subjected to materially adverse treatment because the person made a Protected Complaint in good faith, opposed conduct reasonably believed to violate applicable law, requested an accommodation, exercised a protected right, provided information or participated in an inquiry, investigation or proceeding.

A person who believes retaliation has occurred may report it through any reporting route provided in Section C. The retaliation allegation shall be handled as a new Protected Complaint and shall not be referred to a person alleged to have participated in the retaliation.

An allegation is not false merely because it is not substantiated. This protection does not prevent the City from addressing legitimate performance or conduct concerns for reasons unrelated to protected activity.

SECTION F. GEORGIA WHISTLEBLOWER ACT

Consistent with O.C.G.A. § 45-1-4, the City shall not adopt or enforce a policy or practice that prevents a public employee from disclosing a violation of or noncompliance with a law, rule or regulation to a supervisor or government agency.

The City shall not retaliate against a public employee for making such a disclosure unless the employee made the disclosure with knowledge that it was false or with reckless disregard for its

truth or falsity. The City also shall not retaliate against a public employee for objecting to or refusing to participate in an activity, policy or practice that the employee has reasonable cause to believe violates or does not comply with a law, rule or regulation.

After receiving a complaint or information protected by O.C.G.A. § 45-1-4, the City shall comply with all provisions required by law with respect to the disclosure and processing of the complaint.

SECTION G. INFORMATION, COUNCIL ACCESS AND EXTERNAL RIGHTS

The City does not promise that a Protected Complaint or information obtained during review will remain confidential. Information may be provided to persons who need it to receive, review, investigate, respond to or act upon the complaint and may be disclosed as required or permitted by law.

Nothing in this Chapter restricts the governing authority from receiving information necessary to perform its lawful oversight, investigative or legislative responsibilities. Council access and any disclosure remain subject to applicable law, legally recognized privileges and the employee identity protection required by O.C.G.A. § 45-1-4.

Nothing in this Chapter prevents or discourages a person from communicating with, filing a charge or complaint with, providing information to or participating in a proceeding before the Equal Employment Opportunity Commission, United States Department of Labor, Georgia Department of Labor, a law enforcement agency or another government agency. A person is not required to complete the City's internal process before exercising a right provided by law.

Filing a Protected Complaint with the City does not extend, suspend or satisfy a deadline imposed by an outside agency or applicable law.

SECTION H. RELATIONSHIP TO OTHER POLICIES

A complaint shall be handled according to the substance of the allegations rather than the title used by the person submitting it. If a submission contains both a Workplace Grievance and a Protected Complaint, the protected allegations shall be handled under this Chapter. Any remaining Workplace Grievance may proceed under Chapter IX if it can be fairly considered separately.

Nothing in this Chapter creates a contract of employment, changes an employee's at-will employment status or creates a right to continued employment.