

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF  
STONECREST, GEORGIA AMENDING CHAPTER 20(PERSONNEL) OF  
THE CITY OF STONECREST CODE OF ORDINANCES BY REMOVING  
AND UPDATING TEXT TO AUTHORIZE THE CITY OF STONECREST  
PERSONNEL POLICIES AND PROCEDURES MANUAL AS THE  
OFFICIAL EMPLOYMENT POLICY DOCUMENT OF THE CITY OF  
STONECREST, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO  
PROVIDE FOR SEVERABILITY; AND FOR OTHER LAWFUL  
PURPOSES.

11 **WHEREAS,** the governing authority of the City of Stonecrest (“City”) is the Mayor and Council  
12 thereof; and

14 **WHEREAS,** the city council shall have the authority to adopt and provide for the execution of  
15 such ordinances, resolutions, policies, rules, and regulations, not inconsistent with  
16 this Charter and the Constitution and the laws of the State of Georgia, which it shall  
17 deem necessary, expedient, or helpful for the peace, good order, protection of life  
18 and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-  
19 being of the inhabitants of the City of Stonecrest and may enforce such ordinances  
20 by imposing penalties for violation thereof.; and

22 **WHEREAS,** the purpose of the City’s Personnel Policies and Procedures Manual (“Personnel  
23 Policy”) is to provide various policies and procedures relating to employment with  
24 the City of Stonecrest; and

26 **WHEREAS,** the City desires to amend Chapter 20(PERSONNEL) of the City of Stonecrest Code  
27 of Ordinances by removing the language of the code and authorizing the Personnel  
28 Policies and Procedures Manual as the official employment policy document of the  
29 City of Stonecrest, Georgia.

31 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**  
32 **THE CITY OF STONECREST, GEORGIA**

34 **Section 1.** The City of Stonecrest Personnel Policy is hereby adopted as the official  
35 employment policy document of the City of Stonecrest, Georgia.

37 **Section 2.** That the Personnel Policy is adopted through the provisions set forth in  
38 Exhibit A attached hereto and made a part hereof by reference. That text added to  
39 current law appears in **red and bold**. Text removed from current law appears as  
40 ~~**red, bold and strikethrough**~~.

41 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby  
42 incorporated by reference as if fully set out herein.  
43

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST**

**Section 4.** To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Ordinance

**Section 5.** All City Ordinance are hereby repealed to the extent they are inconsistent with this Ordinance.

**BE IT ORDAINED,** this Ordinance shall take effect immediately.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF STONECREST, GEORGIA**

\_\_\_\_\_  
**Jazzmin Cobble, Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM BY:**

\_\_\_\_\_  
**City Attorney**

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST**

**EXHIBIT A**

## Chapter 20 PERSONNEL

### ARTICLE I. IN GENERAL

#### Sec. 20-1. Personnel Policy

The Mayor and City Council of the City of Stonecrest, Georgia, hereby declares the City of Stonecrest Personnel Policies and Procedures Manual as the official employment policy document of the City of Stonecrest, Georgia.

#### ~~Sec. 20-1. Definitions.~~

~~For the purposes of this chapter, certain terms and words are hereby defined. Where words or terms are not herein defined, but are defined in any other applicable sections of this Code or state law, now and as they may be amended hereafter, those words shall have the meaning as defined therein. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:~~

~~*Act or the Act or merit system act* means Georgia Laws, 1956, p. 3111 [App. B, § 1052 et seq.], as amended.~~

~~*Allocation* means assignment of a pay grade to a class of positions.~~

~~*Appeal* means a request by an employee to have a hearing pursuant to this chapter.~~

~~*Applicant* means any person who has filed an application in accordance with this chapter.~~

~~*Appointment* means the employment of an applicant for City service.~~

~~*Available* means an individual on a register for a class of positions willing to accept appointment to a particular position of that class.~~

~~*Base rate of pay* means that salary paid an employee excluding any incentive, longevity or other compensation.~~

~~*Certification* means referring a list of names of qualified applicants for appointment or promotion.~~

~~*Class* means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied to each position in the group; and which has been recognized as such in the classification plan approved.~~

~~*Classified service* means all positions under the merit system. Each position is assigned to a classification and carries that specific job code and an individual position number. Exempt positions are not in the classified service.~~

~~*Compensatory time* means that time which may be granted an employee as off time as compensation for time worked in excess of the standard workweek applicable to that employee.~~

~~*Council* means the merit system council.~~

~~*Demotion* means the reduction of a permanent or working test employee to a position of a lower class. For this purpose, a lower class means any class of positions having a maximum rate of pay lower than the maximum rate of pay for the position in which the individual is employed.~~

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~~*Department* means the internal administrative unit established by formal action of the Mayor and City Council.~~

~~*Department head* means any city employee designated as the head or principal administrative officer of any department subject to the provisions of this chapter. This includes the chief executive who shall be considered the department head of department heads under the merit system.~~

~~*Director* means the director of the merit system and personnel administration department.~~

~~*Disciplinary action* means action taken for cause by the chief executive officer or department head that results in suspension, involuntary demotion or dismissal.~~

~~*Eligible* means an individual whose name appears on a register for a particular class of positions and who is not otherwise barred from consideration for appointment.~~

~~*Emergency appointment* means employment to fill an immediate need, and that regular appointment methods cannot be followed.~~

~~*Employee* means an incumbent of a position, as hereinafter defined.~~

~~*Examination* means the designated method of evaluating the knowledge, skills and abilities of applicants for purposes of ranking and selection. Such methods could include, but not limited to, written tests, oral interviews, evaluations of education and experience, etc.~~

~~*Exempt position* means a position designated as being exempt from the application of this chapter.~~

~~*Merit system* means the city merit system of personnel administration of employees covered under the act.~~

~~*Minimum qualifications* mean those training, experience and other requirements that qualify an applicant or employee to be considered for examination and appointment.~~

~~*Overtime* means time wherein an employee is directed to continue work in excess of the standard workweek for that position, as hereinafter defined.~~

~~*Part-time employee* means any employee working on a continuous basis at least 20 hours but less than the standard workweek, as hereinafter defined.~~

~~*Permanent status employee* means an employee who has successfully completed his or her probationary period and has been designated a permanent status employee by the department head and approved by the merit system director.~~

~~*Position* means the duties, tasks and responsibilities which comprise and constitute the work of an employee.~~

~~*Probation* means conditional employment; not regular; a trial or working test period.~~

~~*Promotion* means the filling of a vacancy by appointing an employee with permanent status to a position from a position of a lower class.~~

~~*Protected classes* means minorities, females, handicapped, older workers, and other classes designated by federal or state law for special employment consideration.~~

~~*Public hearings* means a meeting of the merit system council open to the public, held after at least five days' notice has been given thereof, at which time any interested party may appear and be heard.~~

~~*Public notice*, unless otherwise expressly stated, means a written notice on a bulletin board accessible to the public during business hours, and other publicity as may be deemed necessary by the merit system council.~~

~~*Qualifying service* means all periods of city employment during which an employee was eligible to accrue annual leave under this chapter.~~

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~~*Reallocation* means change in the pay grade assignment of a class of positions.~~

~~*Reduction in force* means the termination of an employee due to lack of work, lack of funds, abolishment of position, or for other material changes in duties or organization, or appropriation of funds.~~

~~*Register* means an official list of persons who have successfully competed in a merit system examination for a particular class of positions.~~

~~*Roster of employees* means a listing of employees of the city government which sets forth the name of each employee, the department by which the employee is employed, the class title of the position held by the employee, and the salary range assigned to the class title of the position held by the employee.~~

~~*Salary adjustment* means any change in salary, resulting from legislative or administrative action, and not constituting a salary advancement, as hereinafter defined.~~

~~*Salary advancement* means an increase in salary based on merit and length of service within the salary range prescribed for a particular class of positions.~~

~~*Standard workweek* means that number of hours constituting the full working time for a class of positions, as determined by a department head and as approved by the Mayor and City Council.~~

~~*Standby time* means that time when employees are required to leave work at their homes or with departmental officials where they may be reached in case of an off-duty call-out.~~

~~*Temporary position* means a position created for a designated period of time not to exceed six months.~~

~~*Time-limited appointment* means employment to fill a position for a period of time designated by programs authorized by Congress or the state legislature.~~

~~*Transfer* means the filling of a vacancy by assigning a permanent or working test employee from another position of the same or a comparable class.~~

~~*Vacancy* means an unoccupied position that has been established through a job analysis and official delegation of duties, which has been properly allocated and adopted as part of the classification and pay plans, and for which funds are available.~~

~~*Waiting time* means that period of inactivity while on duty spent waiting for weather conditions to improve or contingency assignments to be made.~~

~~{Ord. No. 2019-05-01, § 1, 5-13-2019}~~

## ~~Sec. 20-2. Penalties for violation.~~

~~Any employee under the merit system who willfully violates any of the provisions of this chapter may be disciplined hereunder or may be required to forfeit the employee's position, subject to the appeals guidelines as set forth in article IX of this chapter.~~

~~{Ord. No. 2019-05-01, § 1, 5-13-2019}~~

## ~~Sec. 20-3. Applicability.~~

~~All positions, other than those exempt positions under this chapter or law, shall be filled only in accordance with this chapter. All departments under the merit system, as provided herein, shall administer their personnel in accordance with this chapter. All positions, except those listed as exempt, shall be collectively known as the classified service. Nothing in this chapter shall be construed to conflict with any state law or~~

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regulation that provides additional qualifications, duties or compensation levels of any employee who is also subject to the provisions of this chapter.

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### **Sec. 20-4. Exempt positions designated.**

The provisions of this chapter shall not apply to any exempt position. The exempt positions are the following:

~~(1) — *Generally.*~~

- ~~a. — City Manager;~~
- ~~b. — Deputy City Manager;~~
- ~~c. — City Clerk;~~
- ~~d. — Community Development Director;~~
- ~~e. — City Planner;~~
- ~~f. — Code Enforcement Supervisor;~~
- ~~g. — Chief Building Official;~~
- ~~h. — Accounting Manager;~~
- ~~i. — Procurement Specialist;~~
- ~~j. — Communications Director.~~

~~(2) — *Appointed official.*~~

- ~~a. — Members of appointed city agencies, boards, commissions, and councils and the employees of the offices.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### **Sec. 20-5. Reserved.**

#### **Sec. 20-6. Duties of merit system and personnel administration director.**

The duties of the merit system director shall be to:

- ~~(1) — Attend all meetings of the merit system council and act as secretary to the council.~~
- ~~(2) — Establish and maintain a listing of all employees of the board of commissioners, including merit and non-merit, which will set forth the names of employees, their class titles, their pay grades, their salaries or pay statuses, their employment statuses and other appropriate data deemed pertinent by the director.~~
- ~~(3) — Select a staff of assistants in accordance with this chapter and to assign and direct their work.~~
- ~~(4) — Advise and consult with the department heads in the development of a variety of training programs to improve performance of employees at all levels as needed and to coordinate the planning and scheduling of such training programs for efficient administration.~~

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- ~~(5) Assist the department heads in the development of a system of periodic performance appraisal of employees under the merit system to be administered by the department heads.~~
  - ~~(6) Make annual reports and such special reports as deemed advisable regarding personnel administration under the merit system, and to make recommendations for improvement therein.~~
  - ~~(7) Be responsible for the preparation and maintenance of the classification and compensation plans and, after consultation with department heads, to prepare and present to the board for adoption, class specifications and amendments thereto.~~
  - ~~(8) Recommend amendments to this chapter and to cause all rules and regulations to be published and copies thereof to be given to the department heads and the board, and to maintain copies in the office of the merit system department.~~
  - ~~(9) Prepare for review and approval by the chief executive, job classification and compensation, administrative procedures to be followed by employees, department heads and other officials in processing appeals and in carrying out other assigned responsibilities under this chapter.~~
  - ~~(10) Prepare annual budgets covering all the costs of operating the merit system, for adoption by the board.~~
  - ~~(11) Maintain all registers of eligible persons for appointment and to make certification from such registers.~~
  - ~~(12) Act as custodian of all records and properties in the office of the merit system director.~~
  - ~~(13) Make such regulations and other administrative memoranda as deemed necessary, not inconsistent with this chapter, relative to matters involved in the administration of this chapter.~~
  - ~~(14) Be responsible for overseeing an equitable and uniform system of discipline, administering the internal grievance and appeal procedure and maintaining the centralized records and coordinating the activities associated with appeals.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### **Sec. 20-7. Adoption of rules, regulations.**

~~The chief executive shall adopt uniform rules and regulations pertaining to city recruitment activities, applications for examination, qualifications of applicants, administration of examinations, and all other matters necessary to accomplish the purpose of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### **Sec. 20-8. Minutes of merit system council.**

~~The date, time and place of each meeting of the merit system council, names of the councilmembers present, all official acts of the council and the votes of each member except when the acts are unanimous and, when requested, a councilmember's approval or dissent, with the reasons, shall be recorded in the minutes. The director shall cause the minutes to be prepared and presented to the council for approval or amendment. The adopted minutes, or a true copy thereof, certified by the director, shall be open to public inspection, and copies of pertinent sections thereof made available upon request to any department head or employee affected thereby.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~



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**~~Sec. 20-9. Record of appeal hearings.~~**

~~A verbatim account of an appeal hearing will not be transcribed, unless requested by one of the parties, and paid for by the requesting party. Either party shall have the right to have the proceedings recorded by a court reporter at the party's own expense.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-10. Public records, confidential records.~~**

~~All merit system documents, records and information are the property of Stonecrest, Georgia and shall remain confidential except when disclosure is required by the Georgia Open Records Act or other law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-11. Access to records.~~**

~~The director shall have access to all departmental personnel records, documents and papers in order to discharge the director's duties. The department heads shall have access to such records as deemed pertinent by the director to their department and the discharge of their duties. Performance rating reports shall be accessible to the department head concerned, the director, the merit system council, the Mayor and City Council and the employee involved. Such performance reports may be reviewed by other individuals only for official purposes on a need to know basis at the discretion of the director. The merit system council shall have access to all records necessary to discharge its duties. Other personnel information may be made available for official purposes at the discretion of the director. Information which is obtained by employees in the course of their official duties shall not be released or made available to anyone other than employees charged with this responsibility as part of their official duties.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-12. Preservation of records.~~**

~~(a) The following records shall be preserved in the offices of the merit system for the periods designated:~~

- ~~(1) Examination and testing records of appointees shall be kept permanently. Examination and testing records of other applicants shall be kept for one year.~~
- ~~(2) Registers of certified eligibles shall be kept for one year after expiration.~~
- ~~(3) A copy of each test form used and validation procedures employed shall be retained permanently.~~
- ~~(4) All other records related to examination and eligible lists, including correspondence, applications and examination papers, shall be kept for one year.~~
- ~~(5) The employee's permanent personnel file shall be purged each three years to remove appraisals and other documents related to performance, disciplinary actions and other materials over three years of age which are no longer needed in the operation of the merit system.~~
- ~~(6) Personnel files of terminated employees shall be kept for three years.~~

~~(b) The above retention periods may be extended if required by federal or state law.~~

~~(c) Records may be preserved in their original form or other duplicate form such as microfilm, at the discretion of the director.~~

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~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-13. Position classification plan.**~~

- ~~(a) The classification plan provides a systematic arrangement and inventory of the positions in the classified service. The plan groups the various positions into classes with an appropriate title indicative of the range of duties and responsibilities, and the types of work performed.~~
- ~~(b) The chief executive shall adopt rules and regulations for the implementation and administration of the classification plan within the budget approved by the Mayor and City Council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-14. Maintenance of registers.**~~

~~The chief executive shall adopt uniform rules and regulations pertaining to the maintenance of registers, including procedures for determining the adequacy of existing registers, the frequency of announcements of vacancies or examinations, the abolishment of registers, and the establishment of registers.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-15. Fillings of vacancies.**~~

~~All vacancies under the merit system must be filled either by probationary appointment, promotion, demotion, transfer, emergency appointment, reappointment, temporary appointment or part-time appointment. No vacancy may be filled until a valid requisition is received by the director from a department head.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-16. Equal opportunity employment.**~~

- ~~(a) The city is an equal opportunity employer. This effort will be an ongoing process. For affirmative action purposes, the director, in conjunction with the affirmative action officer, may institute voluntary programs that will facilitate this purpose and implement programs approved by the Mayor and City Council.~~
- ~~(b) There shall be no discrimination against applicants or employees on the basis of race, color, religion, sex, national origin, political affiliation or opinion, age, handicap or other non-merit factors with regard to appointment, promotion, demotion, dismissal, discipline, training or any other aspect of personnel administration. This shall not prevent the application of a particular requirement factor that is a bona fide occupational qualification.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-17. Political activities.**~~

- ~~(a) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position under the merit system.~~
- ~~(b) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in~~

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~~appointment to a position under the merit system, or an increase in pay or any other advantage in employment in this position for the purpose of influencing the vote or political action of any person, or for any consideration.~~

~~(c) No employee under the merit system shall be a candidate for nomination or election to any elective public office, or take part in the management or affairs of any political campaign, except to exercise the right as a citizen to express an opinion privately and to cast a vote.~~

~~(d) Employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency are subject to the provisions of the Hatch Act.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-18. Political soliciting.~~

~~No employee under the merit system shall solicit or take part in soliciting any assessment, subscription or contribution for any political organization or purpose. Employees may make voluntary financial contributions to a political party or organization or candidate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-19. Persons advocating overthrow of government prohibited from employment.~~

~~No person shall be employed under the merit system who advocates or has ever advocated, or who is or whoever has been a member of any organization that advocates the overthrow of the government of the United States by force or violence.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-20. Conflicts of interest.~~

~~(a) No employee covered by the provision of this chapter shall:~~

~~(1) Engage in any business or transaction or have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair independence of judgment or action in the performance of official duties;~~

~~(2) Engage in or accept private employment or render services for a private interest when such employment or service is incompatible with the proper discharge of official city duties or would tend to impair independence of judgment or action in the performance of official duties;~~

~~(3) Disclose confidential information concerning the property, governmental body or affairs of the city without proper legal authorization, or use such information to advance the employee's financial or other private interests or that of others;~~

~~(4) Participate in the negotiation or the making of any contract with any business or entity in which the employee has a financial interest.~~

~~(5) Solicit contributions from another employee for a gift or donation to an employee or elected official in a superior official position, or, if in a superior position, accept a gift presented as a contribution from an employee.~~

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- ~~(6) Directly or indirectly solicit or accept any gift from a prohibited source or any gift given because of the employee's official position.~~
- ~~(7) Directly or indirectly give, offer, promise, demand, seek, receive, accept, or agree to receive anything of value to influence any official act.~~
- ~~(8) Except as provided by law for the proper discharge of official duties, directly or indirectly, give, offer promise, demand, seek, receive, accept, or agree to accept anything of value for or because of any official act performed or to be performed, or for or because of any testimony given or to be given before an individual or other entity, tribunal or proceeding authorized to hear evidence or take testimony.~~
- ~~(9) Accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his/her public office for private gain.~~
- ~~(10) Accept a gift in violation of any local, state or federal statute.~~
- ~~(11) Accept vendor promotional training contrary to applicable regulations, policies or guidance relating to the procurement of supplies and services for the county.~~
- ~~(b) No employee shall receive any compensation, salary or supplementation of his/her city salary, from any entity other than the city or as may be contributed by law out of the treasury of any state, county, or municipality, for his/her services to the city.~~
- ~~(c) No employee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of official acts or actions or that he or she is affected unduly by the kinship, rank, position or association with any person.~~
- ~~(d) No employee shall by virtue of his or her position with the city, directly or indirectly attempt to influence the decision of any city employee who must act to further any city procurement, policy, regulation, inspection or transaction.~~
- ~~(e) No employee shall engage in or accept employment with or render services for any private business or professional activity when such is adverse to and incompatible with the proper discharge of his or her official duties.~~
- ~~(f) Employees shall not knowingly solicit or make solicited sales to other employees who are junior in classification or position, or to the family members of such employees, within or without work hours. In the absence of coercion or intimidation, this does not prohibit the sale or lease of an employee's noncommercial personal or real property or commercial sales solicited and made in a retail establishment during non-working hours. This prohibition includes, without limitation, the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a superior from making a solicited sale to a subordinate or to the subordinate's family, sales made because a subordinate approaches the superior and requests the sale to be made are not prohibited, absent coercion or intimidation by the superior. The posting of an advertisement in accordance with county policies does not constitute solicitation for purposes of this subsection.~~
- ~~(g) Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his/her household, or knows that a person with whom he/she has a covered relationship is or represents a party to such a matter, and where the circumstances would cause a reasonable person with knowledge of the relevant facts to question his/her impartiality in the matter, the employee should not participate in the matter.~~

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~~(h) An employee shall be disqualified for two years from participating in any particular matter in which a former employer is a party or represents a party. The two-year period of disqualification begins to run on the date the employee left the employ of the former employer.~~

~~(i) An employee may accept unsolicited gifts from a person or entity other than a prohibited source, having an aggregate market value of \$40.00 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one source under the authority of this paragraph shall not exceed \$120.00 in a calendar year.~~

~~(j) Definitions.~~

~~(1) Covered relationship. An employee has a covered relationship with:~~

~~a. A person with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;~~

~~b. A person who is a member of the employee's household, or who is within the third degree of relationship with of the employee;~~

~~c. A person for whom the employee's spouse, parent or child is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;~~

~~d. Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or~~

~~e. An organization, other than a political party, in which the employee is an active participant.~~

~~(2) Direct and predictable effect means a particular matter will have a direct effect if there is a close causal link between any decision or action to be taken in the matter and any effect on a financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter will have a predictable effect if there is a real, as opposed to a speculative, possibility that the matter will affect a financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.~~

~~(3) Former employer includes any person or entity which the employee served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee.~~

~~(4) Gift includes any gratuity, favor, discount, entertainment, trip, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. A gift does not include:~~

~~a. Modest items of prepared food and refreshments, such as soft drinks, or coffee and donuts, offered other than as part of a meal;~~

~~b. Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;~~

~~c. Loans from banks and other financial institutions on terms generally available to the public;~~

~~d. Social invitations from persons or entities, other than prohibited sources. An employee may accept food, refreshments and entertainment, not including travel or lodgings, at a social event attended by several persons where the invitation is from a person or entity that is not a prohibited source and no fee is charged to any person in attendance.~~

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- ~~(5) *Imputed interests* means the financial interests of the following persons will serve to disqualify an employee to the same extent as if they were the employee's own interests:~~
- ~~a. The employee's spouse/domestic partner;~~
  - ~~b. The employee's child;~~
  - ~~c. An organization or entity which the employee or his/her spouse serves as officer, director, trustee, general partner or employee; and~~
  - ~~d. A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.~~
- ~~(6) *Market value* means the retail cost the employee would incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.~~
- ~~(7) *Particular matter* encompasses only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The particular matters covered by this subpart include, but are not limited to, a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest.~~
- ~~(8) *Personal and substantial* means the direct and active supervision of the participation of a subordinate in the matter. To participate substantially means that the employee's involvement is of significance to the matter. Participation may be substantial even though it is not determinative of the outcome of the particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on administrative or peripheral issues. A finding of substantiality should be based not only on the effort devoted to a matter, but also on the importance of the effort.~~
- ~~(9) *Prohibited source* means any person or entity who:~~
- ~~a. Is seeking official action by the employee or the employee's department;~~
  - ~~b. Does business or seeks to do business with the city or the employee's department;~~
  - ~~c. Conducts activities regulated by the employee or the employee's department;~~
  - ~~d. Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or~~
  - ~~e. Is an organization having a majority of its members as described in paragraphs (j)(9)a. through d. of this section.~~
- ~~(10) A gift is *solicited or accepted* because of the employee's official position if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held the status, authority or duties associated with his/her county position. A gift which is solicited or accepted indirectly includes a gift:~~
- ~~a. Given with the employee's knowledge and acquiescence to his/her parent, sibling, spouse, child (included adopted and step children), or dependent relative because of that person's relationship to the employee, or~~
  - ~~b. Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee.~~

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~~(11) Third degree of relationship. The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.~~

~~(12) Vendor promotional training means training provided by any person or entity for the purpose of promoting its products or services. It does not include training provided under a county contract or by a contractor to facilitate use of products or services it furnishes under a city contract.~~

~~(h) Any employee who violates the provision of this section shall be guilty of misconduct and subject to appropriate disciplinary action, including immediate dismissal.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

## ~~Sec. 20-20.1. Financial disclosure reports.~~

~~The mayor, member of city council, city manager, assistant city manager, city clerk, department heads, deputy, assistant and associate department heads/directors and economic development department personnel, shall file annually with the city clerk a report disclosing the sources of any income, whatever its nature, in excess of \$1,000.00 derived from any one source for the preceding calendar year. Such report shall be filed on or before April 30 of each year for the prior calendar year in a format determined by the director of finance. Failure of any such person to file such disclosure statement shall be reflected in the minutes of the next regularly scheduled meeting of the board of commissioners following the April 30 deadline, with a copy of the list of such persons presented to the chairperson of the Stonecrest Ethics Committee for appropriate action. The reports shall be considered public documents upon filing. Each report shall contain the following information:~~

~~(1) The source of each of the following items received or accrued during the preceding calendar year by such person reporting or his/her spouse, including the name and address of the source:~~

~~a. Any income for services rendered of \$1,000.00 or more;~~

~~b. Any interest or dividend income of \$1,000.00 or more;~~

~~c. Reimbursement for expenses of \$1,000.00 or more in each instance;~~

~~d. Honoraria from a single source in the aggregate amount of \$500.00 or more, except as otherwise reported under the state statute covering financial disclosure statements;~~

~~e. Any gift in the aggregate amount or value of \$500.00 or more from any single source received during the preceding year.~~

~~(2) The name, address and type of organization in which the person reporting or his/her spouse is an officer, director, partner, proprietor, or employee, or serves in any advisory capacity from which income of \$1,000.00 or more was derived.~~

~~(3) Each creditor, including the name and address, to whom the person reporting or his/her spouse was indebted for a period of 90 consecutive days or more during the preceding calendar year in an amount of \$7,500.00 or more, except for retail installment debt, or the purchase or sale of real property.~~

~~(4) Failure to file a financial disclosure report, as required by this section, may result in the referral of such violation to the Stonecrest Ethics Committee for punitive action, or may result in disciplinary action, including dismissal.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**~~Sec. 20-21. Disposition of special fees and rewards.~~**

~~Special fees and rewards received by any employee by reason of the performance of any act required of such employee by the city and such employee's duties, whether paid by an individual or by a public authority, shall be deemed the property of the city and no employee shall accept for private use and benefit this fee or reward.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-22. Full-time service; outside employment.~~**

~~The city shall be entitled to the full-time services of all employees whose positions are on a full-time basis. All outside employment must be approved in advance by the department head. No outside employment which interferes with the employee's scheduled city work time shall be allowed, nor shall any outside employment be allowed which may create a conflict, or apparent conflict, between private interest of the individual and official city duties and responsibilities.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-23. Physical examination.~~**

~~Before entering employment and as often as the head of the department may deem necessary for the performance of work assigned, an applicant or employee shall undergo a physical examination by a licensed physician to determine the physical fitness of the employee for the job sought or duty assigned. Such examination shall be paid for by the city. The standard of physical fitness requirements related to job duty shall be established by each department head with due consideration given to the duties to be performed. Before becoming effective, such physical standards shall be submitted to and approved by the director and shall be furnished to the physician conducting the physical examination. No otherwise qualified handicapped individual shall be excluded from city employment solely by reason of handicap, unless such handicap prohibits such individual from performing job-related duties or places such handicapped person or city employee in unsafe conditions likely to result in bodily injuries to the handicapped person or other city employee. If a city employee does not agree to submit to a physical examination, such refusal shall be grounds for dismissal, suspension or leave without pay.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-24—20-40. Reserved.~~**

***ARTICLE II. COMPENSATION PLAN***

**~~Sec. 20-41. Salary increases.~~**

~~A salary increase shall not be considered as an automatic and routine right due an employee. All salary increases shall be based upon quality and quantity of work as reflected by performance appraisal and other recorded ratings, giving due consideration to length of service.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~



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**Sec. 20-42. Holiday pay.**

All full-time employees shall be paid for a normal workday for each legal holiday established by Mayor and City Council. Part-time employees shall be paid the pro-rata part of a normal workday based on hours per day normally worked. Temporary employees, whether part-time or full-time, are not eligible for holiday pay. Employees required to work on a holiday shall be paid the regular day's pay. In addition, they may be given comparable time off at a subsequent date not later than 12 months following the holiday or, upon approval of the city manager or assistant city manager, may be paid for the holiday at a straight-time rate.

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-43. Quality pay increase.**

~~A quality pay increase is a pay increase equivalent to a step increase available to permanent full-time employees whose performance is of such superior quality above that ordinarily found in the type of position concerned that special pay recognition is warranted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-44. Longevity pay.**

~~Longevity pay is a benefit to employees for continued service to the city. Permanent employees shall receive additional compensation based upon satisfactory completion of successive years of service to begin after completion of eight years of service. The method of compensation, as set forth in the administrative procedures to the personnel code, shall be determined by the Mayor with approval of funding by the City Council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-45. Separation pay.**

~~(a) Annual leave payout. Upon separation from employment with the city, an employee who has completed at least six months but less than ten years of qualifying service may receive pay for accumulated unused annual leave up to a maximum of 30 days at the employee's regular rate of pay. An employee who has completed at least ten years of qualifying service may, upon separation from employment with the city, receive pay for accumulated unused annual leave up to a maximum of 45 days at the employee's regular rate of pay. No payment shall be made upon separation from employment for any amount of accumulated unused sick leave.~~

~~(b) Annual leave payout; death of employee. Upon the death of a permanent employee, the beneficiary of such employee shall be paid for accumulated unused annual leave and any other final pay and allowances in the manner of other separations as indicated above.~~

~~(c) Temporary and emergency employees. The appointment of any person as a temporary or emergency employee shall be automatically terminated upon the expiration of the maximum period of time that the person can be so employed. No further payment for services shall continue beyond the termination date.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**~~Sec. 20-46. Hazardous duty pay.~~**

~~Extra pay, as authorized in the city's compensation plan, shall be granted: to any employee qualified as a helicopter pilot, having appropriate and current Federal Aviation Administration licensing and medical certificates for the type of helicopters operated by the police department, and designated and serving in a position permitting active piloting duty on county-owned or county-leased aircraft; to any employee qualified as a bomb technician, having the appropriate certification from the Redstone Arsenal Missile and Munitions School and designated and serving in a position requiring active bomb disposal duty for the city; and to any employee qualified as a member of the special weapons and tactical unit, having advanced and extensive training and required certifications in the use of chemical munitions, explosive devices, automatic and specialized weapons, and related equipment.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-47. Employee suggestion program.~~**

~~The employee suggestion program is established as a benefit program to compensate employees for suggestions that improve city operations, reduce costs, improve productivity and working conditions and/or improve employee morale. Employees can earn monetary payment for suggestions that are adopted and result in tangible savings (measurable, quantifiable cost savings or increase in county revenue) or intangible savings (have an overall benefit but cannot be measured in dollars). The method of compensation, as set forth in the administrative procedures to the personnel code, shall be determined by the mayor with approval of funding by the city council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-48. Acting status pay.~~**

~~Subject to approval by the mayor in accordance with procedures established by the mayor and city council, an employee appointed to serve in an acting status in a position with a higher pay classification shall receive compensation at the next pay step that would afford the employee at least a five percent pay increase for any time served in such acting status beyond 60 days consecutively. Acting pay shall not be paid for more than nine months without approval of mayor and city council. For purposes of this section, an employee shall be deemed to be appointed to serve in an acting status when such appointment is made in writing by the department head, is submitted through the merit system director to the mayor, and is approved by the mayor. An acting appointment may only be made to a duly established position which is vacant.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-49. Reserved.~~**

**~~Sec. 20-50. Continuance of life, health and dental insurance while on leave of absence.~~**

~~City officers and employees may continue their group life, group health and dental benefits insurance, if they so desire, while on leave of absence from the employ of the city, provided that such leave of absence is granted for one of the following reasons:~~

- ~~(1) — Military leave of absence.~~
- ~~(2) — Maternity leave of absence.~~

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- ~~(3) Sick leave of absence.~~
  - ~~(4) Court leave of absence.~~
  - ~~(5) Family and medical leave of absence.~~
  - ~~(6) Approved leave of absence.~~
  - ~~(7) As required by state or federal law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-51. Family and domestic partnership benefits.~~

~~As part of a city officer's or employee's compensation, the city may provide for group life, group health and dental insurance benefits for an employee's legal spouse, and children, as provided for in the insurance plan documents. As part of a city officer's or employee's compensation, the city may provide for group life, group health and dental benefits for a person declared as the officer's or employee's domestic partner under Article X of this chapter. Any employee who receives insurance coverage for a domestic partner shall notify the employee benefits division within ten days of any change in or termination of the domestic partnership. Any employee who fraudulently obtains coverage for a person who is not a spouse, child, or a domestic partner, as defined under Chapter 20, Article X, shall reimburse the city for all costs involved in providing such coverage and be subjected to penalties as provided by the laws of the State of Georgia and the County of DeKalb.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-52. Limitation of liability for benefits.~~

~~Nothing in this chapter shall create any broader, greater, different or other benefits than that provided in the contract of insurance or group plan, and the city shall not be liable for any life, health or dental benefits beyond that provided by the insurance contract or group plan.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-53—20-65. Reserved.~~

### ***ARTICLE III. CERTIFICATIONS AND APPOINTMENTS***

#### ~~Sec. 20-66. Generally.~~

~~When the department head chooses to fill a vacancy, the department head may elect to fill the position through any of the methods of making appointments established under this chapter or administrative regulations. The mayor shall adopt rules for the certification of eligibility on the register and the appointment to fill vacancies, temporary and emergency appointments to permanent positions, emergency positions and reappointment.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**~~Sec. 20-67. Time-limited appointments.~~**

~~Time-limited appointments may be made to positions established for special programs or projects normally anticipated as being longer than six months but not permanent in nature. Programs or projects requiring this type of appointment will normally be mandated by a federal or state program implemented for a specific purpose such as training, retraining or rehabilitation. Appointments may be made through competitive or noncompetitive procedures according to the program requirements.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-68. Review of discrimination charge.~~**

~~Any applicant who believes unjust discrimination has been exercised in any phase of the pre-employment process because of race, color, religion, national origin, sex, political affiliation, or opinion, age, sexual orientation, or handicap may appeal to the mayor and city council. Such charge must be filed in writing within 180 days after the occurrence of the alleged discriminatory action, and must include the date, time, place, name(s) and specific charge of discrimination. The mayor and city council shall investigate the alleged discriminatory action, and the mayor and council's decision shall be binding.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-69. Employment of relatives.~~**

~~a) — The employment of relatives within the same department (as defined in this Code section 20-69) wherein there is a direct or indirect supervisory/subordinate relationship is prohibited. For purposes of this Code section, direct or indirect supervisory/subordinate relationship shall mean regular assignment in the line of supervision or chain of command, and shall exclude temporary assignment of less than five consecutive business days.~~

~~b) — "Department" solely for purposes of this Code section 20-69 shall mean the departments of the city, except that the following bureaus and divisions shall be considered separate "departments" for purposes of this Code section:~~

~~(1) — Police bureau;~~

~~(2) — Fire bureau;~~

~~(3) — Emergency medical services;~~

~~(4) — Animal control division;~~

~~(5) — Development division;~~

~~(6) — Fleet maintenance division;~~

~~(7) — Roads and drainage division;~~

~~(8) — Water and sewer division;~~

~~(9) — Sanitation division;~~

~~(10) — Any bureau or division designated by the mayor as a separate "department" for purposes of this Code section.~~

~~(c) — The term "relatives" shall mean:~~

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~~(1) Father, mother, daughter, step daughter, son, step son, brother and sister of the whole blood or of the half blood, grandparent, grandchild, first cousin, aunt, uncle, nephew and niece.~~

~~(2) Husband, wife, mother in law, father in law, sister in law, brother in law, son in law, and daughter in law.~~

~~These relationships shall include those arising from adoption.~~

~~(d) The limitation on employment or promotion of relatives specified in this Code section shall apply to the continued employment of persons where the referenced relationships commence subsequent to their employment. This section shall apply only to filling of vacancies by promotion, hiring, transfer from separate departments (as defined in this Code section) and reappointments made on or after the effective date of this section. If an appropriate transfer cannot be arranged, the less senior employee shall resign or will be terminated from employment unless the more senior employee chooses to transfer or resign.~~

~~(e) Seniority for purposes of this Code section shall mean total length of employment in positions covered by the City Merit System.~~

~~(f) Nothing in this Code section shall be interpreted to prohibit employment of relatives in different departments, as defined in this Code section.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-70—20-80. Reserved.~~

## **~~ARTICLE IV. VETERAN'S PREFERENCE~~**

### **~~Sec. 20-81. Generally.~~**

~~All candidates and competitors for positions under the merit system (including veterans and their spouses) must meet the minimum requirements for the position sought, and successfully pass the total examination prescribed, if any. Veteran's preference points, if any, shall not be used to raise an otherwise unqualified candidate to a qualified level, nor do veteran's preference points exempt those entitled to them from examination.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### **~~Sec. 20-82. Addition of points to rating—Able-bodied veterans.~~**

~~(a) Any veteran who has served on active duty as a member of the Armed Forces of the United States for a period of more than 180 days (not counting service under an initial period of active duty for training under the six months' reserve or National Guard programs), any portion of which service occurred during a period of armed conflict in which any branch of the Armed Forces of the United States engaged, whether under United States command or otherwise, and who was honorably discharged shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system.~~

~~(b) Notwithstanding the 180-day minimum active duty requirement of subsection (a) of this section, the five-point preference granted to veterans under said subsection shall apply to any member of the National Guard or Armed Forces Reserve who served on active duty for:~~

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- ~~(1) Any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Desert Shield or Operation Desert Storm if such service occurred in an area of imminent danger as defined by the United States Department of Defense as follows:~~
- ~~a. The Persian Gulf;~~
  - ~~b. The Red Sea;~~
  - ~~c. The Gulf of Oman;~~
  - ~~d. The portion of the Arabian Sea that lies north of ten degrees north latitude and west of 68 degrees east longitude;~~
  - ~~e. The Gulf of Aden; and~~
  - ~~f. The total land area of Saudi Arabia, Kuwait, Iraq, Yemen, Oman, Bahrain, Qatar, and the United Arab Emirates; or~~
- ~~(2) Any length of time during a period of war or armed conflict in which any branch of the Armed Forces of the United States was engaged after Operation Desert Shield and Operation Desert Storm, whether under United States Command or otherwise.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-83. Same—Disabled veterans.~~

~~Any veteran who qualifies for a preference as provided in section 20-82 in this article and has at least ten percent service-connected disability as rated and certified by the United States Department of Veterans Affairs shall be entitled to and shall have ten points added to his or her passing score on any examination for employment in any position under the merit system. This ten point preference shall be in lieu of, not in addition to, any other similar preference accorded by this article or federal or state law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-84. Spouse of disabled or deceased veteran.~~

- ~~(a) The spouse of a veteran who qualifies for a preference as provided in section 20-82 in this article shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system if the spouse of the veteran is qualified for the merit system position sought, and if the veteran has a 100 percent disability that disqualifies him or her from employment.~~
- ~~(b) The spouse of a veteran, who if living would qualify for a preference as provided in section 20-82 of this article, shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system if the spouse of the veteran is qualified for the position sought and the veteran is deceased.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-85. Appropriate consideration.~~

- ~~(a) In the event that a scored examination is not required to qualify for a particular merit system position, "appropriate consideration" may be given to all candidates and competitors for that merit system position who qualify for a veteran's preference under this article.~~

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~~(b) "Appropriate consideration" means that:~~

~~(1) A candidate who qualifies for a veteran's preference in this article and meets the minimum requirements for the merit system position sought is entitled to have his or her qualifications presented to the relevant department head or appointing authority for consideration;~~

~~(2) A candidate who qualifies for a veteran's preference in this article may be given preference in appointment to a position under the merit system if his or her qualifications for the position sought are equivalent to those of the best qualified non-veteran applicant for the position.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-86. Extent of preference.~~

~~The veteran's preferences established by this article are confined to entrance to the city's service, and do not apply in the case of examinations for or consideration for promotions.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-87. Preferential appointment not mandatory.~~

~~The appointment of a candidate who qualifies for a veteran's preference is not mandatory, even if his or her qualifications are equivalent to those of the best qualified non-veteran applicant for the position.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-88. Appointment discretionary.~~

~~The appointment of a candidate who qualifies for a veteran's preference is within the discretion of the department head. The department head may select another qualified candidate (who is not entitled to the veteran's preference) whose name has been certified. If this occurs, the director shall return the name of the candidate who qualifies for a veteran's preference to the register for further consideration.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Secs. 20-89—20-100. Reserved.~~

### ***ARTICLE V. PROBATIONARY STATUS***

#### ~~Sec. 20-101. Purpose.~~

~~The probationary period shall be considered an integral part of the selection process. All employees appointed or promoted to a position in the city's classified service shall be required to satisfactorily complete the probation period prior to achieving permanent status.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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### ~~Sec. 20-102. Duration.~~

~~The first six months of on the job service in a position to which an employee has been appointed or promoted under the provisions of article III covering appointments shall constitute the probation period. The director may fix a different length for the probation period as it applies to positions of one or more classes. The period shall not be fixed at less than three months, nor more than 12 months. The length of the probation period shall be the same for all positions in a class.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-103. Time counted.~~

~~Only time in pay and active work status shall be counted toward completion of the probation period. Employees in probation status who are absent on leave without pay, or who are absent for reasons under workers' compensation or disability leave, shall be required to complete the amount of time on the job specified for the class to which they are appointed.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-104. Conditions prerequisite to permanent status.~~

~~Supervisors of probationary employees should evaluate those employees periodically during the probation period. Whether formal or informal procedures are used, it is the responsibility of the supervisor to point out areas of deficiency and inform the employee in the correct and expected manner to perform the job. It shall be the responsibility of the department head to obtain a statement in writing from the proper supervisor to the effect that the services of each employee appointed for an initial appointment probation period have or have not been satisfactory and that the employee is or is not recommended to be retained. The statement shall contain an appraisal of the value of the employee's service upon the employee performance evaluation form. The department head shall obtain this statement prior to the completion of the probation period, and make a recommendation to the director. No probation employee shall be considered to have attained permanent status as an employee under the merit system until certified by the director. If the employee is not certified as a permanent status employee, the department head shall notify the employee in advance of the date on which the employee's services are to be terminated, and transmit a copy to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-105. Probation in promotional position.~~

~~The department head shall have the same responsibility to assure evaluation of employees in promotional probation status as the department head has in initial appointment probation status. If it is determined that the employee is unsuitable for the position, the department head shall return the employee to the position previously occupied if it is vacant. If not vacant, the department head shall confer with the director relative to placement of the employee in a comparable class of positions for which the employee meets the requirements. If such placement is not feasible, the employee's name shall be placed on the reemployment register. The employee shall receive written notification, prior to the action, stating the reasons for the action. A copy shall be given to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~



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~~Secs. 20-106—20-120. Reserved.~~

## ~~ARTICLE VI. PROMOTION, TRANSFER AND DEMOTION~~

### ~~Sec. 20-121. Procedures generally.~~

~~The city manager shall adopt administrative procedures for the filling of a vacancy by selection on a competitive basis of a permanent employee, and for transfers and demotions. Selection shall be made by the department head and reported to the director who will notify the applicant.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-122. Promotion.~~

~~No employee shall be promoted unless such employee has permanent status and the employee's last recorded performance appraisal is average or above. Although not eligible to qualify for a promotional position which is to be filled from present county employees only, a probation employee is eligible to apply for any city position which is being filled by open competitive examination. A probation period is required for an employee who is promoted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-123. Transfer—Generally.~~

~~A vacancy may be filled by the transfer of a permanent or probation employee from another position of the same class or a comparable class subject to the limitations of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-124. Same—From position of same class.~~

~~A permanent or probation employee in a position may be transferred to any vacancy of the same class. Where the employee has been placed in a position through a procedure involving selective certification, the employee shall not be transferred to any other position for which selective certification on the same basis is not justified until the employee has completed the probation period or the employee's name on the register has been reached through regular certification.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-125. Same—From comparable class.~~

~~A permanent or probation employee may be transferred to a comparable class if the director has certified that the minimum qualifications or training/education and experience specified for the class of the vacancy are met. If a performance test is required for regular appointment to the vacant position, and the employee to be transferred has not passed the required performance test for the class, then the employee must be certified on a test similar to and as extensive as the regular performance test.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**~~Sec. 20-126. Demotion—Generally.~~**

~~An employee who is demoted shall retain the same employment status, except that the employee's rate of pay shall be reduced to the step in the pay range assigned to the lower position that is at least the equivalent of one step in the pay plan. If the demotion is non-disciplinary, and if the employee's present salary does not exceed the maximum of the new range, the director may, upon recommendation of the department head, approve a pay step equal to the employee's former salary.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-127. Same—Procedure; reasons.~~**

~~A permanent or probation employee may be demoted to a lower class for which the employee meets the requirements for reasons relative to job performance. When an initial appointment probation employee is demoted, the employee shall continue the probation period as if the original appointment had been to the position of the lower class. A permanent or probation employee may request appointment to a lower class, and the department head may make the demotion subject to the limitations applicable to transfers. A department head may demote a permanent or probation employee when a shortage of work or funds, the abolition of a position, or other material change in duties or organization necessitates the action.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Secs. 20-128—20-140. Reserved.~~**

**~~ARTICLE VII. PERFORMANCE APPRAISAL~~**

**~~Sec. 20-141. Administration of appraisal system.~~**

~~Each department head, in consultation with the director, shall develop and administer a system of performance appraisal to give a fair and objective assessment of each employee's job performance. All appraisal (evaluation) forms and procedures shall be approved by the director prior to official use.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-142. Performance appraisal of supervisors.~~**

~~A supervisor's performance appraisal shall include an evaluation of the use of performance appraisals with employees to improve their performance. Supervisors shall be evaluated as to their effectiveness in the equal opportunity and affirmative action policies of the city.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Secs. 20-143—20-160. Reserved.~~**

**~~ARTICLE VIII. ATTENDANCE AND LEAVE~~**

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### ~~Sec. 20-161. Hours of work.~~

- ~~(a) The standard workweek for full time employees shall generally be 40 hours; however, due to the requirements of certain positions, this standard may vary. Specific hours of work shall be set by each department head with the concurrence of the director and the approval of the city manager. In any event, specific hours of work and compensation for overtime shall be in compliance with the provisions of the Fair Labor Standards Act. Time worked in excess of the standard workweek, which is approved by the department head in advance or in cases of emergency as determined by the department head, shall be credited as overtime. In computing hours worked for overtime purposes, annual and sick leave and holidays shall be excluded. Overtime shall be accrued or compensated at the rate of one and one-half times the regular rate. Compensatory time at the rate of one and one-half hours for every hour worked in excess of the applicable standard workweek may be given to employees eligible for overtime compensation in lieu of cash compensation.~~
- ~~(b) Eligible law enforcement, emergency medical, fire and seasonal employees may accrue up to 480 hours of compensatory time before overtime compensation must be paid in cash. All other employees eligible for overtime compensation may accrue up to 240 hours. Compensatory time may be utilized by the employee with prior approval of the department head under the same procedures as apply to annual leave as set forth in section 20-165, subsection (e). For employees eligible for overtime compensation, accrued balances must be paid to the employee at termination at a rate not less than the average regular rate of pay over the last three years of employment or the final rate of pay, whichever is higher.~~
- ~~(c) Employees exempt from overtime compensation may be granted compensatory time at an hour for hour rate at the discretion of the department head. If granted, such compensatory time must be used within one calendar year of the date granted in accordance with procedures as apply to annual leave as set forth in section 20-165, subsection (e). Overtime exempt employees are not eligible to receive cash compensation for unused balances.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-162. Transfer of leave benefits.~~

~~When a permanent or working test employee is transferred to another department, the department receiving the employee shall assume responsibility for this employee's unused accumulated sick and annual leave.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-163. Sick leave.~~

- ~~(a) City employees, except temporary and emergency employees, are eligible for sick leave benefits as earned from the date of employment. Sick leave shall accrue for full time employees at the rate of one day per month or its proportional equivalent (see section 20-165 for annual leave accrual rate) and an additional one-half day's sick leave or proportional equivalent thereof (see section 20-165 for annual accrual rate) will accrue on June 30 and December 31 of each year. Part-time employees shall accrue sick leave at the rate of one-half day a month and an additional one-quarter day's leave will accrue on June 30 and December 31 of each year. An employee who starts work before the sixteenth of a month shall earn sick leave for that month, but if the employee starts work on or later than the sixteenth of the month, sick leave accrual will be determined by the hours worked by the end of the month. No sick leave shall accrue for an employee under conditions as set forth in section 20-165, subsection (b). No accrual shall be permitted for an employee on leave without pay, workers' compensation or disability leave. When an~~

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~~employee shall have accumulated 30 days of sick leave by the end of the last pay period in November, such employee may be paid in cash each year by December 25 for one fourth of that year's unused sick leave accumulated beyond the 30 days, and the other three fourths beyond the 30 days shall be added to the sick leave accumulation of such employee. Accrued but unused sick leave shall be cumulative for succeeding years.~~

- ~~(b) Both probationary and permanent status employees who are eligible for sick leave with pay shall be granted this leave for the following reasons:~~
- ~~(1) Personal illness or physical incapacity and doctor or dentist appointments of the employee, employee's spouse, children living in the same household, or serious illness of spouse, children or parents as defined in the Family and Medical Leave Act of 1993.~~
  - ~~(2) Enforced quarantine of the employee in accordance with community health regulations.~~
- ~~(c) An employee on sick leave shall inform the employee's immediate supervisor of the fact and the reason therefor within the time established by the department head, and failure to do so may be cause for denial of sick leave with pay for the period of the absence.~~
- ~~(d) A medical certificate signed by a licensed physician may be required by the department head to substantiate a request for sick leave for any of the following:~~
- ~~(1) Any period of absence consisting of three or more consecutive days.~~
  - ~~(2) Sick leave of any duration if absence from duty recurs frequently or habitually, provided the employee has been notified in writing that a certificate will be required.~~
  - ~~(3) To support the use of family and medical leave and unscheduled annual leave when sick leave has been exhausted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### **Sec. 20-164. Holidays.**

- ~~(a) The city will observe ten paid holidays per year. These are:~~
- ~~January 1, New Year's Day,~~
  - ~~Third Monday in January, Martin Luther King's birthday,~~
  - ~~Third Monday in February, George Washington's birthday,~~
  - ~~Last Monday in May, Memorial Day,~~
  - ~~July 4, Independence Day,~~
  - ~~First Monday in September, Labor Day,~~
  - ~~November 11, Veteran's Day,~~
  - ~~Fourth Thursday in November, Thanksgiving Day,~~
  - ~~Friday immediately following Thanksgiving Day,~~
  - ~~December 25, Christmas Day,~~
- ~~(b) Whenever a legal holiday occurs on Saturday, the previous Friday will be observed. Whenever a legal holiday occurs on Sunday, the following Monday will be observed.~~

~~(c) Any employee who is required to work the holiday may be allowed to take a day off at a subsequent date no later than 12 months following the holiday or, upon the approval of the chief executive or the chief executive's designee, may be paid for the holiday at a straight time rate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-165. Vacation (annual) leave.**

~~(a) [Vacation accrual.] Vacation (annual) leave with pay for employees whose normal work schedule consists of a 40-hour workweek shall accrue as per the following:~~

<del>Qualifying Service (years)</del>	<del>Accrual per month (hours)</del>	<del>Annual accumulation (days)</del>
<del>Less than 5 years</del>	<del>10</del>	<del>15</del>
<del>5 years up to 10 years</del>	<del>12</del>	<del>18</del>
<del>10 years up to 15 years</del>	<del>14</del>	<del>21</del>
<del>15 years up to 20 years</del>	<del>16</del>	<del>24</del>
<del>20 years and over</del>	<del>18</del>	<del>27</del>

~~Those employees whose regularly scheduled average workweek exceeds forty (40) hours shall accrue vacation (annual) leave hours at a rate proportionate to the designated hours of work according to the following formula:~~

<del>Scheduled</del>		<del>Normal</del>		
<del>Average</del>		<del>accrual for</del>		
<del>Hours</del>		<del>40 hour/week</del>		<del>proportional</del>
<del>per week</del>		<del>based on</del>		<del>leave accrual</del>
	<del>*</del>	<del>years of service</del>	<del>=</del>	<del>rate</del>
<del>40</del>				

~~(b) [Exceptions.] Notwithstanding the provisions of subsection (a):~~

- ~~(1) Temporary and emergency employees shall not accrue annual leave.~~
- ~~(2) Part time employees shall accrue annual leave at one half the rate shown.~~
- ~~(3) No annual leave shall accrue while an employee is on leave without pay, workers' compensation or disability leave.~~
- ~~(4) No annual leave shall accrue when, due to an unexcused absence, an employee works less than 75 percent of the scheduled hours in a pay period.~~

~~(c) [Use of accrued leave.] An employee shall not be entitled to use any part of accumulated annual leave until the employee has worked six months. Accrued but unused annual leave at the end of any year (starting with 2011) shall be accumulated for succeeding years up to a maximum per the following (based on a 40-hour workweek):~~

<del>Qualifying Service (years)</del>	<del>Annual Maximum Carryover (Days)</del>	<del>Annual Maximum Carryover (Hours)</del>
<del>Less than 10 Years</del>	<del>30</del>	<del>240</del>
<del>10 Years and Over</del>	<del>45</del>	<del>360</del>

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~~Employees whose regularly scheduled average workweek exceeds 40 hours shall carry over vacation (annual) leave hours at a rate proportionate to the designated hours of work in accordance with the formula in subsection (a). Annual leave accumulated over the maximum amount that may be carried over to the next year shall be converted to sick leave and added to the employee's accumulated sick leave balance for the next year.~~

~~(d) [Scheduling leave.] Annual leave shall be scheduled in advance and requires the approval of the department head; vacation schedules shall be arranged to provide the least possible disruption of department work programs. Annual leave can be used for emergency situations when approved by the department head. Annual leave, to the extent the purpose for such leave qualifies for leave under the Family and Medical Leave Act of 1993 (FMLA), will be counted against the employee's FMLA leave entitlement.~~

~~(e) [Unused sick leave.] At the beginning of each year, an employee shall be credited with one day of annual leave for each 50 days of unused accrued sick leave the employee had on December 31 of the previous year.~~

~~(f) Transition to new annual maximum carryover. To move employees from the 2011 carryover limits to the new 2012 carryover limits, the rollover process will be handled in two steps as follows. First, any amount of accumulated annual leave that exceeds the prior 60-day maximum at the end of 2011 shall be converted to sick leave, per previous procedures. Second, any remaining annual leave exceeding the new 2012 carryover limit shall be converted to sick leave unless the employee elected to place it into an annual leave reserve account. That election must be made in writing by the employee and received by the director no later than January 2, 2012. If an employee does not make a timely election, all of the employee's accumulated annual leave not carried over into 2012 shall be converted to sick leave. All accumulated annual leave that is converted into sick leave pursuant to this subparagraph shall be converted on an hour-for-hour basis and added to the employee's accumulated sick leave balance for 2012. Accumulated annual leave that is placed into an annual leave reserve account may be used as annual leave if the employee's accumulated annual leave is otherwise exhausted and the employee's department head authorizes such use.~~

~~(g) Annual leave payout for employees who have reserve account annual leave at separation.~~

~~(1) Payment for reserve account annual leave. An employee who has accumulated annual leave left in his/her annual leave reserve account at separation shall receive pay for such leave at the employee's last 2011 pay rate.~~

~~(2) Payment for accumulated unused annual leave outside the employee's reserve account; limitations on such payment. In addition to payment for any remaining reserve account annual leave, an employee may receive pay for accumulated unused annual leave outside his/her reserve account at separation, subject to the limitations in subsection 20-45(a) of this chapter and subject to the additional limitation that no employee may receive pay for more than 60 days combined total of accumulated unused annual leave under subsections (1) and (2) of this subsection (g).~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

## ~~Sec. 20-166. Leave of absence without pay.~~

~~Leave of absence without pay for a period not to exceed six consecutive months may be granted to any employee with the approval of the department head. Any leave of absence for a period in excess of six consecutive months shall be at the discretion of the city manager. Valid reasons for leave without pay shall include, but not be confined to, the following: those reasons required under the Family and Medical Leave Act of 1993, educational or training enrichment, and military leave.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**~~Sec. 20-167. Military leave.~~**

~~(a) An employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay to participate in ordered military duty or training for a period consistent with state law.~~

~~(b) An employee, other than emergency or temporary, who leaves employment with the county for military service with the United States shall have reemployment rights upon successful completion of such service, consistent with federal law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-168. Court leave.~~**

~~An employee serving on a permanent, probationary or temporary basis shall be entitled to leave of absence from duties, without loss of pay or time and without effect on service rating, on all days during which the employee is subpoenaed by any court, federal, state or political subdivision thereof, to serve as a juror or witness.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-169. Maternity Leave.~~**

~~Maternity leave shall be granted to merit system employees in compliance with applicable administrative procedures and the Family and Medical Leave Act of 1993. Time for beginning and ending of maternity leave shall be certified by the employee's doctor. Maternity leave shall consist of the following: use of any accumulated sick leave, annual leave and/or leave of absence without pay as prescribed in sections 20-163, 20-165, 20-166 and 20-170.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-170. Family and medical leave.~~**

~~Family and medical leave shall be granted to those employees eligible and pursuant to the Family and Medical Leave Act of 1993 and the administrative procedures.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Sec. 20-171. Donation of leave time.~~**

~~Any permanent employee who has been employed with the City for a minimum of 12 months and who meets the eligibility criteria set forth in the administrative procedures promulgated by the mayor and city council may donate his/her accrued annual or sick leave to other city employees who have exhausted all accrued paid leave due to serious health conditions as defined by the mayor and city council in the administrative procedures.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**~~Secs. 20-172—20-185. Reserved.~~**

~~**ARTICLE IX. DISCIPLINARY ACTION AND APPEALS**~~

~~**Sec. 20-186. Definitions.**~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Delinquency* means violation of duty to the job requirements or county regulations.~~

~~*Excessive absenteeism* means the habitual or patterned use of sick leave, or leave without pay, not supported by competent medical evidence or other proof of necessity. On a national average, employees experience two to three incidents of sick leave absence a year. Unsubstantiated absences, in excess of the following rule of thumb, may be an indication of excessive absenteeism:~~

~~(1) Two incidents in three months.~~

~~(2) Four incidents in six months.~~

~~(3) Six incidents in one year.~~

~~(An incident is a single day or consecutive series of absences.)~~

~~*Flat fee reimbursement* means a flat fee to reimburse a permanent status employee for a portion of the attorneys' fees such employee actually paid to an attorney to represent the employee in a merit system appeal, where at the end of all available appeals (including any appeals by the employee or county in court), the employee's termination or demotion is reversed. The amount of such reimbursement shall be determined by a reimbursement schedule issued in writing by the county attorney annually and approved by official action of the governing authority. Under this schedule, the flat fee amount that an employee may be reimbursed for shall be less for an appeal of a demotion than an appeal for termination.~~

~~*Incompetence* means the lack of qualities or the incapability of doing the job. Skills, knowledge and abilities are inadequate, unsuitable or obsolete to perform at minimally acceptable standards of performance.~~

~~*Inefficiency* means nonproduction, wasteful use of time, energy or material, or repeated errors and mistakes.~~

~~*Insubordination* means the unwillingness or refusal to perform assigned work, or deliberate failure to comply with written or verbal instructions from a proper supervisory authority.~~

~~*Misconduct* means mismanagement of job responsibilities and county property, intentional improper behavior on the job, or deliberate violation of county regulations.~~

~~*Negligence* means careless disregard for or lack of attention to job-related matters.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-187. Departmental rules.**~~

~~The department head of any department may establish rules which are related to the work of that department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~



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### ~~Sec. 20-188. Disciplinary action.~~

~~Where the department head does not deem termination warranted, as hereinafter provided, the following disciplinary actions may be taken after due consideration has been given to the nature of the cause therefor:~~

- ~~(1)—*Suspension.* An employee may be suspended for a period of one or more full days, not to exceed 30 days in a 12-month period. An employee may be suspended for an indefinite period of time pending the outcome of an investigation of a crime involving moral turpitude during which the employee may have the option of using accrued annual leave credits until they are exhausted. A suspension may be appealed as prescribed in section 20-193.~~
- ~~(2)—*Demotion.* An employee may be demoted to a lower class in which the employee meets the minimum qualifications.~~
- ~~(3)—*Reserved.*~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-189. Dismissal.~~

~~A permanent status employee may be dismissed by a notice in writing giving the cause of the dismissal with sufficient particularity so that the employee may be on notice of the reason for discharge in order that the employee may fully explain the conduct if so desired. Cause for dismissal shall be as outlined in section 20-191 or for other reasons relative to job performance. Dismissal for disciplinary reasons may be instituted without prior notice. Unless a written notice of dismissal is handed to the employee personally by a supervisor or other authorized person, it shall be mailed to the employee at the last known address of such employee as shown by the employee personnel file maintained in the merit system department. It shall be the duty of each employee, and no other, to keep the merit system department informed of the employee's residence address. A permanent classified employee may appeal a dismissal, including dismissal due to reduction in force, to a hearing officer by filing a written notice of the desire to appeal with the director within ten days from the effective date of dismissal. If the notice of dismissal is not handed to the employee personally, it shall be deemed to have been delivered to the employee three days after the date of deposit in the United States mail. Copies of all dismissal notices shall be furnished to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-190. Authority for disciplinary action and discharge.~~

~~The mayor, as the chief administrative officer of the city, shall have the authority to impose disciplinary actions and to dismiss employees as provided in this article. In addition, disciplinary action may be taken against an employee or an employee may be dismissed by the head of the department to which the employee is assigned. An employee's supervisor may propose disciplinary action or dismissal, but before the same shall become final, it must be reviewed and approved by the department head.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### ~~Sec. 20-191. Cause for dismissal or disciplinary action.~~

~~Cause for dismissal and disciplinary action shall include but not be limited to the following:~~

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- ~~(1) Violation of any material provision of this chapter, or other personnel rules and regulations, and any violation of section 20-20 (conflicts of interest) and section 20-20.1 (financial disclosure forms) of this chapter.~~
  - ~~(2) Substandard work quality.~~
  - ~~(3) Improper use of county equipment or property.~~
  - ~~(4) Selling or soliciting on county property without prior authorization.~~
  - ~~(5) Unauthorized use of telephone or other city communication equipment.~~
  - ~~(6) Conduct unbecoming an employee of the city while on duty.~~
  - ~~(7) Leaving the work area without permission from the supervisor.~~
  - ~~(8) Failure to call in when sick or absent from work otherwise without prior approval.~~
  - ~~(9) Neglect, carelessness or disregard of common safety practices.~~
  - ~~(10) Violation of departmental rules.~~
  - ~~(11) Malicious mischief, horseplay, wrestling, or other undesirable conduct.~~
  - ~~(12) Falsifying any official record or document.~~
  - ~~(13) Giving a false answer or false information on application.~~
  - ~~(14) Habitual unexcused tardiness.~~
  - ~~(15) Loafing, neglect of duties or otherwise wasting of working time.~~
  - ~~(16) Sleeping during working hours except where conditions of work authorize and warrant it.~~
  - ~~(17) Possession of intoxicating beverages or controlled substances at place of work, or in official city vehicles.~~
  - ~~(18) Possession of or bringing a firearm or other deadly weapon on city property or an official city vehicle, unless duly authorized by the department head.~~
  - ~~(19) Reporting to work under the influence of intoxicating beverages, or drugs not prescribed by a physician.~~
  - ~~(20) Fighting, threatening, intimidating, coercing or otherwise interfering with the rights of other employees.~~
  - ~~(21) Gambling on county property.~~
  - ~~(22) Insubordination or willful failure to carry out an official supervisory directive or job assignment.~~
  - ~~(23) Acceptance of a fee, gift or service of any item of value in return for a favor.~~
  - ~~(24) Loss or damage of county property through carelessness or negligence.~~
  - ~~(25) Violation of a safety rule which results in personal injury or property damage; refusal to use proper safety equipment when provided.~~
  - ~~(26) Failure of supervisor to enforce established safety regulations, or requiring employee to perform unsafe act.~~
  - ~~(27) Excessive absenteeism.~~
  - ~~(28) Exhaustion of annual leave without prior approval.~~
  - ~~(29) Abuse of sick leave.~~

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- ~~(30) Misappropriation of city funds or illegal sale or disposal of city property for personal gain, or deliberate falsification of official reports, employment application or misrepresentation of personnel information in order to qualify for appointment or promotion.~~
  - ~~(31) Conviction of a felony crime, or a misdemeanor involving serious moral turpitude.~~
  - ~~(32) Engaging in a strike, work stoppage, slowdown or act of sabotage.~~
  - ~~(33) Substantial incompetence or inefficiency in carrying out work assignments.~~
  - ~~(34) Failure to report for work without prior approval, except when sick leave is authorized.~~
  - ~~(35) Stealing or similar conduct, including destroying, damaging or concealment of any property of the city.~~
  - ~~(36) Willful damage of or attempt to damage city property.~~
  - ~~(37) Threatening physical violence or striking a supervisor or subordinate.~~
  - ~~(38) Operation of any city owned or city leased vehicle or equipment without proper state license or while under the influence of any medication or drug which has been prescribed by a doctor and which carries the warning not to drive or operate machinery while using same.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-192. Intradepartmental transfer not a disciplinary act.~~

~~An employee may be transferred to another division or facility at the discretion of the department head. The department head shall be the final arbitrator of all intradepartmental transfers and the sole judge of the need, necessity, convenience or reason for such transfer. An intradepartmental transfer shall not be construed to be a demotion unless it results in a reduction of the employee's pay.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-193. Review of disciplinary action (appeals).~~

~~A permanent status employee aggrieved by any suspension, demotion, or termination may appeal such aggrieved action to a hearing officer as outlined below:~~

- ~~(1) All requests for review of disciplinary actions shall be filed in writing with the director within ten days from the effective date of the disciplinary action.~~
- ~~(2) A hearing officer shall be assigned, pursuant to the administrative procedures, to hear said appeal within 45 days after it is filed, during which time said hearing will convene to afford the aggrieved employee a hearing before said hearing officer, which may be continued from time to time, to fully explain his or her conduct for which he or she was disciplined.~~
- ~~(3) The hearing officer may reverse a disciplinary action only upon a finding that it was based upon an error in fact or was motivated by a non-job-related factor.~~
- ~~(4) The hearing officer shall issue a written decision within 20 days of the hearing. The decision of the hearing officer shall be in writing, dated and signed.~~

~~The written decision shall contain the findings of fact, the conclusions and, clearly set forth the basis or grounds for the decision.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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**Sec. 20-194. Review of action considered discriminatory against employee.**

~~Any employee who believes unjust discrimination has been exercised with respect to any disciplinary action because of race, color, religion, national origin, sex, political affiliation, or opinion, age, sexual orientation, or disability may appeal to a hearing officer within ten days from the effective date of the action. Such appeal shall be filed with the director and set forth in detail the reasons why the employee contends the disciplinary action was based upon discrimination, including specifying the dates, times, places, and specific types of each instance of discrimination alleged. In such cases, the hearing officer may reverse the decision of the department head only on a finding that it was based on error of fact or was motivated by intentional discrimination against the employee because of membership in a protected class listed in this section. The same provisions relative to the hearing officer as outlined in section 20-193 shall also apply in the case of an employee discrimination appeal under this section.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-195. Review of dismissal due to reduction in force.**

~~An employee dismissed due to reduction in force may appeal to a hearing officer within ten days from the effective date of the action. This appeal request must be filed in writing with the merit system director. Such appeal shall be filed and heard in accordance with the procedures set out in this chapter; however, the right of review by the hearing officer shall be limited to whether the dismissal was in fact due to lack of work, lack of funds, lack of appropriation of funds, abolishment of the position or for other material changes in the duties of the position or the organization of the department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

**Sec. 20-196. Flat fee reimbursement for certain attorney's fees incurred by employees who successfully appeal a termination or demotion.**

~~(a) — Conditions of a flat fee reimbursement. Flat fee reimbursement shall be provided only when a permanent status employee appeals the employee's termination or demotion through the merit system appeal process and, at the end of any available appeals (including any appeals filed in court by the employee or the city), the employee's termination or demotion is reversed. In no event shall reimbursement exceed the flat fee amount provided for in the city attorney's flat fee reimbursement schedule for the year that the appeal process reaches its conclusion. Flat fee reimbursement shall be available only for successful appeals of termination and demotion actions effective on or after March 1, 2016.~~

~~(b) — Timing of requests for and payment of flat fee reimbursement. An employee who seeks to be paid a flat fee reimbursement under this provision must submit to the city's finance director documentation establishing: that the termination or demotion is reversed after all available appeals have been concluded; the amount the attorney billed the employee for services representing the employee in that merit system appeal process; and the amount the employee actually paid to the attorney for those services. This documentation must be submitted to the finance director within 45 days after the employee becomes eligible to apply for the flat fee reimbursement. If the employee timely submits sufficient documentation to the finance director, the finance director shall pay the applicable flat fee reimbursement to the employee within 30 business days after such submission. If the employee fails to submit sufficient documentation to the finance director, then the finance director shall not pay the applicable flat fee reimbursement.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

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~~Secs. 20-197—20-199. Reserved.~~

## ~~ARTICLE X. DOMESTIC PARTNERSHIPS~~

### ~~Sec. 20-200. Definitions.~~

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Declaration of domestic partnership* means a form provided by the city finance department in which two people of the same gender agree to be jointly responsible for the necessities of life incurred during the domestic partnership and that all qualifications for domestic partnership are met when the declaration is signed. The form will require both partners to provide reasonable proof of their primary, regular and permanent residence address. The form must be signed under penalty of perjury and must be witnessed and notarized.~~

~~*Domestic partnership* means two people of the same gender who live together in a single home and have signed a declaration of domestic partnership in which they attest that:~~

- ~~(1) They share the same primary, regular and permanent residence and have lived together for the previous 12 months (documentation must be submitted verifying joint residency);~~
- ~~(2) They have a committed personal relationship with each other that is intended to be lifelong;~~
- ~~(3) The employee's partner is a dependent of the employee under Georgia law;~~
- ~~(4) They are not married as recognized by Georgia law to anyone or legally separated from anyone;~~
- ~~(5) They have only one current domestic partner;~~
- ~~(6) They are 18 years of age or older;~~
- ~~(7) They are competent to enter into a contract;~~
- ~~(8) They are not related by blood closer than would bar marriage in the state;~~
- ~~(9) They are each other's sole domestic partner;~~
- ~~(10) They agree to file a termination of domestic partnership within ten (10) days if any of the facts set out in this definition change;~~
- ~~(11) Any prior domestic partnership declared under this section, in which their domestic partner participated with a third party, was terminated not less than 12 months prior to the date of such affidavit and, that notice of termination was provided to the county in writing to the finance department;~~
- ~~(12) They agree that the city employee shall have the sole and exclusive right to make all benefit elections on behalf of the domestic partner;~~
- ~~(13) They agree that the city employee shall be responsible for any and all tax liability associated with any benefits provided to the domestic partner, including imputed taxable income and be subject to tax withholding or other tax treatment;~~
- ~~(14) They agree under penalty of perjury under the laws of Georgia that all information in the declaration of domestic partnership is true and correct.~~

~~*Live (d) together* means that the two people claiming domestic partnership status share the same primary, regular and permanent residence. It is not necessary that the legal right to possess the residence~~

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~~be in both names. Domestic partners do not cease to live together if one leaves the shared residence for a period not to exceed six months, but intends to return. Whether the relationship between these two people is or is not sexual is in no way relevant for the purposes of determining eligibility under this article.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-201. Effect of declaration of domestic partnership.~~

~~(a) Rights and duties created. Neither this article nor the filing of a declaration of domestic partnership shall create any legal rights or duties from one of the parties to the other, except those that specifically refer to domestic partnership. Nothing in this article shall be construed to explicitly or implicitly create a marital relationship. This article does not attempt to alter or affect the laws in the state that regulate any private or civil relationships. This article shall not be construed to conflict with, alter or affect the laws of this state or the United States.~~

~~(b) Nothing contained in this article shall create any rights in either domestic partner that are not covered, included or created in the underlying insurance or benefits plan documents of the city.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-202. Establishing existence of domestic partnership.~~

~~(a) Generally. Domestic partners, one of whom is an employee of the city, may establish the existence of their domestic partnership by presenting an original declaration of domestic partnership to the finance department of the city. The finance department will file the declaration. The standard declaration form will be available in the finance department during normal business hours.~~

~~(b) Limitations. The finance department shall only accept for filing declarations of domestic partnership submitted by domestic partners at least one of whom is an employee of the city.~~

~~(c) Amendments to the declaration. A partner may amend a declaration of domestic partnership filed with the finance department at any time to show a change in such partner's primary residence address.~~

~~(d) New declarations of domestic partnership. No person who has created a domestic partnership may create another until 12 months after a notice of termination has been signed and filed with the finance department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-203. Records, copies, filing fees.~~

~~Records of the city's finance department. The finance director shall keep a record of all declarations of domestic partnerships, amendments to declarations of domestic partnership, and all notices of termination. The records shall be maintained so that amendments and notices of termination shall be filed with the declaration of domestic partnership to which they pertain.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

#### ~~Sec. 20-204. Ending domestic partnerships.~~

~~(a) Termination. A domestic partnership ends when:~~

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~~(1) One partner sends the other partner written notice that such partner has ended the domestic partnership;~~

~~(2) One of the partners dies; or~~

~~(3) The partners no longer meet one or more of the qualifications or conditions for domestic partnership.~~

~~(b) Notice of termination. When a domestic partnership ends, the partners must execute a notice of termination naming the partner and stating that the partnership has ended. The notice of termination must be dated and signed under penalty of perjury by at least one of the partners. The notice of termination must be filed with the finance department.~~

~~Notwithstanding any of the above, the city shall revoke a declaration of a domestic partnership if the city finds that the partners no longer meet one or more of the qualifications or conditions for domestic partnership. The effective date of such termination will be retroactive to the date that such qualifications or conditions were no longer met. The city may revoke the declaration of the domestic partnership upon recommendation of the finance director and approval of the city manager without notice or hearing to the employee or domestic partner. Nothing in this Code shall create any right to a notice or hearing concerning the termination of the domestic partnership. In all circumstances, the provisions of the city's insurance plans shall control regarding coverage, eligibility and benefits provided to domestic partners.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

## **~~ARTICLE XI. EMPLOYEE ORGANIZATIONS~~**

### **~~Sec. 20-205. Statement of policy.~~**

~~It shall be the policy of the city to communicate with employee organizations in an orderly and professional manner, listening to input from such organizations where appropriate. This policy in no way obligates the city to bargain or contract with employee organizations. Further, this policy does not authorize employee organizations or any county employees to engage in strikes, slowdowns, or other organized absences from work or their assigned work stations.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

### **~~Sec. 20-206. Definitions.~~**

~~For the purposes of this article, certain terms and words are hereby defined. Where words are not defined herein, but are defined in section 1-2, those words shall have the meaning as defined therein. The following words, terms, and phrases, when used in this article, shall have the meanings given to them in this section, except where the context clearly indicates a different meaning: An eligible employee is a city merit status employee who is not:~~

~~(1) A department head or other employee with actual authority to hire, fire, or discipline; or~~

~~(2) A confidential employee who works directly with and reports directly to an elected official, department head, or department director.~~

~~Employee organization means any lawful organization that eligible employees have joined for the purpose of discussing issues of common interest regarding terms and conditions of employment with the City of Stonecrest, Georgia.~~

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~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-207. Applicability of article.~~

~~This article shall apply to employee organizations of which eligible employees are members.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-208. Prohibited discrimination and retaliation.~~

~~(a) There shall be no discrimination or retaliation against any eligible employee because of the fact that such employee is a member of an employee organization or has authorized a representative of an employee organization to communicate on his/her behalf in an appropriate manner regarding terms and conditions of city of Stonecrest employment. However, this section does not eliminate or limit the right to discipline employees for activities made unlawful by Georgia law or other applicable law (including, but not limited to, strikes or work slowdowns), or for conduct that violates city policy.~~

~~(b) No employee shall be required, as a condition of employment with the city of Stonecrest, to become a member of any employee organization. There shall be no discrimination or retaliation against an eligible employee because of the fact that the employee chooses not to be a member of an employee organization or otherwise chooses not to become involved in employee organization activities.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-209. Representative of the city.~~

~~The executive assistant shall designate a person in the human resources department to serve as the city's designated representative to meet with employee organizations when appropriate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-210. Meet and confer.~~

~~When an employee organization requests a meeting with the city, the designated city representative will meet with a representative or representatives of that organization upon reasonable terms for the purpose of listening to input from the organization regarding employment terms and conditions of eligible employees the organization represents (but not for the purpose of collective bargaining or negotiating a contract). The designated city representative shall not be required to meet with a particular employee organization more often than once per month.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-211. Representation of eligible employees in merit system hearings.~~

~~Subject to the terms and conditions of the merit system and human resource department's written administrative procedures governing the conduct of merit system hearings, a representative of an employee organization shall be permitted to represent and assist an eligible employee who is an appellant in a merit system hearing under sections 20-193, 20-194, or 20-195 of this chapter: (1) if that representative is an attorney, or (2) if those written administrative procedures expressly authorize an appellant to designate a non-attorney to~~



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~~represent him/her in a merit system hearing and specify the procedure for an appellant to designate a non-attorney representative for such a hearing.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~**Sec. 20-212. Employee organization activities during scheduled work hours.**~~

~~No eligible employee may spend scheduled working time (excluding approved break time) away from his/her work assignment and/or work station to participate in employee organization activities, unless the employee obtains his/her supervisor's advance permission to spend that time away from his/her work assignment and/or work station. An eligible employee may spend up to one hour per calendar month of paid scheduled working time in employee organization meetings or in meetings between employee organization representatives and the designated city representative or city elected officials, if the eligible employee has advance permission from his/her supervisor to spend that time away from his/her work assignment and/or work station. With the exception of that one hour per calendar month, normal city and department rules regarding requests to take time off from work (using accrued paid leave or unpaid leave) apply to eligible employees' requests to take time away from their normal work assignments and/or work stations to participate in employee organization activities. The one hour per calendar month of paid scheduled working time that an eligible employee may spend on certain employee organization activities as described above shall not accumulate if unused during a calendar month, and no payment shall be made for any such time that is not used.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~