

**City Council of Peachtree City
WORKSHOP**

October 1, 2007

6:30 p.m.

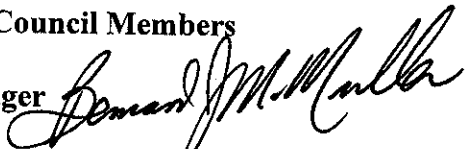
The Mayor and City Council of Peachtree City will hold a workshop on Monday, October 1, 2007, 6:30 p.m., in Council Chambers. The purpose of the workshop is to discuss the personnel policy.

This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: City Manager 

FROM: Acting Administrative Services Director/City Clerk 
Human Resources Manager 

DATE: September 24, 2007

SUBJECT: Personnel Policy Review & Proposed Amendments
October 1, 2007, City Council Workshop

Discussion:

Attached is a revised Personnel Policy for consideration and discussion by the Mayor and Council. Following the discussion at the Workshop, Staff will bring a revised Personnel Policy for adoption to a future City Council Meeting.

The Personnel Policy is actually an ordinance adopted by Council, and the most recent full revision was adopted in 1991. The proposed changes are reflected in the text, and primarily incorporate a number of housekeeping issues to update the policy in accordance with law and to incorporate several clarifications that have been made over the years, particularly as the organization has grown from a few employees to over 250 employees.

The purely housekeeping items include changing the term "Personnel Officer" and "Personnel Manager," to "Human Resources Manager," and "Personnel Office" or "Department" to "Human Resources" with no changes in policy.

In addition to the items listed below, Council has asked that the City Manager look at converting the Director and Chief positions to "at will" positions. A separate memo will present this issue.

Additional changes include:

Policy I, Section 3, page 1

Established and defined a "non-regular part-time Firefighter position"

Policy II, Section 7, page 4

City Manager, rather than Council, will determine if we need to recruit at a higher salary after demonstrating the inability to recruit at the minimum salary or if the applicant possesses exceptional qualifications.

Policy II, Section 9, page 4

A 6-month probation period will not be extended for promoted employees (this ensures that anyone hired to fill a vacancy due to a promotion will still be on probation if the promoted employee returns to his original position).

Policy II, Section 14, page 5

Department Heads, rather than City Manager, determine if employees need to work overtime and accumulate more compensatory time if they already have 48 hours banked. In accordance with the Fair Labor Standards, it is the employee's decision to be paid overtime or to bank the overtime hours as Compensatory Time. Also, overtime and compensatory hours no longer have to be reported to the Human Resources Manager.

Policy II, Section 17 C, page 6

Position descriptions will not be updated on a periodic basis, but as changes are made.

Policy IV, Section 4, page 8

Criminal background checks are performed on all new City employees. Motor Vehicle Records (MVR) are required of all employees that drive City vehicles.

Policy IV, Section 5, page 8

When sending out reject letters to applicants, the Human Resources Manager does not have to state the reason an applicant was not hired, only that a qualified candidate was chosen.

Policy VIII, Section 1, page 10

Changes to make the length of probation periods all consistent throughout the policy (6 months probation for new hires except police and fire, which have a one year new hire probation, and 6 months on all promotions; 90 days for all probation extensions).

Removing statement that disallowed promoted employees taking vacation leave during their probationary period or to receive pay for any vacation leave accrued if the employee resigns or is terminated.

Policy VIII, Section 3, page 11

Department Heads and Directors, rather than City Manager, may transfer employees within their department as long as they are in the same pay grade.

Policy VIII, Section 5, page 12

Added #3 – Reasons for Demotion.

When an employee commits an act, which violates any ordinance, rule, or regulation of the City, or any law of the United States or State of Georgia and demotion is deemed an appropriate action.

Policy IX, Section 3, page 15

Added – An additional level of performance rating.

Policy IX, Section 5, page 16

Frequency of Review – Deleted the transitional section since policy is well in place.

Added – A change in the three-month review for Police Officers to a six-month review because they are not here actually working those first ten weeks.

Policy IX, Section 6, page 16

Added - An explanation of the benefit that comes with each level of performance rating.

Policy IX, Section 7, page 16

Deleted – City Manager having to review all evaluations except the evaluations for Chiefs and Directors.

Added – Human Resources Manager reviews all evaluations for every division. Chiefs and Directors are responsible for final approval of all evaluations for their division.

Policy X, Section 1, page 17

Requiring a terminating employee to work their resignation notice rather than taking vacation, etc.

Policy X, Section 3, page 18

When a disability has been discovered that could create a dangerous situation for an employee or coworkers, he could be directed to have a physical examination by a physician selected by the City.

Policy X, Section 7, page 20

Added – City Manager gives final approval for all employee dismissals. Human Resources Manager is also notified prior to dismissal.

Policy X, Section 8, page 20

Added - A better explanation of benefits paid out at Retirement.

Policy XI, page 20

Added – A violation of any rule or regulation adopted by the City is grounds for disciplinary action.

Policy XI, Section 5, page 24

Reasons for disciplinary action

Added – Use of any tobacco products in any City building or vehicle.

Deleted – Disallowing subordinate employee to work on supervisory personnel's personal vehicles, residence, etc. on personal time outside of City work hours.

Policy XII, Section 2, B4, page 25

Human Resources Manager will make a recommendation to the City Manager and the City Manager makes the final decision on grievances. (Under current policy, Human Resources Manager makes final decision.)

Policy XII, Section 3, A, page 25

The Director/Chief with an informal grievance should attempt to resolve with their immediate supervisor before elevating to City Manager. (Applies to those who report to Assistant City Manager.)

Policy XII, Section 4, A, page 26

The Appeals Board was moved from the last page of the policy to this section. The Human Resources Manager will maintain the list for the examiners instead of the City Manager.

Policy XII, Section 4, B4, page 27

Changed – All appeal hearings must be public hearings not private hearings.

Policy XII, Section 4, B6, page 28

Change – Panel makes recommendation, City Manager makes the decision based on recommendation.

Policy XII, Section 5, A2, page 28

Changed – All appeal hearings for Chiefs/Directors must be public hearings not private hearings.

Policy XII, Section 5, A4, page 29

Changed - Allowing 15 days for Council to respond to an Appeal Hearing in case all Council members are not available at the time.

Policy XIII, Section 3, A, page 29

Holiday Pay will no longer be earned while on leave after FMLA has been exhausted.

Regular part-time employees earn 4 hours for holidays regardless of how many hours they normally work on that day of the week and may bank up to 24 hours excluding birthday holiday. Regular full-time employees have a limit of 48 hours banked for holidays excluding birthday holiday.

Policy XIII, Section 3, B2, page 30

Banked birthday holiday hours must be used within 12 months of birthday or they are lost.

Policy XIII, Section 4, B,C,D, pages 30-31

Regular part-time employees earn in vacation $\frac{1}{2}$ of what full-time employees earn and accrue.

Policy XIII, Section 4, E, page 32

Human Resources Manager no longer verifies vacation time before employees take it off. (This is now done in the employee's department.) Employees cannot combine vacation with holidays if it inconveniences the City.

Policy XIII, Section 5A, page 32

List of family members that are considered immediate family when using sick leave.

Policy XIII, Section 5C, page 32

The City Manager, rather than Mayor & Council, may approve an employee on Workers' Compensation to use their banked leave to make up the difference in their pay under appropriate circumstances.

Policy XIII, Section 5, D,E, pages 32-33

Explanation of regular sick leave hours earned and catastrophic sick leave hours earned for regular part-time employees.

Policy XIII, Section I1, page 33

Explanation of regular part-time employees' payout for sick leave at termination.

Policy XIII, Section 6, page 34

Due to a change in the law – Allow up to 18 days per year for Military Leave instead of 15.

Policy XIII, Section 9, page 35

Grandparents-in-law, Step Parents, and Step Grandparents added to list of immediate family for funeral leave.

Policy XIV, Section 2, page 37

To be eligible for this benefit, you must be a full-time employee. Instead of allowing 3 courses at \$200 per course per year (maximum \$600), the new maximum of \$800 per year has no specified number of courses. The program would still pay 50% of books and course tuition and include a requirement of a grade of "B" for reimbursement. Courses that are covered through grants and scholarships are not eligible for reimbursement.

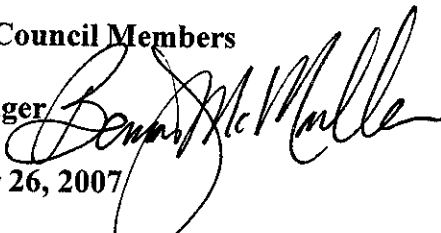
Policy XIX, Section 3, page 40

Grandchildren added to the list of relatives in the Nepotism Policy.

cc: Directors & Chiefs

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members
FROM: City Manager 
DATE: September 26, 2007
SUBJECT: Personnel Policy – Directors & Chiefs Status
October 1, 2007, City Council Workshop

Discussion:

Council asked that staff look at the issue of changing Division Director and Chief positions, which currently have the same rights and privileges as other City employees, to an “at will” status. For discussion purposes, the City Attorney has provided the definition of at-will employment as “an employer-employee relationship with no definite period of employment specified and which can be terminated by either the employer or employee with or without cause or justification.” Currently, all employees are technically defined as “at will” employees with the exception of the City Manager, who is a contract employee under direct supervision of the Mayor & Council.

Council would need to further define intent in making changes to the employment status (Council authority to appoint and terminate, contract employee, etc.).

Personnel Policy:

Currently, Directors & Chiefs are specifically addressed in Personnel Policy XII, Sections 3 (Grievance Procedures for Division Directors & Chiefs) and Section 5 (Appeals for Division Directors & Chiefs), but have the same rights as defined throughout the policy. Based on Council’s wishes, these sections would need to be amended, with the official status of Directors & Chiefs listed.

Additional factors for consideration and discussion include possible changes that would be required in the City Charter and Ordinances listed below.

City Charter:

Sec. 2.12. Council Interference with Administration.

The city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager except for purposes of gathering needed information which is of routine matters or is the type of information which such officers and employees can easily and quickly assemble. Except as provided above, the city council and its members shall not give orders directly to such officers and employees, either publicly or privately, but shall coordinate all orders and instructions through the city manager.

Sec. 2.13. Appointment of officers by council; removal.

The city council shall at its organizational meeting and thereafter at the discretion of city council appoint a clerk, a city attorney, a city auditor, a city judge, a city manager and any other city positions as required by ordinance. Such appointed individuals, after their initial appointment, need not be reappointed on an annual basis but shall serve subject to the pleasure of the mayor and council and may be removed from office by the council at any time; provided, further, that the mayor may suspend any such individual pending a meeting of the council to make a formal decision on the appropriate action to take.

Sec. 2.14. City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be the custodian of the official city seal and city records; maintain city council records as required by state law or by ordinance; and perform such other duties as may be required by the city council. The city clerk shall report to the city manager and shall be subject to all of the rights, privileges and obligations of the city's personnel policies; however, the city clerk can be terminated or removed from such position only by the city council. The city council may appoint the city manager to serve as the city clerk.

Ordinances:

Peachtree City Code confers upon the City Manager under **Sec. 2-92. Powers and duties:**

In addition to those elsewhere provided in this Code, the following powers and duties are conferred upon the chief administrative officer:

(3) Administrative authority. To exercise administrative control over all regular departments and divisions of the city.

(9) Appointments; creation, abolition of offices and functions. To hire, as required, department heads and employees for departments authorized by the council. Nothing in this subsection shall prevent the council from creating, abolishing, consolidating, altering or modifying departments; however, the chief administrative officer is authorized to recommend, subject to the approval of the council, the change, consolidation or abolishment of any of the offices, departments or functions over which he exercises supervision and control and to recommend the creation of new departments and offices.

Sec. 2-175. Appointing chief of fire department; accountability of fire department personnel.

(a) The chief of the fire department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the fire department shall serve without reappointment until terminated according to city policies or otherwise resigns.

Sec. 2-212. Appointing chief of police department; accountability of police department personnel.

(a) The chief of the police department shall be appointed by the mayor and council based upon recommendations received by the city manager. The chief of the police department shall serve without reappointment until terminated according to city policies or otherwise resigns.

Labor Law:

Under the current policy, Directors and Chiefs can only be terminated for cause in accordance with the established disciplinary procedure. In other words, there is no distinction between a Director, Chief, or the other regular employees from a disciplinary action standpoint.

Even if the change is made, other applicable employment laws would still apply and provide employees with certain rights. For example, discrimination based upon age, race, etc., would obviously still be prohibited. An argument could be made that the current model, which requires cause for termination, assists the City in avoiding issues with applicable employment laws and regulations.

If our personnel policy is changed to allow Council to terminate a Director or Chief, the State may still award unemployment compensation. Under state law, unemployment compensation can be awarded if the employee was terminated without cause. In some instances, unemployment compensation can be awarded if the employee was terminated for cause, but the employer did not warn the employee of the prohibited conduct, or try to counsel the employee prior to termination.

Other Local Government Policies:

The Human Resources Department conducted a survey this past week of other municipalities in Fayette County and the largest 20 cities in Georgia regarding the status of their Directors & Chiefs. Of the 16 cities who responded, 12 (75%) invest power to hire and fire Directors & Chiefs solely in the City Manager. Two cities (12.5%) invest this power in the Mayor and Council, and two cities (12.5%) have some sort of shared authority between the City Manager and the Mayor and Council. The list of responding cities and their response is attached.

cc: Directors & Chiefs

Local Government Policies Relating to Directors & Chiefs

City Name	Do Mayor & Council have direct hiring/firing authority over Directors / Chiefs?
Alpharetta	No; (City Admin is only contract employee)
Athens-Clarke County	No, handled by H/R with employees in personnel system. (Elected officials i.e. Sheriff, Tax Comm. are not in personnel system).
Augusta	Commission has authority to fire dept. heads. Dept. heads not contract employees and report to City Manager.
Cartersville	No, City Manager Only
Columbus	Council and City Manager have to concur. If CM recommends, requires 60% vote of CC to fire. If CM does not recommend, requires 70% vote of CC to fire. Dept. heads not on contract. CM can be fired with 60% CC vote.
Duluth	No, City Manager, City Clerk, Police Chief only
East Point	No, City Manager has authority to do so.
Fayetteville	No, City Manager Only
Marietta	No. City Manager has authority to do so. CC can recommend to CM. All directors are at will.
Newnan	No, City Manager Only
Rome	No - Only City Manager has that authority.
Roswell	Charter gives authority to Mayor and CC to hire/fire. Resolution by Mayor and CC transferred authority to City Manager to hire/fire dept. heads.
Sandy Springs	Mayor and CC have no independent authority. CM has authority to fire CFO, Fire Chief, Police Chief since they are City employees. (Other dept. heads are contract through CH2MHill.)
Savannah	No. City Manager has authority to do so. (City Manager not under contract.)
Valdosta	No, CC prohibited by charter from involvement with employee issues. (CM under contract; could be fired by CC.)
Warner Robins	Yes, all directors serve at pleasure of Mayor and CC.