

PERSONNEL POLICY ORDINANCE

WHEREAS, the Mayor and City Council of the City of Marietta recognize the importance of its municipal employees in meeting the service needs of the City residents, and

WHEREAS, it is the desire of the Mayor and City Council to maintain a municipal work force composed of qualified, competent, dedicated employees, and

WHEREAS, the Mayor and City Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force, and

WHEREAS, it is the desire of the Mayor and City Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

Section 1: The Personnel Policy Ordinance, a copy of which is attached hereto and incorporated herein by this reference is hereby adopted as the Personnel Policy Ordinance of the City of Marietta. The City Clerk shall maintain a copy of said ordinance on file for inspection by the public.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: This ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia Laws 1983, page 419.

DATE: \_\_\_\_\_

APPROVED:

ATTEST:

BY: /s/ Robert E. Flournoy, Jr.  
Mayor and Council

/s/ Lillian C. Harris  
City Clerk

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# MINUTES, COUNCIL PROCEEDINGS, CITY OF MARIETTA, GEORGIA

W. H. HARRIS & BRUCE HARRIS

## ARTICLE I. EQUAL OPPORTUNITY, NONDISCRIMINATION AND DEFINITIONS

### Section 1. Policy.

It shall be the policy of the City of Marietta to guarantee equal opportunity to all applicants and to all employees. Discrimination against any person in recruitment, examination, appointment, training, pay, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other non-merit factors shall be prohibited. Discrimination on the basis of age, sex, or physical disability shall be prohibited except where specific age, sex, physical or mental requirements constitute a bona fide occupational qualification necessary to proper and efficient administration or where an attempt to accommodate such limitation would impose an undue hardship on the operation of a program or activity.

Further, sexual harassment of City employees by other City employees, in any form, is strictly prohibited, and may be a basis for disciplinary action, including dismissal. As used herein, sexual harassment includes, but is not limited to, sexually indecent or derogatory comments, the making of sexual advances or untoward sexual behavior, or the condoning of any such sexual harassment.

### Section 2. Affirmative Action.

Affirmative Action may be defined as specific and individual programs designed to increase the utilization of minorities at all levels and all segments of the work force. The City of Marietta will take such affirmative action as needed to effectuate this goal.

### Section 3. Definitions.

As used herein, the following terms shall have the meanings set forth herein:

- (a) Conduct undermining the operation of the City: Any conduct or actions on the part of any employee which tends to jeopardize or reduce the efficient operation of the City in the delivery of services to the public, including the interference with the performance or duties of any other employee, through harassment or otherwise, on or off the job.
- (b) Contract employees: Employees who have a written contract with the City to administer a specific City program for a specific period of time or while such program is being operated by the City.
- (c) Delinquency: Vandalism; non-payment of debts owed to the City; or excessive tardiness to work.
- (d) Full-time employees: Any employee of the City who is regularly scheduled to work at least 40 hours per week. A regular, full-time employee is a full-time employee who has completed the probationary period.
- (e) Insubordination: The refusal by an employee to obey an order which a superior is entitled to give and have obeyed or the making of threatening or abusive statements to a superior.
- (f) Negligence: The failure to exercise ordinary care under the circumstances.
- (g) Probation: The first year of employment served by any full-time employee. Such period of probation shall be considered a part of the examination procedure and shall be utilized to test the employee's capacity for satisfactory job performance. Until an employee has successfully completed his probationary period, he may be suspended, demoted or dismissed without cause. Upon successful completion of such probationary period, the full-time employee shall be considered a regular, full-time employee.
- (h) Sexual harassment: Sexual harassment includes, but is not limited to, sexually indecent or derogatory comments, the making of sexual advances, or untoward sexual behavior or the condoning of any such sexual harassment.
- (i) Unauthorized absence: An absence from work either not authorized by an employee's supervisor or not covered under the paid leave or unpaid leave provisions of this ordinance, as set forth in Article V, Section 6 through 12.
- (j) Under the influence of alcohol: Under the influence of alcohol shall mean .05 grams percent of alcohol or greater, as measured by blood, breath or urine tests while the employee is on duty or subject to be called back to duty in a paid stand-by status. With regard to employees who regularly and customarily deal with members of the public, such term shall also mean the having of alcohol on one's breath which is capable of being smelled by another, or visible impairment of one's normal abilities by alcohol.
- (k) Under the influence of drugs: Under the influence of drugs shall mean any measurable amount of drugs which are unlawful to possess under Georgia Law (unless the same is being taken by the employee pursuant to the instructions of a medical doctor licensed in the State of Georgia) and specifically including marijuana in the blood or urine of an employee while on duty or subject to be called back to duty in a paid stand-by status.

## ARTICLE II. THE POSITION CLASSIFICATION PLAN

### Section 1. Adoption of the Plan.

The attached position classification plan is hereby adopted as the position classification plan for the City of Marietta.

### Section 2. Coverage of the Plan.

This position classification plan shall include all full-time positions in the municipal service of the City of Marietta except as provided below:

- A. Elected Officials
- B. Members of Boards, Committees and Commissions
- C. The City Attorney
- D. The Municipal Judge
- E. The City Clerk
- F. The City Manager
- G. Contract Employees

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## Section 3. Maintenance of the Classification Plan.

The City Council shall review the compensation plan on an annual basis on or before the first Monday in April. The purpose of this review is to insure that the salaries of employees covered under this plan are compatible with the work performed and are competitive with salaries paid by both public and private agencies within the geographic area who provide the same or similar services. The City Manager shall recommend to the City Council at this time such changes in the classification plan as necessary to compensate for changes in the duties and/or responsibilities of any employee or group of employees. Accordingly, the City Manager shall make or cause to be made, position classification studies of individual positions or groups of positions whenever the duties and responsibilities of existing positions have undergone significant changes, or when new positions are to be created.

## Section 4. Class Titles.

The term "class title" shall refer to the official title of the class as specified and shall apply to all positions allocated to the class and shall be used in all personnel and administrative processes.

## ARTICLE III. THE COMPENSATION PLAN

### Section 1. Adoption of the Compensation (Pay) Plan.

The attached schedule of salary grades and steps and listings of call assignments to such grades is hereby adopted as the pay plan for the City of Marietta.

### Section 2. Development of Pay Grades.

The Plan shall maintain a pay grade for every class of employment in the municipal service. Each pay grade shall have a minimum and maximum rate and progressing intermediate pay steps. Such pay grades shall be determined with due regard to grades of pay for other classes, relative responsibility and difficulty of positions in the class, availability of employees in particular occupational categories, prevailing rates of pay for similar employment in the Marietta area, rates of pay in other governmental jurisdictions, cost-of-living factors, the financial condition and policies of the City and other economic considerations.

### Section 3. Maintenance of Pay Grades.

The City Manager shall make or cause to have such comparative studies made, as he deems necessary, or as requested by the City Council, of the factors affecting the level of salary grades prior to the preparation of the annual budget as well as at other times. On the basis of information derived from such studies, the City Manager may recommend to the Mayor and City Council such changes in salary grades as may be deemed necessary to maintain the fairness and adequacy of the overall salary structure.

The rate of pay for each employee shall be adjusted in conformance with the adjustment of the pay grade for the class to which his position is allocated; provided that any employee receiving a salary in excess of the maximum rate provided for the class to which his position is allocated shall receive no further increase until such time as the salary for the class is greater than the salary he is then receiving.

### Section 4. Performance Evaluation.

All employees will have their performance evaluated two times during the fiscal year.

### Section 5. Starting Rates of Pay.

The salary of any employee entering City employment shall normally be set at the minimum step of the salary grade for the class of positions to which appointment is made. An appointment to a step other than the minimum step may be made if it is determined that an applicant, by virtue of his particular background or training and experience, possesses qualifications which would make his service to the City considerably more valuable than that of the other qualified candidates for the same position. In no event shall an employee be placed at a rate less than the minimum nor more than the maximum for his class of position except as provided in Section 12.

An employee who is re-employed or reinstated to his former position or to another position in the same class may be credited for pay purposes with former service in the class in which he is re-employed and service in any higher class.

### Section 6. Salary Increases.

New employees will serve a probationary period of one (1) year. After completion of six months of service an evaluation review date will be established for the employee, and the employee will be eligible for pay increases based on performance evaluation. After successful completion of the probationary period, a full-time employee shall be considered a regular, full-time employee and entitled to all of the rights and privileges pertaining thereto.

In-grade pay increases of one (1) step may be granted to an employee who completes significant work-related education or training in order to enhance his skills and knowledge as an endeavor toward career improvement within his department. Increases of this nature shall be consistent with the career development program criteria established within the individual departments. In no instance shall an employee receive a salary increase which would exceed the maximum salary rate for the employee's respective class.

An employee's level of work performance shall be determined by formal performance evaluation as prescribed by the Personnel Department.

### Section 7. Salary Adjustment Upon Promotion.

A promotion is the advancement of an employee from a position within one class to a position of a higher class based on the employee's demonstrated performance, ability and aptitude to perform the duties of the higher position in a competent manner. The promotion of an employee must be approved by the City Manager based upon the recommendation of the employee's department head. Upon promotion an employee shall be placed in the first step if the new pay grade or to the appropriate step within the pay grade which shall result in a one step increase. The promotion of an employee shall not affect the employee's regular merit review date. No employee shall be eligible for promotion until the employee has successfully completed the prescribed probationary period.

Section 8. Salary Adjustment Upon Reclassification.

The reclassification of a position is the reallocation of the position to a higher or lower class level based upon a significant change in the nature and level of duties and responsibilities necessary to satisfactorily perform the work requirements of the position. Requests for reclassification of a position(s) may be considered at any Council meeting. The salary of the employee whose position is reclassified from one class to another having a higher pay range shall be adjusted to provide a minimum increase of one step above the employee's former rate of pay. The reclassification of an employee's position to a class having a lower pay range shall not result in a reduction of the salary of the reclassified employee. But if the employee's salary before the reclassification was above the maximum of the lower pay range then the employee shall not be entitled to any further increase in salary while remaining in such lower class unless the pay plan is subsequently amended to provide a maximum salary for such class in excess of the incumbent's current salary.

Section 9. Salary Adjustment Upon Demotion.

An employee who is demoted shall have his salary reduced to a rate not to exceed the maximum rate of the new class.

Upon the request of an employee and subject to the approval of the City Manager, an employee may be voluntarily demoted to a vacant position in a lower class. Any employee so demoted shall have his salary reduced to a rate not to exceed the maximum rate of the new class.

Section 10. Salary Upon Transfer.

A transfer is the movement of an employee from a position of one class to a position of a comparable class on the same pay level. The salary of a transferred employee shall be the same as that he received prior to the transfer.

No employee shall be eligible for a transfer to another department until the employee has successfully completed the required probationary period.

Section 11. General Salary Range Adjustments.

Whenever a new or different scale of salaries is made applicable to a class of positions, persons employed in positions of that class at the effective date of the adjustment shall be placed at the salary step in the new range corresponding to that step which they had reached under the formerly applicable scale. When across-the-board step increases are granted the entire pay schedule shall be adjusted upward to correspond to the amount of the increase, i.e., 5%, 10%, etc.

Section 12. Salary of Employees in an Acting Capacity.

In some circumstances it may be necessary to designate an employee to perform in a higher class position on a temporary basis. The City Manager shall make such temporary appointments as deemed necessary to fill position vacancies within the organization. Employees appointed to act in the higher class for a minimum of one (1) working day or shift shall be compensated at a rate equal to one step higher than the employee's normal pay rate, provided that the vacancy is one which requires that some employee must perform the actual duties normally performed by the employee assigned to the vacant position, and that the employee selected to act in the vacancy possesses the qualifications required of the position. No higher rate of compensation will be paid to employees required to act in a higher classification if the duties of the higher classification are substantially similar to acting employee's normal duties unless the employee shall act continually for a period of thirty (30) working days or more. Employees who act for thirty (30) or more days are to be compensated at the minimum rate of the higher class.

Fire Department employees shall receive pay equal to one step above the employee's normal pay rate when the employee is directed by the Fire Chief to act in a higher classification for a minimum of one full shift. The positions for which acting pay may be authorized are Driver/Pump Operator.

Section 13. Salary of Part-Time Employees.

The pay plan established by this ordinance is for full-time service. The compensation of any employee appointed for less than full-time service shall be proportionately reduced. Such employees shall not be considered regular, full-time employees, and shall not be entitled to the benefits, rights and privileges pertaining thereto, including employee fringe benefits. Part-time employees may be suspended, demoted or dismissed without cause.

ARTICLE IV. APPOINTMENTS AND OTHER PERSONNEL ACTIONSSection 1. Appointments.

Appointments to positions of the City of Marietta shall be made on the basis of demonstrated ability and the required levels of education, skill, training and experience. All employees shall be appointed in accordance with the appointment procedure established by the Personnel Department.

Section 2. Qualification Standards.

Qualification standards shall be established for each class of position with regard to education, skill, training and experience and other qualifications necessary to satisfactory job performance. These qualifications shall be provided for in the position description for each class of positions. Applicants for positions for the City of Marietta may be required to pass appropriate written and/or oral and physical examinations to determine whether they meet the required standards. Physical examinations required will be provided at the expense of the City of Marietta.

Section 3. Limitation of Employment of Relatives.

No relative of a City employee shall be employed in any position with the City. "Relative" shall be defined as husband, wife, son, daughter, brother, sister, grandson, granddaughter, father-in-law, mother-in-law, step-mother, step-father, step-sister, step-brother, or any aunt, uncle, nephew, niece or cousin of the first generation. Exceptions may be made for cousins of the first generation if (a) the cousins are in separate departments of the City and (b) the Department Head certifies to the City Manager that the candidate is of equal or greater qualification than other candidates. Should a marriage take place between two employees, they shall not be affected by this policy provided that such employees are not employed by the same department and that in the event such employees are working in different departments whose function may be work-related to the extent of causing excessive personal contact between the employees in the scope of their normal job function, the City Manager may require the transfer of one of the affected employees to another department.

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## Section 4. Promotions.

The City Manager shall endeavor to anticipate retirements and turnover and shall have employees trained to assume greater responsibility. In filling vacancies an effort shall be made to promote qualified employees from within the City work force before seeking an outside replacement. Promotion of an employee shall be based upon competent and outstanding performance in his present position, as determined by the personnel performance evaluation system, his demonstration of the capacity and ability to handle increased responsibility, as well as a reasonable expectation of successful performance in the new position.

## Section 5. Suspensions, Demotion and Dismissal.

A regular, full-time, employee may be suspended, demoted, or dismissed for just cause by the employee's department head. Just cause shall include, but not be limited to: delinquency, negligence, insubordination, failure to follow departmental or City rules, regulations and policies, inefficiency in the performance or or the failure to perform assigned duties, unauthorized absences, conduct undermining the operation of the City, sexual harrasment of City employees, or being under the influence of drugs or alcohol as established through approved testing as defined in Article V, Section 14.

A regular, full-time employee whose work is not satisfactory over a period of time shall be notified by his department head as to the problem and deficiency. If, after reasonable notice, the employee fails to perform up to the requirements and standards of the classification held, the incumbent may be demoted or dismissed.

All employees shall be subject to immediate dismissal when the actions of the employee are construed by the employee's department Head to be so malicious or flagrant as to constitute a hazard to the effective operation of City services.

Fire Department employees and Police Department employees who have not completed the required civil service probationary period may be suspended, demoted or dismissed for just cause by the Chiefs of the respective departments. In order for Police and Fire Department employees to exercise the right to appeal under this section, the Police or Fire employees must make an affirmative written waiver of their right to appeal to the Civil Service Board.

Whenever any department head determines that an employee, who can only be dismissed for cause, has committed a transgression which amounts to cause, and the department head desires to dismiss said employee, then said department head shall suspend such employee pending his dismissal. Such suspension shall be without pay, unless the employee is reinstated as set forth in this section. Upon such suspension, the employee shall be given a written notice of the reasons for his suspension pending dismissal, which notice shall set forth the employee's right to appeal such suspension pending dismissal as set forth herein. In the event that the employee desires to appeal his dismissal, he shall deliver a written notice stating his desire to appeal his dismissal to the City Clerk within ten (10) working days after his receipt of the notice of suspension pending dismissal. Upon receipt of such notice of appeal, the City Clerk shall schedule a date and time certain for the hearing of such employee's appeal, which shall take place within five (5) days after the City Clerk's receipt of the employee's notice of appeal, and the City Clerk shall notify all interested parties, including the employee and the employee's department head, in writing of such hearing date and time. Said appeal shall be heard by the City Manager or by his designee, who shall be a disinterested City employee (the City Manager or his designee hearing such appeal is hereinafter referred to as the Hearing Officer). The Hearing Officer shall conduct the hearing, at which the department head shall present any evidence which he may have supporting his decision to dismiss the employee, and the employee shall have the right to present such evidence, including other witnesses, as he may desire. The employee shall have the right to counsel, at his own expense, at such hearing. The Hearing Officer shall notify the Department Head and the employee of his decision, in writing, within three working days after the hearing. In the event that the Hearing Officer is some person other than the City Manager, and the Hearing Officer upholds the dismissal of the employee by the Department Head, then the City Manager may, at his discretion, review said appeal and shall have the authority to reinstate such employee. All appeal hearings held pursuant to this section shall be open to the public unless the City Attorney recommends otherwise. If the employee does not appeal his dismissal within ten (10) days after his receipt of the notice of suspension pending dismissal, as set forth herein, the employee shall stand automatically terminated at the expiration of said ten (10) day period.

## Section 6. Reduction in Force.

In the event that a reduction in force becomes necessary, such reduction in force shall take effect after a formal public hearing. The purpose of such a hearing shall be to give public notice of the causes necessitating the reduction in force and possible alternatives to such action.

Consideration will be given to the validity of each employee's past performance, the needs of the service, and seniority in determining those employees to be retained. Regular, full-time employees who are to be laid off due to reduction in force will normally be given at least one pay period notice of the anticipated layoff. Additionally, when subsequently created positions or vacancies in existing positions are to be filled, qualified persons previously laid off will be given first consideration for appointment thereto.

## Section 7. Outside Employment.

Outside employment shall not cause conflict of interest or permit the use of City employment for personal gain. Outside employment must not interfere with City duties. Employees shall not hold more than one full-time City job at any time. Employees who are injured as a result of outside employment shall not be allowed to use earned sick leave for absences from City employment. Continued absence from City employment related to injuries sustained in outside employment may constitute just cause for termination. Police officers performing within the scope of their duties as law enforcement officers shall be exempt from this provision.

## Section 8. Employee Grievance Procedure.

Definition: A grievance is defined for the purpose of this section as a claim by an employee that he has suffered injury or harm arising from the interpretation, application or violation of existing City regulations and policies, but does not include a dismissal of the employee, as Section 6 governs the procedure for dismissal.

Purpose: The purpose of this section shall be to provide all regular, full-time, City employees with a right to appeal a decision by a superior which the employee believes is the cause of injury or harm suffered by the employee.

Scope: This section shall apply to all full-time regular City employees. Note the definition of a full-time regular employee is one who has successfully completed the prescribed probationary period.

Procedure: The steps for filing a formal grievance as well as the time limitations involved for each step in the process shall be as follows:

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Step 1. The employee must communicate in writing to his department head the following information within ten (10) working days from the incident date:

- a. The employee must make a brief statement of the circumstances surrounding the incident.
- b. The employee must disclose to the department head the reason the employee is dissatisfied with the department head's decision.
- c. The employee must ask the department head to reconsider the original decision.
- d. The department head must give the employee an appropriate opportunity to express his or her reason for dissatisfaction in a confidential manner. After the employee concludes with the statement of circumstance, reason for dissatisfaction and request for consideration, the department head will be expected to discuss the matter with the employee confidentially and to hopefully clear up any misunderstandings of fact or circumstance surrounding the department head's decision. The department head then shall have two (2) working days to respond to the employee in writing, which shall include a copy of the employee's procedure to appeal the department head's decision.

Step 2. If the employee's grievance is not resolved during the initial process as set forth in Step 1, above, the employee may appeal the department head's decision to a Hearing Officer, who shall be a disinterested City employee designated by the City Manager.

- a. The employee must file a written statement with the Hearing Officer on a form designated for this purpose which will be provided by the Personnel Department.
- b. The employee must file the prescribed form within ten (10) working days of receiving the department head's final decision under the process described in Step 1.
- c. The Hearing Officer must acknowledge the receipt of the statement from employee.
- d. The Hearing Officer will conduct a hearing with all parties involved to determine the merit of the employee grievance. The meeting will be held in confidence and the Hearing Officer will request the presence of the employee's department head.
- e. The final decision of the Hearing Officer shall be furnished to both the employee and the department head in writing stating specific reasons for the decision within five (5) days of receipt of the complaint and shall include a copy of the employee's procedure to appeal the hearing officer's decision. The decision of the Hearing Officer shall be binding on the department head.

Step 3. If the employee is dissatisfied with the ruling of the Hearing Officer the employee may file an appeal to the City Manager.

- a. The employee must file an appeal within five (5) days of the receipt of the Hearing Officer's decision.
- b. The appeal must be in the form of a written letter addressed to the City Manager and must include the following items:
  - (1) A copy of the employee's appeal to the Hearing Officer.
  - (2) A copy of the Hearing Officer's decision.
  - (3) A statement by the employee as to why he is dissatisfied with the Hearing Officer's decision which must relate to specific reasons and not a general disagreement.
  - (4) The statement must be signed by the employee and dated.
- c. The City Manager will review the employee's written appeal and will submit a written decision to the employee within five (5) days of the receipt of the appeal.
- d. The decision of the City Manager shall be final and binding on all parties.

## ARTICLE V. CONDITIONS OF EMPLOYMENT

### Section 1. Applicability of Article.

The provisions of this Article shall be applicable to all appointed employees of the City. The benefits provided by this Article shall be for full-time regular employees.

### Section 2. Work Week.

Forty (40) hours shall be the normal work week for full-time City employees, except Fire Department and Police Department Personnel.

Fire Department employees assigned to a shift will work a twenty-four (24) hour shift of duty assigned to one of three (3) operating shifts. Employees assigned to a shift will generally be relieved from duty for forty-eight (48) hours following each working shift. For purposes of calculating annual pay rates for fire employees assigned to shifts the fiscal year will be three-hundred and sixty-six (366) days divided by three (3) or one-hundred and twenty-two (122) twenty-four (24) hour shifts. The Fire Department employees assigned to shifts will be paid an annual rate of pay which corresponds to the individual's step and grade in the City's compensation schedule based on one-hundred and twenty-two (122) shifts times twenty-four (24) hours or two-thousand nine-hundred and twenty-eight (2928) hours per year. These employees will be paid weekly for all hours worked at an hourly rate corresponding to the individual's annual rate divided by two-thousand nine-hundred and twenty-eight (2928). The number of hours for which the employee will receive pay will depend on the hours worked during the pay period beginning on Thursday of each week and continuing through Wednesday of the following week, which may cause the employees' check to vary from pay period to pay period.

### Section 3. Overtime.

Overtime shall be those hours worked by an employee in excess of forty (40) hours per week. Overtime work shall be limited to meet the operational needs of an emergency nature. Department Heads and Supervisors shall have the responsibility to administer overtime policies and control excessive overtime. Prior approval of the City Manager must be secured by the department head before extensive overtime is ordered. Supervisors shall have the responsibility to control overtime abuses by employees, and if necessary, recommend proper disciplinary action.

Department and Division Heads shall generally be exempt from the payment of overtime and shall receive compensatory time off for hours worked over forty (40) at the rate of one and one-half times the hours worked per week. Employees in pay grades 20 and below shall generally receive overtime pay for hours worked over (40) at the rate of one and one-half (1 1/2) the normal rate of pay per week. Department and Division Heads may authorize employees in pay grades 20 and below to receive compensatory time in lieu of overtime. Compensatory time and overtime must be reported to the Personnel Department on the time sheets during the week in which such compensatory time or overtime is earned. Employees may not accrue more than forty (40) hours of compensatory time.

Overtime in the Fire Department shall consist of all hours worked by an individual in excess of the scheduled twenty-four (24) hours the individual was assigned to work during any seventy-two (72) hour period.

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The employee assigned to a shift who worked in excess of twenty-four (24) hours during any seventy-two (72) hour period will be compensated at one and one-half (1 1/2) times the individual's hourly rate for each hour worked provided that such overtime is authorized by the Fire Chief.

## Section 4. Stand-by Status.

All employees are subject to being summoned for off duty work in cases of emergency. Stand-by duty shall be mandatory for all eligible personnel in the Utilities Service Department.

Compensation for an employee serving stand-by duty will be at a rate of eight (8) hours of pay at the regular pay rate or one (1) day compensatory time off for one (1) week of stand-by duty served. Normal wages shall be paid for stand-by duty; and the use of compensatory time in lieu of pay must be authorized by the City Manager.

All Fire Department employees are subject to being summoned for off-duty work in cases of emergency.

## Section 5. Call Back Compensation.

An employee called back to duty of an unscheduled nature shall be compensated for a minimum of two and one-half (2 1/2) hours at one and one-half (1 1/2) times the regular hourly rate of pay. The one-half (1/2) hours shall be considered payment of travel time for the employee who is called back on the job and who does not have a City vehicle at his home in which to respond to the call. For the purpose of calculating hours worked, an employee shall be credited with hours worked from the time the employee is notified by the dispatcher until work is completed. Only one (1) minimum call back period shall be paid during a twenty-four (24) hour period. The one-half (1/2) hour travel allowance shall be granted per call back for those employees who qualify. Before returning home from a call out, the employee must check with the dispatcher for other calls.

The above section is applicable to Fire Department employees.

## Section 6. Vacation and Sick Leave.

### Section 6. Vacation and Sick Leave.

For the purpose of the following leave regulations a working day is any day on which the employee actually works, or would work under ordinary circumstances. A year shall be a year of service with the City. Regular holidays and/or normal non-work days occurring during a vacation or sick leave period shall not be considered as a day's vacation or sick leave.

The above section is not applicable to Fire Department employees.

### Section 7. Vacation Leave.

All regular full-time employees shall be entitled to accrue leave with pay as set forth below effective January 1, 1985.

All employees who are not fire department employees working a twenty-four (24) hour shift shall accrue annual leave at a rate of 6.66 hours per month beginning on the employment date until the tenth (10th) year of employment. From the tenth (10th) year of employment until the twentieth (20th) year of employment annual leave shall accrue at a rate of 10.0 hours per month. After twenty (20) years of employment annual leave shall accrue at a rate of 13.33 hours per month.

The maximum amount of annual leave for employees who are not fire department employees on 24 hour shifts shall be four hundred and twenty (420) hours effective January 1, 1985. All employees whose annual leave exceed 420 hours on January 1, 1985 will have twenty-four (24) months until January 1, 1987, to use all annual leave in excess of the maximum 420 hours or such excess leave will be cancelled without payment.

In general, employees shall not receive payment in lieu of taking accrued annual leave. Exceptions must be requested in writing by the department head and approved by the City Manager. Annual Leave in all departments may be continually accrued. All annual leave shall be approved by the department head on the basis of departmental priorities.

Employees terminating employment with the City shall receive payment for any accrued annual leave provided that the employee has been employed at least six (6) continuous months.

Fire Department employees assigned to a 24 hour shift shall accrue annual leave effective January 1, 1985, as follows:

From the date of employment to the tenth (10) year of employment annual leave shall accrue at a rate of 9.22 hours per month. From the tenth (10th) year of employment to the twentieth (20th) year of employment annual leave shall accrue at a rate of 13.38 hours per month. After the twentieth (20th) year of employment annual leave shall accrue at a rate of 18.44 hours per month.

The maximum amount of annual leave for fire department employees assigned to a 24 hours shift shall be seven hundred and twenty hours (720) effective January 1, 1985. All employees whose annual leave exceeds 720 hours on January 1, 1985, will have twenty four months to use all annual leave in excess of 720 hours or such excess leave will be cancelled without payment. All annual leave for fire department employees assigned to a 24 hour shift will be converted from shifts to hours at a rate of 16 hours per shift effective January 1, 1985. Subsequently all annual leave will be taken on an hour for hour basis with such minimum hours as deemed appropriate by the Fire Chief.

### Section 8. Sick Leave.

Sick Leave with pay is not a right but a privilege granted by the City. Each full-time employee shall be entitled to sick leave with pay after completing six (6) months of service. Sick leave credit shall accrue to employees who are not Fire Department employees assigned to a 24 hour shift at a rate of 6.66 hours per month effective January 1, 1985. For Fire Department employees, sick leave credit shall accrue to the employees at a rate of 9.22 hours per month.

On separation from City service, all sick leave credits shall be cancelled and shall not be paid for except for employees separating because of disability retirement which has been approved in accordance with the City's pension program, in which instance the disabled employee shall be allowed to receive payment for up to one-half (1/2) of the employees' total accrued sick leave. Accrued sick leave credits may be reinstated if the employee is reinstated or re-employed within twelve (12) months from the date of separation from City service, provided such separation was under satisfactory conditions.

Employees absent from work on legal holidays, during sick leave, vacation, for disability arising from injuries sustained in the course of their employment, for authorized leaves of absence with pay and for authorized leaves without pay for not over ten (10) days in any one calendar year shall continue to accumulate sick leave at the regularly prescribed rate during such absence as though they were on duty, subject to the maximum limitation herein provided.

An employee eligible for sick leave with pay may use such sick leave, upon approval of his department or office head, for absence due to illness, injury, exposure to contagious disease, or due to illness or death in the employee's immediate family requiring the employee's personal attendance. An employee on sick leave

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shall inform his immediate supervisor of the fact and the reason therefor as soon as possible and failure to do so within a reasonable time may be cause for denial of pay for the period of absence. The department head may require a doctor's certificate before approving sick leave with pay.

Absences for a fraction or part of a day that are chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount not smaller than one (1) hour.

Employees may be granted up to sixty (60) days of accumulated sick leave and annual leave for maternity leave provided that accrued leave be exhausted before accrued sick leave is used. In addition, a thirty (30) day leave of absence without pay may be granted for maternity leave, total leave paid and unpaid not to exceed ninety (90) days.

Effective January 1, 1985, the maximum accrual for sick leave for employees who are not assigned to a 24 hour shift in the Fire Department shall be 420 hours. Employees who have accrued more than 160 hours as of January 1, 1985 shall be entitled to receive compensation for all hours (up to a maximum for 80 hours) in excess of 160 at one-half the normal hourly rate, provided the employee had previously participated in the compensation plan.

Effective January 1, 1985, Fire Department employees assigned a 24 hour shift shall accrue sick leave at the rate of 9.22 hours per month. The maximum for sick leave for Fire Department employees shall be 720 hours. Employees who have accrued more than 274 hours effective January 1, 1985, shall be eligible to receive compensation for a maximum of 111 hours at one-half the normal rate of pay provided that the employee had previously participated in the sick leave compensation plan. All sick leave will be converted from shifts to hours at a rate of 16 hours per shift.

The Personnel Department shall monitor the use of bona fide sick leave and shall notify the department heads and the City Manager of suspected abuse of sick leave among employees. Such abuses may be considered cause for disciplinary action, including dismissal, described in Article IV, Section 5 of this ordinance.

All sick leave will be cancelled thirty (30) days prior to voluntary termination. Any sick leave credited during the thirty(30) days prior to voluntary termination may be deducted retroactively from the payroll check issued. This provision shall be effective January 1, 1985 and shall apply to all employees.

## Section 9. Authorized Absences With Pay.

Any employee may be excused, at the discretion of the department head, without charge to sick leave or vacation leave credits for purposes of direct job related training, upon approval of the City Manager. An employee who is injured on the job and is receiving Workman's Compensation and who has exhausted all accrued sick leave and vacation may be granted a leave with partial pay for a period of three (3) calendar months, upon request of the department head and the approval of the City Manager. The partial pay shall be an amount equal to the difference in the employee's normal gross pay and the amount paid the employee by Workman's Compensation. At the end of three (3) months the employee must request additional leave with partial pay which must be approved by the department head and the City Manager. Any partial leave may be cancelled by the City Manager when evidence indicates that the employee may have recovered to the extent necessary to return to work.

## Section 10. Leave of Absence Without Pay.

Any full-time, regular employee may be granted a leave of absence without pay for a period not to exceed twelve (12) calendar months for reasons of personal or family illness, completing education, or special work which will permit the City to profit by the experience gained or the work performed. Such leave must be approved by the City Manager. At the expiration of such leaves, the employee shall be reinstated with all rights and benefits previously enjoyed.

Upon the recommendation of the department head and the approval of the City Manager, employees granted a leave without pay for personal illness may continue to accrue sick leave, vacation and holidays for a period of time not to exceed twelve (12) months. At the expiration of the twelve (12) month leave period with benefits, the employee must apply to the department head for extension, and the City Manager may grant extended leaves to such employee without accrual of benefits.

## Section 11. Jury Duty.

An employee who is required to serve on jury duty may be excused and may take one of the following options to be compensated for this type of absence.

(a) The employee receives his regular salary and remits his court compensation to the City with no charge to his sick leave or vacation.

(b) The employee keeps his court compensation and also receives his regular salary, which is charged to vacation. Law enforcement officers, however, shall not keep fees for appearing in court in connection with their official duties.

## Section 12. Military Leave.

Any employee belonging to a National Guard unit or other military reserve unit may be granted a leave of absence for a period not to exceed (2) calendar weeks during any one calendar year, for the purpose of attending camp with their respective units and shall not lose the benefit of accumulated sick leave and vacation during that period. An employee shall be paid his regular salary during the two-week period.

## Section 13. Holidays.

Employees shall be paid their regular rates of pay for the following non-working holidays.

New Year's Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day (July 4th)	Christmas Eve Day
Labor Day	Christmas Day
Good Friday	

If the legal holiday falls on a weekend, then the preceding Friday or following Monday shall be observed as the legal holiday. The City Manager will notify department heads as to which day will be taken.

Employees, who, in order to meet operational needs of an emergency nature, are required to work on a holiday, shall be compensated at a rate of one and one-half (1 1/2) times the regular hourly rate of pay except for Police and Fire employees assigned to regular shifts. Such compensation shall be in addition to the pay received by the employee for the holiday.

Fire Department employees assigned to a shift will receive 108 hours of holiday leave per calendar year in lieu of holidays observed by General City Employees. Said leave to be taking during the year which accrued and may not be carried forward.



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## Section 14. Testing of Employees for Alcohol and Drugs.

Employees are subject to physical examinations and to other medical tests, as deemed necessary, to assume fitness to perform their assigned duties. Whenever a department head suspects that any employee of his department may be under the influence of alcohol or drugs and such employee's duties, or any part thereof, may jeopardize the safety of other employees or the public if performed in a negligent manner, the department head shall immediately report such employee to the City Manager. With the approval of the City Manager or the Director of Personnel, the employee shall be transported to a medical or police department facility for a breath, urine or blood testing for alcohol content, and urine or blood testing for drug content. All testing will be at the City's expense, and the employee may elect the form of test administered. Employees who are tested pursuant to this provision shall be furnished a copy of the test results as soon as the results are made available to the City. The refusal by the employee to submit to such testing shall be cause for disciplinary action, including dismissal.

## Section 15. Political Activity.

Employees of the City of Marietta are encouraged to exercise their right to vote, but no employee shall make use of City time or equipment to aid a political candidate, political party or political cause or use a City position to persuade, coerce, or intimidate any person in the interest of a political candidate, political party or political cause. Federally funded positions are subject to the Hatch Act.

Any employee choosing to become a candidate for any elective public office in the City of Marietta will be ineligible for continued employment with the City of Marietta or the Marietta Board of Lights and Water.

## ARTICLE VI. GENERAL EXCEPTIONS

### Section 1. Special Merit Increases.

Special Merit increases may be granted to employees beyond normal pay increases upon the approval of the City Manager. Special Merit increases shall be submitted by the department head in writing to the City Manager. The City Manager shall notify the City Council of any special merit increases he has approved, and if the City Council does not object thereto within ten (10) days, the special merit raise shall become effective.

### Section 2. Designated Supervisor.

In the event that a group of co-workers are either permanently or temporarily assigned to work as a crew, team or staff, within a department, the department head may appoint a designated supervisor from the group of co-workers who shall act as a crew foreman, team or staff leader. In such situations the designated supervisor status shall not be affected by the tenure or rate of compensation of the other co-workers. The designated supervisor's normal rate of compensation may not be affected by this designated status.

### Section 3. Re-employment.

Generally, former City employees will not be considered for re-employment. Former City employees may be re-employed upon the City Manager's approval of such a request submitted in writing by the department head.

## ARTICLE VII. REPEAL OF CONFLICTING ORDINANCES.

### Section 1. Existing Ordinances.

The existing pay plans, classification plan and all ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed.

### Section 2. Civil Service Board Adoption.

Within six (6) months of adoption of this ordinance, the Civil Service Board shall complete, review and adjust Civil Service Rules and Regulations to conform as appropriate with this Ordinance, so as to serve the goals of the Civil Service System.

### Section 3. Severability.

Should any article, section, clause or provision of this ordinance be declared to be invalid, such action shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid, each article, section, clause and provision hereof being declared severable.