



BARROW COUNTY CIVIL SERVICE HANDBOOK

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CHAPTER 1
GENERAL PROVISIONS

Section 1: Scope and Purpose

The foregoing rules and regulations establish the policies and procedures for the maintenance and administration of the Barrow County Civil Service System. The Barrow County Employee Handbook shall form the foundation for the Civil Service System in that the rules and regulations contained in the Employee Handbook govern employee conduct and establish the disciplinary framework.

Section 2: Applicability

Pursuant to Georgia law, written applications of Elected Officials, and resolutions enacted by the Barrow County Board of Commissioners, all full-time employees of Barrow County who are under the supervision of an Elected or Appointed Official, or other commission, board, or body who has applied for coverage under the Civil Service System shall be members of the Barrow County Civil Service System except: Elected or Appointed Officials, members of appointment boards, members of commissions and authorities, the county attorneys, the county physician, part-time employees, seasonal employees, temporary employees, probationary employees, consultants, independent contractors, and any other employee or individuals affiliated with Barrow County who are expressly exempt by Georgia law. When positions of employment are made subject to the Civil Service System, such positions shall not be removed thereafter from said coverage by any subsequently Elected or Appointed Official or otherwise, absent promulgation of legislation by the Georgia Legislature. Those employees exempt from the Barrow County Civil Service System shall not have any rights, protections, privileges, or rights of appeal as set forth in this Civil Service Handbook, but those employees are expected to comply with the provisions set forth in the Barrow County Employee Handbook.

Section 3: Equal Opportunity Statement

Barrow County, through the Board of Commissioners, establishes the policies of the Civil Service System, including the classification of positions, minimum qualifications for employment, the compensation plan, and policies related to discipline, under which all Civil Service employees will be governed without regard to race, color, age, sex, physical or mental disability, religion, political affiliation, national origin, or otherwise as may be prohibited by Federal and/or State law. The County's policy is to make personnel decisions and policies that result in the best qualified work force to conduct Barrow County activities and functions.

Section 4: Administration

This Civil Service Handbook shall be administered by and under the direction of the Human Resources Director and in conformity with this Handbook. Throughout this Civil Service Handbook, powers and duties of the Human Resources Director may be delegated to Elected Officials/Department Directors, who may further delegate such authority to their subordinates.

If, at any time during the operation of this Civil Service Handbook, the position of Human Resources Director is vacant, the Chairman or Chief Administrator or any employee designated by the Chairman or Chief Administrator will be responsible for performing the duties of the Human Resources Director until the Human Resources Director position is filled.

Departmental operating rules and regulations related to employment matters, not in conflict with this Civil Service Handbook or the Barrow County Employee Handbook, may be used and/or established by the Elected Official/Department Director. All such Departmental operating rules and regulations and subsequent amendments thereto adopted pursuant to this Section shall be submitted to the Human Resources Director for maintenance in the Human Resources Department.

Section 5: Amendment to Civil Service Handbook

These policies may be amended from time to time at any regular or special meeting of the Board of Commissioners. Amendments will be provided to all Civil Service employees upon adoption.

Section 6: Interpretation

The Civil Service Handbook is intended to cover most personnel problems and actions specific to the operation of the Civil Service System. The policies set forth in this Civil Service Handbook should be read in conjunction with the Employee Handbook that governs all Barrow County employees, including employees covered by the Barrow County Civil Service System. In the event that any provision contained in the Employee Handbook conflicts with any provision contained in the Civil Service Handbook, the Civil Service Handbook shall control.

CHAPTER 2
PERSONNEL REVIEW BOARD

Section 1. Statement of Purpose

The Personnel Review Board shall exist to assist with implementation of the Civil Service System.

Section 2. Composition of Personnel Review Board

The Personnel Review Board shall be composed of five (5) citizens. Three (3) members shall be appointed by the Barrow County Board of Commissioners, and two (2) members shall be appointed collectively by the Clerk of Court, Tax Commissioner, Magistrate Judge, and Probate Court. All residents must be residents of Barrow County for the duration of their term, no member of the Personnel Review Board shall have held political office or have been a salaried employee of Barrow County during the three (3) months immediately proceeding his/her appointment to the Personnel Review Board, or be the spouse, parent, child, or sibling of a member of the Barrow County Civil Service System, or be in the employ or a member of any County Authority or Board. A quorum will consist of a minimum of three (3) members present.

Section 3. Method of Appointment

The Human Resources Director shall adopt such procedures as are necessary to administer the appointments as set forth in this Chapter.

Section 4. Term of Appointment

Members of the Personnel Review Board shall be selected and appointed for a term of four (4) years each, and shall continue to serve until their successors are appointed for service.

Section 5. Removal From Personnel Review Board

No member of the Personnel Review Board may be removed from office prior to the expiration of his/her term, except for cause after having been granted a notice and afforded a hearing before the Board of Commissioners. Prior to the hearing, said member shall be served by registered or certified mail addressed to his/her residence as shown in the files maintained by Barrow County at least ten (10) days before the date set for the hearing with written specifications of the charges against him/her. Any vacancy

occurring as a result of a Personnel Review Board Member being removed from office shall be filled in the same manner as appointment for that position.

Section 6. Duties of the Personnel Review Board

The duties of the Personnel Review Board shall be to conduct appeal hearings and to render decisions as to a member of the Civil Service System who claims to have been subject to an adverse employment action that gives rise to an appeal under this Civil Service Handbook.

CHAPTER 3
PROBATIONARY AND REGULAR STATUS

Section 1. Probationary Status

A probationary employee, whether during the Initial Probationary Period or the Position Probationary Period, may be subject to personnel action and/or disciplined up to and including termination for any non-discriminatory reason, without the requirement that the County demonstrate just cause for the personnel action and without the right to appeal to the Personnel Review Board. It is the intent of this provision that probationary employees shall be treated as at-will employees.

Section 2. Initial Probationary Period

Each applicant/employee newly hired, reinstated (not including reinstatements after disciplinary suspensions or administrative leave), or demoted for disciplinary reasons, as applicable, to a position within the Civil Service System shall be designated as a probational employee for a period of six (6) months from the date of hire, reinstatement, and/or demotion. This Initial Probationary Period applies to persons reinstated or demoted, whether or not the employee had previously completed a probationary period. During the Initial Probationary Period, an employee is not eligible for transfer, promotion, or a non-disciplinary demotion.

Section 3. Position Probationary Period

Each employee who is reassigned, demoted for non-disciplinary reasons, laterally appointed, and/or promoted, as applicable, to a position within the Civil Service System shall be subject to a Position Probationary Period of six (6) months in the new position. An employee who is involuntarily transferred shall not be subject to a new Position Probationary Period, but rather, will only be required to satisfactorily complete the Probationary Period that the employee was serving prior to the involuntary transfer, if any. If an employee is reassigned, demoted for non-disciplinary reasons, laterally appointed, and/or promoted before completion of the Initial Probationary Period, he/she is still subject to completion of the remainder of the Initial Probationary Period in the new position or completion of the Position Probationary Period, whichever is greater. During the Initial Probationary Period, an employee is not eligible for transfer, promotion, or a non-disciplinary demotion.

Section 4. Retention of Regular Status in Original Position

A regular employee who has been reassigned, demoted for non-disciplinary

reasons, laterally appointed, and/or promoted will retain regular status in the original position held by the employee prior to the reassignment, demotion for non-disciplinary reasons, lateral appointment, or promotion. If the employee does not satisfactorily complete the Position Probationary Period in the new position, he/she shall revert to a position in his/her former Classification Description within the Department from which reassigned, demoted for non-disciplinary reasons, laterally appointed, or promoted if there is such a position that is vacant. If no such position in the former Classification Description exists in the Department at the time of reversion, the employee will be laid off and will be placed on a list for consideration of rehire for a one-year period. Such an employee will have no right of appeal to the Personnel Review Board.

Section 5. Absences

Authorized and/or unauthorized absences, including, but not limited to, FMLA, Military or Request of Leave without Pay, shall not count toward completion of an employee's probationary period.

Section 6. Probationary Review

During a probationary period, close observation of conduct and capacity of all probationers shall be made by the immediate supervisor and the applicable Elected Official/Department Director.

If the employee's performance is unsatisfactory at the completion of the probationary period, the employee shall be notified in writing of the termination from the position for failure to satisfactorily complete the probation period. In the sole discretion of the applicable Elected Official/Department Director, the probationary period may be extended for an additional three (3) months to allow the employee an opportunity for improvement of performance, upon written notification to the employee and the Human Resources Director. No employee has an entitlement to an extended probationary period, and such extensions will only be granted in exceptional circumstances where the employee did not have an ample opportunity to prove his/her ability to perform the job. No extension shall be allowed that would make the total probation period longer than nine (9) months.

All probationary employees shall be formally evaluated and counseled after three (3) months of employment, and again, two weeks prior to the end of the designated probationary period. The evaluations shall be submitted to the Human Resources Director for maintenance in the personnel file.

Notwithstanding these provisions, Elected Officials/Department Directors are encouraged to evaluate probationary employees more often during the Probationary Period. Any such interim evaluations shall be submitted to the Human Resources Director for maintenance in the personnel file.

Section 7. Regular Status

At least two weeks prior to the expiration of the employee's probationary period, the Elected Official/Department Director shall notify the Human Resources Director by submission of a performance evaluation setting forth whether or not the employee has successfully or unsuccessfully completed the probationary period. Successful completion of the probationary period shall entitle the employee to regular status.

CHAPTER 4
DISCIPLINARY ACTIONS

Section 1. Scope and Procedure

Employees who are covered by the Barrow County Civil Service System may be reprimanded, demoted, suspended without pay, or be dismissed. Such action can only be taken as a result of cause. Employees who are covered by the Barrow County Civil Service system may be subject to voluntary demotions or separation/demotions resulting from layoff without cause. Please refer to the Employee Handbook for all other information pertaining to disciplinary actions, which provisions shall be incorporated as if fully set forth herein.

CHAPTER 5
APPEALS

Section 1. Purpose of Appeal

Employee appeals should receive prompt consideration and equitable resolution. Whenever possible, appeals should be resolved or adjusted informally, and both supervisors and employees shall be expected to make every effort to do so. With respect to those appeals that cannot be so resolved, employees shall be entitled to process the appeal as provided in this Chapter.

These procedures governing the processing of appeals and providing the right of appeal are established for the purpose of eliminating or correcting justifiable complaints or dissatisfaction of regular employees, ensuring that all employees shall be afforded fair, equitable, and expeditious review of their grievances without fear, coercion, or discrimination, and providing a systematic and orderly method for resolving complaints and differences between employees and supervisory or management personnel.

Section 2. Eligibility for Appeals

Any regular employee who has been demoted for disciplinary reasons, suspended without pay for disciplinary reasons, dismissed, involuntarily transferred with a loss of pay, or who alleges discrimination or harassment shall have the right to utilize the appeal procedures set forth herein.

Section 3. Procedures for Appellant Resolution

A formal appeal before the Personnel Review Board will not be initiated unless the employee has followed the procedures set forth below and the employee has demonstrated an inability to resolve the issue informally, except that an appeal of a dismissal shall proceed directly to the Personnel Review Board, provided the employee notifies the Human Resources Director in writing of the desire to appeal to the Personnel Review Board within five (5) working days after the dismissal.

- (a) An employee shall first file an informal appeal in writing with his/her Elected Official/Department Director within five (5) working days after the employee becomes aware of the occurrence of an appealable event. A copy of the informal appeal should also be forwarded by the employee to the Human Resources Director.
- (b) Within ten (10) working days from the filing of an informal appeal with the Elected Official/Department Director, the Elected Official/Department

Director shall provide a written response to the employee filing the informal appeal. A copy of the response should also be forwarded by the Elected Official/Department Director to the Human Resources Director.

- (c) Should the employee not be satisfied with the decision of his/her Elected Official/Department Director, the employee within five (5) working days of receipt of the Elected Official/Department Director's response, shall file a formal appeal to the Personnel Review Board by notifying the Human Resources Director in writing of the desire to formally appeal.

Section 4. Notification of Formal Appeal

When a formal appeal is received by the Human Resources Director and is deemed eligible pursuant to Section 2 above, a copy of said appeal shall be promptly sent within five (5) working days to each member of the Personnel Review Board and the concerned Elected Official/Department Director. Any request for appeal that does not meet the eligibility standards set forth in Section 2 shall be returned to the employee by the Human Resources Director with a written explanation as to the reasons for ineligibility.

Section 5. Consolidation and Severance

The Personnel Review Board shall have the discretion to consolidate or sever cases as it deems appropriate.

Section 6. Time Limitations

All formal appeals must be heard within sixty (60) days after receipt of the written request. As a result, an employee who requests an appeal hearing should remain in contact with the Human Resources Department to ensure that he/she receives notice of a hearing date within the sixty (60) day period. Continuances or rescheduling of appeal hearings before the Personnel Review Board may only be granted by the Personnel Review Board in its discretion. Any request for a continuance or rescheduling of an appeal hearing must be submitted in writing to the Human Resources Department at least five (5) days before the scheduled hearing. Failure of either party to appear at the hearing or to make a request at least five (5) days prior to the hearing shall operate as a withdrawal of the appeal with prejudice in the case of failure to appear by the Appellant or a grant of the appeal in the case of failure to appear at the hearing by the County. The Personnel Review Board has the authority and discretion to waive the provisions of this Section in the event of extraordinary or emergency situations.

Section 7. Time and Place of Hearing

The Personnel Review Board shall set the time and place to conduct the appeal hearing. The clerk to the Personnel Review Board shall notify in writing the Appellant and the concerned Elected Official/Department Director of such time and place. Written notification shall be made at least ten (10) working days prior to the date of the hearing.

Section 8. Maintenance of Appeal Record

The Human Resources Director will be responsible for maintaining official files of all appeals, hearings, and decisions relating to the appeals process.

Section 9. Hearing Procedures

The hearing shall be conducted informally and technical rules of evidence shall not apply. Hearings of personnel matters of regular employees will be open to the public consistent with the Georgia Open Meetings Act.

Each party shall have the following rights: to present evidence relevant to the issues; to cross-examine opposing witnesses or any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; to rebut the evidence against a witness; and to require that all individuals testifying remain outside the hearing room, except for the witness testifying, the representative(s) of the Department and/or County, and the Appellant (and his/her representative if any).

All other procedures of the hearing shall be governed by the Personnel Review Board's internal operating procedures, if any.

Section 10. Subpoenas

An Appellant and any employees called to testify as witnesses shall be assured freedom from reprisal for using or participating in the appeals procedure. Subpoenas requiring the attendance of witnesses or production of records, files, and memoranda shall be issued by the Chairperson of the Personnel Review Board, upon the written request of either party. Such request shall be made at least five (5) calendar days prior to the hearing date, and shall state the names and addresses of the witnesses for whom the subpoenas are to be issued and the date and time for the witnesses to appear. Any party requesting a subpoena shall also notify the opposing party in writing to whom the subpoenas will be issued. Notification to the County under this sub-section shall be to the Human Resources Director. A failure to provide such notification or to timely request a subpoena under this sub-section may result in waiver of the right to subpoena

such witness.

The County adopts O.C.G.A. § 45-20-9 (c), which specifies as follows:

“Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the hearing is being held for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court. Once issued a subpoena may be quashed by the Personnel Review Board or an administrative law judge if it appears that the subpoena was used primarily as a means of harassment, that the testimony or documents sought are cumulative, that the testimony or documents sought are not relevant, that the testimony or documents sought are not material, that to respond to the subpoena would be unduly burdensome, or that for other good reasons basic fairness dictates that the subpoena should not be enforced.”

Each party shall be individually responsible for the costs of securing the attendance of the subpoenaed witness, including the costs of fees and mileage as applicable, and shall be individually responsible for service of the subpoena.

The Personnel Review Board intends that O.C.G.A. § 24-10-24 shall apply to require twenty-five dollars (\$25.00) per diem as a witness fee for any witnesses who are not county employees. County employees shall not be entitled to receive a witness fee during hours in which they are being paid by the county for performance of job duties. Additionally, if a witness resides outside the county, O.C.G.A. § 24-10-24 will apply to require the twenty-five dollars (\$25.00) per diem witness fee and twenty cents (\$.20) per mile for travel expenses as a condition for appearance. Consistent with O.C.G.A. § 24-10-24, any subpoenas issued on behalf of the county will not require payment of the above-states fees. If applicable, O.C.G.A. § 12-10-27 shall govern issuance of subpoenas to off-duty law enforcement officers.

Section 11. Withdrawal of Appeal

An Appellant who has elected to have a hearing, and who subsequently decides to waive his/her right to a hearing, shall notify the Personnel Review Board, verbally and in writing, of such decision prior to the scheduled hearing. An Appellant who does not so notify the Personnel Review Board and who fails to appear at such hearing shall be considered to have waived the right to further appeal and the Personnel Review Board may assess the expense of the hearing upon the Appellant.

Section 12. Failure to Follow Appeal Procedures

The failure of supervisory employees to follow the steps outlined in this Chapter

shall result in conferring upon the employee the right automatically to proceed to the next step in the appeal procedures. The failure of the employee to follow the steps outlined in this Chapter will result in the dismissal of the appeal at any step.

Section 13. Decision

The decision of the Personnel Review Board shall be reduced to writing within thirty (30) working days following the completion of the hearing.

Section 14. Further Appeal

The decision of the Personnel Review Board may be appealed by either party to the Superior Court of Barrow County by writ of certiorari.

Section 15. No Retaliation

No punitive, discriminatory, or adverse action shall be taken against any employee on account of the filing of an appeal. Likewise, no punitive, discriminatory, or adverse action shall be taken against any employee based on his/her participation as a witness in an appeal hearing.