

House Bill 172

By: Representatives Martin of the 49<sup>th</sup>, Riley of the 50<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Willard of the 51<sup>st</sup>, Geisinger of the 48<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act entitled "An Act to completely and exhaustively revise, supersede,  
2 consolidate, and replace all of the laws and amendments thereto pertaining to the Fulton  
3 County Personnel Board and the Fulton County Merit System of Personnel Administration,"  
4 approved April 13, 1982 (Ga. L. 1982, p. 4896), as amended, so as to provide a statement of  
5 authority; to provide that all future employees of Fulton County shall be unclassified; to  
6 provide for current classified employees; to provide that employees may be dismissed,  
7 demoted, or disciplined for any reason or no reason without notice, explanation, or appeal;  
8 to provide a statement of legislative intent; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 This Act is enacted pursuant to the provisions of that local amendment to the Constitution  
12 of Georgia found at 1939 Georgia Laws page 39, which was duly continued in effect at 1986  
13 Georgia Laws page 4420.

14 SECTION 2.

15 An Act entitled "An Act to completely and exhaustively revise, supersede, consolidate, and  
16 replace all of the laws and amendments thereto pertaining to the Fulton County Personnel  
17 Board and the Fulton County Merit System of Personnel Administration," approved April  
18 13, 1982 (Ga. L. 1982, p. 4896), as amended, is amended by revising Section 6 as follows:

19 "SECTION 6.

20 Classified and unclassified services.

21 (a) The 'classified service' to which this Act applies shall comprise permanent classified  
22 employees who have successfully completed their probationary period on the effective date  
23 of this Act. Such employees shall remain in the classified service only so long as they

24 remain employed in a position which was a classified position on such date without a break  
25 in service.

26 (b) The 'unclassified service' shall comprise all unclassified positions on the effective date  
27 of this Act and all positions filled on or after such date. Without limiting such provisions,  
28 the unclassified service shall include the following categories, classes, and positions:

29 (1) The Fulton County Board of Commissioners and all other officers who are elected  
30 by popular vote and persons appointed to fill vacancies in elective offices;

31 (2) All judges, members of boards, commissions, regulatory agencies, and other elected  
32 or appointed heads of departments, provided that the term 'head of department' as used  
33 in this section shall mean the executive head of a department who is directly responsible  
34 for formulating and executing policies and who is vested with discretion as to acts, being  
35 solely responsible for the administration of the department concerned. An employee  
36 performing purely functional or administrative duties shall not be classified as the head  
37 of a department;

38 (3) Official court reporters in any Fulton County court of record;

39 (4) All classes and positions now existing or that may hereafter be created and  
40 established as 'unclassified on range' in pay schedules and compensation plans;

41 (5) All classes and positions now existing or that may hereafter be created and  
42 established as 'unclassified set rate' positions by the county manager or county  
43 commissioners;

44 (6) All classes and positions now existing or that may hereafter be created and  
45 established as 'unclassified' under any federal or state-funded program;

46 (7) Persons temporarily appointed or designated to make or conduct a special inquiry,  
47 investigation, examination, or special duties where such appointment or designation is  
48 approved by the county manager or board of commissioners;

49 (8) Members of the legal department of Fulton County and secretaries assigned to such  
50 department but not to include any secretary presently serving in such department in the  
51 classified service; and

52 (9) Individuals who perform services on a contract or fee basis."

53 **SECTION 3.**

54 Said Act is further amended by revising Section 7 as follows:

55 "SECTION 7.  
56 Status of incumbents.

57 All permanent employees in the classified service who have successfully completed their  
58 probationary period on the effective date of this Act prior to the enactment of this Act shall  
59 retain their current status with no loss of rights, privileges, and obligations only so long as  
60 they remain employed in a position which was a classified position on such date without a  
61 break in service. The enactment of this Act shall in no way change the salary, pay increment  
62 date, or any other benefit, emolument, or privilege to which an employee was entitled on the  
63 effective date of this Act."

64 **SECTION 4.**  
65 Said Act is further amended by revising Section 9 as follows:

66 "SECTION 9.  
67 Penalties and appeals.

68 (a) All unclassified employees shall be employees at will. An appointing authority may  
69 dismiss, demote, suspend, or otherwise discipline any Fulton County employee for any  
70 reason, other than for reasons otherwise prohibited by state or federal laws, or for no stated  
71 reason whatsoever. No employee shall be entitled to prior notice of, explanation of, or  
72 appeal from any such action.

73 (b) Without limiting the scope of authority granted in subsection (a) of this section, it is the  
74 intent of the General Assembly that Fulton County shall treat all employees in accordance  
75 with the following principles:

76 (1) Assuring fair treatment of applicants and employees in all aspects of personnel  
77 administration without regard to race, color, national origin, sex, age, sexual orientation,  
78 disability, religious creed, or political affiliations. This 'fair treatment' principle includes  
79 compliance with all state and federal equal employment opportunity and  
80 nondiscrimination laws;

81 (2) Recruiting, selecting, and advancing employees on the basis of their relative ability,  
82 knowledge, and skills, including open consideration of qualified applicants for initial  
83 employment;

84 (3) Providing equitable and adequate compensation based on merit, performance, job  
85 value, and competitiveness within applicable labor markets;

86 (4) Training employees, as needed, to assure high quality performance and to provide  
87 work force skills needed to maintain and advance the county's goals and objectives;

88 (5) Retaining employees on the basis of the adequacy of their performance, correcting  
89 inadequate performance where possible and appropriate, and separating employees whose  
90 performance is inadequate; and

91 (6) Assuring that employees are protected against coercion for partisan political purposes  
92 and are prohibited from using their official authority for the purpose of interfering with  
93 or affecting the result of an election or nomination for office.

94 (c) Any classified employee shall retain the procedures and protections to which they were  
95 entitled immediately prior to the effective date of this Act, and such procedures are  
96 expressly retained in effect without reiteration."

97 **SECTION 5.**

98 All laws and parts of laws in conflict with this Act are repealed.