

House Bill 594 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 49th, Jones of the 47th, Lindsey of the 54th, Riley of the 50th,
Dudgeon of the 25th, 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 define certain terms; to provide that all future employees of Fulton County other
6 than public safety employees shall be unclassified; to provide for current classified
7 employees; to provide that employees may be dismissed, demoted, or disciplined for any
8 reason or no reason without notice, explanation, or appeal; to provide a statement of
9 legislative intent; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 **SECTION 2.**

16 An Act entitled "An Act to completely and exhaustively revise, supersede, consolidate, and
17 replace all of the laws and amendments thereto pertaining to the Fulton County Personnel
18 Board and the Fulton County Merit System of Personnel Administration," approved April
19 13, 1982 (Ga. L. 1982, p. 4896), as amended, is amended by revising Section 6 as follows:

20 "SECTION 6.

21 Classified and unclassified services.

22 (a) As used in this Act, the term:

23 (1) 'Emergency medical professional' means any person employed by Fulton County to
 24 perform emergency medical services who is licensed or certified to provide health care
 25 in accordance with the provisions of Chapter 11, Chapter 26, or Chapter 34 of Title 43
 26 of the O.C.G.A.

27 (2) 'Firefighter' means any person who is employed by Fulton County as a professional
 28 firefighter on a full-time basis for at least 40 hours per week by the county when such
 29 person has responsibility for preventing and suppressing fires, and protecting life and
 30 property.

31 (3) 'Peace officer' means any peace officer who is employed by the county who is
 32 required by the terms of such peace officer's employment to give such peace officer's full
 33 time to the preservation of public order, the protection of life and property, or the
 34 detection of crime and who is required by the terms of such peace officer's employment
 35 to comply with the requirements of the 'Georgia Peace Officer Standards and Training
 36 Act' contained in Chapter 8 of Title 35 of the O.C.G.A. Such term shall include any
 37 deputy sheriff employed as such by the sheriff of Fulton County.

38 (4) 'Public safety employee' means a peace officer, a firefighter, or an emergency
 39 medical professional.

40 (b) The 'classified service' to which this Act applies shall comprise classified employees
 41 who have successfully completed their probationary period on the effective date of this
 42 Act. Such employees shall remain in the classified service only so long as they remain
 43 employed in a position which was a classified position on such date without a break in
 44 service. The classified service shall also include all active public safety employees.

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

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

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

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

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

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

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

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

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

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

72 Public safety employees shall not be individuals in the unclassified service."

73 **SECTION 3.**

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

75 "SECTION 7.

76 Status of incumbents.

77 (a) All public safety employees shall be in the classified service as a condition of
 78 employment.

79 (b) All employees in the classified service who have successfully completed their
 80 probationary period on the effective date of this Act prior to the enactment of this Act shall
 81 retain their current status with no loss of rights, privileges, and obligations only so long as
 82 they remain employed in a position which was a classified position on such date without
 83 a break in service. The enactment of this Act shall in no way change the salary, pay
 84 increment date, or any other benefit, emolument, or privilege to which an employee was
 85 entitled on the effective date of this Act."

86 **SECTION 4.**

87 Said Act is further amended by revising Section 9 as follows:

88 "SECTION 9.

89 Penalties and appeals.

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

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

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

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

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

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

110 (5) Retaining employees on the basis of the adequacy of their performance, correcting
 111 inadequate performance where possible and appropriate, and separating employees whose
 112 performance is inadequate; and

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

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

119 **SECTION 5.**

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