

**CITY OF CALHOUN
REGULAR CITY COUNCIL MEETING
DEPOT COMMUNITY ROOM
109 SOUTH KING ST
DECEMBER 17, 2012 7:00 P.M.**

MINUTES

**PRESENT: James F. Palmer, Mayor
Al Edwards, Mayor Pro Tem
George Crowley, Councilman
David Hammond, Councilman
Matt Barton, Councilman**

**ALSO: Eddie Peterson, City Administrator
Larry Vickery, Utilities General Manager
Paul Worley, City Clerk
Jeff DeFoor, Director of Electric Utilities
George Govignon, City Attorney
Garry Moss, Chief of Police
Lenny Nesbitt, Fire Chief**

1. Mayor Palmer called the meeting to order and welcomed everyone in attendance.
 - A. Mayor Palmer and all in attendance conducted a moment of silence in honor of the victims at Sandy Hook Elementary School in Newtown, Connecticut.
2. Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.
3. Councilman Hammond made a motion to approve the agenda and Councilman Barton seconded the motion. All voted aye, motion approved.
4. Councilman Crowley made a motion to approve the minutes of the December 10th, 2012 City Council Meeting. Councilman Barton gave a second with all voting aye, motion approved.
5. **Mayor's Comments:**
 - A. Mayor Palmer congratulated the 9-10 Tackle Football; U10 Soccer and U12 Soccer All-Star teams who all won State Championships earlier in December. The three championship teams and their coaches were in attendance. The Georgia Recreation and Parks Association held state championships in Tackle football and Soccer with Calhoun All-Star teams winning the state championships in 9-10 Tackle Football in Thomson, Georgia and U10 Soccer and U12 Soccer in Bartow County.
 - B. Mayor Palmer extended his and the Council's sympathy out to the victims' families and all who were involved with the horrific shooting at Sandy Hook Elementary School.
 - C. Mayor Palmer also extended his sympathy to Jerry Crawford in the passing of his father.

- D. Mayor Palmer announced that the City offices will be closed to observe Christmas on Monday, December 24th and Tuesday, December 25th and to observe New Years Day on Tuesday, January 1st.

6. Public Hearings and Comments: None

7. Old Business:

- A. Mayor Palmer conducted the second reading of a sign variance request by Phillip Beamer for Arby's Restaurant at a location of 1098 Red Bud Road. The 30 foot height variance is needed to relocate the existing sign to comply with a Georgia Department of Transportation request. The ZAB will meet on February 7th and the public hearing will be on February 11th.
- B. Mayor Palmer conducted the second reading of a sign variance request by Haley Stephens at a location of 1052 Red Bud Road. The variance request is for a 185 square foot sign. Current ordinance allows for a 120 square foot sign. Variance request of 65 square feet. The ZAB will meet on February 7th, 2013 and the public hearing will be on February 11th, 2013.
- C. Councilman Hammond made a motion to remove from the table an intergovernmental agreement and resolution with the Electric Cities of Georgia. Councilman Crowley gave a second with all voting aye, motion approved. General Manager Vickery reviewed the agreement and resolution stating the agreement adds three years to the original contract and redefines the distribution of services provided by Electric Cities of Georgia. Mr. Vickery also explained that Electric Cities of Georgia is a nonprofit organization that the City of Calhoun has greatly benefited from their services, such as safety and training. Councilman Hammond made a motion to approve the intergovernmental agreement and resolution with Electric Cities of Georgia. Councilman Edwards gave a second with all voting aye, motion approved.
- D. Mayor Palmer stated that the second reading of an amendment to Section 6-34 and 6-40 of the alcohol ordinance would be postponed until the next meeting in January to allow for more discussion.

8. New Business:

- A. Mayor Palmer reviewed and read a Resolution to apply for recertification to remain a Certified City of Ethics. The reapplication process occurs every four years. The City of Calhoun approved Ordinance number 683 on January 10th, 2000 establishing a Code of Ethics for City Officials. Councilman Crowley made a motion to approve the resolution as read. Councilman Edwards gave a second with all voting aye, motion approved. (copy attached)
- B. Mayor Palmer reviewed an update to the City of Calhoun Personnel Policies to allow for updating of code sections, title changes, and to incorporate certain sections of the existing personnel ordinance. City Attorney Govignon stated that the personnel policies update has been presented in resolution form to incorporate all personnel ordinance changes into one document, so as to have a current personnel policies booklet to hand out to new employees. Councilman Barton made a motion to approve the updated Personnel Policies Resolution.

Councilman Crowley gave a second with all voting aye, motion approved. (copy attached)

- C. Mayor Palmer read an Alcohol- Beer, Wine, Liquor manager change request for VFW Post #5376 at a location of 406 West Line Street. The prior manager was Stephanie Lowe and the proposed manager is Ashley Dobson. Councilman Hammond made a motion to approve the manager change request. Councilman Crowley gave a second with all voting aye, motion approved.
- D. Mayor Palmer read an Alcohol- Beer, Wine, Liquor manager change request for Quick Stop at a location of 461 Harris Beamer Road. The prior manager was Satnam Singh and the proposed manager is Balvir Kaur. Councilman Barton made a motion to approve the manager change request. Councilman Hammond gave a second with all voting aye, motion approved.

E. Business license renewal readings.

i. Reading of Taxi Cab renewal request

- **Jose Manual Lima Alveno for Emanuel's Taxi**
- Councilman Crowley made a motion to approve the Taxi cab renewal request. Councilman Barton gave a second with all voting aye, motion approved.

ii. Reading of alcohol license renewal requests

Beer Package

- **Balvir Kaur for Quick Stop**
- Councilman Crowley made a motion to approve the beer package renewal request. Councilman Edwards gave a second with all voting aye, motion approved.

Beer Pouring

- **Melba Jane Price for Pizza Hut**
- Councilman Crowley made a motion to approve the beer pouring renewal request. Councilman Barton gave a second with all voting aye, motion approved.

Beer and Liquor Pouring

- **Carlos Aldama for El Rayos**
- **Ashley Clark Dobson for VFW Post 5376**
- Councilman Crowley made a motion to approve the beer and liquor pouring renewal request. Councilman Edwards gave a second with all voting aye, motion approved.

9. Other written items not on the agenda: None

10. Work Reports:

- A. Administrator Eddie Peterson
- B. General Manager Larry Vickery
- C. George Govignon, City Attorney

i. City Attorney Govignon stated that he had met with Building Inspector Don McGinnis concerning applications for new billboards sign permits at the Redbud Road interchange. After extensive review Attorney Govignon and Building Inspector McGinnis recommended that the Mayor and Council consider a moratorium on perspective new billboard permit applications at the Redbud Road and I-75 intersection and all interchanges within the City for 60 days. The reasoning for the moratorium concerns the lack of information from Georgia Department of Transportation concerning the redesign of the intersections. The City's sign ordinance requires restrictions for signs based upon where the roads widens and narrows, so due to the ongoing construction a moratorium should be implemented until the City has a clearer picture of what the road measurements will be. Councilman Barton made a motion to implement a moratorium on perspective new billboard permit applications at all I-75 intersections within the City for 60 days. Councilman Crowley gave a second with all voting aye, motion approved.

11. Councilman Barton made a motion to adjourn. The motion was seconded by Councilman Hammond with all voting aye, motion approved.

Approved:



James F. Palmer, Mayor

Submitted:



Paul Worley, City Clerk

STATE OF GEORGIA
COUNTY OF GORDON

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into this 10 day of December, 2012 by and between the CITY OF CALHOUN, GEORGIA (hereinafter "CALHOUN") and the TOWN OF RESACA, GEORGIA (hereinafter "RESACA") by and through the Mayor and Council of each municipality.

WITNESSETH:

WHEREAS, CALHOUN owns and has warehoused miscellaneous holiday decorative elements, including, but not limited to, parts of a plastic Nativity Scene, colored light bulbs, plastic hanging lanterns, various strings of decorative lights, plastic garland and wreaths (hereinafter "DECORATIVE HOLIDAY ELEMENTS/DISPLAYS"); and

WHEREAS, RESACA has expressed an interest in employing these DECORATIVE HOLIDAY ELEMENTS/DISPLAYS for use within the limits of the township; and

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained, and other good and valuable consideration set out herein, the receipt and sufficiency of which is hereby acknowledged by each party,

IT IS AGREED as follows:

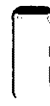
1. RESACA shall have possession and ownership, in fee simple, of all the DECORATIVE HOLIDAY ELEMENTS/DISPLAYS described above as designated by the Director of the Downtown Development Authority. When said DECORATIVE HOLIDAY ELEMENTS/DISPLAYS no longer serve a useful purpose, or shall become inoperable, RESACA shall dispose of said property as deemed necessary.

2. As these DECORATIVE HOLIDAY ELEMENTS/DISPLAYS have been in storage for some indeterminable period of time, having been replaced by more modern elements, the municipality makes no guarantees or warranties as to successful operation or suitable condition for use. At the time of this agreement, CALHOUN is not able to guarantee if *any or all* items are operable.

3. The effective date of the agreement for CALHOUN and RESACA shall be the execution of this agreement.

CITY OF CALHOUN
BY: Amos J. Palmer
ATTEST: Paul Woley

TOWN OF RESACA
BY: Samuel Allen
ATTEST: Rebecca J. Max



**A RESOLUTION TO AMEND THE PERSONNEL POLICIES
ADOPTED JULY 11, 2011 AND JUNE 16, 2003**

The Mayor and Council of the City of Calhoun, Georgia, pursuant to Section 70-33(c) of the Personnel Ordinance adopted by Ordinance No. 897 on July 11, 2011 and hereby adopts the following personnel policies for the City of Calhoun, Georgia by resolution.

BE IT RESOLVED that any previously adopted personnel policy (or policies) are to be deleted and hereby stricken in entirety to be replaced by the following:

**“CITY OF CALHOUN, GEORGIA
PERSONNEL POLICIES**

PURPOSE:

It is the purpose of these personnel policies to create and maintain a working atmosphere in which employees are treated as individuals, working together in a spirit of teamwork to attain common goals. The personnel policies are structured to provide a means to recruit, select, develop and maintain an effective and responsive work team. The personnel policies shall include policies for employee hiring, advancement, training and career development, salary administration, fringe benefits, discharge and other related activities. The personnel policies attempt to produce a workplace, which is safe, comfortable and progressive.

SECTION ONE – ADOPTION AND ADMINISTRATION.

The Mayor and Council of the City of Calhoun, Georgia, pursuant to Section 70-33, C of the Personnel Ordinance, hereby adopt the following personnel policies for the City of Calhoun, Georgia by resolution.

A. Amendment.

These policies may be amended at any regular or special meeting of the Mayor and City Council by adoption of an appropriate amendment by resolution. Proposed changes may be initiated by the City Administrator, Utilities General Manager, Personnel Officer, Mayor or City Council. Copies of proposed changes shall be posted in prominent places at City Hall and departmental offices prior to the time they are to be considered by the governing authority.

B. Interpretation.

The policies are intended to cover most personnel problems and actions, which may arise. Those not specifically covered shall be interpreted by City Administrator or Utilities General Manager with the advice of the City Attorney, Personnel Officer, Mayor and City Council in keeping with the intent of the personnel ordinance and these policies.

C. Administration.

These policies shall be administered through the human resources department, with the personnel director responsible for the administration of the personnel department. The personnel director may request assistance from officials, department heads, supervisors, or other agencies in recommending policy changes or proposed salaries or wages for positions. Throughout these policies, powers and duties implied or expressed as pertaining to the City Administrator or Utilities General Manager may be delegated by them to department heads, who may further delegate such authority to subordinates with the approval of the City Administrator or Utilities General Manager. Departmental operating rules and regulations not in conflict with these policies

may be established by the department heads with the prior approval of the City Administrator or Utilities General Manager. Such approved rules shall have the same force and effect as these policies, and they shall be posted in a prominent place in the department and shall be subject to appeal under the grievance procedure.

D. Adoption.

Three years after the adoption of these policies, the Personnel Director shall conduct a general review, recommending any changes or amendments to the policies, and shall provide a general review in each succeeding three year period.

SECTION TWO - POSITIONS COVERED.

These policies shall apply to all positions in permanent service and to such temporary or part time positions as may be specifically covered by action of the Mayor and City Council. A permanent position is any full-time year-round position which exists or which is created in any department or function of city government if salaries or wages of the incumbent are paid in whole or part by the government unless the position is listed in the exempt service of the personnel ordinance Section 70-32.

A. Clarification.

Each employee shall be assigned to a department and shall be immediately responsible to that department head. Each department head shall be responsible to the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. Employees may be temporarily assigned to other departments upon approval of both affected department heads, or upon the approval of City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance, without affecting the employees pay status.

B. Appeals Based on Allocation of Position.

If an employee feels that he has been assigned to a department for which he is unqualified, he may appeal for a transfer to another department which has an opening, provided the employee meets the qualifications. The actual transfer will be left to the discretion of department heads involved, and the City Administrator or Utilities General Manager per Section 70-33 of the Personnel Ordinance.

C. Maintenance.

Each time a vacancy occurs, a position description shall be submitted by the department head to the Personnel Director for review. This requirement may be waived by the Personnel Director in cases where the duties and responsibilities of a position on file have not changed. Each time a department is reorganized, new position description for all affected employees shall be submitted to the City Administrator or Utilities General Manager and the Personnel Director for their review and approval. The City Administrator or Utilities General Manager may require department heads to submit position descriptions on a periodic basis, or any time they have reason to believe there have been changes in duties and responsibilities.

SECTION THREE - SALARIES, WAGES AND BENEFITS

The objectives of the City's Pay Scale is to give comparable pay for comparable work, and to meet current labor market salaries and wages as budgeted in the City's Annual Budget.

A. New Appointees.

The entrance salaries/wages for a permanent or temporary employee shall be at a minimum level until the employee has been trained and shows ability for the job. The employee's salary or wages will be reviewed by the department head within the probationary period, and an increase to permanent pay will be recommended at the end of the probationary period or a release applied for if the employee's work has not been satisfactory. The entrance salary for a part time employee shall be computed based on the percentage of a full time salary/wage rate of a similar position to which the employee is being appointed.

B. Salary Upon Promotion, Demotion or Transfer.

An employee who is transferred shall be paid the salary/wages assigned to the position. An employee who is promoted shall have his salary or wages raised to the minimum pay for the position in order to allow for merit increases unless other action is authorized by the department head. An employee who is demoted shall be assigned new duties requiring less skills and lower salary or wage rates.

C. Over Time Pay.

All full time employees, except department heads, asst. department heads, City Administrator, Utilities General Manager or other salaried positions may be paid for over time only when specifically authorized by the City Administrator or Utilities General Manager and are entitled to over time pay only after having worked a regularly scheduled work week. The rate of pay shall be the employee's regular rate of pay plus one half. Over time pay shall be granted only on approval of the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance or by the effective department head. All police officers and fire fighters will be paid over time or awarded compensatory time in accordance with the Federal Fair Labor Standards Act.

D. Pay Upon Termination of Employment.

1. If upon resignation of a city employee, the employee has accrued annual leave or unused sick leave, the employee shall be compensated at his regular wage rate for the accrued annual leave and unused sick leave. However, the annual leave shall not exceed four weeks unused annual leave as per the Annual Leave Policy.
2. Payment for required physical examination may be deducted from the employee's last pay check, if resignation comes prior to the end of the probationary period.

E. Performance Increases.

1. Following the probationary period and the assignment to permanent service, each employee's performance shall be reviewed and evaluated by his immediate supervisor or department head for purposes of determining the employee's eligibility for a performance pay increase provided funding is included in the approved budget.
2. **Procedure.** All of the employee's personnel records, including performance rating by supervisors, tardiness and absentee records, and other evaluations giving particular emphasis to the evaluation of services rendered shall be reviewed by the immediate supervisor or department head. If the employee's work record is found to be satisfactory or above satisfactory, he may be recommended for a performance increase. If the department head believes the employee's work attitude or performance has been substandard, the department head will not recommend any performance increase. Recommendations for performance pay increases should be in writing.

3. **Performance Award.** The City Administrator or Utilities General Manager shall review the recommendation of the immediate supervisor and department head, and shall approve or disapprove the performance increase recommendations subject to the availability of funds as budgeted by the Mayor and City Council. Performance awards shall be effective on the first day of the pay period following the approval of the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance.

SECTION FOUR – NATURE OF EMPLOYMENT, RECRUITMENT, APPLICANTS AND APPLICATION

All City employees are classified as an employee “at-will”. “At-will” means an employee is free to resign at any time, with or without cause. Likewise, “at-will” means the City of Calhoun may terminate an employee’s employment, with or without cause or advance notice, so long as the City does not violate any applicable federal or state law. An “at-will” employee is not entitled to appeal the decision of the City of Calhoun to dismiss the said employee.

A. Discrimination.

Discrimination of an applicant for employment by the City of Calhoun because of race, creed, religion, color, sex, age, national origin or disability is prohibited. Any official or employee of the City of Calhoun with information concerning a violation of the provision of this paragraph shall file the information in writing with the City Attorney who shall conduct an investigation.

B. Notification.

The Personnel Director shall prepare recruitment notices to publicize vacancies, and to assist in locating qualified candidates for vacant positions. The Personnel Director may use various media for recruitment as may be expected to bring notice of vacancies to as many qualified persons as possible, and to assure obtaining well qualified applicants. Requests for applicants may also be made with area labor departments. The Personnel Director shall post notice of vacant positions in each department in order to notify employees of their opportunity for advancement or lateral movement.

C. Application Policy.

As a general policy, the Personnel Director shall accept applications only for vacancies as they occur. Applications will be accepted for a minimum of seven calendar days for an open position or more if determined necessary by the affected department head or personnel director. Applications will be accepted from city employees in other positions or departments, as well as, from the general public.

D. Method of Application and Evaluation.

Each person applying for a position with the City of Calhoun shall make application on a standard form approved by the Personnel Director. The application shall be made at City Hall. When deemed necessary, the Personnel Director may require professional assistance of the preliminary review of applications, and in conducting preliminary oral interviews of applicants; the Personnel Director shall establish whatever reference and investigative requirements necessary to determine the reputation, competence, honesty, stability, dependability, etc., of each applicant. The reference and investigative requirements must remain within the framework of state, federal and local guidelines. Such investigations may include fingerprinting and check of arrest records if a factor in job performance. The Personnel Director shall submit records of all qualified candidates for vacancy to the department head or supervisor for their review.

E. Nepotism.

It is the City's policy that immediate family relatives will not be employed in regular permanent or regular non-permanent positions under any of the following circumstances:

1. (A) Where one of the parties would have authority (or practical power), to supervise, appoint, remove or discipline the other; or
- (b) Where one party would be responsible for auditing the work of the other; or
- (c) Where both parties would report to the same immediate supervisor; or
- (d) Where circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
- (e) Where one of the parties is a policy level or elected official of the City, but not the City School Board.
2. Definition: "Immediate family relative" includes spouse, child, parent, brother, sister, half-brother, half-sister, grandparents, parent-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law or grandchildren.
3. If two employees marry, become related or begin sharing living quarters with each other, and in the City's judgement, the circumstances noted above exist or reasonably could exist, only one of the employees will be permitted to remain employed by the city, unless reasonable accommodations, as determined by the Personnel Director after consultation with the City Administrator or Utilities General Manager can be made to eliminate the potential problem. The decision as to which relative will remain employed by the City will be made by the two relatives within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the City reserves the right to terminate either employee.
4. This policy shall not apply to temporary or temporary part-time positions unless specifically covered by action of the City Administrator or Utilities General Manager.

F. Rejection of Application.

The Personnel Director may reject an application which indicates that the applicant is deficient in any or all of the requirements as specified in the job description filed with the Personnel Officer. An applicant may also be rejected for the practice or attempted practice of fraud or deception in the completion of his/her application or if his/her past record of employment is determined to be unsatisfactory. Should the detection of the fraud of the application be following employment, the City may terminate the employee as directed by the City Administrator or Utilities General Manager.

G. Appointment and Certification - Type of Appointment.

The following types of appointment may be made to the City of Calhoun service: permanent and non permanent.

1. **Permanent Appointment.** Appointment to a position which has been created by the City Administrator or Utilities General Manager with the anticipation that it will be necessary to maintain the existence of such position indefinitely on a continuous full time year round basis. Each employee is subject to all rules and regulations, and is entitled to receive all benefits and rights as provided by these personnel policies.
2. **Non Permanent Appointment.** A non permanent appointee shall be eligible to only those rights and privileges specifically provided for in these policies. An employee serving in a substitute or acting capacity who immediately prior to the substitute appointment held a permanent appointment shall not suffer loss of status, annual leave, sick leave, rights or privileges.

3. The appointment of an employee to permanent appointment or non permanent appointment shall not change the employee's classification as an "at-will" employee subject to the provisions of this section four.

H. Certification.

The department head or supervisor, after selecting an eligible applicant, shall submit a written appointment recommendation to the Personnel Director. If the Personnel Director agrees that the appointment is being made pursuant to applicable provisions of the personnel policies, he shall sign the appointment recommendation and submit it to the City Administrator or Utilities General Manager for approval as per Section 70-33 of the Personnel Ordinance. If the City Administrator or Utilities General Manager approves the appointment, he shall certify employment of the applicant, and notify the Personnel Director of such certification.

I. Emergency and Provisional Appointments.

The City Administrator or Utilities General Manager may approve emergency employment for not more than 90 days and provisional employment without open evaluation when there is no appropriate list available. No such provisional employment shall continue longer than six months.

J. Probational Status.

Each applicant appointed or promoted to a permanent position shall be designated as a probational employee for a period of two to twelve months from the date of employment. During the probationary period, close observation of conduct and capacity of all probationers shall be made by the department head, and if it is found from such observation or otherwise, that the probationer fails to meet all the requirements satisfactorily, he/she shall be notified in writing of the reasons for such failure, and dropped from service. Each probational employee may be subject to personnel action (i. e. transfer, layoff, dismissal and other personnel action without prior notice and without right of appeal.) Each probational – status promoted employee who has permanent status as a permanent employee shall retain his/her appeal privileges with the exception that he/she may be demoted without the right of appeal. Once an employee completes a satisfactory probationary period and becomes a permanent status employee, his/her employment by the City of Calhoun remains "at-will".

K. Permanent Status.

1. At least 15 working days prior to the expiration of the employee's probationary period, the department head shall notify the Personnel Director in writing whether or not the employee has satisfactorily completed his probationary period. If the employee's work record or attitude is not deemed at an acceptable level to warrant recommendation for permanent status, the department head may recommend dismissal or extension of the probationary period for a specific period of time not to exceed 12 months. If a probational status employee fails to qualify for permanent service at the end of an extended probationary period, his appointment shall be terminated, and he shall be removed from City service.
2. The City Administrator or Utilities General Manager shall review recommendations from the department head, and shall approve or reject such recommendations regarding permanent status. The effective date of permanent status for original probational appointments shall be the first day of the pay period immediately following approval by the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. In no case shall an employee be assumed to have attained permanent status without recommendation of the department head and approval of the City Administrator or Utilities General Manager.

SECTION FIVE – ACTIONS ASSOCIATED WITH PERMANENT AND NON PERMANENET POSITIONS.

A. Promotional Examinations.

The Personnel Director shall conduct competitive promotional evaluations or examinations in accordance with these policies. Such promotional examinations may consist of the same or a different type than that normally prescribed for entrance examination for the job. In competitive promotional ratings, the Personnel Director shall admit to the competitive process, all employees who meet the published qualification requirements. The Personnel Director may require each applicant who chooses to compete for a promotion to complete an application for the position on or before a specified date.

B. Voluntary Transfer.

An employee may be transferred at his own request to a vacancy of a lower position subject to the approval of the department head and City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. The City Administrator or Utilities General Manager and department head shall determine whether the employee is qualified to perform the duties and responsibilities of the lower position. Voluntary transfers shall cause the employee's salary to be reduced to the maximum rate of his new position or he shall continue at his present rate whichever is lower.

C. Transfers.

Vacancies in higher positions in city services shall be filled as far as practicable by promotion from lower services. To accomplish this purpose, the Personnel Director may direct that only qualified city employees shall be considered for an existing vacancy. Such closed competition shall be allowed only when there are a sufficient number of qualified eligible applicants within the city service.

D. Separation.

An employee may be separated from the service of the City by any of the eight different methods as described below.

1. **Resignation.** To resign in good standing, an employee should give in writing to his department head or assistant department head at least fourteen calendar days prior notice. Normally failure to comply with this rule shall be entered on the service record of employees and shall result in a denial of reemployment rights. However, the department head, with the approval of the Personnel Director may exempt an employee who has given less than the required notice from these penalties if exceptional circumstances warrant.
2. **Compulsory Resignation.** An employee who is absent from work for a period of three days without notifying the department head of the reasons for his or her absence and receiving permission to remain away from work, shall be considered as having resigned without notice and is not in good standing, unless, such failure to notify and receive permission was caused by unavoidable circumstances beyond the control of the employee. An employee is normally not eligible for re-employment with the City in a case of compulsory resignation.
3. **Disability.** An employee may be separated by disability when he has some mental or physical ailment, which incapacitates him for service if reasonable accommodations cannot be made by the City. Action may be initiated by the employee, his legal representative or the City, but in all cases, it must be supported by medical evidence acceptable to the City Administrator, Utilities General Manager or the Mayor and

Council. The City may require an examination at its expense performed by a physician of its choice.

4. **Death.** An employee who dies while in City service shall be separated effectively as of the date of death. Accumulated annual leave and any salary due the employee shall be paid to the estate of the deceased.

5. **Layoff.**
 - a. Layoff is the termination of employment of a permanent employee when, for any valid reason, it may be necessary to abolish one or more positions to reduce the number of employees in the city service. Layoff does not reflect discredit upon the service of the employee.
 - b. Work records, employee evaluations, ratings and length of service shall be used in determining which employees shall be laid off. The chief basis of the decision shall be the relative competence of the employees for the job that remains. In choosing between two employees, the employee most competent for the job remains. If it is found that two or more persons in the organizational unit in which layoff is to be made, have equal ratings as determined by the review of the employee records and evaluation ratings, the order of layoff shall be the last employee to enter service shall be the first to be laid off. No permanent status employee shall be laid off while another person in a position is employed on a temporary or part time basis in the same department if the employee is willing to accept the temporary or part time work.
 - c. Whenever one or more positions must be discontinued temporarily or abolished because of lack of funds or because of material changes in the duties or organization, a department head shall submit his recommendation to the City Administrator or Utilities General Manger as per Section 70-33 of the Personnel Ordinance. The recommendation shall contain the reasons for lay off and the names of the employees to be laid off. After reviewing the department head's recommendation on layoffs, the Personnel Director shall indicate approval or suggest modification of the recommendation and submit to the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance.
 - d. Permanent status employees shall be notified in writing by the Personnel Director at least 14 calendar days prior to the effective date of lay off. Such employees shall receive the first consideration for transfer if a vacancy exists for which they are qualified. If no vacancy exists of equal rank, demotion to a lower rank may be offered if a vacancy exists for which the employee is qualified.
 - e. Any employee who has been laid off shall have the opportunity to have his name placed on all eligible lists for positions for which they may be qualified, and shall be given preferential treatment in hiring based on evaluation of service rating and length of service.

6. **Loss of Job Requirement.** Any employee who is unable to do his job adequately because of loss or inability to obtain a necessary license or certification or other requirement may be separated by a lay off if another position for which he is qualified is unavailable.

7. **Dismissal.**
 - a. Dismissal is the removal of an employee from City service for cause. A partial listing of reasons, but not limited to, for discharge shall be: malpractice or misconduct in office; willful violation of correct and proper orders of his superior, department head, City Administrator or Utilities General Manager as

per Section 70-33 of the Personnel Ordinance; willful violation of provisions of the Personnel Ordinance or Personnel Policies; neglect of duty; unsatisfactory performance of duties; or conduct unbecoming an employee. However, dismissal is not limited to the reasons herein listed.

- b. Dismissal shall be by the employee's department head with the approval of the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. The City Administrator or Utilities General Manager may also initiate dismissals whenever he deems it necessary.
- c. Dismissal of permanent status employees shall be effective only after the person to be discharged has been presented with notice of said dismissal. Such notice shall contain the reasons for such discharge, specifically stated unless waived by said employee in writing. Such notice shall also notify the discharged employee of his/her right of appeal of said dismissal.

- 8. **Retirement.** Regulations for separation by retirement shall be those contained in the employees' pension plan.

E. Disciplinary Actions – Reprimands.

- 1. **Reprimand:** Reprimand is an oral or written notice of policy violation, mistake, inefficiency, or other factor which may adversely influence an employee's ability to carry out his duties and responsibilities effectively. Any supervisor may reprimand a subordinate at any time for cause. Oral reprimands will not affect an employee's privileges or status, or be recorded in his personnel records. Written reprimands will be reserved for repeated offenses or those of a serious nature. Employees shall be given a copy of written reprimand and afforded an opportunity to reply thereto. Three or more written reprimands within any 12 months, and the employee shall be subject to dismissal
- 2. **Demotions:** The department head or supervisor, as the case may be, with the prior approval of the City Administrator or Utilities General Manager, may reduce the salary of an employee within the range provided or demote the employee for cause to a lower position. A written statement of the reasons for any such action shall be furnished to the affected employee by his department head and a copy filed with the Personnel Director at least five days prior to the proposed date of action. Demotion of permanent status may be appealed through the appeals procedure.
- 3. **Suspension:** A department head may for disciplinary reasons suspend without pay any employee in his department for a length of time he considers appropriate not to exceed ten working days. A written statement specifically setting forth reasons for such suspension shall be furnished to the affected employee by his department head, and a copy filed with the Personnel Director. With the approval of the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance, any employee may be suspended for a longer period pending the charges against him. The fact that the employee is acquitted of the charges or that that charges are dropped, does not necessarily mean the suspension or other disciplinary action will be revoked. The City Administrator or Utilities General Manager shall make a final determination as to whether the employee shall be reinstated, dismissed, or subject to other disciplinary actions. Permanent status employees shall have the right of appeal as provided in the appeals procedure.
- 4. **Dismissals:** Dismissals shall be as provided in Section Five D-7.
- 5. **Reasons for Disciplinary Action:** Listed below are some of the reasons which might be cause for disciplinary action referred to in this policy, however disciplinary action is not limited to the reasons herein listed.
 - a. Insubordination or uncooperative attitude intending to lower discipline and morale.

- b. Failure to work at an acceptable level of competence as determined by the department head (may include excessive tardiness, lost time or inefficiency).
- c. Conviction of a felony or crime involving moral turpitude.
- d. Being absent without leave.
- e. Abuse or misuse of City property or vehicles.
- f. Willfully giving false statements to supervisors, officials, the general public, boards or commissions.
- g. Violation of city ordinances, administrative regulations or departmental rules.
- h. Drinking of alcoholic beverages or use of any controlled substance while on duty.
- i. Discovery of false statement in an application which had not been detected previously.
- j. Acceptance of gratuities in conflict with these policies.
- k. Refusal to be examined by the City authorized physician when so directed.
- l. Sexual harassment.
- m. Safety and risk management violations as outlined in separate safety policies and drug and alcohol policies.
- n. Violations of purchasing and procurement card policies as defined in those policies.
- o. Violations of police or fire department policies as they apply.
- p. Those reasons for dismissal as listed in Section Five D-7.

F. Harassment

It is the policy of the City of Calhoun to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another person's work performance or that creates an intimidating, offensive, or hostile work environment.

Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, color, national origin, religion, disability, pregnancy, age, military status, or sex. Attention should be given to the prevention of sexual harassment.

A. Limitations

Each department head and supervisor has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or department head is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

Sexually harassing conduct in the workplace, whether committed by supervisors, department heads, non-supervisory employees, or non-employees is also prohibited. This conduct includes:

1. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions;
2. Verbal abuse of a sexual nature or any demeaning nature;
3. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
4. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs; and

5. Demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted messages.

Any of the above conduct or other offensive conduct directed at individuals because of their race, national origin, religion, disability, pregnancy, age or military status is also prohibited.

B. Procedure

Any employee who believes that a supervisor's, another employee's or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor or to the department head or the Director of Human Resources if the complaint involves a supervisor or department head.

Complaints of harassment are to be investigated under the City's grievance procedure unless special procedures are considered appropriate. Regardless, all complaints of harassment are to be investigated promptly and in an impartial and confidential manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint will be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Any employee, supervisor, or department head who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The City prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment. However, if any investigation of a complaint shows that the complaint or information was false the individual who provided the false information will be subject to disciplinary action, up to and including termination.

SECTION SIX– APPEALS AND HEARINGS

Any City employee whose office or position is allocated to permanent appointment who has been demoted for cause, suspended, dismissed, or has been given a third written reprimand within a twelve month period (hereinafter called "a disciplinary action") shall be allowed the following appeal rights by filing a written demand for a hearing with the City Administrator within five (5) working days of written notice from the City of such disciplinary action:

1. The Mayor and Council shall serve as the City Personnel Review Panel (hereinafter "Panel") or they may appoint a City Personnel review Examiner (hereinafter "Examiner"). The Panel or Examiner shall be impartial and shall conduct hearings to review the disciplinary action. The Panel or Examiner is granted the authority to sustain or reverse the disciplinary action. If a Panel is convened, the Mayor shall act as the presiding officer and shall vote only in the event of a tie vote among the panel members. A quorum of three (3) shall be competent to conduct hearings and should the Mayor not be a part of the quorum then a presiding officer shall be elected from the quorum from its assembled members and such presiding officer shall conduct the hearing and vote only in the event of a tie vote among the remaining Panel members.
2. The charges supporting the disciplinary action shall be specified by the City Attorney in a written notice which, together with a copy of Section 70-34 of the personnel ordinance, shall be delivered personally, or by mail addressed to the employee either at his or her last known address within five (5) working days after a written demand for a hearing is timely filed by the employee with the City Administrator.

3. In the event of such demand, a hearing shall be scheduled by the Panel or the Examiner, with not less than five (5) working days' notice to the parties. The notice shall be in writing and shall include the date, time and place of the hearing, and a short statement of the issue(s) involved.
4. The hearing is intended to be less formal than a court hearing, but orderly. To ensure orderliness the hearing procedures of a civil case in courts of record in the State of Georgia will be followed, however, the Georgia Civil Practice Act does not govern the hearing proceedings. The City Attorney will represent the interests of the City at any hearing and the employee may represent him or herself or may choose to be represented by an attorney.
5. With respect to any such hearing, the Mayor, upon written application of any party, shall issue subpoenas requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any books, papers or documents relevant to the inquiry.
6. The Panel or Examiner shall enter its written decision within ten (10) working days after completion of the hearing or the compilations of any written transcript if the hearing was recorded and either serves a copy of such decision upon the employee personally or by mail addressed to the employee at his or her last known address.
7. Any employee aggrieved by a decision of the Panel or Examiner regarding his or her appeal of a disciplinary action may petition the Gordon County Superior Court for a Writ of Certiorari.
8. All hearings either before the Panel or Examiner involving a disciplinary action shall be open to the public.

SECTION SEVEN- GRIEVANCE PROCEDURES.

- A. Grievance Procedures for Permanent Status and Non Permanent Status employees shall be considered as follows:

1. **Step One.** The aggrieved employee shall discuss the grievance with the immediate supervisor within five consecutive days of its occurrence. The immediate supervisor must verbally reply to the employee within five consecutive working days of the date of this discussion.

Step Two. If the grievance is not settled verbally in Step One, the employee may, within five consecutive working days of the immediate supervisor's verbal reply, submit the grievance in writing to the same supervisor on a grievance form obtained from the department head and the immediate supervisor must reply in writing within five consecutive working days of the written grievance.

Step Three. If the grievance is not settled in Step Two, the employee may appeal the immediate supervisor's decision by forwarding the completed grievance form and reply, or an accurate copy thereof, to the department head within five days of the immediate supervisor's response. The department head must meet and discuss the grievance with the employee and the immediate supervisor, and must reply in writing to the employee within five consecutive working days of the meeting. If the immediate supervisor is the department head, Steps Two and Three are consolidated into one single step.

Step Four. If the grievance is not settled in Step Three, the employee may appeal the decision by forwarding the completed grievance form and all written responses, or substantially accurate copies thereof, within five consecutive working days of the date of the department head's response to the personnel director who shall then convene a personnel grievance board composed of any three of the following: the City Administrator, Utilities General Manager, the City Attorney and the Mayor or his designated Council Member, (hereinafter "the grievance board"). The grievance board shall conduct a hearing within twenty days of the date of receipt of the grievance. The personnel director will

provide notice to the employee and supervisor of the time, place, and date of the hearing. The members of the grievance board shall select one of their members as the presiding officer. The hearing shall be conducted informally. Technical rules of evidence shall not apply. All testimony shall be under oath. The employee may obtain legal counsel or a third person to assist her or him. The decision of the grievance board shall be in writing and made within ten days after the completion of the hearing.

2. The decisions of the grievance board shall be final and binding, except in cases where decisions involve expenditures of city funds not provided for in the existing budget, in which case the decision will be reviewed by the Mayor and Council and either affirmed, reversed or remanded with direction.
3. Should there be extenuating circumstances, the personnel officer and employee may alter the time limits set forth herein. If, at any step in the procedure the immediate supervisor or department head fails to provide an answer within the time limit, the employee may immediately proceed to the next step. Failure by the employee to process a grievance within the time limits or agreed upon extension shall constitute termination of the grievance.
4. An employee filing a grievance shall have the right to follow all the steps of the grievance procedures with complete freedom from reprisal.
5. Nothing in this procedure is intended to circumscribe or modify the City's existing rights by and through its City Administrator, Utilities General Manager and all Department Heads to do the following:
 - a. Direct the work of its employee;
 - b. Maintain the efficiency of governmental operations;
 - c. Take actions as may be necessary in case of emergencies and natural disasters;
 - d. Determine the methods, means and personnel by which operations are to be carried out.

B Grievance Procedures for the Disabled

The following is an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by the Rules and Regulations governing Title Two of the Americans with Disabilities Act which states in part "...no otherwise qualified disabled individual shall, solely by the reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination in programs sponsored by a public entity".

1. Complaints shall be filed in writing or verbally, containing the name and address of the person filing it, and briefly describing the alleged violation of the rules or regulation. All complaints shall be addressed to the Americans with Disabilities Act Coordinator, City of Calhoun, P. O. Box 248, Calhoun, Georgia 30703-0248 or directed to same verbally at 706-629-0151.
2. A complaint should be filed within five days after the aggrieved party becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall be by the Americans with Disabilities Act Coordinator. These rules contemplate informal, but thorough investigation according all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Americans with Disabilities Act Coordinator and a copy forwarded to the aggrieved party no later than 45 days after its filing.
5. The Americans with Disabilities Act Coordinator shall maintain files and records of the City of Calhoun relating to the complaints filed.

6. The aggrieved party can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten days to the City Administrator.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of an American with Disabilities Act complaint with the responsible federal department or agency. Use of these grievance procedures is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure the City of Calhoun complies with the Americans with Disabilities Act and implementing regulations.

SECTION EIGHT – EMPLOYEE BENEFITS

A. Persons within the Scope of this Policy.

The provisions of this policy shall be applicable to all permanent employees.

B. Annual Leave.

1. **Persons eligible; accrual.** When a person has been employed by the City for a period of one year, he will be eligible for one week of annual leave, except department heads who will be eligible for two weeks annual leave. The employee shall be eligible for two weeks of annual leave after two years of employment. Any employee with eight years of employment shall be entitled to three weeks of annual leave, and after eighteen years of employment any employee will be eligible for four weeks annual leave, but not consecutively without approval of the department head and City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance.
2. **Accrual.** In no case shall a city employee have his/her annual leave extended beyond the year in which it was earned unless approved by the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance.
3. **Department Heads to Schedule Annual Leave.** Each city department head has the right to schedule the use of annual leave by a city employee in his/her department to enable him/her to properly carry out the functions of his/her department.

C. Sick Leave.

City employees shall be granted 4 hours of sick leave per month. Sick leave cannot accumulate beyond December 31 of the year in which it was earned. The employee who does not use any or all sick leave during the year shall be paid for each unused hour at employee's normal rate of pay, up to forty-eight (48) hours regardless of the duration of the employee's work day. If a severe illness (mental or physical) should occur requiring medical confinement for three or more weeks, extended sick leave will be granted and the employee will be entitled to pay as follows: continued pay for one month for an employee with seven (7) years of service, one and one half months for an employee with thirteen (13) years of service and two months pay for an employee with more than fifteen (15) years of service. There is to be no more than two months extended sick leave within one calendar year for any employee. The first six (6) days of extended sick leave represents the annual sick leave allotted to each employee. Sick leave and annual leave must be utilized prior to applying for extended sick leave.

D. Emergency Leave; Limitation of Use; Charging Time to Sick Leave or Annual Leave.

Emergency leave may be used by a city employee not to exceed one work week or the equivalent number of duty days per year. An employee may have the option of charging his absence to either his sick leave or his annual leave.

E. Military Leave.

The City will grant leave of absences for fifteen calendar days each year with full pay for official military leave.

F. Family Leave.

Any city employee who must be absent from work, and the reason for absence is not covered under annual leave, sick leave or military leave may, with the permission of the department head, be absent for a period not to exceed three working days, or two duty days under this category in one year; an employee shall have the option of charging either his annual leave or sick leave with this absence. This policy is in addition to all rights afforded to an employee under the Family and Medical Leave Act of 1993.

G. Civil Leave.

Any employee shall be given necessary time off without loss of pay when performing jury duty, or when required by proper authorities to be a witness in legal proceedings providing such call to duty is reported in advance to the employee's department head. In order to receive full pay for the necessary time off, all such fees received by the employee must be deposited with the City Administrator, except travel and meal allowances. City employees who perform jury duty or who are required to be a witness in a legal proceeding when such is required during periods when the employee is otherwise in a non duty status, will be permitted to retain all fees and allowances received therefore.

H. Funeral Leave.

In the event of death in an employee's immediate family, he/she will be granted paid funeral leave up to three days. This three day period will begin on the day of the death and extend through the day following the funeral. The employee will receive his normal pay for any scheduled work day that occurs during this period. In the event of the death of a relative other than immediate family, the employee will be granted paid funeral leave of one day on the day of the funeral.

I. Leave Without Pay.

1. **Leave Without Pay Defined.** When it is determined in the best interest of the city service, a permanent status employee will be granted leave without pay for personal or other reasons, provided such leave is recommended by the department head and approved by the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. Non permanent employees are not eligible for grants of leave without pay.
2. **Reasons for Granting.** The City Administrator or Utilities General Manager may with approval of the City Council grant leave without pay for a period not to exceed one year when it is deemed in the best interest of the city. Valid reasons shall include but are not limited to the following: prolonged illness or disability of the employee or a member of the employee's household; educational or training enrichment; pregnancy and child birth and military service.
3. **Procedure for Requesting Leave without Pay.** Application for leave without pay shall be submitted in writing in advance showing employee's reasons for requesting such, and shall contain a statement that he/she intends to return to city service upon the expiration of such leave, and that he/she agrees to the terms and conditions as outlined in these policies. In emergency situations, when an employee does not have accrued leave, is unable to report to work as scheduled as a result of illness or emergency reasons, his/her department head may recommend approval of the granting of leave without pay without

prior application by the employee or the Personnel Director may investigate and make such recommendations in the absence of the department head.

4. **Temporary Filling of Position of Employee on Leave Without Pay.** During the employee's approved leave of absence, his position may be filled by a temporary promotion or temporary assignment of an employee in a substitute or "acting" capacity. At the expiration of leave without pay, the employee shall be reinstated in his former position and the substitute employee shall return to his former position without loss of status or benefits.

5. **Rights of Employees to Leave without Pay.**

- a. **Reinstatement to Former Position.** Employees granted leave without pay, not exceeding two calendar months, shall be entitled to reinstatement in their position. For employees granted leave without pay exceeding two calendar months, every effort will be made to return the employee to his former position or to a comparable one upon the expiration of his period of leave without pay. Such employee shall be listed on reemployment lists in the same manner as employees who are laid off in good standing.

- b. **Continuity of Service.** Employees granted leave without pay shall not be considered to have affected a break in service, except as outlined below.

1. In case of leave without pay exceeding two calendar months, the effective date of an employee's merit increase shall be adjusted month for month for each month he/she is going on leave without pay in excess of two months.

2. In the case of probational status employees (either from initial or promotional appointment), the effective date of the end of the probationary period shall be adjusted month for month each month he/she is on leave without pay.

3. Continuation of insurance benefits for eligible employees during the time the employee is on leave without pay, shall be paid by the City for only twelve weeks, but any dependent coverage must be paid completely by the employee to maintain insurance.

4. Employees granted leave without pay under this policy shall not accrue sick or annual leave while in leave status. However, any sick leave accrued at the time leave is granted, shall be continued upon return to duty. Any employee, who fails to return to duty and is terminated, shall forfeit any sick leave that had been accumulated.

J. Compensatory Leave.

Compensatory time off will be computed in accordance with local, state and federal guidelines as they apply to municipal government employees.

K. Holidays.

1. **General Policy.** It shall be the policy of the City to insure that all permanent full time employees enjoy the same number of holidays each year. In order to achieve this end, eight working days leave shall be added to each full time permanent employee's annual leave. All full time permanent employees shall be eligible for holiday leave as cited below, provided the employee has been on duty the day before and the day after the legal

holiday if these are normal scheduled days of work, unless on vacation, at a training seminar, absent due to death in family, or in hospital.

2. **Legal Holidays Established.** The City officially adopts the following as legal holidays:
 - a. January 1- New Year's Day
 - b. Good Friday
 - c. Memorial Day – 4th Monday in May
 - d. 4th day of July – Independence Day
 - e. 1st Monday in September – Labor Day
 - f. Thanksgiving Day as proclaimed by the President of the United States
 - g. 25th day of December – Christmas Day and the day before or after as decided by the City Administrator and Utilities General Manager
3. **Official Holiday which falls on Saturday or Sunday.** When a holiday falls on Saturday or Sunday, the preceding Friday or succeeding Monday will be honored as that holiday by all employees who are given time off for compensation.
4. **Holiday on Scheduled Work Day.** All eligible employees who are required to work on the actual holiday shall be paid regular pay for every hour worked, plus regular pay as holiday pay except department heads, other salaried employees, City Administrator, Utilities General Manager and other assistant department heads unless a compensating day off can be made available at a later date. Those who, due to shift arrangements, are off on the holiday will receive holiday pay equivalent to 20% of normal hours worked in a week at regular hourly pay.

L. Employee Development – In Service Training.

It will be the responsibility of the Personnel Officer to foster and promote in service training of employees for the purpose of improving the quality of personal service rendered to the City, and to assist employees to equip themselves for advancement in the service. The Personnel Director shall establish standards for training programs; see that training is carried out as approved; prepare certificates or other forms of recognition for persons who satisfactorily complete approved courses in programs; provide assistance to department heads in developing and conducting training sessions to meet the specified needs of their department; and develop supervisory and management training and other types of training programs common to all departments.

M. Retirement System.

Effective July 1, 2003, the city established a defined benefits plan through the Georgia Municipal Association, funded by the City of Calhoun. The City also provides a 457(b) plan funded 100% by city employees on a voluntary basis.

N. Insurance Benefits.

Provisions for group insurance and group medical coverage for city employees shall be as outlined in existing group contracts and plans or as they may be amended. However, full time employees age 55 or older with 20 or more years of service and elected officials with 7 or more years of service who are separated from service, shall be eligible to continue group health insurance coverage until age 65 or until eligible for Medicare, under the city's current group plan, with the payment of all costs being borne by the former employee or former elected official.

O. Other Employee Welfare Benefits.

The City Administrator or Utilities General Manager may promote satisfactory and helpful working conditions that are conducive to high morale, greater efficiency and low rate of turn over in the city service.

P. Uniforms and Equipment.

Equipment deemed essential to job performance may also be furnished if authorized by the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance. Police, Fire, Court and Community Development personnel shall be furnished uniforms budgeted annually to be paid semi annually for employees with one or more years of service time. Hourly employees may be furnished uniforms annually to employees with one or more years of service as deemed necessary by department head.

SECTION NINE – RECORDS AND REPORTS – RECORDS OPEN TO THE PUBLIC

All personnel records as defined by state and federal law shall be public records and shall be open for public inspection during office hours and reasonable time in accordance with such procedures as the personnel director may prescribe. All requests for public inspection must be in writing.

SECTION TEN – ESTABLISHMENT AND RETENTION OF RECORDS.

A. There shall be established and maintained such personnel records as the City Administrator or Utilities General Manager deems necessary for the administration of the city system. The Personnel Director with the approval of the City Administrator or Utilities General Manager shall prescribe the form and scope of these records when not in conflict with state or federal laws, the City Council shall determine the time limit that Personnel records shall be kept on file, and shall determine the final disposition of such records, by means of a records retention resolution.

B. Employee Performance Reports.

1. Time for rendering performance reports for probationary employees. Performance reports will be prepared on all employees serving in a probationary status no earlier than 15 days or later than five days prior to the completion of the probationary period.
2. Permanent Status Employees. All permanent status employees will be evaluated during July of each year.
3. Other Employees. Performance reports may be required annually for non permanent employees.
4. Additional Performance Reports. The department head may initiate additional performance reports on any employee under his supervision at any time in order to reward outstanding service or register unsatisfactory service.
5. Rating Official. The rating official for each employee shall be his immediate supervisor. The City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance shall be the rating official for department heads. Department heads shall inform all personnel under their administrative supervision of the identity of their rating official and shall further inform each rating official of the employees he is responsible for rating and the time such ratings are due.
6. Procedures for Rating.
 - a. The performance report shall be initiated by the immediate supervisor upon notice from the department head that the rating is due.
 - b. Report of substandard performance shall be reviewed and signed by the affected employee prior to its submission to the endorsing official.

- c. All performance reports shall be endorsed by the supervisors rating official and reviewed by the department head when he is not the rating official or endorsing official.
- d. Reports of outstanding performance shall require the additional endorsement of the department head, the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance.

SECTION ELEVEN – OUTSIDE EMPLOYMENT.

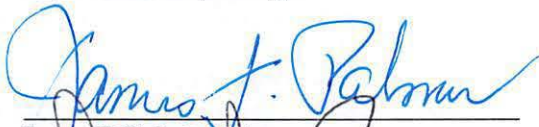
No employee shall engage in other employment, or any private business, or in the conduct of a profession, during the hours for which he is employed to work for the City of Calhoun, or outside such hours in a manner or to an extent that affects or is deemed likely to affect his performance with the City of Calhoun. All outside employment must be reported to and approved by the employees department head, the City Administrator or Utilities General Manager as per Section 70-33 of the Personnel Ordinance, and such notice must be filed with the Personnel Director.

SECTION TWELVE – ACCEPTANCE OF GIFTS AND GRATUITIES.

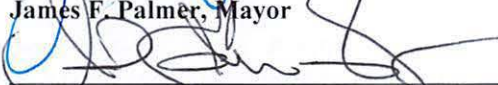
An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he has official relationships or business with the City of Calhoun government. These limitations do not apply to articles of negligible value (\$100.00 or less) or loans from regular lending institutions, nor shall they prohibit employees from accepting social courtesies, which promote good public relations. It is particularly important, however, that inspectors, contracting or procurement officers, and enforcement officials guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.”

ADOPTED this the 17th day of December, 2012.

City of Calhoun, Georgia

By: 

 James F. Palmer, Mayor



 Al Edwards, Mayor Pro Tem



 George R. Crowley, Councilman



 David Hammond, Councilman



 Matt Barton, Councilman

Attest:



 Paul Worley, City Clerk

DEFINITIONS:

1. **Annual Leave** – This form of leave is sometimes termed vacation.
2. **City** – Shall refer to the City of Calhoun, Georgia located in Gordon County, which serves as the County Seat.
3. **City Administrator** – The City Administrator is appointed annually by the Mayor and Council.
4. **Utilities General Manager** – The Utilities General Manager is appointed annually by the Mayor and Council.
5. **Disabilities Act Coordinator** – Shall be the Personnel Director for the City of Calhoun, and shall be authorized to receive all complaints regarding Title Two of the Americans with Disabilities Act.
6. **Disciplinary Action** – The demotion for cause, suspension for five or more working days, dismissal, or giving of a third written reprimand within a twelve month period to a permanent appointment employee.
7. **Duty Days** – Shall consist of a twenty-four (24) hour work period for members of the Fire Department.
8. **Emergency Leave** – This form of leave shall be used in case of emergencies relative to the employee's immediate family.
9. **Family Medical Leave** – As defined under the Family and Medical Leave Act (FMLA) of 1993
10. **Grievance** – A concern of a permanent status employee regarding his or her employment with the City. Any condition of employment accepted by the employee at the time of employment or subsequent thereto; ordinances; city wide personnel policies or procedures; departmental rules or regulations; pay plan and salaries; and employee benefit schedules are not grievances.
11. **Holiday** – As hereinafter prescribed, a paid leave day for permanent status employees.
12. **Hourly Employee** – Employees of the City whose compensation is based on hourly rates.
13. **Human Resource Director** – Shall also refer to Personnel Officer or if not designated then to the City Administrator.
14. **Immediate Family** – Includes spouse, child, parent, brother, sister, half-brother, half-sister, grandparents, parent-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandchild, immediate aunts and uncles of employee or spouse.
15. **Military Leave** – The definition as found in the Georgia Statutes shall apply.
16. **Moral Turpitude** – The quality of a crime involving grave infringement of the moral sentiment of the community as distinguished from an act or omission which is made criminal by statute but which, of itself, is not criminal.
17. **Non Permanent Appointment** – the appointment of an employee to a temporary, part time, seasonal or substitute position which is not considered to be a continuous, year round position, which has limited benefits.
18. **Permanent Appointment** – The appointment of an employee to a full time, seasonal, or part time position which is considered to be a continuous year-round position, with benefits associated with the type of position, (Full Time – Full benefits; Seasonal or Part Time – Limited Benefits).
19. **Personnel Department** – Shall also be referred to as Human Resource Department in some instances.
20. **Personnel Director** – Shall also refer to Human Resource Director or if not designated then to the City Administrator.
21. **Probationary Status** – All permanent status employees are hired first as probationary employees for the first two months. The probationary period can be extended up to twelve months if needed. The employee will be reviewed at the end of the probationary period with a determination being made by the department head of the employee to elevate to permanent status or transfer, lay off, or dismiss.
22. **Salaried employees** – Employees of the City whose compensation is based on a weekly salary.
23. **Sexual Harassment** – is defined as unwanted, unwelcome, sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment or adversely interferes or affects an employee's work performance.
24. **Sick Leave** – To be used in case of any accident or illness not job related.
25. **Work Leave** – Shall be as defined from time to time by the Mayor and Council of the City.

**CITY OF CALHOUN
CALHOUN, GEORGIA
RESOLUTION**

WHEREAS, the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and

WHEREAS, the City of Calhoun wishes to be recertified as a Certified City of Ethics under the GMA program; and

WHEREAS, part of the recertification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Calhoun, Georgia that as a group and as individuals, the governing authority subscribes to the following ethics principles, as defined in GMA's "Model Code of Ethics for Georgia City Officials," dated September 1999, and pledges to conduct its affairs accordingly:

- Serve Others, Not Ourselves;
- Use Resources With Efficiency And Economy;
- Treat All People Fairly;
- Use The Power Of Our Position For The Well Being Of Our Constituents;
- Create An Environment Of Honesty, Openness And Integrity.

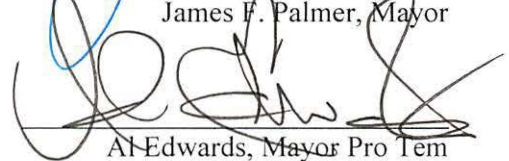
Adopted this the 17th day of December, 2012.

City of Calhoun, Georgia

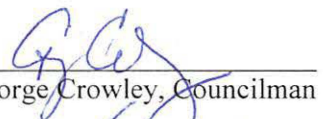
By:



James F. Palmer, Mayor



Al Edwards, Mayor Pro Tem



George Crowley, Councilman



David Hammond, Councilman



Matt Barton, Councilman

Attest:


Paul Worley, City Clerk

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City of Calhoun, Georgia

By:


James F. Palmer, Mayor

Attest:


Paul Worley, City Clerk