

**FEBRUARY 23, 1998 7:00 P.M. REGULAR CITY COUNCIL MEETING  
DEPOT COMMUNITY ROOM  
109 SOUTH KING STREET**

**PRESENT: JOHN D. MEADOWS, III, MAYOR  
JIMMY PALMER, MAYOR PRO-TEM  
JOHN D. SHELTON, COUNCILMAN  
RONALD H. WOOD, COUNCILMAN  
HENRY HOLLAND, COUNCILMAN**

**ALSO: WILLIAM P. BAIELY, CITY ATTORNEY  
KELLY CORNWELL, DIRECTOR UTILITIES/PUBLIC WORKS  
EDDIE PETERSON, ASST. DIRECTOR UTILITIES/PUBLIC WORKS  
CATHY HARRISON, CITY ADMINISTRATOR**

1. Mayor Meadows welcomed everyone, called the meeting to order, and gave the invocation.
2. Mayor Meadows led the group in the Pledge of Allegiance to the U.S. Flag .
3. Minutes of the February 9, 1998 Regular City Council Meeting were approved as written.
4. Mayor's Comments:
  - a. Mayor Meadows recognized and welcomed a special group, those being the Youth Leadership from the three local high schools. He recognized their sponsors, Larry Deaton and Lenny Nesbitt, and stated the Youth Leadership had a total of 23 students, with five of those students being present to observe the City Council Meeting.
  - b. Mayor Meadows announced that the City of Calhoun had nominated Gordon County for the 1998 Solid Waste Management Planning Award which will be given through the Georgia Department of Community Affairs.
  - c. Mayor Meadows reminded everyone of two public hearings scheduled for March 9, 1998: (1) Rezoning Request of Milton Stewart for a parcel 450' x 250' on the east side of Richardson Road across from Fire Station No. Two for R-2 zoning; (2) Zoning Variance Request of McDonald's Corporation on Highway 53 East for a set back variance to accommodate construction of an indoor play area.
  - d. Mayor Meadows stated that he would recommend the Council approve the resubmission of a local development fund grant application through the Georgia Department of Community Affairs for \$10,000.00 for improvements to the downtown parking area adjacent to the depot. The request is being re-filed, since it was not eligible for last year's grant review. Following discussion, Mayor Pro-Tem Palmer made a motion to approve the request and to authorize the Mayor to sign, 2<sup>nd</sup> by Councilman Woods with Mayor Pro-Tem Palmer, Councilman Woods, Councilman Holland and Councilman Shelton voting affirmatively, motion carried.
  - e. Mayor Meadows announced that he had received notification from Hill Pope, a City Council Member of LaFayette, stating the Department of Transportation had announced a 26.5 mile improvement to Highway 136, which would give LaFayette access to the interstate and would also bring additional traffic into the Calhoun, Gordon County area.
  - f. Mayor Meadows stated March is Red Cross Month, and not only will the local Red Cross be having blood drives, but they will also have CPR training at one of the area churches. He asked everyone to be aware of these events.
  - g. Mayor Meadows stated the City of Calhoun continues to have problems with cruising. He stated that he would like to meet with the Student Councils of Gordon Central and Calhoun High Schools to discuss cruising and to get their feed back as to the proper way to handle the effects of cruising which is detrimental to local businesses and inconvenient for the traveling motorist. He asked that both schools notify him of an appropriate meeting time within the next two weeks in order for him to make a report to the Council on March 9, 1998.
  - h. Mayor Meadows stated the City of Calhoun had provided information to Representative Thomas Shanahan regarding the special emergency grant request for the residents of Possum Hollow Road for water line extensions and taps. He stated he is hopeful this grant will be provided and that information regarding the approval or disapproval will be forwarded promptly.
  - i. Mayor Meadows stated the Industrial Development Authority will be losing three long term members, one being a city appointment and two being county appointments, and he asked the Council to consider passing resolutions recognizing these three individuals who have served their communities faithfully. The first being a resolution for Henry Holland for service for the period of May 1979 through November of 1997. The motion was made by Mayor Pro-Tem Palmer to approve the resolution, 2<sup>nd</sup> by Councilman Shelton with Mayor Pro-Tem Palmer, Councilman Shelton and Councilman Woods voting

affirmatively, motion carried. The second resolution being for David Lance for the service period of March 1984 through January 1998. Councilman Shelton made a motion to approve the resolution, 2<sup>nd</sup> by Mayor Pro-Tem Palmer with Councilman Shelton, Mayor Pro-Tem Palmer, Councilman Woods and Councilman Holland voting affirmatively, motion carried. The third resolution being for Mary Richie for service from April 1995 through December 1997. Councilman Woods made a motion to approve the resolution, 2<sup>nd</sup> by Councilman Shelton with Councilman Woods, Councilman Shelton, Councilman Holland and Mayor Pro-Tem Palmer voting affirmatively, motion carried.

- j. Mayor Meadows announced the Council's Planning Retreat which will be held on March 14-15, 1998, and will be solely a retreat for planning of the immediate future and long term future for the City of Calhoun.
- k. Councilman Woods reported on reduced LARP funding for 1998 compared to prior years.

5. Public Hearings & Comments:

- a. A 2<sup>nd</sup> reading was given for the Personnel Ordinance and Policies with specific changes in the areas of grievances, appeals and hearings. Attorney Bailey reviewed those areas, and responded to questions from the Mayor and Council regarding definition of employees immediate family and questions regarding the nepotism policy. Following discussion, a public hearing was opened. There were no comments, and the hearing was closed. Mayor Pro-Tem Palmer made a motion to adopt the personnel ordinance and policies, 2<sup>nd</sup> by Councilman Shelton with Mayor Pro-Tem Palmer, Councilman Shelton, Councilman Woods and Councilman Holland voting affirmatively, motion carried. # 632-A

6. Old Business:

- a. In reference to a request by the Georgia Department of Transportation for granting ownership of the frontage road right-of-way of the City of Calhoun; and
- b. In reference the re-opening of the Annexation/New Zoning Request of Bill Walraven and Stanley Simpson for approximately seven acres off Frontage Road at I-75/41 Intersection for C-2 zoning, Attorney Bailey reviewed a meeting by the staff and reviewed their recommendations regarding the procedure for the action necessary. The request of Walraven and Simpson had been held earlier due to the fact Frontage Road, although owned by the Department of Transportation is not recognized as a public highway. Upon a request to the Department of Transportation, they had expressed willingness to donate the property to the City of Calhoun. The City of Calhoun, in its meeting with Walraven and Simpson had expressed that it would accept the property provided the road way was brought up to the specifications of a city minor street in terms of right-of-way and a collector street in terms of pavement at the expense of the developers. The staff recommendation is to be forwarded to the Zoning Advisory Board on March 5, 1998 at their regular monthly meeting with a recommendation regarding the Walraven/Simpson Request to be returned to the Mayor and Council on March 9. Following discussion, Councilman Woods made a motion to accept the ownership of Frontage Road from the Department of Transportation, and to authorize the Mayor to sign the Acceptance Agreement from DOT, 2<sup>nd</sup> by Councilman Shelton with Councilman Woods, Councilman Shelton, Councilman Holland and Mayor Pro-Tem Palmer voting affirmatively, motion carried.

7. New Business:

- a. A 1<sup>st</sup> reading of an Annexation/New Zoning Request of Sharon Smith for a lot 180'x200' on Highway 53 Spur, west of the railroad for C-2 zoning was given. Mayor Meadows stated the earliest possible date for a public hearing would be April 13, 1998 at 7:00 P.M. Councilman Woods made a motion to set the public hearing for April 13, 1998 at 7:00 P. M., 2<sup>nd</sup> by Mayor Pro-Tem Palmer with Councilman Woods, Mayor Pro-Tem Palmer, Councilman Shelton and Councilman Holland voting affirmatively, motion carried.

8. Other Written Items Not on the Agenda:

- a. A 1<sup>st</sup> reading of and Annexation/New Zoning Request of Jim Black, Billy Black, Sandra Reese and Johnnie McNeese was given for property located on U.S. Highway 41 North across the railroad adjoining the Bowater property. The Request being for C-2 zoning. Following review Councilman Woods made a motion to set the public hearing for April 13, 1998 at 7:00 P.M., 2<sup>nd</sup> by Councilman Shelton with Councilman Woods, Councilman Shelton, Councilman Holland, and Mayor Pro-Tem Palmer voting affirmatively, motion carried.
- b. Jimmy Gee, a downtown business owner, gave a 30 minute speech on the City's association with the Arts Council in terms of the former Rooker Hotel Property as per the attached copy of his comments.

9. Director Conrwell's Work Report:

**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 15-3, C of the Personnel Ordinance, hereby adopts 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 Director, Asst. Director, City Administrator, 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 the Director, Asst. Director or City Administrator 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 personnel department, with the personnel officer to be responsible for the administration of the personnel department. The personnel officer 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 Director, Asst. Director or City Administrator may be delegated by them to department heads, who may further delegate such authority to subordinates with the approval of the Director, Asst. Director or City Administrator. Departmental operating rules and regulations not in conflict with these policies may be established by the department heads with the prior approval of the Director, Asst. Director or City Administrator. 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 Officer 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 15-2.

**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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. Employees may be temporarily assigned to other departments upon approval of both affected department heads, or upon the approval of the Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator per Section 15-3 of the Personnel Ordinance.

**C. Maintenance.**

Each time a vacancy occurs, a position description shall be submitted by the department head to the Personnel Officer for review. This requirement may be waived by the Personnel Officer 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 Director, Asst. Director or City Administrator and the Personnel Officer for their review and approval. The Director, Asst. Director, or City Administrator 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, Director, Asst. Director, City Administrator or other salaried positions may be paid for over time only when specifically authorized by the Director, Asst. Director or City Administrator, 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 Director, Asst. Director or City Administrator as per Section 15-3 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. A discharged employee shall be granted severance pay at the discretion of the department head, Director, Asst. Director, or City Administrator as per Section 15-3 of the Personnel Ordinance.
3. 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 employees 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 Director, Assistant Director or City Administrator 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance.

#### **SECTION FOUR - RECRUITMENT, APPLICANTS AND APPLICATIONS.**

##### **A. Discrimination.**

Discrimination of an applicant for a permanent service position because of race, creed, 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 Officer shall prepare recruitment notices to publicize vacancies, and to assist in locating qualified candidates for vacant positions. The Personnel Officer 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 Officer 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 Officer 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 officer. 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 Officer. The application shall be made at City Hall. When deemed necessary, the Personnel Officer may require professional assistance of the preliminary review of applications, and in conducting preliminary oral interviews of applicants, the Personnel Officer 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 Officer 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 one another, and in the City's judgement, the potential problems 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 Officer after consultation with the City Administrator, Director, and Asst. Director 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, Director or Asst. Director.

**F. Rejection of Application.**

The Personnel Officer 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 application or if his past record of employment is determined to be unsatisfactory.

**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 Director, Asst. Director or City Administrator 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.

**H. Certification.**

The department head or supervisor, after selecting an eligible applicant, shall submit a written appointment recommendation to the Personnel Officer. If the Personnel Officer 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 Director, Asst. Director or City Administrator for approval as per Section 15-3 of the Personnel Ordinance. If the Director, Asst. Director or City Administrator approves the appointment, he shall certify employment of the applicant, and notify the Personnel Officer of such certification.

**I. Emergency and Provisional Appointments.**

The Director, Asst. Director or City Administrator 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 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 appeal privileges with the exception that he may be demoted without the right of appeal.

**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 Officer 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 Director, Asst. Director or City Administrator 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 Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator.

## **SECTION FIVE – ACTIONS ASSOCIATED WITH PERMANENT AND NON PERMANENT POSITIONS.**

### **A. Promotional Examinations.**

The Personnel Officer 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 Officer shall admit to the competitive process, all employees who meet the published qualification requirements. The Personnel Officer 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. The Director, Asst. Director or City Administrator 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 Officer may direct that only qualified city employees shall be considered for an existing vacancy. Such closed competition shall be allowed only when there is 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 Officer 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 Director, Asst. Director or City Administrator 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 Director, Asst. Director or City Administrator as per Section 15-3 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 Officer shall indicate approval or suggest modification of the recommendation and submit to the Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance.
- d. Permanent status employees shall be notified in writing by the Personnel Officer 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, Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. The Director, Asst. Director or City Administrator 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 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 Director, Asst. Director or City Administrator, 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 Officer 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 Officer. With the approval of the Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator 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. Those reasons for dismissal as listed in Section Five D-7.

## **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 this Section 15-4, 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 himself 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 serve 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:**

**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 officer who shall then convene a personnel grievance board composed of any three of the following: the City Administrator, the Director, the Assistant Director, 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 officer 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.

- (b) 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.
- (c) 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.
- (d) An employee filing a grievance shall have the right to follow all the steps of the grievance procedures with complete freedom from reprisal.
- (e) Nothing in this procedure is intended to circumscribe or modify the City's existing rights by and through its Administrator, Director, Assistant Director and all Department Heads to do the following:
  1. Direct the work of its employee;
  2. Maintain the efficiency of governmental operations;

3. Take actions as may be necessary in case of emergencies and natural disasters;
4. Determine the methods, means and personnel by which operations are to be carried out.

**A. 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 the Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance.
2. **Accrual.** In no case shall a city employee have his annual leave extended beyond the year in which it was earned unless approved by the Director, Asst. Director or City Administrator as per Section 15-3 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 department to enable him to properly carry out the functions of his department.

**C. Sick Leave.**

City employees shall be granted one half day of sick leave per month. Sick leave cannot accumulate beyond 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 day at his normal rate of pay. If a severe illness (mental or physical) which requires medical confinement for three or more weeks, should occur requiring continuous leave, the employee or department head will be entitled to pay as follows: continued pay for one month for those with seven years of service, one and one half months for those with 13 years of service and two months pay for those of more than 15 years of service. There is to be no more than two months continuous sick leave within one year's time for

any employee or department head. The first six days of continuous 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 of 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, 29 USC 2601-2564.

**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 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. Non permanent employees are not eligible for grants of leave without pay.
2. **Reasons for Granting.** The Director, Asst. Director or City Administrator, 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 intends to return to city service upon the expiration of such leave, and that he 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 department head may recommend approval of the granting of leave without pay without prior application by the employee or the Personnel Officer 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 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 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 leave is time off computed at the employee's regular rate of pay for working overtime and approved specifically by the Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. Compensatory time off shall be reported monthly on forms provided by the Personnel Officer. Any compensatory time off must be used within the month following its reporting, or time must be forfeited. Employees who die while in service of the city, or who resign, or laid off, or dismissed, or for any other reason are separated from City service, shall be eligible for payments for compensatory time off accumulated during the preceding 30 days.

**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.
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 – 4<sup>th</sup> Monday in May
  - d. 4<sup>th</sup> day of July – Independence Day
  - e. 1<sup>st</sup> Monday in September – Labor Day
  - f. Thanksgiving Day as proclaimed by the President of the United States
  - g. 25<sup>th</sup> day of December – Christmas Day and the day before or after as decided by the Director and City Administrator
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, Director, Asst. Director 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 Officer 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.**

The City of Calhoun sponsors an employee pension plan, which allows new employees to join the program each July 1 following 1,000 hours or more of service. The employee shall contribute three percent of base pay each pay period. The City will contribute six percent of the employees base pay for those who remain in the program as of July 1 of each year.

**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.

**O. Other Employee Welfare Benefits.**

The Director, Asst. Director or City Administrator 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance. Police, Firemen, and Administrative Office personnel shall be furnished uniforms budgeted annually to be paid semi annually for employees with one or more years of service time. Hourly employees shall be furnished uniforms annually to employees with one or more years of service.

**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 officer 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 Director , Asst. Director or City Administrator deems necessary for the administration of the city system. The Personnel Officer with the approval of the Director, Asst. Director or City Administrator 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 Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator as per Section 15-3 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 Director, Asst. Director or City Administrator as per Section 15-3 of the Personnel Ordinance, and such notice must be filed with the Personnel Officer.

#### **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 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 23<sup>rd</sup> day of February, 1998.

City of Calhoun, Georgia

By: \_\_\_\_\_  
John D. Meadows, III, Mayor

Attest:

  
\_\_\_\_\_  
Cathy Harrison, City Administrator

**DEFINITIONS:**

1. **Annual Leave** – This form of leave is sometimes termed vacation.
2. **Assistant Director** – Shall also mean Assistant Director of Utilities and Public Works. The Assistant Director is appointed annually by the Mayor and Council.
3. **City** – Shall refer to the City of Calhoun, Georgia located in Gordon County, which serves as the County Seat.
4. **City Administrator** – Shall also refer to City Clerk and Finance Director or Officer. The City Administrator/Clerk/Finance Officer is appointed annually by the Mayor and Council.
5. **Director** – Shall also mean Director of Utilities and Public Works. The Director is appointed annually by the Mayor and Council.
6. **Disabilities Act Coordinator** – Shall be the Personnel Officer for the City of Calhoun, and shall be authorized to receive all complaints regarding Title Two of the Americans with Disabilities Act.
7. **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.
8. **Duty Days** – Shall consist of a twenty-four (24) hour work period for members of the Fire Department.
9. **Emergency Leave** – This form of leave shall be used in case of emergencies relative to the employee's immediate family.
10. **Family Medical Leave** – As defined under the Family and Medical Leave Act (FMLA), 29 USC 2601-2654.
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 Officer** – 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 evaluate to permanent status or transfer, lay off, or dismiss.
22. **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.
23. **Salaried employees** – Employees of the City whose compensation is based on a weekly salary.
24. **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.
25. **Sick Leave** – To be used in case of any accident or illness not job related.
26. **Work Leave** – Shall be as defined from time to time by the Mayor and Council of the City.

City of Calhoun, Georgia  
City Council Meeting  
February 23, 1998

My name is Jimmy Gee and I have been a resident of Calhoun and Gordon County since 1948. I am currently employed with Lockheed Corporation in Marietta and have been employed by Lockheed for many years; however, I also own and operate several businesses in Calhoun. Along with my sons-in-law, I own and operate Calhoun Trophy & Pawn located on South Wall Street. In addition, I own other downtown Calhoun real estate and am the landlord for the building located next to the Rooker Hotel and which is currently being occupied by the State of Georgia's probation office.

My reason for requesting time to address the Council is to publicly express my concerns regarding the City's involvement with current repairs and the ultimate development of the old Rooker Hotel property by the Calhoun-Gordon County Arts Council. I have a personal interest in the repair and development of the Rooker Hotel property because my building directly adjoins it, and I have had to make numerous complaints over the years with all of the prior owners of the Rooker Hotel. In addition, I am also here as a concerned citizen and taxpayer and wish to express my objections to the financial support the City of Calhoun has provided to date to the Arts Council.

All interested parties, I think, can agree that the condition of the Rooker Hotel has been an eyesore to downtown Calhoun for the better part of three decades. Prior owners have attempted to renovate the property and each one of those prior owners has been unsuccessful in making any productive use of the property. For at least the past ten years, the Rooker Hotel has been allowed to deteriorate to the point that it had become an uninhabitable shell and, in fact, is a danger to adjacent properties and the public at large. Without having any specific knowledge of this City's ordinances, I can safely say that the Rooker Hotel property has met this City's requirements for condemnation for many years.

Even though this property has been allowed to deteriorate over the years, I am aware of no action taken by the City to force any prior owner to improve the property, and I am sure the City of Calhoun made no offer to a prior owner to provide either money and/or free labor in order to assist in the property's rehabilitation.

Prior to the property being sold to Calhoun-Gordon County Arts Council, I had expressed an interest in trying to acquire the property. All my attempts to purchase the property were unsuccessful. As I indicated before, I have a personal interest in some action being taken on the property. First, the deteriorating roof of the Rooker Hotel had been built over the top of my building and the old roof was in serious danger of collapse. Second, knowing that all past attempts to renovate the property had failed, I was interested in purchasing the property and wished to demolish the property and develop it for more accessible parking for potential customers of businesses located on my block.

While I was aware of an interest by the Arts Council in purchasing the Rooker Hotel property, the actual purchase of the property by the Calhoun-Gordon County Arts Council came as a surprise. I assume the Arts Council was familiar with the prior attempts to repair the property and that the Arts Council was aware of the deteriorating nature of the roof and the other parts of the property. In spite of these problems, the Arts Council chose to purchase this

property without, it seems, even the financial resources to immediately repair the deteriorating roof which directly put one of my properties at risk.

After confirming the fact that the Arts Council had purchased the property, I notified the City Council and the Arts Council orally of my concerns and the problems. After failure of any party to take action, I notified the Arts Council in writing and notified the City of Calhoun, through Ms. Harrison in writing, of the immediate problems posed by the deteriorating roof and the lack of maintenances to the drainage systems on the property. Shortly after receiving my written notice, the City of Calhoun and Gordon County agreed to provide financial assistance to the Arts Council for the repairs.

It is my understanding that the City has provided City workers at no cost to the Arts Council to help with maintenance and repairs to the roof. Gordon County, on its behalf, has also provided in-kind services to the Arts Council. Landfill space has been provided to the Arts Council, at no charge, by Gordon County for disposal of the old roof and related materials that have now been taken off the Rooker Hotel. In addition to these services, I had some discussions with City officials concerning responsibility for the work done. In those discussions, I was informed that the City of Calhoun would be responsible for damage, if any, caused by removal of the roof.

In spite of any party's particular position on the issue of the renovation or demolition of the Rooker Hotel, the issue I put forth to the City Council is two-fold. First, should the City Council provide monetary preferences to public and/or private organizations and, if so, under what conditions should that preference be provided? Secondly, has the City of Calhoun's actions in providing this assistance shown a lack of coordinated long-term plan for the improvement of the over-all downtown business climate?

I have contacted the City of Calhoun in the past concerning providing assistance for various improvements. Almost without exception, I have been told by City representatives that the City has a firm policy that it can undertake no project on private property. I have accepted this position and my sons-in-law and myself have spent a great deal of money and individual effort to improve the buildings I currently own. In the past few years the City has undertaken one project which has improved my individual properties. Just prior to the Olympics in 1996, the City re-worked the sidewalk between the building occupied by Foremost Construction and the old Rooker Hotel property. This project was undertaken without my knowledge, and I assume, was undertaken to attempt to improve the appearance of downtown for the torch ceremony which took place in downtown Calhoun just prior to the 1996 Olympics.

My objection is not solely that the City has provided financial assistance to a private, although non-profit, organization, but also in that the City took on responsibility for any damage that might have been caused due to the removal of the roof. I doubt that the Arts Council has liability insurance that would have covered any damage and that is why the City made those representations to me at the time we discussed arrangements for the removal of the roof. I cannot conceive of a similar situation with any other private property owner whereby the City of Calhoun would have undertaken to privately improve the property and to assume liability for the construction and/or demolition work.

What guidelines does the City of Calhoun use regarding its involvement in any private or public project? As I indicated before, City representatives have always told me that the City had no responsibility for and could not be involved in projects on private property. While the development of a facility for a local arts council would be beneficial to the development of the for the development community as a whole, the same could be said of any individual business in the downtown area. In fact, a significant amount of the revenues used to operate the City comes from the businesses located within the confines of the City of Calhoun, through both their property taxes and sales taxes which those businesses collect. I feel the basic problem is that the City of Calhoun has no real guidelines for choosing which projects it will choose to support. In the absence of those guidelines, no interested property owner can know where he stands with the City of Calhoun.

I have had discussions with various City officials and some of those officials have made comments in the media regarding certain studies that have been done about the business climate of downtown Calhoun and the engineering study done on water drainage problems on my property. Specifically, I have been informed that a study has been done with regard to the necessity for additional parking in the downtown business district as well as reading a newspaper article regarding a water drainage study. While I am not aware of the cost of the studies, it is my understanding that the most recent parking study indicated that downtown Calhoun did not need additional parking. On this point, I strongly disagree with the conclusions of the study. Gordon County built a parking deck next to its new annex building. There have been so many problems with the parking deck that the deck has been posted "Park at your own risk". Numerous other downtown merchants make constant complaints to the City concerning the availability of parking in front of their respective businesses. These complaints have led to the City enforcing its 2-hour parking limit and having a City Police Officer periodically patrol the downtown area issuing parking tickets in order to provide the availability of parking. I would suggest to you that there is a significant problem and that no true action has been taken to try to alleviate this concern. Also, I cannot understand why was I not notified that an engineering study was going to be done concerning my property. Without any input from me, I cannot see how an engineering study would be of any benefit to the City.

I would request from the City some clarification as to its over-all plan for the improvement of the downtown business community and of the City's over-all position of its involvement with the Arts Council and the Rooker Hotel property. Specifically, the questions that need to be answered are as follows:

1. How much money and/or services from City employees are committed to this project?
2. Is the Arts Council or is the City of Calhoun responsible for the successful renovation of this property?
3. Does the City know whether or not the Arts Council will be able to garner the necessary finances in order to successfully complete the project?
4. Is the City of Calhoun seeking to benefit from the project as has been previously indicated, i.e., is the City going to obtain office space in the renovated structure?

5. Why has the City of Calhoun waited until this point in order to become involved in this project?

As an interested observer, it seems that the City of Calhoun has had a hands-off attitude toward the Rooker Hotel property for many years. I do not know if any prior owner has ever requested assistance from the City regarding the property, but I do know that some action should have been taken years ago in order to either renovate or demolish the current structure. It seems to me that the City of Calhoun is simply reacting to circumstances rather than providing a leadership role for worthwhile downtown development projects.

The success or failure of this project has a direct impact on my business, and I wish to bring these issues before you for immediate action, before the City of Calhoun has committed itself and the taxpayers to expenditures far beyond those originally contemplated. My business career is coming to a close; however, I hope the business I have started continues and flourishes with the next generation. Without an over-all comprehensive view and development plan, I don't believe downtown Calhoun can continue to prosper. Changing times have destroyed a number of a long-time businesses in downtown Calhoun. It is virtually impossible for locally-owned merchants to compete directly with the likes of national chain stores such as WalMart and even the retail stores in the outlet mall. However, your local merchants are the base upon which all success has been built. In the absence of a progressive and vibrant downtown, no project, including the development of a downtown arts center, can survive the flourish.

CITY OF CALHOUN  
CALHOUN, GEORGIA

RESOLUTION

WHEREAS, Mary Richie has served faithfully on the Gordon County Industrial Development Authority as a County appointment for the period of April 1995 through December 1997; and

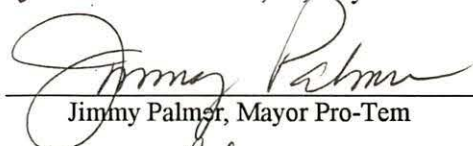
WHEREAS, the Authority successfully located 10 industries and 221 jobs to the Gordon County area during this period;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby express their appreciation to Mary Richie for her dedicated service to the Gordon County Industrial Development Authority, and to the citizens of Calhoun and Gordon County.

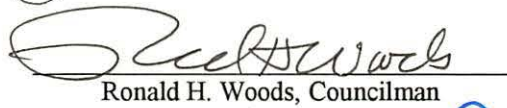
Adopted this the 23<sup>rd</sup> day of February, 1998.

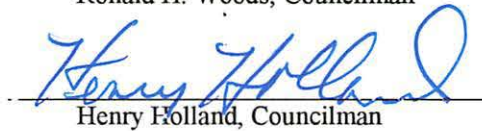
City of Calhoun, Georgia

By:   
John D. Meadows, III, Mayor

  
Jimmy Palmer, Mayor Pro-Tem

  
John Shelton, Councilman

  
Ronald H. Woods, Councilman

  
Henry Holland, Councilman

Attest:

  
Cathy Harrison, City Administrator/Clerk

CITY OF CALHOUN  
CALHOUN, GEORGIA

RESOLUTION

WHEREAS, David Lance has served faithfully on the Gordon County Industrial Development Authority as a County appointment for the period of March 1984 through January 1998; and

WHEREAS, David Lance served as Secretary-treasurer for the period of April 1993 through January 1998; and

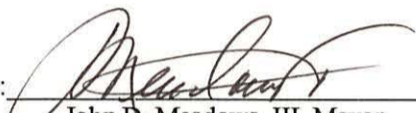
WHEREAS, the Authority successfully located 50 industries and 1,638 jobs to the Gordon County area during this period; and

WHEREAS, David Lance encouraged and helped establish a Regional Floyd-Gordon County Industrial Development Authority;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby express their appreciation to David Lance for his dedicated service to the Gordon County Industrial Development Authority, the Regional Authority and to the Citizens of Calhoun, Rome, Gordon and Floyd County areas.

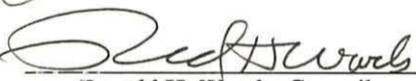
Adopted this the 23<sup>rd</sup> day of February 1998.


City of Calhoun, Georgia

By:   
John D. Meadows, III, Mayor

  
Jimmy Palmer, Mayor Pro-Tem

  
John Shelton, Councilman

  
Ronald H. Woods, Councilman

  
Henry Holland, Councilman

Attest:

  
Cathy Harrison, City Administrator/Clerk

CITY OF CALHOUN  
CALHOUN, GEORGIA

RESOLUTION

WHEREAS, Henry Holland has served faithfully on the Gordon County Industrial Development Authority as a City appointment for the period of May 1979 through November 1997; and


WHEREAS, Henry Holland served as Chairman of the Authority for the period of April 1993 through November 1997; and

WHEREAS, the Authority successfully located 62 industries and 3,448 jobs in the Gordon County area during this period;

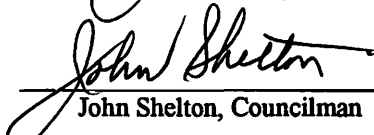
NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the City of Calhoun hereby express their appreciation to Henry Holland for his dedicated service to the Gordon County Industrial Development Authority and to the citizens of Calhoun and Gordon County.

Adopted this the 23<sup>rd</sup> day of February 1998.

City of Calhoun, Georgia

By:   
John D. Meadows, III, Mayor

  
Jimmy Palmer, Mayor Pro-Tem

  
John Shelton, Councilman

  
Ronald H. Woods, Councilman

Attest:

  
Cathy Harrison, City Administrator/Clerk