



# Merit System Rules & Regulations

Adopted November 18, 1997  
Effective Date: January 1, 1998  
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# CHAPTER I: ADOPTION OF RULES AND ORGANIZATION FOR MERIT SYSTEM ADMINISTRATION

## Section 100.000 Adoption of Rules and Regulations

### Section 100.100 Effective Date

These Merit System Rules and Regulations shall become effective on the date adopted by the Merit System Board subject to the approval of the Board of County Commissioners (July 7, 1970). Merit System Rules and Regulations and Amendments thereto shall remain in effect until amended by the Merit System Board or disapproved by the Board of County Commissioners.

### Section 100.200 Saving Clause

If any chapter, section, or other portion of these rules and regulations is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these rules and regulations.

**Section 100.300 Resolution on the Adoption of the Revised Personnel Regulations for the Classified Service, May, 1978**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of personnel administration including those pertaining to Personnel Regulations for the Classified Service,

**WHEREAS**, the development of Personnel Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Personnel Regulations for the Classified Service revised by the Civil Service Commission is hereby adopted effective May 16, 1978.

**THAT**, existing resolutions including the provisions of any formal or informal personnel regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 16th day of May, 1978.

BY: s/ E.M. Bishop  
E.M. "Skip" Bishop  
Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Jean M. Lund  
Jean M. Lund  
Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 16th day of May, 1978.

BY: s/ Wayne H. Mason  
Wayne H. Mason  
Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Wayne Shackelford  
Wayne Shackelford  
Deputy Clerk

**Section 100.400 Resolution on the Adoption of the Revised Personnel Regulations for the Classified Service, 1987**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of personnel administration including those pertaining to Personnel Regulations for the Classified Service,

**WHEREAS**, the development of Personnel Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Personnel Regulations for the Classified Service revised by the Civil Service Commission is hereby adopted effective November 3, 1987.

**THAT**, existing resolutions including the provisions of any formal or informal personnel regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 4th day of November, 1987.

BY: s/ Donald E. Blanchard  
Donald E. Blanchard, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ J. W. Gower  
J. W. Gower, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 5th day of November, 1987.

BY: s/ Lillian Webb  
Lillian Webb, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Charlotte Nash  
Charlotte Nash  
Clerk



**Section 100.500 Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 1998**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, January 1, 1998.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 17th day of September, 1997.

BY: s/ Steven D. Lazzara  
Steven D. Lazzara, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Lynn P. Smith  
Lynn P. Smith, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 1st day of January, 1998.

BY: s/ F. Wayne Hill  
F. Wayne Hill, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Brenda Maddox  
Brenda Maddox  
Deputy Clerk

**Section 100.600 Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2007**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, July 1, 2007.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 20th day of June, 2007.

BY: s/ Michael Murphy  
Michael Murphy, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 10th day of July, 2007.

BY: s/ Charles Bannister  
Charles Bannister, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**Section 100.700 Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2008**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, October 1, 2008.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 2nd day of October, 2008.

BY: s/ Michael Murphy  
Michael Murphy, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 7th day of October, 2008.

BY: s/ Charles Bannister  
Charles Bannister, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**(100.800) Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2009**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, July 21, 2009.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 9th day of July, 2009.

BY: s/ Michael Murphy  
Michael Murphy, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 21st day of July, 2009.

BY: s/ Charles Bannister  
Charles Bannister, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**Section 100.900 Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2010**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, July 20, 2010.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 16th day of June, 2010.

BY: s/ Michael Murphy  
Michael Murphy, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 20th day of July, 2010.

BY: s/ Charles Bannister  
Charles Bannister, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**Section 100.1000**

**Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2012**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, September 13, 2012.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 13th day of September, 2012.

BY: s/ Michael Murphy  
Michael Murphy, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 2nd day of October, 2012.

BY: s/ Charlotte J. Nash  
Charlotte J. Nash, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**Section 100.1100**

**Resolution on the Adoption of the Revised Merit System Regulations for the Classified Service, 2020**

**WHEREAS**, the Gwinnett County Board of Commissioners and the Merit System Board of Gwinnett County believe in the principles underlying a modern business-like system of human resources administration including those pertaining to Merit System Rules and Regulations for the Classified Service,

**WHEREAS**, the development of Merit System Rules and Regulations for the Classified Service authorized previously has been completed and the resulting regulations have been reviewed by the Board,

Be it therefore resolved:

**THAT**, the Merit System Rules and Regulations for the Classified Service revised by the Merit System Board of Gwinnett County is hereby adopted effective, May 7, 2020.

**THAT**, existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

The Merit System Board of Gwinnett County has caused this Resolution to be signed by its Chairman, recommending approval of the County Board of Commissioners, and attested to by the Executive Secretary, this 7th day of May, 2020.

BY: s/ Jason Thompson  
Jason Thompson, Chairman  
Merit System Board  
County of Gwinnett, Georgia

ATTEST: s/ Harry Mason  
Harry Mason, Executive Secretary

The County Board of Commissioners has caused this Resolution to be signed by its Chairman and the County's corporate seal to be affixed, attested by its Clerk, this 2nd day of June, 2020.

BY: s/ Charlotte J. Nash  
Charlotte J. Nash, Chairman  
Board of Commissioners  
County of Gwinnett, Georgia

ATTEST: s/ Diane Kemp  
Diane Kemp  
Deputy Clerk

**Section 100.1200                      Resolution on the Adoption of the Revised Merit System Regulations  
for the Classified Service, 2021**

**WHEREAS**, the Gwinnett County Board of Commissioners believes in the principles underlying a modern business-like system of human resources administration including those pertaining to the Gwinnett County Merit System Rules and Regulations (hereinafter “Rules and Regulations”); and

**WHEREAS**, Section 100.600 of the Rules and Regulations, entitled *Amendment*, extends to the County Administrator, Department Directors, or any person subject to the Rules and Regulations, the ability to make written requests to the Merit System Board of Gwinnett County for additions, deletions, or other amendments to the Rules and Regulations; and

**WHEREAS**, on July 16, 2021, the County Administrator recommended amendments to the Rules and Regulations to the Merit System Board which included amendments adding certain definitions to Section 110.700 entitled *Definition of Terms*, and repealing all or a portion of the following sections and replacing them with new sections or subsections: Section 120.500 *The Merit System Board*, Section 200.000 *Policy Statement-Equal Employment Opportunity*, Section 220.000 *Right of Appeal*, Section 250.000 *Employee Protection and Remedies*, Section 400.000 *Policy*, Section 420.000 *Reasons for Disciplinary Actions*, Section 570.100 *Policy on Non-Discrimination*, and Section 570.300 *Appeals for Alleged Unlawful Discrimination* and

**WHEREAS**, in Section 100.600 of the Rules and Regulations, the Merit System Board expressly reserves the right to recommend to the Board of Commissioners additions, deletions, or other amendments to the Rules and Regulations; and

**WHEREAS**, on September 8, 2021, the Merit System Board voted to approve and recommend the amendments to the Rules and Regulations as requested by the County Administrator with one addition, as set forth in Exhibit A; and

**WHEREAS**, the Gwinnett County Board of Commissioners finds that the proposed amendments set forth in Exhibit A are in the best interests of Gwinnett County and its Classified Service.

**NOW, THEREFORE, BE IT RESOLVED** that the amendments to the Merit System Rules and Regulations as recommended by the Merit System Board of Gwinnett County and as set forth in Exhibit A are hereby adopted.

**BE IT FURTHER RESOLVED** that these amendments shall be effective on November 1, 2021.

**BE IT FURTHER RESOLVED** that existing resolutions including the provisions of any formal or informal human resources regulations for the Classified Service in conflict with the above are hereby repealed.

**THIS RESOLUTION** is adopted this the 21st day of September, 2021.

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY:                      s/ Nicole L. Hendrickson  
Nicole L. Hendrickson, Chairwoman

ATTEST:              s/ Diane Kemp  
Diane Kemp  
County Clerk  
(Seal)



## **Section 110.000 Objectives and Scope**

### **Section 110.100 Authority**

Rev 1/99, 7/07

Georgia Laws 1969, page 3051 as amended, effective January 1, 1969, established a Merit System for the County of Gwinnett and provided in Section Five (5) that the Merit System Board submit to the Board of Commissioners for its approval or disapproval, rules, and regulations for the administration of said act. House Bill Number 1897, Georgia Law - 1986 Sessions, effective March 28, 1986, provided an Amendment to said Act which separated the duties of the Executive Secretary and Human Resources Director. House Bill Number 1859, Georgia Law - 1986 Sessions, effective March 25, 1986, further amended said Act and authorized the continuation of the Constitutional Amendment creating the Gwinnett County Merit System as part of the Constitution of the State of Georgia. House Bill Number 1099, Georgia Law - 1987 Sessions, effective February 12, 1987, further amended said act as it relates to personnel who are members of the unclassified service; to provide for exceptions and limitations, application, and benefits. House Bill Number 1821, Georgia Law - 1998 Sessions, effective January 1, 1999, further amended said act to change the provisions relating to selection of board members, compensation of board members, and powers of the board; and the provisions relating to the appointment, removal, compensation, and duties of the Executive Secretary; to provide for an effective date; to repeal conflicting laws; and for other purposes. House Bill Number 533, Georgia Law – 2007 Session effective July 1, 2007, further amended said act with regard to duties of the Merit System Board, duties of the Executive Secretary of the Merit System Board, and for other purposes which bill will be enabling action of the act known as “Gwinnett County – Merit System of Employment”. For ready reference, copy of the said Act, and amendments, is included as Appendix I to these Merit System Rules and Regulations.

### **Section 110.200 Purposes**

The Merit System Rules and Regulations are adopted to provide for the development of the best available employee for each position in the Classified Service of Gwinnett County. They provide for establishing orderly procedures for carrying out the duties and responsibilities set forth in the Merit System Act.

### **Section 110.300 Positions Covered**

These rules and regulations shall apply to all positions in the Classified Service as defined in Chapter I Section 110.700 (item 10).

### **Section 110.350 Conflict Provision**

Added 5/00

In the event of a conflict between the Merit System Rules and Regulations and any policy of Gwinnett County, including, but not limited to, the County Administrator Policies and Human Resources Management Policies, the Merit System Rules and Regulations shall prevail. The County Administrator Policies and Human Resources Management Policies are intended to supplement and not conflict with the Merit System Rules and Regulations.

### **Section 110.400 Interpretation**

The rules and regulations are intended to cover most personnel problems and actions which will arise. Those not specifically covered shall be interpreted by the Human Resources Director who may seek the advice of the Executive Secretary of the Merit System Board, the County Administrator, the Merit Board, and the Board of County Commissioners. Such interpretations shall be in keeping with the intent of the previously referenced Ordinances and the purposes of the rules and regulations.

## **Section 110.500 Enforcement and Administration**

The responsibility and authority for the enforcement and administration of the rules and regulations set forth herein are vested in the Board of Commissioners, County Administrator, and Elected Officials whose employees occupy positions within the Classified Service.

## **Section 110.600 Amendment**

The Merit System Board expressly reserves the right to recommend to the Board of Commissioners additions, deletions, or other amendments to these rules and regulations in accordance with the terms of the previously referenced ordinances. The County Administrator, Department Directors, or any person subject to these rules shall have the right to make written requests to the Merit Board for additions, deletions, or other amendments to the Merit System Rules.

## **Section 110.700 Definition of Terms**

Rev 7/03, 6/04, 1/07, 7/07, 1/09, 7/09, 7/10, 5/20, 11/21

1. **Allocation** – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed.
2. **Appointing Authority** – The officer, commission, board, or body having the power of appointment, employment, or removal from positions in any office, department, commission, board, or institution; or any person or group of persons having the power by virtue of the Constitution, Statute, or lawfully designated authority to make appointments to positions in Gwinnett County.  
Rev 7/07
3. **Banded Ranking (associated with hiring and promotional processes)** – The final band assigned to applicants or promotional candidates on eligibility registers. Bands represent the designation of qualified or not qualified. In the promotional process, the bands represent the designation of pass or fail. Rev 7/07
4. **Board** – The Merit System Board of Gwinnett County, Georgia.
5. **Board of County Commissioners** – The governing authority of Gwinnett County, Georgia.
6. **Certify, Certification** – 1. The act of the Human Resources Director in supplying an appointing authority with the names of applicants who are eligible for appointment to the class and position for which certification is requested; 2. Licensing requirements by county state or federal governing authority.
7. **Class** – A position or group of positions that have similar duties and responsibilities, require similar qualifications, and are in the same pay band/grade.
8. **Class Specification** – A written document which generally describes a class and includes typical examples of work of the class, as well as the qualifications and guidelines for entrance into the type of work described.
9. **Classification Plan** – The official and approved system of specifying the duties, authorities, and responsibilities of positions and grouping them into appropriate pay bands/grades.
10. **Classified Service** – All offices and positions of trust or employment in the service of Gwinnett County, except those placed in the Unclassified Service by Georgia Laws 1969, page 3051, as amended. Employees in the service of constitutionally elected officials of Gwinnett County are not included in the Classified Service unless the elected official has made written application for classified service coverage for his or her employees to the Board of Commissioners, and the

Board of Commissioners has approved such application in an appropriate resolution or ordinance.

11. **County Administrator** – The individual appointed by the governing authority to manage the day-to-day activities of county government operations. *Rev 7/07*
12. **Demotion (Involuntary)** – An involuntary change of employment from a position of one class to a position of another class having a lower grade. *Rev 7/07*
13. **Demotion (Voluntary)** – A voluntary change of employment to a position in a class having a lower grade than the position previously held. *Rev 7/07*
14. **Department Director** – An individual who is appointed to direct a department within Gwinnett County Government.
15. **Elected Official** – An individual who is elected to direct a department within Gwinnett County Government.
16. **Eligible** – An individual meeting the requirements for a position and whose name is listed on an active eligibility register.
17. **Employee – Cooperative Education Intern** – An employee who is pursuing a college-level degree and simultaneously working in a recognized cooperative education intern program job for Gwinnett County, which will enhance the employee's education and benefit the County. Typically, the employee will work one (1) quarter/semester and attend school one (1) quarter/semester until the desired degree is obtained. (Rev. 4/10)
18. **Employee – Full-time Temporary** – An employee appointed to a special project, or other work of a temporary or transitory nature, for which employment is not to exceed a period of six (6) months without written approval for extension by the Human Resources Director and Financial Services Director.
19. **Employee – Part-time** – An employee appointed to a regular position in the Classified Service in accordance with the rules and regulations whose normal work period is less than forty hours per week.
20. **Employee – Probationary** – Any employee appointed from an eligible register to a position in the Classified Service who has not completed the initial probationary period for regular appointment.
21. **Employee – Provisional/Acting** – An employee filling a position in the Classified Service without competition pending the establishment of an eligibility register. Provisional status will not extend beyond 180 days without approval of the Human Resources Director. *Rev. 7/10*
22. **Employee – Regular (Classified)** – An employee who has been appointed to a regular position in the Classified Service, in accordance with the rules and regulations, and has satisfactorily completed the initial probationary period in that position.
23. **Employee – Seasonal/Occasional** – An employee appointed to a position who works less than a normal schedule for the year. Typically, these employees work during peak business periods. They may work a normal schedule for some work periods and less than the normal schedule for other work periods. The employee does not work every week of the year.

24. **Employee – Unclassified** – Those members of the Unclassified Service as defined by Georgia Laws 1969, page 3051, as amended, or as designated by the Board of County Commissioners, including employees in the service of elected officials, unless otherwise included in the Classified Service by an appropriate resolution or ordinance of the Board of Commissioners.
25. **Employment or Eligibility Register** – A list of candidates who have met all requirements for the position.
26. **Examinations** – Methods used to determine eligibility of persons for employment or promotion. Examinations may be administered individually or to groups and may include, but shall not be limited to written, oral, physical or performance tests, rating of training and experience, or any combination of the above.
27. **Executive Secretary** – The Executive Secretary of the Merit System Board of Gwinnett County Government, or such alternate Executive Secretary who serves when the Executive Secretary is unable to perform his or her duties. Rev 1/99
28. **Familial Status** – One or more individuals (who have not attained the age of 18 years) being domiciled with: Rev 11/21
- a. A parent or another person having legal custody or temporary legal guardianship of such individual or individuals; or
  - b. The designee of such parent or other person having such custody or temporary legal guardianship, with the written permission of such parent or other person.
- The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody or temporary legal guardianship of any individual who has not attained the age of 18 years.
29. **Family Member** – Family members shall include mother, father, daughter, son, spouse, sister, brother, or grandparent of the merit board member, employee or prospective employee or that merit board member, employee or prospective employee's current spouse. Rev 7/07, 7/09
30. **Gender Expression** – The external appearance of one's gender identity. Rev 5/20
31. **Gender Identity** – A person's perception of having a particular gender, which may or may not correspond with their sex at birth. Rev 5/20
32. **Governing Authority** – The Board of Commissioners of Gwinnett County.
33. **Human Resources Director** – An official who is responsible for the day-to-day administration of the human resources operations of Gwinnett County.
34. **Immigration Status** – The legal category under which someone has been admitted into the United States and allowed to remain in the country provided that legal category makes the person legally eligible to work in the United States and further provided that citizenship is not a job requirement imposed by federal, state, or local law. Rev 5/20

35. **Incumbent** – The person occupying a position.
36. **Layoff** – See Reduction in Force #54
37. **Level** – Designation that reflects the degree of responsibility, training, experience, and ability required to fill specific positions in a series.
38. **Limited Term Position** – A position established for a limited period of time extending from six (6) months to two (2) years which may be extended with the approval of the County Administrator.
39. **Pardons** – A "pardon" releases the offender from the entire punishment prescribed for the offense and from all the disabilities consequent on his or her conviction.
40. **Parole** – A "parole" releases one convicted of a crime before the expiration of his or her term, to remain subject during the remainder thereof to supervision by the public authority and to return to imprisonment on violation of the condition of the parole.
41. **Personnel File** – The official employment record of each employee, including, but not limited to, the employment application, personnel action forms, documentation of disciplinary action, and performance appraisals, maintained in the Department of Human Resources.
42. **Position – Authorized** – An employment slot budgeted and approved for funding by the Board of Commissioners. A position may be occupied or vacant.
43. **Position Description** – Description of the duties and tasks of every position in the Classified Service. The description may be a class description or may be specific to one position, as is appropriate.
44. **Position Questionnaire** – A form completed by the appointing authority, Department Director, supervisor, and/or incumbent employee when a position is created or updated, which describes, in general, the duties of such position.
45. **Probationary Employee** – Any employee appointed from an eligibility register to a position in the Classified Service who has not completed the initial probationary period for regular appointment.
46. **Probationary Period – Initial** – The first 24 months of continuous full-time service with Gwinnett County Government prior to attaining regular status.
47. **Promotion** – A change of employment from a position of one class to a position of another class which has a higher salary grade. An acting promotion may be temporary in nature not to exceed six (6) months in duration without the written approval of the Human Resources Director.
48. **Promotional Examination** – An examination or group of examinations administered to qualified employees of a lower class to determine their eligibility for promotion.
49. **Promotional List** – An eligibility register of employees who have been certified as qualified for promotion to a specified class.
50. **Protective Hairstyle** – Includes, but is not limited to, such hairstyles as braids, locs, Bantu knots, Afros, and twists unless such hairstyle restricts an individual's ability to safely engage in a

particular job or interferes with the performance of the essential functions of a particular job. For public safety departments, the essential functions of a job include all requirements of federal and state departments and agencies. Rev 11/21

51. **Race** – Includes traits associated with race or national origin, including, but not limited to, hair texture, hair type, and protective hairstyles. Rev 11/21
52. **Reallocation** – A position that is moved to a different class based on an evaluation of the work of the position. The reallocation of the position may be upward, downward, or remain the same depending upon the pay grade of the class. Rev 7/07
53. **Reclassification** – Reassignment of an employee to a different class which results from a significant change in the work assignments of the position as determined by a position analysis process conducted by the Human Resources Department. The reclassification may be upward, downward, or lateral depending upon the pay grade of the class.
54. **Reduction in Force** – The dismissal of an employee from his or her position which has been made necessary by lack of work, funds, or for other reasons not related to fault, delinquency, or misconduct on the part of the employee.
55. **Regular Status** – Acquired once an employee has satisfactorily completed the initial probationary period in a position thereby obtaining Merit System rights and privileges as a "regular classified employee".
56. **Sex** – A person's biological gender, male or female, they are born with. Rev 5/20
57. **Sexual Orientation** – Whether one is attracted to people of the same sex (gay), the opposite sex (heterosexual), both sexes (bisexual), or not attracted to anyone (asexual). Rev 5/20
58. **Transfer** – A change of job title within the same pay class or movement of an employee who retains the same job title and pay class.
59. **Transsexual** – When one's gender identity does not match one's sex. Rev 5/20
60. **Unclassified Service** – Those positions which are not in the Classified Service and are appointed by the Board of Commissioners or other authorized elected officials. See Merit System Act Appendix.

### **Section 110.800 Appeals and Grievances**

Appeals and Grievance procedures are outlined in Chapter II of these Merit System Rules and Regulations.

### **Section 110.850 Computation of Time**

Added 8/99

When a period of time measured in days, weeks, months, years, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in county policy, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty.

### **Section 110.900 Veterans' Preference**

Procedures concerning honorably discharged veterans of any war will conform to Article IV, Section III, Paragraph 2, of the Constitution of the State of Georgia.

## **Section 120.000 Organization for Human Resources Administration**

### **Section 120.100 The Board of County Commissioners**

The Board of County Commissioners shall be responsible for the following as it relates to these Merit System Rules and Regulations,

1. Approve the Merit System Rules and Regulations and any subsequent additions, deletions, or amendments thereto.
2. Approve the Classification Plan and all amendments thereto.
3. Be responsible for the overall administration and maintenance of the human resources system, subject to these rules and regulations and other administrative policies.
4. Designate an Executive Secretary and Alternate Executive Secretary to serve the Merit System Board. *Rev 1/99*

### **Section 120.200 Department Directors**

Department Directors shall administer and interpret the Merit System Rules and Regulations, as well as all other administrative policies.

### **Section 120.300 The Human Resources Director**

*Rev 7/03, 7/07*

The Human Resources Director shall be responsible to the Board of County Commissioners and the County Administrator for the administrative and technical direction of the Gwinnett County Human Resources program. As head of Human Resources, the Human Resources Director or his/her designee, is responsible for the following as it relates to these Merit System Rules and Regulations:

1. Administer the Merit System Rules and Regulations and issue operating instructions and interpretations of the rules and regulations to employees and Department Directors.
2. Publicizing, through appropriate channels, job vacancies to be filled by initial appointment or by promotion and the required procedure for applying for same.
3. Developing and administering such recruitment and examination programs, as may be necessary, to obtain an adequate supply of applicants to meet the needs of the County service.
4. Based on written or other examination, as appropriate, rating and certifying candidates for initial appointment and for promotional vacancies.
5. Establishing and maintaining registers of eligible applicants/employees who have successfully qualified through the competitive process for appointment to the classes of positions involved and provide for pre-employment investigations.
6. Certifying all appointments made to positions in the Classified Service, in accordance with the Merit System Rules and Regulations. Appointments not made in conformity with the Merit System Rules and Regulations shall not be approved.

7. Serve as the official record keeper of employee personnel files which include the class title of the position held, salary or pay rate, date of employment, and any other relevant data pertaining to Human Resources administration.
8. Preparing up-to-date class specifications for all positions in the Classified Service.
9. Preparing and recommending to the County Administrator and the Board of County Commissioners, a Classification Plan, and amendments to the Classification Plan so that it will reflect, on a current basis, the duties being performed by each position in the County service and the class to which the position is allocated. *Rev 7/07*
10. Preparing and recommending to the Merit System Board and Board of County Commissioners such additions, deletions, or amendments to the rules and regulations to carry out the intent and purposes of merit principles in Human Resources administration.
11. Determining that the persons in the Classified Service have been properly appointed in accordance with these Merit System Rules and Regulations.
12. Assuring fair and equitable treatment of applicants and employees in all aspects of Human Resources administration in accordance with the County's Merit System Rules and Regulations.
13. Being responsible for various records and administrative responsibilities, as designated by the Merit System Board and the Board of County Commissioners. All appointments, separations, and other Human Resources transactions shall be made on forms designated by the Human Resources Director. A separate file for each employee will be maintained by Human Resources.
14. Performing such other duties and activities with reference to Human Resources administration, not inconsistent with federal, state, or county laws or regulations, as may be necessary or desirable to enforce these rules and regulations.

**Section 120.400 The Executive Secretary of the Merit Board:**

*Rev 7/03, 7/07*

The Executive Secretary or his/her designee shall:

1. Attend the meetings of the Board, act as its secretary, and record its official actions. These responsibilities may be performed by administrative support staff for the executive secretary. *Rev 7/07*
2. Secure the attendance of witnesses and production of documents, correspondence, audio/visual tapes, computer generated information, and other documentary evidence pertinent to any such investigations or hearings authorized by the Gwinnett County Merit System Act. These responsibilities may be performed by administrative support staff for the Executive Secretary. *Rev 7/07*
3. Conduct grievance conferences and make recommendations to the parties on the resolution of such grievances, except that the Executive Secretary shall serve as final authority on grievances regarding reprimands. *Rev 1/99*
4. Perform any other lawful acts required to effectuate the purposes of the Gwinnett County Merit System Act. *Rev 7/07*
5. Provide information regarding the appeals process to Department Directors/Appointing Authorities, attorneys, and all employees whenever necessary.



6. Maintain all official records of the Merit Board to include the Merit System Rules and Regulations and all documents submitted to the Board for action at meetings, grievance files, and minutes of all meetings and hearings. These responsibilities may be performed by administrative support staff for the executive secretary. *Rev 7/07*
7. After the governing authority's approval thereof, publish the content of the Gwinnett County Merit System Rules and Regulations and modifications thereto for public distribution and to give immediate notice thereof to all appointing authorities affected thereby. These responsibilities may be performed by administrative support staff for the executive secretary. *Added 7/07*

## **Section 120.500 The Merit System Board**

*Rev 7/07, 4/10, 11/21*

The Merit System Board shall:

1. Consult with the Executive Secretary and Human Resources Director on appropriate Human Resource matters and render assistance in fostering the improvement of Human Resource standards based on merit principles.
2. Represent the interest of the public in the improvement of personnel administration and the selection of qualified personnel. *Rev 7/07*
3. Have jurisdiction to hear all timely filed appeals by members of the classified service who have completed their initial probationary period which involve unlawful discrimination as described in Section 120.500(4), unfair treatment or unsafe or unhealthy working conditions resulting in (1) involuntary dismissal, (2) involuntary demotion, (3) suspension, or (4) omission due to an objective error in the scoring of a promotional test. *Rev 7/07*
4. Conduct hearings in cases in which an involuntary dismissal, involuntary demotion, or suspension was due to the employee's genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law (see Chapter V, Section 570.300). *Rev 7/07,7/10,11/21*
5. Conduct hearings and render decisions in accordance with the Gwinnett County Merit System Rules and Regulations (see Chapter II, Sections 200.00, 230.00, 240.00, and 250.00). *Rev 6/03*
6. Make special reports as it considers desirable to the Board of County Commissioners concerning the transactions and business of the Merit System Board or concerning Human Resources administration in the County Service.
7. On its own motion or when requested to do so by the governing authority, to make and report on investigations affecting classified employees. *Rev 7/07*
8. The Merit System Board and any member of the Board shall have the power to administer oaths, subpoena witnesses, and compel the production of documents, including, but not limited to, documents and correspondence, audio/visual tapes, and computer-generated information relevant pertinent to any investigation or hearing authorized by the Gwinnett County Merit System Act. *Rev 7/07*

9. To avoid the appearance of impropriety, bias, or prejudice, no member of the Merit System Board shall:
  - a. Preside, act, serve, deliberate, or vote in any case or proceeding in which the member has a financial interest;
  - b. Preside, act, serve, deliberate, or vote in any case or matter when the member has a family member that has a direct interest in the result of the case or matter;
  - c. Preside, act, serve, deliberate, or vote in any case or matter when the member has a family member who is employed by Gwinnett County in the Appointing Authority's department that is involved in the case or matter.

Any Board member who has a relationship or interest in such case or matter that prohibits the member from sitting on such case or matter should disqualify himself or herself. If the member does not do so, any person appearing before the Board may object to a Board member participating in the case or matter. If the Board member does not disqualify himself after such an objection is made, the Board, excluding the challenged member, will determine whether the member shall participate.

### **Section 120.501 Selection of Board Members**

Rev 1/99, 7/07

The governing authority shall select one candidate from each commission district for appointment to said Board. The candidates shall be appointed to the Merit System Board by the governing authority. When four (4) members of the Merit System Board have been selected in the manner set forth above, an election shall be called by the Gwinnett County Board of Elections and Registration to select the fifth candidate for nomination to the Merit System Board for post five. Only those individuals who would fall within the category of classified employees of Gwinnett County shall have the right to run or to vote for the fifth candidate to the Merit System Board. There shall be thirty days from the date the election is called by the Board of Elections and Registration until the date the election shall be held. Any classified employee of Gwinnett County desiring to have his or her name placed on the ballot must submit to the Board of Elections and Registration a petition signed by at least 10% of the employees of Gwinnett County who are classified employees as defined herein at least 10 days prior to the date of the election. In the event no individual receives over 50% of the votes cast in said election, there shall be an election held by the Board of Elections and Registration within 10 days of the date of the first election. A ballot shall be prepared by the Board of Elections and Registration on which shall be placed the names of the two (2) individuals receiving the greatest number of votes cast. When a candidate is selected by the individuals who would fall within the class defined herein as classified employees, this individual shall be appointed to the Merit System Board by the governing authority as the fifth member of said Board. The persons appointed to fill subsequent posts on the Board shall be selected for appointment in the same manner as provided herein for the selection of the original members of the Board.

### **Section 120.502 Qualifications of Board Members**

Rev 7/07

The governing authority shall not appoint to said Board as a member thereof any person who: (a) has not been a resident of Gwinnett County for two (2) or more years next preceding appointment to the Board, (b) shall hold an elective or appointive office in federal, state, county, or municipal government provided that prior appointment as a member of the Board shall not disqualify a person from being reappointed hereto, or (c) shall have held political office in Gwinnett County during the twelve months preceding his or her appointment to the Board, except that the candidate for appointment selected by the classified employees under the procedure as specified herein may be a salaried employee of Gwinnett County. There is no residency requirement for the fifth member of the Board, who is elected by the classified employees.

### **Section 120.503 Terms of Appointments, Vacancies**

The governing authority shall appoint the original members of the Board for staggered terms. The length of the terms of the original members of the Board shall be at the discretion of the governing authority but shall not exceed four (4) years. The person appointed from Commission District Number 1 shall fill Post Number 1 on the Board. The person appointed from Commission District Number 2 shall fill Post Number 2 on the Board. The person appointed from Commission District Number 3 shall fill Post Number 3 on the Board. The person appointed from Commission District Number 4 shall fill Post Number 4 on the Board. The person selected by the classified employees by the method set forth herein and appointed to the Board shall fill Post Number 5 on the Board. After the expiration of the terms of the members appointed to each respective post, the terms of members filling all subsequent posts shall be for four (4) years. A vacancy in the membership of said Board caused by a member's death, resignation, disqualification, or other condition shall be filled by appointment of the governing authority for the unexpired term of such member including the employee representative post.

### **Section 120.504 Chairperson and Vice Chairperson**

Rev 6/00

At its initial meeting, and annually thereafter, the Board shall elect one member as Chairperson and another as Vice Chairperson.

The Chairperson shall preside over hearings and meetings of the Board. In the absence of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson until a successor has been elected by the Board. In the event of death or resignation from the Board by the Chairperson or Vice Chairperson, the Board shall not fill such vacancy until a new member has been appointed to the Board by the governing authority. If a Board member serving in the capacity of Chairperson or Vice Chairperson resigns from that office but remains on the Board, an election to fill such vacancy shall be held at the monthly meeting following such resignation.

### **Section 120.505 Compensation of Board Members and Provisions for Facilities**

Rev 7/07

It is hereby made the duty of the governing authority to appropriate annually a sum of money sufficient to enable the Board to carry out properly the purpose of this Act. Each member of the board shall be paid at a per diem rate to be established by the Board of Commissioners for time actually devoted to the business of the board. The Board shall hold its meetings in a Gwinnett County facility. It shall be the duty of all officers having charge of public buildings of the County to allow the reasonable use of the facilities thereof by the Board for the performance of its duties, and in all proper ways to facilitate the work of the Board.

### **Section 120.506 Removal of Board Members**

Rev 7/07

No members of said Board may be removed from office prior to the expiration of his or her term except for cause, after having been granted a notice and afforded a public and open hearing before the governing authority of said County. Prior to said hearing, said member shall be served personally or by registered or certified mail addressed to his or her residence as shown in the files of the said governing authority, at least 10 days before the date set for hearing, with written specifications of the charges against him or her.

### **Section 120.507 Quorum**

Rev 7/07

Three (3) members of the Board shall constitute a quorum for the conduct of business and official action of the Board shall require three affirmative votes. Any action which does not receive three (3) concurring votes shall fail.

# CHAPTER II: APPEALS AND GRIEVANCES

## **Section 200.000 Policy Statement - Equal Employment Opportunity**

Rev 9/00, 6/03, 9/10, 5/20, 11/21

It is the practice of Gwinnett County to provide equal employment opportunities with regard to all terms and conditions of employment and to base employment decisions on job related qualifications of the applicant or the employee. Gwinnett County prohibits discrimination on the basis of genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law. It is also the practice of Gwinnett County to prohibit unlawful harassment on the basis of genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law. All officials and employees of Gwinnett County, as well as employment agencies and advertising firms who conduct business with Gwinnett County, will be informed of this policy. (See County Administrator Human Resource Management Policy 506 or the employee handbook for the County's policy on unlawful harassment)

## **Section 210.000 Purpose of Appeals and Grievance Procedures**

The most effective accomplishment of the work of Gwinnett County requires prompt consideration and equitable adjudication of employee grievances. It is the desire of Gwinnett County Government to resolve grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which can be resolved only after a formal appeal and review.

### **Section 210.100 Objectives**

1. Eliminate or correct justifiable causes of employee complaints.
2. Provide a systematic and orderly method for resolving grievances between employees and supervisory or management personnel.
3. Ensure that all employees are afforded fair, equitable, and expeditious review of their grievances without fear, coercion, or discrimination.
4. Ensure that all employees shall be free from retaliation for using the appeal procedure. The burden of proof lies with the employee to show retaliation.
5. Ensure an employee's job status shall not be threatened or changed because of the initiation of a grievance or the appeal process.
6. Set forth a procedure governing presentation of charges, hearing rights, and appeals.

## **Section 220.000 Right of Appeal**

Rev 1/99, 6/03, 7/07, 6/08, 9/10, 11/21

1. A regular status employee may appeal, in accordance with these Merit System Rules and Regulations, a recommendation by the Executive Secretary upholding or reversing any of the following official actions: involuntary dismissal, involuntary demotion, or suspension, with the Merit Board serving as final authority regarding these actions. A regular status employee may appeal, in accordance with these Merit System Rules and Regulations, a written reprimand to the

Executive Secretary who shall serve as the final administrative authority regarding these disciplinary actions.

2. An employee who participates in a promotional examination may appeal to the Merit Board an objective scoring error in a promotional test where the scoring error has caused the employee to be placed in an improper band status. All appeals of this nature should be filed with the Department of Human Resources and not with the department or office for which the promotional test was considered.
3. Any regular status employee may appeal to the Merit Board any involuntary dismissal, involuntary demotion, suspension, or omission from the proper band status on the basis that the disciplinary action or omission from the proper band status was due to the employee's genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law. This includes the right to appeal any of the above listed actions if the action was the result of unlawful harassment as described in Chapter V, Section 570.300.
4. In conducting hearings as described in this Section, the department or office shall have the burden of proving to the Merit Board, or Executive Secretary, by the greater weight of the evidence that the official action taken was for cause and authorized by the Rules and Regulations of the Gwinnett County Merit System.
5. While the ultimate burden of proof rests with the department or office, an employee who appeals a promotional test must specifically identify an objective scoring error which caused the employee to be omitted from the proper band status.
6. If the department or office has met its burden of proof, the disciplinary action or scoring decision which is the subject of the Executive Secretary's recommendation will be upheld. If the burden of proof is not met, the Merit Board shall afford the appropriate remedy under Section 250.000, Paragraph 3. The Board shall not, under any circumstances, modify the terms or conditions of the action being appealed other than to affirm or reverse. The Board may, in addition to its order of affirmance or reversal, make recommendations of disposition which shall have persuasive force only. The Board shall not sit to hear any appeal beyond its jurisdiction as stated in Chapter I, Section 120.500, Paragraphs 3 and 4, or to grant any relief other than those remedies specifically identified in Chapter II, Section 250.000, Paragraph 3. The Board shall not sit to hear any appeal where the only relief requested or available is a non-binding recommendation.
7. Except in cases involving the appeal of a written reprimand where the Executive Secretary serves as the final authority, an Executive Secretary's recommendation does not overturn or invalidate any official action by a department or office.
8. In the event a recommendation by the Executive Secretary is to overturn an official action, the department shall notify the employee, in writing, within seven (7) days whether or not it will accept the recommendation. The employee's time to appeal to the Merit Board shall commence upon receipt of such notice.

## **Section 230.000 Notice of Right of Appeal**

Rev 7/07

Any written notification to a regular employee in the Classified Service of demotion, suspension, dismissal, or other disciplinary action (as set forth in Chapter IV) shall advise the employee of the right to appeal said action. The notification will affirm the right to appeal the action to the Supervisor, Department Director, Executive Secretary, and the Merit System Board, pursuant to these rules.

## **Section 240.000 Appeal Procedures for Employees in the Classified Service**

Rev 1/99, 8/99, 5/00, 6/03, 7/03, 7/09

All appeals must be submitted in accordance with these Merit System Rules and Regulations. The following enumerates the official steps of formal appeal for employees in the Classified Service. These procedures are applicable when employees wish to appeal any action described in Section 220.000 (see Section 110.850 for Computation of Time). An appeal may be made to the Supervisor, Department Director, the Human Resources Director, the Executive Secretary, and the Merit System Board. The procedures for filing an appeal are as follows:

1. Appeals of written reprimands and suspensions shall be initiated with the supervisor of the official who issued such disciplinary action. Appeals of disciplinary actions issued by the Department Director, and all involuntary demotions and involuntary dismissals, shall be initiated directly with the Executive Secretary. An appeal of any disciplinary action alleged to be based on discrimination or unlawful harassment may also be initiated directly with the Executive Secretary.
2. Appeals alleging an objective scoring error resulting in omission from proper band placement shall be initiated directly with the Director of Human Resources and not with the department on whose behalf the promotional test is given.
3. A formal appeal shall be initiated by the timely filing with the appropriate official of a writing containing the specific disciplinary action or scoring error(s) appealed, specific Merit Rule(s), alleged to have been violated and the specific remedy requested by the employee. An appeal is timely filed when it is postmarked by the post office or personally delivered to the appropriate official within seven (7) calendar days from the date the employee receives notice of the disciplinary action or, if the appeal is being appealed, seven (7) calendar days from the date the employee receives the official's decision as to the appeal. Any appeal which does not conform to these requirements as to timeliness and content may be subject to dismissal by the Executive Secretary and the Merit Board for failure to comply with the appeals procedure.
4. Every official who receives an appeal from an employee shall meet with the employee within seven (7) calendar days from the official's receipt of the appeal. The official will issue a written response to the appeal within seven (7) calendar days from the date of the meeting from the employee. If the appeal cannot be resolved by that official, the employee may appeal to that official's immediate supervisor (or Executive Secretary after appeal to the Department Director) within seven (7) calendar days from the employee's receipt of the official's decision. At any time in the appeals process, if the employee receives no response within seven (7) calendar days, he/she may move to the next level in the appeal process.
5. In the event an employee desires to appeal the action of the Department Director, the aggrieved employee shall submit to the Executive Secretary, within 7 calendar days of receipt of the decision of the Department Director:
  - a. A copy of the employee's written grievance statement; and
  - b. A request for review of the grievance by the Executive Secretary.

6. The Executive Secretary shall schedule a meeting within 20 calendar days of the date of receipt of the request for review. The Executive Secretary, the employee and/or a designated representative, the Department Director and/or designated representatives shall attend the meeting for the purpose of reviewing the grievance. This meeting shall be closed to the public and shall not be recorded. The Executive Secretary has the authority to grant postponements at his/her discretion. If either party fails to appear, the Executive Secretary has the authority to conduct the meeting with all parties not being present. Within 20 calendar days of the date of the meeting, the Executive Secretary shall render a recommendation in writing to the employee or the employee's authorized representative and shall send a copy of the recommendation to the employee's Department Director and to the Human Resources Director. If during the course of an Executive Secretary's meeting, questions arise which cannot be answered by those present or additional documentation is needed, the Executive Secretary may elect to keep the record open for a specified period of time (in most circumstances not to exceed 20 days unless the Executive Secretary finds that more time is warranted to protect the rights of the parties) from the date of the meeting. During this time period, additional documentation may be submitted to the grievance file, with copies of same provided to all parties. Upon receiving additional information, the Executive Secretary may schedule further meetings. The Executive Secretary shall withhold making a recommendation until the record has been closed.
7. The Executive Secretary shall serve as final administrative authority on grievances of official reprimands.
8. For all other grievances, if an employee is still aggrieved, an appeal may be made to the Merit System Board in writing within 7 calendar days of the date the employee receives the Executive Secretary's recommendation. Any appeal received after that date may be rejected for untimely filing. The employee's appeal shall include the following:
  - a. A statement indicating if they will be representing themselves at the hearing, or if they will be represented by legal counsel.
  - b. Name and address of legal counsel, if applicable.

Failure to include this notification may result in postponement of the hearing. The Executive Secretary will schedule a hearing before the Board and shall send copies of the hearing notice to the employee or representative and Department Director and/or representative. The hearing notice will include instructions to both parties to exchange documents prior to the hearing. The Merit Board shall, within 30 calendar days after receiving such an appeal, or as soon as practical thereafter, hold a hearing and consider the grievance.

9. At the hearing, technical rules of evidence shall not apply. Each party shall have the right to object to the evidence being presented. All testimony shall be under oath. The members of the Merit System Board may call witnesses in addition to those called by the employee and Department Director as may be necessary in the Board's opinion to reach a fair decision. The Chairperson of the Merit Board, or Vice Chairperson in his absence, shall conduct the hearing. In the event the aggrieved employee does not appear for his/her scheduled hearing, the Merit Board may dismiss the grievance for failure to appear.
10. Each party may request the Executive Secretary to issue up to five (5) witness subpoenas. Additional subpoenas may be issued upon written request of either party. The Merit Board, within its discretion, may cause additional witness subpoenas to be issued upon a showing by the requesting party that the witness will offer testimony which is (1) relevant to the disciplinary issue on appeal and (2) not cumulative of the testimony offered by another witness. A party seeking

additional subpoenas must submit a written request to the Merit Board Chairman at least five (5) days before the date of the hearing giving the name of each person to be subpoenaed, a succinct summary of the testimony the person is expected to offer, and why the testimony is relevant to the disciplinary action being appealed. The Chairman will then consult with the Merit Board Attorney to make a decision on whether additional subpoena(s) in excess of five (5) should be approved. A party who does not comply with this procedure is subject to having its request for additional subpoenas denied.

## **Section 250.000 Employee Protection and Remedies**

Rev 6/03, 7/01, 10/07, 9/10, 11/21

1. No supervisor shall deny any employee the right to take the complaint to the next step in the grievance procedure when it cannot be settled to the satisfaction of the employee at the lower level. Should such a denial occur, the employee shall be entitled to continue the grievance, based on the denial, to the next step of supervision.
2. It shall be the responsibility of management personnel to hear and consider any employee grievance covered by these rules and regulations, without prejudice; to take necessary and appropriate corrective action; and to provide a written determination as to the reasons for upholding or overturning the action taken.
3. In the event the Executive Secretary recommends rescinding the disciplinary action, the employee will be informed by the Department Director of the department's decision to accept or deny the recommendation of the Executive Secretary. This department notification to the employee will be made within seven (7) calendar days from the date the employee receives the Executive Secretary's recommendation. If an employee is still aggrieved, the employee may appeal to the Merit System Board in writing within seven (7) calendar days of the date the employee receives the notification from the department as to the acceptance or denial of the Executive Secretary recommendation. Any appeal received after the seven (7) day period may be rejected for untimely filing. In cases involving termination, the department may not fill the vacated position until after final disposition of the grievance.
4. In the event a disciplinary action is overturned by a final Merit Board ruling, the disciplinary action shall be removed from the employee's personnel file maintained in the Gwinnett County Department of Human Resources. In the event a suspension is overturned, the employee shall receive back pay lost and/or the leave forfeited for the period of the suspension. If the action taken was an involuntary demotion resulting in a reduction of pay or grade, the employee may be reinstated to the former position and grade, or another position with the same pay and grade, and awarded the difference between his/her pay prior to the demotion and his/her pay earned in the position to which he/she was demoted. In the event the action taken was a discharge, the employee may be reinstated to his/her former position and grade and restored back pay and lost sick/annual leave from the effective date of the dismissal to the date of reinstatement. In the event of an involuntary demotion or involuntary dismissal, in lieu of reinstatement to the same position, the employee may be reinstated by the County or elected official to another position with the same pay, grade, and equivalent job responsibilities. In addition, the employee must meet the minimum qualifications for the new position if not reinstated to the original position. If an objective error in scoring a promotional test occurred, or if the employee was omitted from the proper band status due to discrimination on the basis of genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law, the employee shall be placed within the band for which he would have qualified but for the



scoring error or discrimination. If the promotion register has expired, the employee will automatically be placed in the appropriate band status on the next register. If an otherwise eligible employee is denied an opportunity to take a promotional test due to discrimination as defined above the employee will be provided an opportunity to take a test as soon as possible.

# CHAPTER III: EMPLOYMENT SELECTION RECRUITMENT & TESTING

## **Section 300.000 Recruitment Procedures**

Recruitment of candidates for positions in the Classified Service will be carried out through any appropriate media on a timely basis to **ensure** that individuals have the opportunity to apply and to be considered for such positions. Applicants will be recruited on the basis of meeting or exceeding the minimum qualifications established for the position.

## **Section 300.100 Announcement of Vacant Positions**

Rev 1/07

1. The Department Director/Hiring Authority who submits a request to fill a vacant position shall determine if the vacancy will be announced internally (only within their department or within the County government), or both internally and externally. If a Department Director feels there is a sufficient number of qualified applicants within the department or County government, they may decide to advertise the vacancy internal to the County, to promote career growth/promotional opportunities for current employees.
2. Announcements of vacant positions and vacancy lists in the Classified Service, not filled by transfer, promotions, or re-employment, or from extended applicant registers shall be publicized by posting announcements in the Gwinnett County Human Resources Office, on the County website, and other resources as the Human Resources Director deems appropriate. A posting will remain open a minimum of seven (7) calendar days or thereafter, until a significant number of qualified applicants are obtained. The announcements, which may be for filling vacancies by initial appointment or by promotion, shall specify the following information:
  - a. the class title and salary of the position to be filled;
  - b. minimum qualifications and essential job functions for the position or for admission to written and/or oral tests, if required;
  - c. procedure for submitting applications;
  - d. closing date for receipt of applications;
  - e. other pertinent information.
3. When there is an urgent need for eligible applicants and past experience or knowledge of the labor market conditions indicate a probable scarcity of eligible candidates, applicants may be examined and certified as received, provided that all qualified persons who apply will have the opportunity for consideration for appointment.

These procedures shall be known as the continuous examination process. Notice of continuous examinations shall be posted on the appropriate bulletin boards and advertised periodically.

## **Section 310.000 Applications**

### **Section 310.100 Filing of Applications**

Rev 5/01, 1/07

1. All applications for positions in the Classified Service shall be made by completing a standard application form or submitting a resume, as prescribed by the Human Resources Director. Applications and/or resumes must include detailed information regarding educational background, training, skills, employment experience, salary requirements, and other pertinent information needed to assess the applicant's ability to meet minimum requirements. Supplemental screening questionnaires may be included for certain positions.
2. Applicants who submit resumes will be required to complete a standard application form before a conditional job offer can be made.
3. All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form.
4. To receive consideration, applications and/or resumes must be filed (hard copy or electronically) by the published closing date noted on the posting announcement. (See Section 300.100, Paragraph 1)
5. Incomplete applications may be returned to the applicant with a notice to amend same. Incomplete applications may be completed or revised and returned by mail or by visiting the Human Resources office, provided the revisions or corrections are received on or before the published closing date noted on the posting announcement.

### **Section 310.200 Conditions for Rejection of Applicants**

Rev 5/01, 7/03, 7/07, 9/12

The Human Resources Director may reject any application or applicant when the following determinations are made:

1. The application or resume was not received on or before the published closing date noted on the posting announcement.
2. The applicant does not possess one or more of the requirements as specified in the public announcement of the job vacancy.
3. The applicant falsified statements of material fact on the application or resume resulting in sufficient cause for dismissal.
4. The applicant is deemed to be in violation of the Gwinnett County's Drug Free Workplace Policy (see County Administrator Policy 407.000).
5. The applicant falsified statements of a material fact on supplemental screening questionnaires, or in attempting to secure appointment.
6. The applicant was previously employed by Gwinnett County and was dismissed for cause, or resigned not in good standing, and is not currently eligible for re-employment in the employing department. Consideration for re-employment may be considered on a case-by-case basis with the request from the department head and approval by the Human Resources Director (see Chapter VI-Dismissals).

7. A review of the applicant's past record of employment is determined to be unsatisfactory by the Human Resources Director or his/her designee.
8. The applicant is not eligible for employment in the United States.
9. Arrests and convictions for criminal offenses shall be evaluated on a case-by-case basis.

### **Section 310.201 Pardons**

Any applicant who has been convicted of any felony or misdemeanor and who has received a pardon from the appropriate Pardons and Parole Board shall be eligible for employment with the County.

## **Section 320.000 Guidelines for Employment**

### **Section 320.100 Employment Requirements**

Rev 6/04

All regular positions in the Classified Service shall be open to all persons who meet the minimum qualification requirements as listed on the job vacancy announcement. Such requirements include, but may not be limited to, the following factors: experience, education and physical condition as a bona fide occupational requirement, and the ability to perform the essential functions of the job. Employees must be at least 18 years of age except part-time, seasonal/occasional student employees may be hired at age 15 and over. Employees must be eligible to work under federal/state guidelines in the United States.

### **Section 320.101 Drug and Alcohol Screening**

For applicants and employees in the classified service, Gwinnett County's Drug Free Workplace Policy and all amendments thereto is adopted in its entirety.

### **Section 320.200 ADA (Americans with Disabilities Act)**

Rev 6/04, 07/09

It is the policy of Gwinnett County Government to provide fair and equitable treatment to persons having a physical or mental disability that substantially limits a major life activity and to individuals who have a record of, or who are regarded as, having a substantially limiting impairment. This policy includes providing reasonable accommodation(s) to permit a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An individual with a disability must satisfy job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related and must be able to perform those tasks that are essential to the job with or without reasonable accommodations as outlined under the Americans with Disabilities Act of 1990 (ADA) as amended.

All job vacancy announcements and recruiting advertisements will list the essential functions and job requirements to perform the job.

When an employee becomes totally or partially disabled to perform the essential job functions of their current position, with or without reasonable accommodations, efforts will be made to assist the employee in identifying existing vacant positions for which they qualify and can perform, with or without accommodation, in accordance with ADA policy guidelines.

The County is not required to change the essential job functions of a position, create a vacancy, or promote an employee with a disability as an accommodation to the employee. If a necessary reasonable accommodation is refused, the employee may be considered not qualified to perform the essential functions of the job.

## Section 330.000 Examinations

### Section 330.100 Open Competitive Examinations

Positions to be filled by recruitment from outside the Classified Service may be filled through a competitive examination process, open to the public and employees. Examinations shall be constructed to test the ability of the candidate to perform the essential job functions of the particular class or position. The Human Resources Department may require candidates to submit proof of age, military service, and other pertinent information at the time of examination and shall keep a record of this information. Accommodation(s) will be made to assist an individual with a disability provided the person notifies the Human Resources Employment Office of this need and what specific accommodation(s) will be required. A minimum of two (2) days notice prior to the scheduled testing date is required.

### Section 330.200 Promotional Examinations

Rev 1/99, 6/04, 1/07

1. Vacancies in higher positions shall be filled by promotion from lower classes when it is in the best interest of the County. All vacancies to be filled by promotion on a competitive basis shall be publicized for a minimum of seven (7) days before the examination date. In cases where study materials are provided, posting dates may be extended by the administrator of the promotional process. Copies of the announcement will be furnished to the department directors affected. Promotional competitions shall be open to all employees who apply by the closing dates and meet the minimum requirements.
2. The announcement of promotional procedures shall include the following:
  - the minimum requirements for eligibility to participate; a listing of the phases which will comprise the promotional examination process; and the dates planned for administration of the phases;
  - a general description of subject matter materials, text, etc., applicable to the examination/assessment processes;
  - a general description of the procedures for challenging test items;
  - a general description of the rating procedures for each phase;
  - the procedures that will be used to assign candidates to the promotional register; and
  - a description of the general criteria developed by the Department Director to be used in evaluating candidates for promotional consideration once a final register has been established (note that the Department Director reserves the right to assign the relative weights to the specified criteria).

The Human Resources Department shall conduct competitive promotional examinations and establish promotion lists in the manner provided in these rules and regulations. Certification for promotion from a competitive promotional list shall be in accordance with the provisions set forth in Chapter III, Section 350.000.

3. When promotional procedures are set up for three phases (written test, assessment center, structured oral interview) and in cases where 25 or less candidates pass phase one, the Human Resources Director may elect to bypass phase two as a separate phase and incorporate the assessment activity planned for phase two into phase three. The Human Resources Director may

also change the dates of assessment activities when circumstances indicate that a change of dates will benefit the administration of the overall promotional process.

4. For all promotional examinations a minimum standard to determine eligibility to participate will be set by the Human Resources Director. If more than one type of test is used to establish eligibility, a minimum standard on each part of the test will be formulated.
5. When a department director has decided to fill a vacancy, the eligible County employees who are qualified as a result of a competitive examination for the vacancy being filled, shall be certified to the appointing authority for selection. All eligible applicants will be viewed as equally qualified.
6. No veteran preference will be given on promotional examinations.
7. Requests for make up promotional examinations may be considered on a case-by-case basis in accordance with the testing policy.

### **Section 330.300 Conduct of Examinations**

The Human Resources Director may designate monitors to take charge of the examination under prescribed instructions and to arrange for space to conduct the examinations.

### **Section 330.400 Rating Education and Experience**

When the rating of education and experience comprises a part of the total examination, the Human Resources Director and Department Director shall determine a procedure based on an evaluation of education and experience qualifications of the applicants. The determination of appropriate written and performance tests, the methods of evaluating experience and training, and assigning weights to various parts of an examination when appropriate, shall be determined by the Human Resources Director. The system used to evaluate applicants shall give due regard to the individual's ability to perform essential job functions as well as experience and education. If there is sufficient cause to believe that the applicant deliberately falsified information, the application may be rejected.

### **Section 330.500 Method of Rating Examinations**

Rev 6/04

For all examinations, the Human Resources Director shall establish minimum standards for performance or requirements in order to achieve an eligibility standard. If there is more than one part to an examination, such as a written test and an assessment center exercise, the Human Resources Director shall assign the minimum acceptable scores and/or weighted score to the various parts of the examination. If the exam is comprised of successive components/phases, candidates must obtain acceptable scores on each phase. The formula for assigning weights will be administered in a uniform and equal manner for all applicants for the same class of positions.

### **Section 330.600 Notification of Examination Results**

Rev 1/99

Upon completion of the rating process, each person shall be notified in writing of his or her rating on any phase of a promotional procedure within a reasonable time period. For the final phase, candidates will also be notified of their band assignment. Failure to notify candidates within a reasonable time period shall not be grounds for challenging the promotional process or any promotional decisions.

### **Section 330.700 Inspection and Confidentiality of Examination Material**

Rev 1/99 & 6/04

The confidentiality of all applications, examination results, and test materials is essential to the integrity of the examination process. Accordingly, general access to, or disclosure of, examination results and/or materials is

prohibited. Limited access to promotional examination results and/or test materials will be allowed in a manner carefully constructed to protect both confidentiality and the integrity of the examination process.

Participants in the first phase (written examination) of a promotional examination process will be able to review their own examination materials immediately following administration of the testing component. In the case of written promotional examinations, the participant's own examination and answer sheet, applicable study guide materials, and a scoring key will be made available for review by the participant. No participant will be able to review the examination materials of other participants.

In all cases, promotional testing materials will be reviewed in the presence of a representative of the Department of Human Resources or an individual authorized by the Human Resources Director. Individuals may make general notes regarding their review of their own testing materials, but may not directly transcribe, or make copies of, any examination materials.

Nothing in the foregoing shall be construed to limit the availability of examination materials to the Merit System Board for use in hearings or related appeals, or as required by applicable law.

The Human Resources Director shall be responsible for the maintenance of all records related to the examination process. Applications and other examination records shall be kept during the life of the applicable register and shall meet the requirements of the Georgia records retention laws.

### **Section 330.701 Item Challenge Procedures (Written Promotional Test)**

Rev 6/04, 10/08

An item challenge is a challenge to the correctness, wording, interpretation, accuracy, or sufficiency of the question or answer.

If the applicant wishes to present an item challenge, the following procedures/policies apply:

- The applicant will only be allowed to review the written examination and his/her answer sheet immediately following the administration of the examination for the testing time period and date that he/she is assigned. The applicant must complete and submit an item challenge form(s) to the test administrator immediately following the review.
- Item challenge(s) will be submitted by the test administrator or designee to the following two sources for review:
  - The promotional testing vendor under contract with the County that developed and administered the examination; and
  - A committee of subject matter experts (SME) selected by the department for the purpose of evaluating item challenges. This committee will not be comprised of the SMEs that were utilized by the promotional testing contractor to aid in developing the examination.
- Following the review by the promotional examination sources, the sources will issue responses to the Human Resources Director. The Human Resources Director will review the responses of the promotional examination sources and issue a response to the applicant(s) indicating the decision and/or if additional action is warranted.
- Item challenge process ends with no further right of appeal.

## **Section 330.702 Challenge Procedures (Promotional Job Simulation Exercise and/or Assessment Center)**

Rev 6/04, 10/08

In the case of any promotional job simulation exercise or assessment center, the dimension forms used to rate a participant's performance and the actual dimension ratings of that participant will be made available for review by the participant following the completion of the data compilation.

A participant may only challenge the numerical calculation of the final score from the dimension form if they believe there is an error in the calculation. Individual dimensions and assessor ratings shall not be challenged by the candidate – simply the final numerical calculations made from these ratings. If, after reviewing the promotional job simulation exercises(s) and/or assessment center rating the candidate feels there may be a valid challenge, the following procedures/policies apply:

- Challenge(s) must be submitted to the Human Resources Director within seven (7) calendar days from the date noted on the results notification sent to the applicant.
- The Human Resources Director will issue a response to the applicant indicating the decision and/or if additional action is warranted.
- Challenge process ends with no further right of appeal.

## **Section 330.800 Adjustment of Errors**

If an error in the rating of an examination is called to the attention of the Human Resources Director within thirty days after the announcement of the results, the Human Resources Director shall correct such error.

## **Section 340.000 Eligibility Registers**

### **Section 340.100 Policy**

Rev 1/07

Vacancies in the Classified Service which are to be filled shall be done from an applicant register through a competitive process unless the Human Resources Director determines that the vacancy will be filled by transfer, demotion, promotion, reassignment, or certification from re-employment lists or ADA compliance. After each open competitive process, the Human Resources Director shall prepare an applicant register of persons with passing status. The names of such persons shall be placed on an eligibility register.

### **Section 340.200 Establishment and Duration of Eligibility Registers**

Rev 1/99, 6/04, 1/07

1. The Human Resources Director shall establish lists of eligible candidates for various classes of positions as may be necessary to meet the needs of the Classified Service. Candidates shall be eligible for promotional consideration for a period of two (2) years from the date of notification of qualified status.
2. If the Department Director, after consulting with the Human Resources Director, determines that a register, although not exhausted, is inadequate for the filling of anticipated vacancies, the Human Resources Director may announce a new open competitive examination. Candidates already deemed eligible for promotion for a period of two (2) years may choose to compete in the newly announced examination process. Upon successful completion of a new promotional process resulting in the candidate obtaining a qualified status, another two (2) year period of eligibility would begin. If unsuccessful, the candidate would continue to be eligible for promotion for the duration of time remaining from successful completion of the previous promotional process.



### **Section 340.300 Removal of Names From a Register**

Rev 1/99

Names may be removed from applicant registers for any one (1) of the reasons listed below.

1. Refusal of two (2) offers of appointment;
2. Appointment to a regular position from the applicant registers;
3. Filing of a statement by the eligible applicant stating an unwillingness to accept appointment.
4. Failure to respond within the time specified in the notice, to any inquiry by the Human Resources Director or department director, if satisfactory evidence is not furnished justifying such failure to respond;
5. The discovery that the applicant would be subject to rejection under other provisions of these rules and regulations.

### **Section 340.301 Notification of Removal From a Register**

Whenever an applicant's name is removed from a register for reasons cited in Section 340.300 of these rules and regulations, the Human Resources Director shall notify the ineligible applicant of this action and the reasons thereof. An applicant's name may be restored to the register upon presentation of reasons satisfactory to the Human Resources Director. Whenever an eligible applicant notifies the Human Resources Office in writing of unavailability for employment or employment consideration, the Human Resources Director may remove the name of the eligible applicant from the appropriate register without further notification to the applicant.

### **Section 340.400 Re-employment**

Rev 7/07

1. A regular employee separated from the Classified Service by resignation may, within a period of three (3) years after date of termination, request in writing to be placed on a re-employment register for the class of positions from which the employee resigned. Applicants shall successfully pass screening requirements before reinstatement as applicable. At the time of resignation, the employee's supervisor must designate rehire eligibility to make the employee eligible or ineligible to be placed on the re-employment register. However, the Human Resources Director may waive the eligibility requirement due to extenuating circumstances (see Chapter VI, Section 610.000).
2. A regular employee who has been laid off as a result of a reduction in force or the abolishment of the position held shall, upon written request, be placed on a re-employment list for the class of positions which was occupied at the time of separation of employment, and if qualified shall be given first priority for filling vacancies (see Chapter VI, Section 610.300).
3. Names shall be placed on re-employment registers in such order as shall be determined by the Human Resources Director, who shall give consideration to qualifications and length of service.
4. The names on a re-employment register shall expire one (1) year from the date on which the name(s) was placed on the eligible register.
5. The appointing authority shall submit to the Human Resources Director, a request that the Human Resources Director certify the names of persons eligible for re-employment for the vacant position.

## **Section 350.000 Certification**

### **Section 350.100 Request for Certification**

Rev 1/07

Whenever a vacancy is to be filled, the department director or appointing authority, shall submit a Personnel Action Request Form to the Human Resources Director for recruitment of eligible applicants.

### **Section 350.200 Guidelines for Filling Vacancies**

Rev 7/07

All vacancies in the Classified Service designated by the department director or appointing authority to be filled, shall be filled by regular appointment, promotional appointment, provisional appointment, emergency appointment, re-employment, transfer, or demotion. Generally, the order of consideration for appointments shall be as follows:

1. Gwinnett County employees who have been affected by a reduction in force;
2. Gwinnett County employees seeking a promotion or transfer;
3. Previous Gwinnett County employees with satisfactory service whose names are on re-employment registers;
4. Other applicants on Gwinnett County applicant registers.

However, the Department Director may select any applicant from the above listed group as long as they meet the minimum qualifications of the position. In the event the order of consideration is not followed, the Department Director must document in writing the reasons for not following the order to the Human Resources Director. A department director is not required to fill any vacancy but has the discretion to leave open any vacancy whether or not there exists a current applicant or re-employment lists for that position.

### **Section 350.300 Procedure for Certification**

Rev 1/99, 1/07

1. The Human Resources Director shall certify and submit in writing to the Department Director or Appointing Authority, the list of available applicants eligible for the appointment.

Qualified applicants will be viewed as equal and will be certified by the Human Resources Director.

If more than one (1) vacancy is involved, the consideration of filling the total number of vacancies is by methodical consideration of eligible applicants.

Department Directors/Appointing Authorities are required to interview a minimum of three (3) eligible applicants to fill a position vacancy except when fewer than three (3) applicants are eligible to compete.

If the register, established as a result of the open-competitive examination for a specific class, is exhausted and the Department Director or Appointing Authority still desires to fill the vacancy, the Human Resources Director may authorize a provisional appointment and announce an open-competitive examination for the position or may authorize filling the vacancy in any manner provided by these rules and regulations.

2. In making appointments from the open-competitive register, the appointing authority shall select for each position an applicant who is included within the qualified status exclusive of those applicants:
  - a. who request that they not be considered for appointment;
  - b. who fail to appear for an interview for which they have been scheduled;
  - c. who decline two (2) offers of appointment;
  - d. who accept an appointment and fail to report to work as scheduled without giving reasons for the delay satisfactory to the appointing authority.

### **Section 350.301 Incomplete Certification**

When the number of names on an applicant register available for filling any vacancy is fewer than three (3), the Department Director or Appointing Authority may select from them or may decline hiring for that vacancy and request that a new register be established and, in the interim, request that the vacancy be filled by provisional appointment or in any other manner provided by these rules and regulations.

### **Section 350.302 Cancellation of Certification**

Rev 1/99, 1/07

If at any time after eligible applicants have been certified by the Human Resources Director, the Department Director or Appointing Authority decides not to fill the position, the personnel action request form and certification may be canceled.

### **Section 350.400 Selection**

Rev 1/07

The Appointing Authority shall select the most suitable applicant from among those certified from the qualified status and report the selection to the Human Resources Director or his/her designee. Once the applicant is selected, it shall be the responsibility of the Human Resources Director or designee to make the conditional job offer to the applicant. Upon acceptance of the position, the applicant will be directed to complete any other qualifying requirements and the appropriate forms.

When selection from an internal list of eligible applicants has been designated as the method for filling the vacancy, the Department Director or Appointing Authority shall make the selection from any of the applicants appearing on the register.

### **Section 350.401 Applicant Requirements Before Final Processing**

1. Applicants, including those being re-employed for positions with Gwinnett County, may be required after the conditional job offer but prior to first day at work, to undergo a medical examination to determine physical and/or mental fitness to perform the essential functions of the position. The medical examination shall be performed and evaluated by an approved physician designated by a Gwinnett County Human Resources official. In protective service and/or criminal justice positions, new employees will be subject to any qualifying measures deemed appropriate for the position.
2. Applicant shall present proof of eligibility to satisfy current governmental requirements to obtain employment in the United States.
3. Applicant shall provide proof of education, if education is a valid and established requirement for the position to be filled.

4. When appropriate, the applicant shall present a certificate of separation from the Armed Forces (Military DD214).
5. When appropriate, applicant shall present verification of birth date.
6. When appropriate, applicant shall present a copy of their valid driver's license.
7. Applicant will complete any other required forms which may be necessary in order for the Human Resources Office to conduct a background investigation, to include a criminal history check.

The job offer is formalized after these final screening measures have been satisfactorily completed. Any exception to the above must be approved by the Human Resources Director.

### **Section 350.500 Certification of Laid Off Employees**

Rev 1/99

Any employee with regular status, who has been laid off, shall have first priority for consideration in filling any vacancy in a position in any department for which a laid off employee is qualified. A laid off employee who desires re-employment, must indicate such in writing to the Human Resources Office. No examination shall be required for re-employment in the same job classification from which the employee was laid off. If a laid off employee with regular status desires re-employment in a job classification other than the classification from which the employee was laid off, he or she must meet the requirements and pass the required examinations for re-employment in the different job classification. If more than one (1) laid off employee with status seeks re-employment in any job classification, the Human Resources Director shall certify all qualified laid off employees. No vacancy can be filled from the competitive register until qualified laid off employees with regular status, who are seeking to fill the vacancy, have been re-employed. Eligibility to remain on the re-employment list shall expire one (1) year from the effective date of the layoff.

### **Section 360.000 Certification for Different Types of Appointments**

#### **Section 360.100 Emergency Appointments**

When an emergency involving the serious impairment of the public business makes it impossible to fill a position through the competitive process, the Department Director/Appointing Authority, subject to the approval of the Human Resources Director, may appoint any qualified person to such position in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed 30 days. A vacancy for which the Department Director/Appointing Authority had reasonable notice or had advance knowledge of such employment condition, shall not be considered an emergency. Within 10 days of the date of an emergency, the Department Director/Appointing Authority involved shall justify the emergency in writing to the satisfaction of the Human Resources Director. Emergencies which may be reasonably anticipated by the Department Director/Appointing Authority shall be justified in writing, in advance, to the satisfaction of the Human Resources Director. Improper emergency appointments within the Classified Service may be terminated at the discretion of the Human Resources Director.

#### **Section 360.200 Temporary Appointments**

1. Temporary appointments may be made for a special project(s) or other work of a temporary or transitory nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve-month period, without written approval for extension by the Human Resources Director.
2. The Human Resources Director shall certify the names of those qualified applicants on applicant registers who have indicated their availability for temporary employment.

3. Acceptance of such appointment by an eligible applicant shall not affect their standing on the registers for regular appointment.

### **Section 360.300 Provisional Appointments**

1. Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligible applicants are not available, the Human Resources Director may authorize the vacancy to be filled by a provisional appointment.
2. An appointing authority, subject to the approval of the Human Resources Director, may make a provisional appointment of an applicant who meets education, experience, and related requirements for the position being filled.
3. A provisional appointment shall continue only until an appropriate applicant register can be established and selection has been made. The provisional appointee shall be given an opportunity to compete for the regular status position.
4. In accordance with the procedure described in Section 350.000 of this Chapter, if the provisional employee is appointed to the regular status position, the length of time served in the provisional status position shall be credited to the probationary period.
5. In no event shall the provisional appointment continue for more than ninety calendar days in any twelve-month period, nor successive appointments be made, without approval of the Human Resources Director.

### **Section 360.500 Part-time Appointments**

Part-time positions are those positions involving less than forty hours per week. Part-time positions are filled from an eligibility register in the same manner as is used for regular status appointments. Persons employed under such conditions shall not achieve regular status except as provided elsewhere in these rules and regulations.

Part-time indicates that the employee is to work on a continuing basis, but will work less than the normal time specified for regular appointments to the affected class.

Authorization may be given for the filling of part-time positions at the request of the Department Director and approval of the Human Resources Director.

### **Section 360.600 Seasonal/Occasional Appointments**

Positions needed to work during peak seasons or on an occasional "as needed" basis. Persons employed as seasonal/occasional employees shall not achieve regular status regardless of the length of employment and, therefore, are not part of the classified service.

Authorization may be given for the filling of seasonal/occasional positions at the request of the Department Director and approval of the Human Resources Director.

### **Section 360.700 Cooperative and Intern Appointments**

Co-ops and interns will be accepted from only accredited institutions of higher education. Schedules and hours of work will be determined at the time of hire to coincide with the student's available work schedule.

Authorization may be given for the filling of cooperative and intern education positions at the request of the department director and the approval of the Human Resources Director. Persons employed thru cooperative and intern programs shall not achieve regular status regardless of the length of employment.

### **Section 370.000 Probationary Periods**

(See Chapter V, Section 510.000) Rev 7/07

### **Section 380.000 Interpretation**

Any necessary administrative interpretations concerning certification and appointment matters not inconsistent with these rules and regulations may be made by the Human Resources Director.

# CHAPTER IV: DISCIPLINARY ACTION

## Section 400.000 Policy

Rev 9/10, 11/21

The Department Director, or designated representative, has the authority to take disciplinary action when warranted. It is the intent of the governing authority of Gwinnett County that effective supervision and good employee relations will avoid most matters necessitating disciplinary action. The purpose of the rules and regulations and provisions for disciplinary action for violations are not intended to restrict the rights of anyone, but to insure the rights of all and secure cooperation and orderliness throughout the Classified Service. The severity of disciplinary action is related to the gravity of the offense and the employee's record of disciplinary action. Any adverse action taken **must be based on good cause**, be consistent with these rules and regulations, and be fair and equitable. The decision to take disciplinary action or the determination of what action to take, shall not be based upon the employee's genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law.

## Section 410.000 Types of Disciplinary Action

Except as otherwise provided for by General Statutes of the State of Georgia, the following provisions shall govern disciplinary action affecting employees in the Classified Service. A Department Director/Appointing Authority or designated representative, subject to the appeal rights of the regular employees shall have the following alternatives for disciplinary action.

### Section 410.100 Written Reprimand

Rev 6/03

1. Unless the particular circumstances warrant more severe disciplinary action, a written reprimand should ordinarily be issued for the first disciplinary action. A written reprimand should clearly describe the act(s) giving rise to the violation, the specific rule(s) violated, and a warning that continued behavior of a similar nature may lead to more severe disciplinary action.
2. All written reprimands must be approved by the Department Director and shall be kept in the employee's personnel file maintained in the Department of Human Resources.
3. A documented verbal counseling is not a disciplinary action and is not appealable under the Merit Rules and Regulations.

### Section 410.200 Demotions

A Department Director, with the approval of the Human Resources Director, may demote an employee to a lower grade. A demotion may be invoked for reasons including, but not limited to, the following: misconduct, delinquency, violation of Merit System Rules and Regulations or other administrative policies, inability to satisfactorily perform the essential functions of the position, or other improper employee conduct. The Department Director shall furnish a written notice of intent to demote which will include the reasons for any such action to the employee with a notification of the right of appeal (see Chapter II). A copy shall be submitted to the Human Resources Department for processing and inclusion in the employee's personnel file.

### Section 410.300 Suspensions

Rev 5/00

Any Department Director or designated representative may, for disciplinary purposes, suspend without pay any employee under the supervision of such Department Director. The duration of the suspension is at the discretion of the Department Director and shall be indicative of the severity of the offense; however, such

suspensions shall not exceed thirty calendar days. With the approval of the Department Director and Human Resources Director, an employee may be suspended for a longer period. In order to comply with the Fair Labor Standards Act, it is recommended that the minimum suspension for exempt employees shall be one week or the equivalent unless the misconduct involves violation of a safety rule of major significance intended to prevent serious danger to the workplace or to other employees. A suspension may be invoked for reasons including, but not limited to, the following: repeated or serious instances of misconduct, delinquency, violation of Merit System Rules and Regulations or other administrative policies, inability to satisfactorily perform the functions of the position, or other improper conduct.

The Department Director or designated representative has the option of making an equivalent deduction from the employee's accumulated annual leave in lieu of suspension without pay, and the Department Director may apply this equivalent deduction to all or part of the employee's suspension time. Prior to said suspension, or within a reasonable time period thereafter, the Department Director or designated representative shall meet with the employee and discuss the reasons for and the duration of the disciplinary suspension. A written statement specifically setting forth the reasons for such suspension and the length of time of such suspension shall be furnished to the affected employee by the Department Director or designated representative and a copy forwarded to the Human Resources Department for inclusion in the employee's personnel file.

### **Section 410.301 Paid Administrative Leave Due to Alleged Criminal Misconduct**

1. An employee may be placed on administrative leave with pay when the employee is investigated, arrested, or indicted for a crime classified as a misdemeanor, if the Department Director or his or her designee, in coordination with the Human Resources Director, finds that administrative leave is warranted. The administrative leave may continue until final adjudication of such charges or final disposition of such investigation has been made.
2. An employee shall be immediately placed on administrative leave with pay pending action of the courts when the employee is investigated, arrested, or indicted for a crime classified as a felony, in coordination with the Human Resources Director in compliance with these rules and regulations and policies of the County. The paid administrative leave shall continue until final adjudication of such charges or until final disposition of such investigation has been made.
3. If an employee is placed on paid administrative leave under this section and it is determined by the Department Director or designated representative in coordination with the Human Resources Director, that the vacated position should be filled to ensure the smooth operation of County government, then that position may be filled on a temporary basis pending the final adjudication of charges or final disposition of the investigation against the employee.
4. If the employee who has been placed on paid administrative leave is acquitted of any wrong doing, the Human Resources Director, in coordination with the Department Director, may reinstate the employee to the former position or a position of like status and pay, if one is available. If the employee is found guilty by the trial court or pleads guilty, a determination will be made as to the reinstatement of the employee pursuant to the provisions of these Merit Rules. Each case will be handled on an individual basis. Depending on the circumstances, a decision will be made by the Human Resources Director concerning reinstatement or termination at the appropriate time.
5. In determining whether or not to place an employee accused of a misdemeanor on a paid administrative leave, the following criteria must be considered by the Department Director:
  - a. nature of the alleged crime;



- b. nature of the position held by the employee;
  - c. effect of the allegations on the public trust and confidence in County government;
  - d. all other relevant circumstances.
6. Notwithstanding the foregoing, the Department Director may conduct an investigation into the facts which serve as the basis for the investigation, arrest, or indictment of the employee, and may take disciplinary action pursuant to the Merit System Rules if warranted, up to and including termination.

**Section 410.400 Dismissals**

Dismissals are discharges made for delinquency, misconduct, inefficiency, deliberate violation of Merit System Board Rules and Regulations or administrative policies, or inability to perform the work of the position satisfactorily.

Dismissals of regular status Classified Service employees shall be effective only after the employee to be discharged has been notified of the specific reasons for the separation and has been given the opportunity to respond thereto. However, when in the opinion of the Department Director circumstances require the immediate departure of the employee from the work place, the separation may be made effective immediately. In such instances of immediate separation, the employee shall be given a hearing with the Department Director within forty-eight (48) hours of the separation, wherein the charges against him/her shall be presented in writing and reviewed with the employee and he/she shall be given the opportunity to respond thereto.

The reasons for the separation and the employee's response shall be forwarded to the Human Resources Director and Executive Secretary. The discharged employee shall have the right to a hearing before the Merit System Board as provided herein subject to appeal as provided by law. (See Chapter II)

**Section 420.000 Reasons for Disciplinary Actions**

Rev 6/03, 7/07, 9/10, 11/21

This section defines actions which may be subject to disciplinary action. These rules and regulations are set forth to protect the rights of all employees and insure uniform standards. Listed below are some of the violations which may be subject to disciplinary action as discussed in this Chapter. Disciplinary action is not limited to the offenses listed below.

- 1. Conviction of a crime of moral turpitude, conviction of a felony or a misdemeanor that would adversely affect the performance of duties or any entry of a plea of no contest to either. (Reprimand to Discharge)
- 2. Insubordination. (Reprimand to Discharge)
- 3. Too much wasted time and/or loitering during working hours. (Reprimand to Suspension)
- 4. Absence of three (3) working days without authorized leave. (Compulsory Resignation)
- 5. Excessive tardiness. (Reprimand to Discharge)
- 6. Excessive absenteeism. (Reprimand to Discharge)
- 7. Inefficiency. (Reprimand to Discharge)

8. Abuse of County property. (Reprimand to Discharge)
9. Intentionally providing false information, whether verbally or in writing, to a supervisor, official, the public, or a board. This includes the material omission of information. (Reprimand to Discharge)
10. Violation of County ordinances, Merit System Rules and Regulations, administrative policies, or departmental rules. (Reprimand to Discharge)
11. Any conduct which reflects unfavorably upon the County as an employer. (Reprimand to Discharge)
12. Membership in any organization which advocates the overthrow of the Government of the United States by force or violence. (Discharge)
13. Falsification of any County record including, but not limited to, an employment application or pre-employment physical. This includes the material omission of information. (Reprimand to Discharge)
14. Willful or repeated failure to honor a court judgment, resulting in the garnishment of wages. (Reprimand to Discharge)
15. Acceptance of gifts or gratuities in violation of the Gwinnett County Board of Commissioners Code of Ethics Policy, as amended. (Reprimand to Discharge)
16. Refusal to be examined by a County authorized, fully licensed physician when so directed. (Suspension to Discharge)
17. Political activity violation as outlined in Chapter V, Section 560.000. (Reprimand to Discharge)
18. Repeated violation of County rules or safety practices. (Suspension to Discharge)
19. Gross misconduct to include, but not limited to, fighting, physical violence, threats of physical violence, or engaging in offensive conduct or language toward the public, supervisory personnel, or fellow employees. (Reprimand to Discharge)
20. Possession of unauthorized weapons or firearms on employee's person or County property. (Suspension to Discharge)
21. Discriminatory conduct or language directed toward any employee or citizen on account of their genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law. (Reprimand to Discharge)
22. Falsification of time sheets or expense reimbursement documents. (Reprimand to Discharge)
23. Abuse of the sick leave policy. (Reprimand to Discharge)
24. Violation of the unlawful harassment policy. (Reprimand to Discharge)

25. Violation of the drug and alcohol-free workplace policy. (Reprimand to Discharge)
26. Careless or intentional damage or destruction of government property. (Reprimand to Discharge)
27. Intentionally withholding information from any supervisor or official which an employee has a responsibility to disclose. (Reprimand to Discharge)
28. Retaliating against an employee for filing an appeal under the Merit Rules and Regulations or retaliation against an employee for giving testimony at any Merit Board hearing. (Reprimand to Discharge)
29. Theft or attempted theft of property belonging to the County, a co-worker, or a citizen. (Suspension to Discharge)
30. Gambling or similar illegal activity on County property or during work time. (Reprimand to Discharge)
31. Failure to obtain or retain or loss of a certification or license required to perform an essential function of the job. (Suspension to Discharge)
32. Any conduct which interferes with morale or productivity within the workplace, including disrupting fellow employees in the performance of their job duties. (Reprimand to Discharge)
33. Failure to cooperate in any way in an administrative investigation conducted by any department or elected office. This includes, but is not limited to, providing false or incomplete information, withholding information, failure to be available for an interview, refusal to be interviewed, failure to maintain confidentiality when instructed, and any conduct which hinders or interferes with the investigation. (Suspension to Discharge)
34. Violation of the e-mail, intranet, or internet policies. (Reprimand to Discharge)
35. Violation of the ethics policy. (Reprimand to Discharge)
36. Commission of any unethical act prohibited by Section 610.500 of the Gwinnett County Merit Rules and Regulations. (Discharge)

# CHAPTER V: OTHER EMPLOYEE POLICIES

## Section 500.000 Other Employee Policies

## Section 510.000 Probationary Period

### Section 510.100 Initial Probationary Period

1. All appointments to regular or continuing part-time positions in the Classified Service shall be subject to satisfactory completion of an initial probationary period. This also applies to persons rehired after a break in service, whether or not the employee had previously completed a probationary period. The initial probationary period shall be 24 months in duration. If a probationary employee has not received a performance appraisal after 24 months in a probationary status, that employee shall automatically become recognized as a regular status employee by the Gwinnett County Merit System Board.
2. If an employee in the Classified Service is promoted, demoted, or laterally transferred before completion of the initial probation, they are still subject to satisfactory completion of the initial probationary period in the new position. Provisional service in a class immediately prior to probationary appointment to the class shall be credited toward the probationary period. A written recommendation of demotion or lateral transfer must be filed in the Human Resources Department for inclusion in the employee's personnel file.
3. Length of service with Gwinnett County shall be computed from the date of initial probationary appointment.
4. An employee serving an initial probationary period shall be given regular status within the County's Merit System upon satisfactory completion of the initial probationary period. Regular status shall be documented by a satisfactory performance appraisal by the reviewing supervisor.

## Section 520.000 Policy on Promotion

Vacancies in positions above the entry level in the Classified Service, which are designated by the Department Director to be filled, shall be filled by promotion from lower classes, when practical, without regard to departmental lines or through an established career path intra-departmentally, except when it is determined to be in the best interest of Gwinnett County to fill the position from candidates recruited from outside the service who have attained eligible status from the appropriate competitive process as set forth in County policies. No consideration shall be given to political or partisan endorsement for promotions to positions in the Classified Service; only merit and fitness for promotion shall be considered.

### Section 520.100 Competitive Promotions

Rev 1/07

Position vacancies in Classified Service which are designated by the Department Director to be filled, may be filled either internally by promoting regular employees in the County service or by recruitment of eligible candidates from outside the service. The Human Resources Director or designated representative, in cooperation with the Department Director or Appointing Authority, shall determine on the basis of the best interest of the County, the method to be used in filling such vacancies. The following procedures apply to competitive promotions.

1. Each promotional announcement shall provide for a minimum of seven calendar days between date of announcement and filing deadline for receiving applications in the Human Resources

Office. It shall be the responsibility of the employee to see that their completed application is received in the Human Resources Department prior to the announced filing deadline.

2. Promotional announcements shall include:
  - a. official class title;
  - b. salary grade or range;
  - c. essential job functions;
  - d. minimum entrance requirements, skills, and abilities;
  - e. examination procedure, when applicable;
  - f. filing deadline;
  - g. announcement date.

### **Section 520.101 Selection From Internal Candidates**

Rev 7/07

When a Department Director has decided to fill a vacancy internally, a selection will be made from a list of eligible candidates interviewed. All applicants in the qualified band will be viewed as equally qualified and will be certified by the Human Resources Director.

### **Section 520.200 Non-Competitive Promotions**

Rev 1/07, 9/10

Non-competitive promotions are made through a well-defined career ladder or training program when the employee was selected to begin in an entry-level position within the defined career ladder structure. Such structures are approved by the County Administrator or designee as part of the classification plan.

### **Section 520.300 Temporary/Acting Promotions**

Rev 5/99, 9/10

A Department Director, in coordination with the Human Resources Director, may assign a regular employee to a higher-level position on a temporary/acting basis for a period of 30 to 180 days. No temporary pay or salary adjustment will be made in the first 30 days of a temporary acting assignment. If an employee remains in a temporary acting assignment past 30 days, acting pay will go into effect on the 31<sup>st</sup> day of an employee's assignment to the temporary higher-level position. An employee selected for a temporary promotion must be informed by the Department Director/Appointing Authority, via a memo of understanding of the conditions and circumstances of the temporary promotion, including the assurance of return to the regular position upon completion of the temporary assignment.

1. An employee may receive a temporary promotion to a higher-level position without competition when:
  - a. An employee is required to perform the duties during the temporary absence of the incumbent;
  - b. It is necessary to fill the position before a regular appointment can be made;
  - c. The employee's services are required for a limited period of time to participate in a special project.
2. When the temporary promotion is expected to exceed 180 days, the appointment may be extended up to 180 additional days, with the approval of the Human Resources Director and County Administrator.

3. Temporary appointment shall not be used for trial periods before regular promotions or to train persons for higher-level positions.

### **Section 530.000 Policy on Transfers**

A Department Director/Appointing Authority may transfer an employee, including moving from a position in the same class or in a different class having the same pay grade. A transfer may require the employee to move from one office to another or one department to another. The employee shall retain the same employment status in the new position that the employee had in the previous position and shall continue the same pay rate except as otherwise provided.

### **Section 530.100 Intra-Department Transfers**

The Department Director/Appointing Authority may, at any time, transfer an employee under his/her jurisdiction, from one position to another in the same department between classes with the same pay grade in coordination with the Human Resources Department. The Human Resources Department is responsible for insuring the employee meets the qualification requirements for the new position.

### **Section 530.200 Inter-Department Transfers**

A transfer of an employee from one department to another shall have the approval of both Department Directors concerned and the Human Resources Director. Requests for such transfer shall verify that the employee meets the qualification requirements of the class to which the transfer is proposed.

### **Section 530.300 Transfer for Accommodations**

Rev 6/04

When an employee is unable to satisfactorily perform the essential job functions of the position duties, with or without reasonable accommodations, efforts will be made to assist the employee in identifying existing vacant positions for which they qualify and can perform satisfactorily the essential job function, with or without accommodation, in accordance with the Americans with Disabilities Act (ADA) policy guidelines.

### **Section 540.000 Demotions**

Rev 7/07

A position may be filled by the demotion of an employee in accordance with the provisions of these rules and regulations. Demotion may be the result of reallocation of a position, unsatisfactory performance, disciplinary action, or at the request of the employee. (See Chapter IV, Section 410.200)

### **Section 540.100 Performance Demotion**

When it has been determined by the Department Director/Appointing Authority that an employee is unable to satisfactorily perform the duties of the position, the Department Director, with the approval of the Human Resources Director, may authorize demotion of that employee to a position having duties which the employee can satisfactorily perform and which is in a class with a lower pay grade. Such a demotion shall be based upon documentation of unsatisfactory performance. The employee affected will retain regular status in the new class. A written notice of intent to demote, any pay adjustment, and a notification of the right to appeal, shall be given to the employee by the Department Director/Appointing Authority and forwarded to the Human Resources Director for inclusion in the employee's personnel file. (See Chapter II)

### **Section 540.200 Reclassification Demotion (Downgrade of Position)**

Rev 7/07

If a reclassification results in an employee occupying a position of lower class, the employee shall be demoted (or downgraded) to the lower class position (see County Administrator Policy). In cases where demotion occurs as a result of a reclassification, the employee shall be allowed to continue his or her current rate of pay, even though it exceeds the maximum of the salary range in the lower class. However, the employee's pay rate shall be "red circled", thereby, disallowing any future salary increases until such time as:

(1) the employee transfers into a job class for which the maximum salary is higher than the employee's current salary, or (2) the maximum salary for the employee's current class increases to a rate that exceeds the employee's salary. In the case of number (2), the employee would be eligible for a performance increase at the regularly scheduled anniversary date or any other scheduled salary adjustment, but not to exceed the maximum of the salary range.

### **Section 540.300 Voluntary Demotions**

An employee may be demoted at their own written request to a vacant position in a lower class, subject to the approval of the Department Director. The Human Resources Director shall determine whether the employee meets the minimum qualifications of the lower class of position.

### **Section 540.400 Disciplinary Demotions**

Rev 7/07

A Department Director, with the approval of the Human Resources Director, may demote an employee to a lower grade and position for disciplinary reason(s). The Department Director shall furnish a written statement to the employee with the reason(s) for the action including any pay adjustment and forward a copy of same to the Human Resources Department for processing and inclusion in the employee's personnel file. The written statement shall include notification of the right to appeal. (See Chapter IV, Section 410.200)

### **Section 550.000 Outside Employment**

Rev 7/07, 9/10

Gwinnett County employees may engage in outside employment which does not involve conflict of interest or interfere with their performance of duties for the County. Employees who have employment outside of their County job have a primary obligation and responsibility to the County. Any outside employment request must have written approval by the Department Director, in coordination with the Human Resources Director. All employees are required to complete the Gwinnett County Outside Employment form for outside employment work authorization and approval. This form can be found on the County's intranet website. Departments, particularly public safety departments, may have departmental outside employment requirements for approval that is separate and in addition to this policy.

A request for permission to engage in outside employment must be submitted to the Department Director, or designee with an approved copy to be retained in the requesting employee's official personnel file within Human Resources. Newly hired employees who hold an outside job, own a business, or are self-employed at the time of hire with Gwinnett County must submit a Request for Outside Employment form immediately upon employment with the County. Employees who transfer to another department and hold an outside job, own a business, or are self-employed must submit a Request for Outside Employment form immediately upon transfer to the new assignment. Request forms will be provided by the Human Resources Department. Failure to submit requests for approval prior to engaging in outside employment, or any conflict of interest or any job-related performance inefficiency related to outside employment, may be cause for disciplinary action or dismissal. (See Chapter VI, Sections 610.500 and 610.600)

### **Section 560.000 Political Activities**

Rev 6/03

No employee of the Classified Service shall be a candidate for or an officer of a political office with Gwinnett County while employed by the County. County employees may not engage in political campaign activity:

1. at any time while on duty;
2. at any time on or off duty while wearing or displaying any county issued apparel or uniform;
3. at any time on or off duty while using a County vehicle;

4. at any time on or off duty while using County funds, supplies, or equipment for such purpose. "Political campaign activity" includes but is not limited to:
  - a. distributing information, materials, or paraphernalia for or in support of any political candidate, party, or political organization;
  - b. soliciting contributions or services for any political candidate, party, or political organization;
  - c. purposefully giving the impression to another that Gwinnett County or a department of Gwinnett County directly or indirectly supports or endorses a particular political candidate, party, or political organization.

Nothing herein contained shall be construed to restrict the right of employees in classified service to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-working hours. However, county employees shall not participate either directly or indirectly in Gwinnett County elections except for voting in a county election or serving as a Poll Officer as defined by O.C.G.A. 21-2-90 et seq. The Merit System Board shall be authorized to promulgate reasonable rules which restrict the political activities of employees in the Classified Service.

## **Section 570.000 Non-Discriminatory Practices**

### **Section 570.100 Policy on Non-Discrimination**

Rev 1/07, 9/10, 5/20, 11/21

There shall be no discrimination exercised on the basis of genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law (except where age, sex, physical condition, or immigration status is a bona fide occupational qualification), with respect to the recruiting and examination of applicants, the hiring of eligible applicants, or in any personnel transactions affecting employees, including, but not limited to, training, promotion, and fitness of the individual. It shall also be the policy of Gwinnett County to prohibit unlawful harassment.

### **Section 570.200 Announcement of Job Opportunities**

Rev 1/07

The Human Resources Director shall see that information about job opportunities is readily available to all citizens of Gwinnett County (see Chapter III, Section 300.100).

### **Section 570.300 Appeals for Alleged Unlawful Discrimination**

Rev 9/00, 6/03, 6/08, 9/10, 5/20, 11/21

Any regular status employee who alleges that he has been reprimanded, suspended, involuntarily demoted, involuntarily discharged, or omitted from the proper band status on account of his genetic information (including sex), race, color, national origin (including ancestry), gender (identity and expression), sexual orientation, age, marital status, familial status (including pregnancy), disability, military or veteran status, religion, political affiliation, immigration status, homeless status, or any other category protected by law or who incurred the same as the result of unlawful harassment, may appeal such conduct to the Merit Board (see Chapter II, Section 220.000). Any alleged discrimination in any personnel transaction or unlawful harassment as defined by these policies or the County Administrator Human Resource policies should be reported to the Director of Human Resources immediately.



## **Section 580.000 Discretion to Operate Department or Office**

Rev 6/03

Nothing in the Merit Rules is intended to limit or restrict the non-grievable discretionary authority of a Department Director or elected official to determine mission, budget, organization and number of employees, pay, assign work, make shift assignments, transfer and reassign work, demote for non-disciplinary reasons, demote for non-performance related reasons including reclassification demotions, regulate leave, evaluate job performance, select from any source, determine classification system and pay plan, determine internal security practices, determine methods and means of performing work, determine numbers, types and grades of employees, and develop, implement, and interpret reasonable rules, regulations, and procedures related to the operation of his/her department or office.

# CHAPTER VI: SEPARATIONS

## **Section 600.000 Separations**

The following section delineates the specific types of separations and the conditions under which they occur.

### **Section 610.000 Resignation**

In order to resign in good standing, an employee must give a two-week written notice to their supervisor. Failure to comply may result in a denial of re-employment. The Department Director or Appointing Authority may waive this requirement and allow the employee to leave immediately.

### **Section 610.100 Compulsory Resignation**

Rev 6/03

An employee who is absent for three consecutive working days or one 24-hour shift without obtaining supervisor approval shall be deemed to have resigned. The employee may not be eligible to be placed on a reemployment list.

An employee who has separated from employment as a compulsory resignation shall have no right of appeal.

### **Section 610.200 Probationary Separation**

Rev 1/07

At any time during the initial probationary period, a Department Director/Appointing Authority may remove an employee. Upon separation, a written notice of termination shall be given to the employee and the Human Resources Department for inclusion in the employee's personnel file.

### **Section 610.300 Reduction in Force**

A reduction in force is an involuntary separation of an employee from service in Gwinnett County which has been made necessary due to shortage of funds or work, the abolition of the position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and are not related to fault, delinquency, or misconduct on the part of the employee. The duties formerly performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes. Unless the County Administrator determines there is an immediate need for a reduction in force, a reduction in force should be effected only after all personnel actions aimed at avoiding a layoff have been considered by the Human Resources Director to no avail, e.g., transfers, reassignments, etc. Reduction in force shall not be used as a vehicle for dismissing unsatisfactory employees.

Whenever a reduction in force of one (1) or more employees shall become necessary, the Appointing Authority shall notify the Human Resources Director, or vice versa, at least fourteen (14) calendar days in advance giving the reasons for the action. The Human Resources Director shall furnish to the appointing authority the names of the employees to be laid off in the order in which such layoff shall be effected.

### **Section 610.301 Order of Reduction in Force**

Rev 7/03, 7/09

When it becomes necessary to reduce the work force in a given class, employees shall be separated from service in the following order:

1. Emergency, Temporary, and Probationary Employees: In any given class, emergency, temporary, probationary, and part-time employees shall be laid off before a regular status employee in such cases when the regular status employee is qualified and available to perform the essential duties of the job.

2. Employees will be laid off on the basis of their total length of time in Gwinnett County, minimum acceptable performance on the job, and the extent to which the employee meets or exceeds qualification requirements, which include, but are not limited to, experience and education. For layoff purposes, length of service shall mean the total months of actual employment with Gwinnett County in any class or department. In determining the order of layoff for classified employees with regular status, the following will be considered:
  - Employees who in the current annual period are rated below satisfactory shall be laid off before regular status employees who have achieved a satisfactory or better performance rating.
  - An affected employee's length of service.
  - The extent to which an affected employee meets or exceeds the qualification requirement as stated in that position's class specification.
3. When a Department Director believes that a certain individual is essential to the efficient operation of the department or organizational unit, because of special skills or abilities, and the Department Director wishes to retain this individual in preference to a person using the order prescribed above, the Department Director shall submit a written request to the Human Resources Director for permission to do so. This request shall set forth in detail the specific skills and abilities possessed by the individual and the reasons why such individual is essential to the effective operation of the department. With the approval of the Human Resources Director, the individual may be retained.
4. If a regular employee is scheduled to be laid off, the department director may request to designate the employee to a lower class if the employee is clearly more qualified to fill the position in that lower class. In this case, the same order of layoff as described in this section will apply to the lower class. The Department Director shall submit a written request to the Human Resources Director for permission to do so.

### **Section 610.302 Notification of Reduction in Force**

Regular employees shall be notified in writing by the Department Director or Human Resources Director at least fourteen (14) calendar days prior to the effective day of the layoff. The employee's prior notice of a layoff shall be the employee's receipt of a written memorandum from the employee's Department Director or the Human Resources Director. A copy of such a memorandum from the Department Director shall be forwarded to the Human Resources Director at the time the original is given to the employee. No layoff shall be effective until approved by the Human Resources Director.

### **Section 610.303 Provisions for Employees Affected by Reduction in Force**

1. Employees should be completely informed about the entire reduction-in-force or layoff process. Persons who are laid off shall be given primary consideration when conditions warrant rehiring.
2. Employees being laid off shall be paid for all annual leave credits for which they are eligible under County policies.

### **Section 610.500 Dismissals for Unethical Acts**

Any employee of Gwinnett County who violates any of the following provisions shall forfeit their position in the County service.

1. No person shall make any false statement, certificate, mark, rating, or report with regard to any test certification or appointment made under any provisions of these rules and regulations or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules and regulations.
2. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, in a Classified Service position in the Gwinnett County Government.
3. No employee of the Human Resources Department, an examiner, or other person shall defeat, deceive, or obstruct any person in his or her right to examination, eligibility, certification, or appointment under these rules and regulations, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the Gwinnett County Government Service.

### **Section 610.600    Disciplinary Dismissals**

1. Dismissals are discharges or separations made for cause, which shall include, but not be limited to, delinquency; conviction of a felony or other unlawful acts; misconduct; refusal to meet job standards, ethic, work, etc., to an extent that makes an employee unsuitable for Gwinnett County employment; insubordination or willful violation of the provisions of departmental or Gwinnett County rules and regulation or administrative policies.
2. Dismissals of regular employees shall be effective only after the person to be discharged has been presented with the reasons for such discharge in a notice of intent to terminate specifically stated, and has been allowed a reasonable time to reply in writing. The person discharged shall have the right of appeal pursuant to Chapter II Section 220.000-240.000 of these rules and regulations.
3. Any employee convicted of any felony involving the possession, manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug or marijuana, or convicted of a felony crime of violence, shall be dismissed upon his/her conviction, and shall be ineligible for re-hire. Section 310.200 shall not apply to any employee dismissed under this Section.

# APPENDIX

## Merit Rules List of Revisions by Date

### LISTING OF AMENDMENTS

These Rules and Regulations of the Gwinnett County Merit System were adopted by the Gwinnett County Board of Commissioners on November 18, 1997, with an effective date of January 1, 1998. Following is a list of the subsequent amendments and the date each amendment was adopted by the Board of Commissioners.

SECTION	ADOPTED BY BOC
100.500	July, 1998
610.200	July, 1998
110.100	January, 1999
110.700	January, 1999
120.100	January, 1999
120.400	January, 1999
120.500	January, 1999
120.501	January, 1999
220.000	January, 1999
240.000	January, 1999
330.200	January, 1999
330.600	January, 1999
330.700	January, 1999
340.200	January, 1999
340.300	January, 1999
350.300	January, 1999
Appendix	January, 1999
620.300	May, 1999
110.850	August, 1999
240.000	August, 1999
110.350	May, 2000
240.000	May, 2000
510.300	May, 2000
120.504	June, 2000
200.000	September, 2000
670.100	September, 2000
670.300	September, 2000
310.100	May, 2001
320.200	May, 2001
120.500	June, 2003
200.000	June, 2003

<b>SECTION</b>	<b>ADOPTED BY BOC</b>
220.000	June, 2003
240.000	June, 2003
250.000	June, 2003
500.000	June, 2003
510.100	June, 2003
520.000	June, 2003
660.000	June, 2003
670.300	June, 2003
680.000	June, 2003
710.100	June, 2003
110.700	July, 2003
120.300	July, 2003
120.400	July, 2003
240.000	July, 2003
310.200	July, 2003
400.100	July, 2003
410.000	July, 2003
710.301	July, 2003
320.100	June, 2004
320.200	June, 2004
330.200	June, 2004
330.500	June, 2004
330.700	June, 2004
330.701	June, 2004
330.702	June, 2004
340.200	June, 2004
360.400	June, 2004
630.300	June, 2004
710.400	June, 2004
110.700	January, 2007
300.100	January, 2007
310.100	January, 2007
320.300	January, 2007
330.200	January, 2007
340.100	January, 2007
340.200	January, 2007
350.100	January, 2007
350.300	January, 2007
350.302	January, 2007
350.400	January, 2007
620.100	January, 2007
620.200	January, 2007
670.100	January, 2007
670.200	January, 2007

<b>SECTION</b>	<b>ADOPTED BY BOC</b>
710.200	January, 2007
100.600	July, 2007
110.100	July, 2007
110.700	July, 2007
120.300	July, 2007
120.400	July, 2007
120.500	July, 2007
120.501	July, 2007
120.502	July, 2007
120.505	July, 2007
120.506	July, 2007
120.507	July, 2007
220.000	July, 2007
230.000	July, 2007
310.200	July, 2007
320.300	July, 2007
340.400	July, 2007
350.200	July, 2007
370.000	July, 2007
390.000	July, 2007
400.000 Removed	July, 2007
400.100 Removed	July, 2007
400.200 Removed	July, 2007
400.300 Removed	July, 2007
400.400 Removed	July, 2007
410.000 Removed	July, 2007
420.000 Removed	July, 2007
430.000 Removed	July, 2007
440.000 Removed	July, 2007
New 420.000	July, 2007
New 520.101	July, 2007
New 540.000	July, 2007
New 540.200	July, 2007
New 540.400	July, 2007
New 550.000	July, 2007
100.700	February, 2009
220.000	February, 2009
330.701	February, 2009
330.702	February, 2009
570.300	February, 2009
100.800	July, 2009
110.700	July, 2009
240.000	July, 2009
320.200	July, 2009

<b>SECTION</b>	<b>ADOPTED BY BOC</b>
510.200	July, 2009
610.300	July, 2009
100.800	July, 2009
110.700	July, 2009
240.000	July, 2009
320.200	July, 2009
510.200	July, 2009
610.300	July, 2009
610.301	July, 2009
100.900	September, 2010
110.700	September, 2010
120.500	September, 2010
200.000	September, 2010
220.000	September, 2010
250.000	September, 2010
400.000	September, 2010
420.000	September, 2010
520.200	September, 2010
520.300	September, 2010
550.000	September, 2010
570.100	September, 2010
570.300	September, 2010
100.1000	September, 2012
310.200	September, 2012
100.1100	June, 2020
110.700	June, 2020
200.000	June, 2020
570.100	June, 2020
570.300	June, 2020
110.700	September, 2021
120.500	September, 2021
200.000	September, 2021
220.000	September, 2021
250.000	September, 2021
400.000	September, 2021
420.000	September, 2021
570.100	September, 2021
570.300	September, 2021