THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Revision of Employee Manual

Date of Meeting:_____

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: $_____

Funding Source:

☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested: Per Council decision, amend the ordinance to allow an appeal of a termination or forced resignation from two (2) to five (5) business days.

History, Facts, Issues: Council decided to allow more time for appeals.

Options: Adopt the ordinance or not.

Recommended Action: Adopt the ordinance.

Department:_____ **Department Head:** _____

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO AMEND SECTIONS 2-240 THROUGH 2-242, PERSONNEL HANDBOOK SECTION 10.3.3(D), ARTICLE IX PERSONNEL POLICIES, CHAPTER 2 ADMINISTRATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Doraville, Georgia desires to foster a healthy, efficient, and productive work environment for its staff in their mission to serve the interests of the citizens of the City;

WHEREAS, the City has a duly adopted personnel policy ordinance and corresponding employee manual;

WHEREAS, the Mayor and Council have determined to increase the number of days provided for appeals of terminations and inducements to resign;

WHEREAS, after due deliberation the Mayor and Council have elected to adopt a revision to the personnel ordinance and corresponding manual in order to update and keep current employment policies for the benefit of City employees and management; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Article IX, Personnel Policies, Chapter 2, Administration, Section 2-240 through 2-242, which said section reads as follows:

"Chapter 2. Administration.

. . .

Article IX. Personnel Policies.

Sec. 2-240. Adoption.

The provisions entitled "City of Doraville Employee Manual Adopted by Ordinance June 15, 2009. Adopted June 29, 2009, Effective Date July 1, 2009" consisting of eleven (11) sections, each inclusive, is re-adopted in its entirety in this article with the following section being amended on August 23, 2010. A copy of said code provision is maintained in the office of the City Clerk.

Sec. 2-241. Repealer.

All ordinances concerning personnel policies and procedures enacted on or before June 15, 2009 and not included in the aforesaid City of Doraville Employee Manual, or recognized and continued in force by reference therein, are hereby repealed.

Sec. 2-242. Prior policies and revisions.

(a) Policies not revived. The repealer provided for in section 2-241 above shall not be construed to revive any personnel policy, procedure, or part thereof that has been repealed by a subsequent personnel policy, or procedure that is repealed by this article.

(b) Revision dated August 23, 2010.

Section 10.3.3 Complaint Procedure.

. . .

D. <u>Public Hearing</u>. In cases where an employee is terminated or requested or induced to resign from his position of employment with the City, the employee shall have the right, if he so desires, to request in writing within five (5) working days of such termination or resignation a public hearing before the City Council for the purpose of determining the reason or reasons for such termination or resignation.

If requested, such public hearing shall be held within a reasonable time, but not more than thirty (30) days following such request. The public hearing may be held in conjunction with a regular meeting of the City Council. The decision of the City Council following the hearing shall be final.

If an employee fails to comply with the time limitations specified herein for review of his complaint, it shall be deemed that the employee has waived and forfeited all such rights of review.

. . ."

<u>Section 2.</u>

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance as may be relevant are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective on August 23, 2010.

SO ORDAINED, this _____ day of _____, 2010.

CITY OF DORAVILLE

_____
Ray Jenkins, Mayor

_____
First Reading

_____
Second Reading

ATTEST:

_____(SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐