



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, April 28, 2025 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. ROLL CALL:** Sonya Isom, City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE:** Alecia Washington, District 3 Councilmember
- V. APPROVAL OF THE AGENDA**
- VI. REVIEW AND APPROVAL OF MINUTES**

a. Approval of Meeting Minutes - City Council Meeting, March 24, 2025

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address,

position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

- a. Public Hearing** - Ordinance for TMOD 24-001 Truck Parking Revisions - *Ralph Butts, Code Enforcement Director*
- b. For Decision** - Ordinance for TMOD 24-001 Truck Parking Revisions - *Ralph Butts, Code Enforcement Director*
- c. Public Hearing** - Ordinance for RZ 25-001 1455 Rogers Lake Road - *Shawanna Qawiy, Division Director Community Development*
- d. For Decision** - Ordinance for RZ 25-001 1455 Rogers Lake Road - *Shawanna Qawiy, Division Director Community Development*

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

XI. REPORTS & PRESENTATIONS

- a.** East Metro CID Status Report Update - *Cornell McBride, Discover DeKalb*
- b.** Stonecrest Citizens Academy Graduation - *Gia Scruggs, City Manager*

XII. OLD BUSINESS

- a. For Decision** - Ordinance for Financial Management Code Amendment, 2nd Read - *Lakeisha Gaines, Finance Director*
- b. For Decision** - Ordinance for Personnel Code Amendment, 2nd Read - *Leona Durden, Director of Human Resources*
- c. For Decision** - Resolution for the Personnel Policy Manual - *Leona Durden, Director of Human Resources*

XIII. NEW BUSINESS

- a. For Decision** - Resolution for SDP 24-009 6251 Rock Springs Road (Preliminary Plat Highland Park Phase II) - *Shawanna Qawiy, Division Director Community Development*

XIV. CITY ATTORNEY COMMENTS

XV. CITY MANAGER UPDATE

XVI. MAYOR AND COUNCIL COMMENTS

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

XVIII. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, March 24, 2025 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 6:11pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. INVOCATION: Reverend C. Louis Jackson, Smokerise IBC

IV. PLEDGE OF ALLEGIANCE: Alecia Washington, District 3 Councilmember

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Terry Fye to approve the agenda as listed. Second by Councilmember Tara Graves.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - City Council Meeting, February 24, 2025

Motion – made by Councilmember Terry Fye to approve the meeting minutes from the February 24, 2025, City Council Meeting. Second by Councilmember Tara Graves.

Motion passed unanimously.

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council. There is a three (3) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

Faye Coffield - Announced that her non-profit organization, The Evelyn Stokes Foundation, would be hosting a free safety presentation tomorrow night, at 6pm, at the Stonecrest Library. Please look at other countries that can bring revenue and tourism. She suggested looking at Henry County and Rockdale, stating she can help with introductions.

Abdul Ali - Thankful for progress in certain areas within the city. Technology is causing great fear and disconnect to the community. He would like to meet with the council to discuss issues in the city and would like to have a moment of silence at the beginning of each meeting.

Vincent Lamotte - Filmmaker/Writer/Producer- has been running an afterschool program for youth in the community. Would like the City's assistance in forming a film school or program for youth in Stonecrest.

Donna Priest-Brown (via email) - Concerned about ongoing drag racing in the city and encouraging the city's leaders to do more surrounding this issue. She would like to see elected officials advocate for solutions with DKPD; update residents on what is being done to resolve the issue; add speed humps and cameras in high-risk areas and partner with other community members and leaders to come up with a clear response plan for ongoing safety threats.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

- a. Public Hearing** - SLUP 24-009 3356 Panola Road - *Shawanna Qawi*, Division Director, Community Development

The presentation was given by Director Qawi stating the applicant is seeking a Special Land Use Permit to operate a Type 2 Home occupation for a child daycare. The property is located at 3356 Panola Road at the intersection of Panola Road and Rock Springs Road.

Zoned R-100 Medium Residential Lot, the property is currently used as a residence for the applicant in conjunction with a child daycare center. There was a review of the zoning map, future land use, aerial location map, submitted site plan outdoor play area, site photos, and staff approval with conditions as stated in the packet.

Motion – made by Councilmember Tammy Grimes to open public hearing for SLUP 24-09 3356 Panola Road. Second by Councilmember Alecia Washington.

Motion passed unanimously.

There were comments from the applicants stating they have given a presentation at two previous meetings and will correct anything that needs to be corrected. They have been in existence for 30 plus years and there was no one in place previously to make sure the license was up to date. It was stated that the owner is a pillar in the community.

Mayor Cobble stated the applicant had been in business before Stonecrest became a city and maintained all licenses and believes this requires an administrative remedy and not a SLUP. It was confirmed that it was the applicant's decision to take this route and complete a SLUP. Six children or less is a facility and a daycare is seven or more. They are regulated to have twelve. Councilmember Grimes is excited has never seen children or anything out of place at the house.

In Favor

Faye Coffield
Leatha Spivey
Carole Dortch

In Opposition

None

Motion – made by Councilmember Tara Graves to close public hearing for SLUP 24-009 3356 Panola Road. Second by Councilmember Alecia Washington.

Motion passed unanimously.

- b. For Decision** - Ordinance for SLUP 24-009 3356 Panola Road - *Shawanna Qawiy, Division Director, Community Development*

The preamble was read by the City Clerk.

Attorney Denmark stated council can vote on adoption and if need be, the ordinance can be updated with the appropriate language. Attorney will clean up language to be consistent.

Motion – made by Councilmember Alecia Washington to approve SLUP 24-009 3356 Panola Road as a child daycare center. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

- c. Public Hearing** - SLUP 25-001 4989 Thompson Mill Road - *Shawanna Qawiy, Division Director, Community Development*

The presentation was given by Director Qawiy stating the applicant is seeking a Special Land Use Permit to operate a Type 2 Home Occupation for a personal care home. The

subject property is located at 4989 Thompson Mill Road. The dwelling is located in the Miller's Cover Subdivision with a floor area of 2, 258 square feet. The nearest personal care home is located at 4921 Hamlet Court, approximately 1250 ft from the subject property. There was a review of the zoning map, future land use, aerial location map, exterior site photos, interior photos, submitted floor plan, and staff recommended approval with conditions as noted.

The facility will be for disabled patients and is within the proximity of retail stores, a fire department and local hospital. The facility has been in compliance with city codes and labeled good for the community. The owner must reside in the Personal Care Home, must obtain licenses/permits and must be visible.

Motion – made by Councilmember Terry Fye to open public hearing for SLUP 25-001 4989 Thompson Mill Road. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

In Favor

Rufaro Moyo
Goodwin Moyo

In Opposition

None

Motion – made by Councilmember Terry Fye to close public hearing for SLUP 25-001 4989 Thompson Mill Road. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

- d. For Decision** - Ordinance for SLUP 25-001 4989 Thompson Mill Road - *Shawana Qawiy, Division Director, Community Development*

The residents will not drive and will require rides to and from the facility. There will be a nurse and caregiver on site from 9am-5pm. The driveway allows spacing for emergency vehicles to make full turn arounds in lieu of accessing patients and possible transport.

Motion – made by Councilmember Terry Fye to approve SLUP 25-001 4989 Thompson Mill Road. Second by Mayor Pro Tem George Turner.

Motion failed 3-2 with Councilmembers Tara Graves, Alecia Washington and Tammy Grimes voting Nay.

- e. Public Hearing** - RZ 24-005 1810 Coffee Road - *Shawanna Qawiy, Division Director, Community Development*

The presentation was given by Director Qawiy stating the applicant is seeking a rezoning and map amendment of 1.42 acres from M-2 Heavy Industrial to M Light Industrial. The subject property is 1.42 +/- acres, currently zoned M-2 Heavy Industrial with a future land use designation of HIND Heavy Industrial and located at 1810 Coffee Road. The subject property is currently vacant, and heavily wooded with indications of wetlands. Staff are requesting a full cycle deferral.

- f. **For Decision** - Ordinance for RZ 24-005 1810 Coffee Road - *Shawanna Qawi, Division Director, Community Development*

Motion – made by Councilmember Tara Graves to approve a full cycle deferral for RZ 24-005 1810 Coffee Road. Second by Councilmember Alecia Washington.

Motion passed 4-1 with Councilmember Terry Fye voting Nay.

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

- a. Appointment of the Purchasing Agent/Purchasing Official - *Gia Scruggs, City Manager*

Appointment of Tanisha Boynton as the Official Purchasing Agent for the City of Stonecrest.

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS

- a. **For Decision** - Resolution to approve Fleet Policy Revisions Recommendation - *Reginald Powell, Facilities Operations Manager*

The presentation was given by Mr. Powell stating that the current fleet policy for the City of Stonecrest has been reviewed and needs revisions to make sure the city follows policies, regulations, insurance coverage and city guidelines. There was a review of the purpose, city requirements to be a driver, and the City Manager requirements to be approved to take vehicles home. Staff are requesting approval.

There will be a process developed in the policy that will include a written request, along with justification/need of a vehicle. Once approved there will be training provided for staff.

Motion – made by Councilmember Terry Fye to approve the Resolution for Fleet Policy Revisions Recommendation. Second by Councilmember Tara Graves.

Motion passed unanimously.

- b. **For Decision** - Resolution to approve Purchasing Policy Revisions Recommendation - *Tanisha Boynton, Procurement Manager*

The presentation was given by Ms. Boynton stating revisions were made after the last meeting held on March 10th. The intent is to ensure compliance with the State Purchasing Act, Official Code of Georgia Annotated in O.C.G.A. Section 50-5-50 et seq, Georgia Statutes, City Charter, State of Georgia Commission of Ethics, Georgia Office of Inspector General (GOIG), National Institute of Government Purchasing (NIGP), the Institute for Supply Management (ISM), and applicable additional requirements when utilizing SPLOST, ARPA, and Federal Grant funds.

Motion – made by Councilmember Terry Fye to approve the Resolution for Purchasing Policy Revisions Recommendation. Second by Councilmember Tammy Grimes.

Motion passed 4-1 with Councilmember Tara Graves voting Nay.

- c. **For Decision** - Resolution to approve Purchasing Card Policy Revisions Recommendation - *Tanisha Boynton, Procurement Manager*

The presentation was given by Ms. Boynton stating additional minor revisions have been made since the March 10th Work Session, addressing the use of cards by the council.

Motion – made by Councilmember Tammy Grimes to approve the Resolution for Purchasing Card Policy Revisions Recommendation. Second by Councilmember Alecia Washington.

Motion passed unanimously.

- d. **For Decision** - Resolution to approve Travel Policy Revisions Recommendation - *Lakeisha Gaines, Finance Director*

The presentation was given by Director Gaines stating she has made the updates addressing elected officials who travel under 50 miles for training or any other city business that may be reimbursed for overnight lodging with prior notification. Updates were also made in regard to employees who travel under 50 miles for training and other city business, being reimbursed for overnight lodging with prior notification.

Motion – made by Councilmember Tara Graves to approve the Resolution for Travel Policy Revisions Recommendation. Second by Mayor Pro Tem George Turner.

Motion passed 4-1 with Councilmember Tammy Grimes voting Nay.

- e. **For Decision** - Resolution to approve Financial Management Policy Revisions Recommendation - *Lakeisha Gaines, Finance Director*

The presentation was given by Director Gaines stating the requested changes have been made. There was a review of the budget process according to Charter for grant matches that must be pre-approved by the council to use city funds.

Motion – made by Councilmember Terry Fye to approve the Financial Management Policy Revisions Recommendation. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

XIII. NEW BUSINESS

- a. **For Decision** - Resolution for SDP 24-001 Preliminary Plat 2955 Klondike Road - *Shawanna Qawiy, Division Director, Community Development*

The presentation was given by Director Qawiy stating the applicant is seeking approval of a preliminary plat for a 72 unit townhome development to be known as Klondike Station. The property is located at 2955 Klondike Road and the parcel is currently zoned R-100 Residential Medium Lot with an Urban Neighborhood future land use designation in the Stonecrest Overlay -Tier 3. There are 6.85 acres of undevelopable areas, and the applicant plans to build on 4.76 acres. The development will be subject to private covenants and governed by a mandatory homeowners' association. There was a review of the background, current zoning, future land use, Stonecrest Overlay Tier 3 and aerial location map. The staff recommended approval with conditions as stated in the packet. The City Clerk read the preamble.

Motion – made by Councilmember Tara Graves to approve the Resolution for SDP 24-001 Preliminary Plat 2955 Klondike Road. Second by Councilmember Alecia Washington.
Motion passed unanimously.

b. For Decision - Ordinance for Personnel Code Amendment, 1st Read - *Leona Durden, Director of Human Resources*

The presentation was given by Director Durden stating this amendment will remove the Personnel Chapter from the Code of Ordinance and adopt the Personnel Manual as the official employment document of the city, stating there will be one comprehensive manual for all policies. There was a review of the amendment overview, objective and key components. The staff recommended approval.
 The City Clerk read the preamble. 1st Read.

c. For Decision - Ordinance for Financial Management Code Amendment, 1st Read - *Lakeisha Gaines, Finance Director*

The presentation was given by Director Gaines, stating this is to adopt the Financial Management Policy as the official Finance Policy of the city.
 The City Clerk read the preamble, 1st Read.

d. For Decision - Resolution for Community Development Block Grant (CDBG) Acceptance - *Lakeisha Gaines, Finance Director*

The presentation was given by Director Gaines stating that the City of Stonecrest was selected as a recipient of the DeKalb County 2024 CDBG Funding Grant on July 22, 2024, granting the City of Stonecrest \$500,000 for funding, to be used for sidewalk projects and also have the opportunity for other projects.

Staff is asking the council to officially accept the grant of \$500,000. City Manager Scruggs stated the city has been approved for several grants. The location is Fairington Road area, and this is a huge investment for safe sidewalks.
 The preamble was read by the City Clerk.

Motion – made by Councilmember Tammy Grimes to approve the Resolution for Community Development Block Grant (CDBG). Second by Councilmember Alecia Washington.

Motion passed 4-0 with District 1 being temporarily absent.

e. For Decision - Resolution for Transportation Alternative Program (TAP) Application - *Lakeisha Gaines, Finance Director*

The presentation was given by Director Gaines stating staff is seeking approval to apply for the Transportation Alternative Program Grant with GDOT. The eligible projects to qualify for the grant are on road and off-road trail facilities for pedestrians, bicyclists and other non-motorized forms of transportation. The staff is preparing to apply for the grant to construct a shared use path along Thompson Mill Road from Winding Grove Drive to the city limits at Snapfinger Creek Bridge. The total estimated cost of the project is \$3.8 million dollars, and the proposed grant funding is \$3,040,000 with a city match of \$760,000. These funds will be from SPLOST II.
 The preamble was read by the City Clerk.

Motion – made by Councilmember Terry Fye to approve the Resolution for Transportation Alternative Program (TAP) Application. Second by Councilmember Tammy Grimes.
Motion passed 4-0 with District 1 being temporarily absent.

XIV. CITY ATTORNEY COMMENTS

No comments.

XV. CITY MANAGER UPDATE

Pleased to announce the start of the marketing campaign for the city app. The official voting for top 5 will be on March 31st, final voting held on April 12th, announcement of the name on April 21st and the official launch on June 1st. Last Thursday was the first day of the Citizens Academy, with three City of Stonecrest staff members, totaling 33 participants. The graduation ceremony will be held at the April 28th City Council Meeting. April 21st – April 26th, 2025, is Georgia Cities Week, with the theme “Imagine the Possible.”

XVI. MAYOR AND COUNCIL COMMENTS

District 1 – Tara Graves – No comments.

District 2 – Terry Fye – Kudos to the City Manager and Code Enforcement for being so responsive. Residents who gave public comments, please come out to our March 31st Town Hall meeting at Lou Walker Senior Center from 6:00pm-7:30pm with light refreshments.

District 3 – Alecia Washington – District 1 & District 3 will host a combined Town Hall on Saturday, March 29th at The City of Stonecrest. Both Districts are also hosting a Hazardous Waste event, to be held at 2 sites. District 1 to be held at City Hall and District 3 to be held at Fairington Park. Dumpsters will be at the sites from 8:00am – 1:00pm.

District 4 – Mayor Pro Tem George Turner – At the end of Salem Road at Evans Mill, there will be water line construction, to be completed by the end of April. He is asking for patience during this time. There are field hogs in the neighborhoods that have been causing damage to the landscape in several yards. If you see them, please report to the authorities for removal.

District 5 – Tammy Grimes – Stay tuned for Talk with Tammy, location, date and time to be announced. Please continue to pray for our school system, children and educators.

Mayor Cobble – Thanks to everyone that came out to Walk with the Mayors. She will be with the students at Panola Way Elementary reading a story about government for The Mayor’s Reading Club Initiative. This Saturday is the Women of Woman Gala and First Lady Lynette Williams, Salem Bible Church, will be the keynote speaker. Happy Birthday to our City Manager.

XVII. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate, 4) Cyber Security

Motion – made by Councilmember Terry Fye to enter Executive Session for personnel, litigation, real estate and cyber security. Second by Mayor Pro Tem George Turner.

Motion passed 3-1 with Councilmember Tammy Grimes voting Nay.

Motion – made by Councilmember Terry Fye to exit Executive Session and return to regular schedule meeting. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Terry Fye to approve the minutes from Executive Session. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

XVIII. ADJOURNMENT

Motion – made by Councilmember Terry Fye to adjourn the scheduled City Council Meeting. Second by Councilmember Tammy Grimes.

Motion passed unanimously.

The meeting was adjourned at 10:29pm.

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for TMOD 24-001 Truck Parking Revisions

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☒ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☐ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☒ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Shawanna Qawiy, Division Director Community Development

PRESENTER: Ralph Butts, Code Enforcement Director

PURPOSE: The amendments and revisions to TMOD 24 -001 are to include language for “commercial” truck and/or trailer parking regulations.

FACTS: The City of Stonecrest is seeking approval to amend and revise Section 6.1.3 Parking Regulations Off Street Parking Spaces to add language for “commercial” parking regulations for truck parking.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Redlined Ordinance
- (2) Attachment 2 - Text Amendment Revisions
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 -
- (5) Attachment 5 - Click or tap here to enter text.

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO AMEND CHAPTER 27 (ZONING ORDINANCE) ARTICLE 6 (PARKING) WITHIN THE CITY OF STONECREST; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend Chapter 27 (Zoning Ordinance) Article 6 (Parking) to add parking regulations for commercial truck parking, tractor trailers and semi-trailers parking in the city; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, the matter was heard in the City’s Community Planning Information Meeting

pursuant to the provisions of the City's Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended in **CHAPTER 27 (ZONING ORDINANCE) ARTICLE 6 (PARKING) TO ADD PARKING REGULATIONS FOR COMMERCIAL TRUCK PARKING, TRACTOR TRAILERS AND SEMI-TRAILERS PARKING IN THE CITY** by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined.** Text removed from current law appears as **red, bold, underlined and strikethrough.**

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (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 section 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 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is 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 of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2025.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**EXHIBIT A
(SEE ATTACHED)**

ARTICLE 6. PARKING

TEXT AMENDMENT REVISIONS

TMOD 24-001

SEC. 6.1.3 PARKING REGULATIONS, OFF-STREET PARKING SPACES

Sec. 6.1.1. Introduction.

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

Sec. 6.1.2. Interpretation.

- A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.
- B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.
- C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

Sec. 6.1.3. Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.

2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of ~~business~~ **commercial** vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
 - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
 - (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
 - (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'

Created: 2023-08-28 12:10:27 [EST]

75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'



10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved ~~paved~~ surfaces for **any industrial use for truck parking (commercial truck parking lot) transportation equipment and storage or maintenance (vehicle) storage, without services provided**, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
- The parking area shall be screened from view of the public street with an opaque fence or wall minimum of six feet in height.
 - The parking area shall be at least 25 feet from the street right-of-way.
 - A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least 75 percent evergreens and at least two rows of plants.
 - ~~The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;~~ **Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);**
 - Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - The **commercial truck** parking lot ~~has~~ **shall be** a minimum of ~~one~~ **five (5)** acres.
 - All existing parking lots that have an active business license with the gravel parking are legally nonconforming. Any modification to those parking lots require compliance with the current ordinance.**
11. ~~Unpaved~~ **Paved** parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
- The parking area shall be at least ~~150~~ **750** feet from the boundaries of a residentially zoned parcel;
 - ~~The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;~~ **Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);**
 - ~~The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;~~
 - ~~The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;~~
 - Parking areas shall be inspected by the City of Stonecrest every two years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
 - Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10.

and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;

- g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one-time extension up to 12 months.

12. Commercial trucks, tractor trailers and semi-trailers: A commercial truck (including medium and heavy-duty trucks, semi-trucks, tractor trailer flatbed trucks, tow trucks, box trucks, and delivery trucks) and semitrailer are prohibited from parking in all residentially zoned properties. Commercial trucks, tractor trailers or semitrailers shall not be parked or stored in any O-1 (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial), MU-1 (Mixed Use Low Density), MU-2 (Mixed Use Low Density), MU-3 (Mixed Use Medium Density), MU-4 (Mixed Use High Density) and NS (Neighborhood Shopping) districts. _____
12. Commercial vehicles: A commercial vehicle (including but not limited to semi-trucks with or without trailer, dump trucks, flatbed trucks, tow trucks, utility trucks, buses, box trucks, and delivery trucks) are prohibited from parking in all residentially zoned properties. Unless work is being performed by the business associated with said commercial vehicles and workers are present.
13. Commercial vehicles shall not be parked or stored overnight in any O-1 (Office Institutional), OD (Office Distribution), C-1 (Local Commercial), C-2 (General Commercial), MU-1 (Mixed Use Low Density), MU-2 (Mixed Use Low Density), MU-3 (Mixed Use Medium Density), MU-4 (Mixed Use High Density) and NS (Neighborhood Shopping) districts. Unless the commercial vehicle is associated with the business or is engaged in loading or unloading activity where the driver is present.

Table 6.1 a No Semi Truck/Weight limits signs examples.

No Semi Truck allowed signs/ and/or Weight limit signs shall be posted on the designated streets that are not classified as truck routes. (See Table 6.1 a No Semi Truck/Weight limits signs examples.)

The following are exceptions:

- a. ~~The vehicle is engaged in loading or unloading activity where the driver is present and in charge thereof.~~
- b. ~~The vehicle is owned or is being used by a business located on the property.~~
- c. ~~A business on the property is conducting operations and the vehicle is being used in connection with such activity. Where a commercial vehicle is parked in an O-1, C-1, C-2, or MU district, it shall park only in areas designated and posted as loading zones and/or loading docks.~~
- d. ~~Using loading zones and unloading docks by commercial vehicle operators for sleeping or parking overnight is strictly prohibited.~~
- e. ~~If any vehicle found upon a parking lot, driveway or entrance drive, in violation of this Section regulating the parking and/or storage of commercial trailers, the owner or person in possession of any real property or the vehicle operator, or both may be punished as provided in this code section.~~



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for RZ 25-001 1455 Rogers Lake Road

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☒ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☐ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☒ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Shawanna Qawiy, Division Director Community Development

PRESENTER: Shawanna Qawiy, Division Director Community Development

PURPOSE: A rezoning and map amendment request from R-100 to RSM (Small Lot Residential)

FACTS: The applicant is seeking to rezone +/- 14.79 acres known as Rogers Lake Road (the "Subject Property,") from R-100 (Residential Medium Lot) to RSM (Small Lot Residential) to construct 75 townhomes.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Denial Ordinance
- (2) Attachment 2 - Staff Analysis
- (3) Attachment 3 - Meeting Minutes
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO DENY THE REZONING AND MAP AMENDMENT OF PROPERTY LOCATED AT 1455 ROGERS LAKE ROAD (PARCEL ID 16 131 03 012) FROM R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the City received a request to rezone and map amendment of 14.79 acres of property located at 1455 ROGERS LAKE ROAD (PARCEL ID 16 131 03 012) FROM R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT TO CONSTRUCT 75 TOWNHOMES; and

WHEREAS, pursuant to Sec. Sec. 7.3.5. of the City’s Zoning Code proposed amendments to the official zoning map shall require an application and public hearings before the planning commission and the Mayor and City Council; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Planning and Zoning Department recommends denial; and

WHEREAS, the matter was heard in the City's Community Planning Information Meeting pursuant to the provisions of the City's Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. That RZ25-001, requesting to rezone the parcel from R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT to construct 75 townhomes at 1455 Rogers Lake Road is DENIED.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (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 section 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 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is 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 of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2025.

[SIGNATURES ARE ON THE FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



REZONING APPLICATION ANALYSIS

Prepared By:	Ellis Still, Deputy Director
Petition Number:	RZ25-001
Applicant:	Robert F. Bullard 1235 Prospect Road Lawrenceville, GA 30043 blpbobby@bellsouth.net
Owner(s):	Boris Besay Allison Besay Michele Besay 2474 Kings Arms Dr., Atlanta, GA 30345 besayb2@yahoo.com
Project Location:	1455 Rogers Lake Road, Stonecrest, GA 30058 (Parcel ID # 16 131 03 012)
District:	1- Councilman Tara Graves
Acreage:	14.79 acres
Existing Zoning:	R-100 District (Residential Med Lot)
Future Land Use:	Suburban (SUB)
Overlay District:	N/A
Proposed Development/Request:	The applicant is seeking a rezoning and map amendment of 14.79 acres from R-100 (Residential Med Lot) district to RSM (Small Lot Residential Mix) district to construct 75 townhomes.
CPIM:	March 13, 2025
Planning Commission (PC):	April 1, 2025
Mayor & City Council:	April 28, 2025
Sign Posted/ Legal Ad(s) submitted:	March 18, 2025
Staff Recommendation(s):	DENIAL
PC Recommendation(s):	APPROVAL

PROJECT OVERVIEW

Location

The subject properties are located at 1455 Rogers Lake Road with a parcel identification of 16 131 03 012. The subject property is currently vacant and was partially cleared in 2021 in accordance with permit number LD21-004.

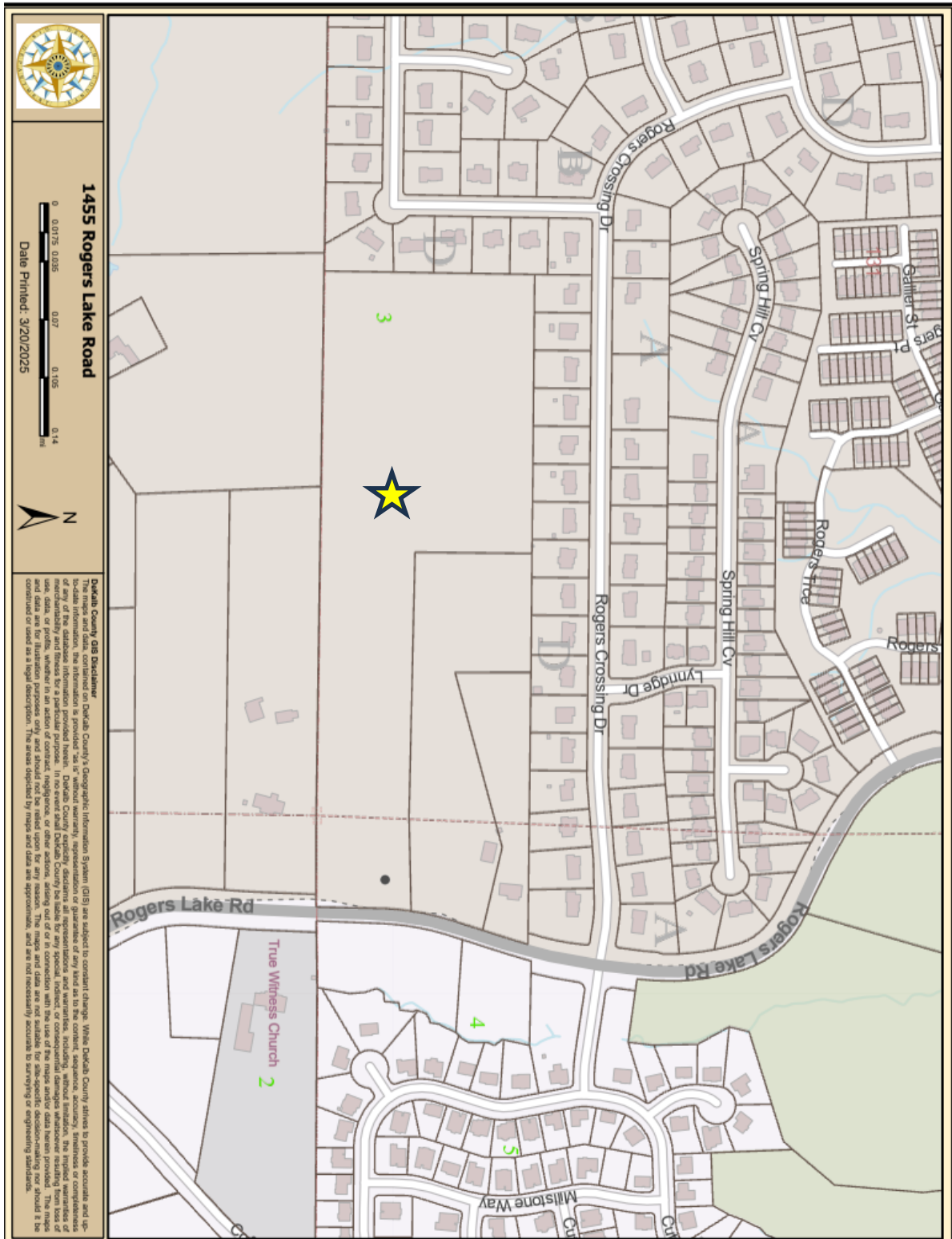
The property abuts R-100 (Residential Med Lot) District to the west, south and east. The abutting property to the north is R-100 (Residential Med Lot) and RSM (Small Lot Residential) districts.

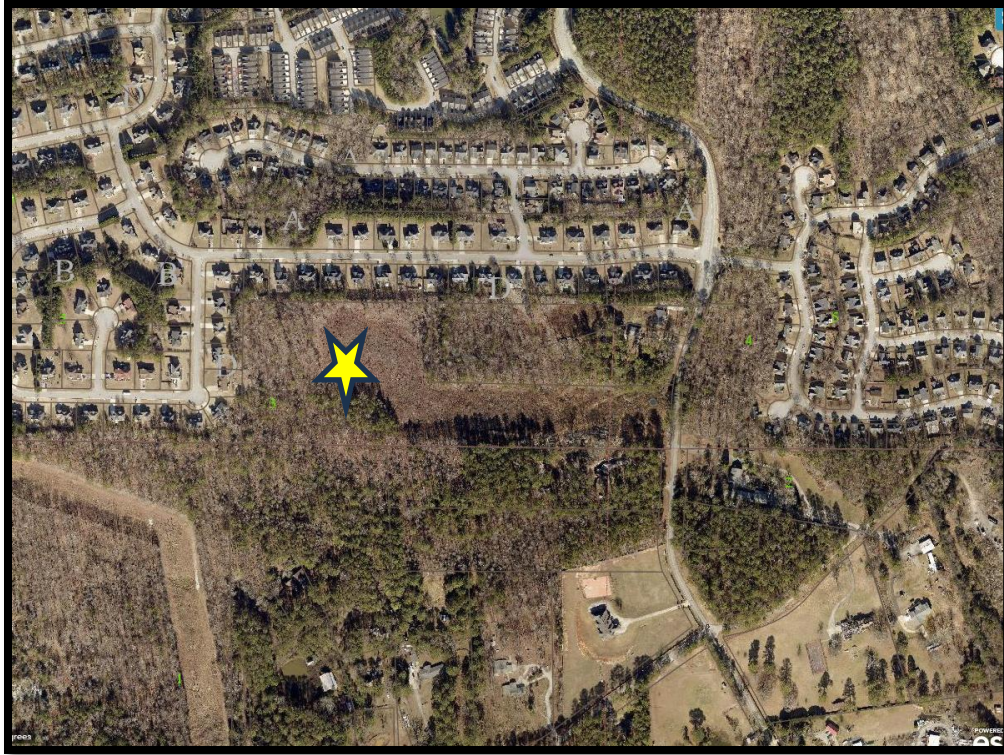
Background

The City of Stonecrest Zoning Map has the properties zoned R-100 (Residential Med Lot) District. The properties are partially wooded and vacant. There are no wetlands or floodplain areas on the property. The applicant is requesting to rezone Tax Parcels 16 131 03 012 (1455 Rogers Lake Road) from R-100 (Residential Med Lot) to RSM (Small Lot Residential).



LOCATION MAP





Adjacent and Surrounding Properties	Zoning (Petition Number)	Land Use
Applicant	R-100 (Residential Med Lot) District	Vacant Land
Adjacent: North	R-100 (Residential Med Lot) District & RSM (Small Lot Residential)	Single-Family Homes
Adjacent: West	R-100 (Residential Med Lot) & RSM (Small Lot Residential)	Single-Family Homes
Adjacent: East	R-100 (DeKalb County)	Single-Family Homes (DeKalb County)
Adjacent: South	R-100 (Residential Med Lot) District	Single-Family Homes on Large Lots

DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT

Sec. 2.5.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

- F. To provide for appropriately sized accessible and usable open space in new developments for health, recreational and social opportunities for city residents; and
 - G. To implement the future development map of the city's comprehensive plan.
- (Ord. of 8-2-2017, § 1(2.5.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

Sec. 2.5.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
 - 1. Agricultural Activities.
 - a. Keeping of livestock; see section 4.2.
 - b. Keeping of poultry/pigeons; see section 4.2.
 - c. Riding academies or stables; see section 4.2.
 - d. Urban Community Garden, up to 5 acres; see section 4.2.
 - 2. Residential.
 - a. Dwelling, single-family (detached).
 - 3. Institutional/Public.
 - a. Golf course or clubhouse, public or private; see section 4.2.
 - b. Government facilities.
 - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
 - d. School, public kindergarten, elementary, middle or high schools.
 - 4. Communications—Utility.
 - a. Essential services.
 - b. Satellite television antenna; see section 4.2.
 - 5. Wireless Telecommunications.
 - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
 - 1. Agricultural.
 - a. Urban, community garden, over 5 acres.
 - 2. Residential.
 - a. Home occupation, no customer contact; see section 4.2.
 - 3. Commercial.
 - a. Farmer's market, temporary/seasonal; see section 4.2.
 - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
 - c. Temporary outdoor retail sales; see section 4.2.
 - d. Temporary outdoor sales or events, seasonal; see section 4.2.
 - e. Temporary produce stand; see section 4.2.

- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
4. Wireless Telecommunications.
 - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
 - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
 - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
 1. Residential.
 - a. Bed and breakfast establishment; see section 4.2.
 - b. Home occupation, with customer contact; see section 4.2.
 - c. Child care home, 5 or less; see section 4.2.
 - d. Convents or monasteries; see section 4.2.
 - e. Personal care home, 6 or less; see section 4.2.
 - f. Senior housing; see section 4.2.
 - g. Short-term vacation rental.
 2. Institutional/Public.
 - a. Cemetery, columbarium, mausoleum; see section 4.2.
 - b. Places of worship; see section 4.2.
 - c. Recreation club; see section 4.2.
 - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
 - e. Swimming pools, commercial; see section 4.2.
 3. Commercial.
 - a. Adult daycare facility, up to 6; see section 4.2.
 - b. Child day care facility, up to 6; see section 4.2.
 - c. Kennel, noncommercial.
 4. Communication—Utility.
 - a. Amateur radio service or antenna; see section 4.2.
 5. Wireless Telecommunication.
 - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
 1. Residential.
 - a. Accessory uses or structures.
 - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
 2. Institutional/Public.
 - a. Educational use, private; see section 4.2.
 - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
 3. Commercial.



- a. Fitness center.

(Ord. of 8-2-2017, § 1(2.5.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

Sec. 2.5.3. Dimensional requirements.

Dimensional requirements for the R-100 (Residential Medium Lot-100) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.5.3))

Sec. 2.5.4. Site and building design standards.

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.5.4))

DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT

Sec. 2.12.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the RSM (Small Lot Residential Mix) District is as follows:

- A. To provide for the creation of For Sale residential neighborhoods that allow a mix of single-family attached and detached housing options;
- B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;
- C. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.12.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

Sec. 2.12.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
 1. Agricultural Activities.
 - a. Urban Community Garden, up to 5 acres; see section 4.2.
 2. Residential.
 - a. Dwelling, cottage home; see section 4.2.
 - b. Dwelling, single-family (attached).
 - c. Dwelling, single-family (detached).
 - d. Dwelling, three-family.
 - e. Dwelling, townhouse; see section 4.2.

- f. Dwelling, two family.
 - g. Dwelling, urban single-family; see section 4.2.
 - 3. Institutional/Public.
 - a. Golf course or clubhouse, public or private; see section 4.2.
 - b. Government facilities.
 - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
 - d. School, public kindergarten, elementary, middle or high schools.
 - 4. Communications—Utility.
 - a. Essential services.
 - b. Satellite television antenna; see section 4.2.
 - 5. Wireless Telecommunications.
 - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
 - 1. Agricultural.
 - a. Urban, community garden, over 5 acres.
 - 2. Residential.
 - a. Home occupation, no customer contact; see section 4.2.
 - 3. Commercial.
 - a. Farmer's market, temporary/seasonal; see section 4.2.
 - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
 - c. Temporary outdoor retail sales; see section 4.2.
 - d. Temporary outdoor sales or events, seasonal; see section 4.2.
 - e. Temporary produce stand; see section 4.2.
 - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
 - 4. Wireless Telecommunications.
 - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
 - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
 - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
 - 1. Residential.
 - a. Bed and breakfast establishment; see section 4.2.
 - b. Home occupation, with customer contact; see section 4.2.
 - c. Child care home, 5 or less; see section 4.2.
 - d. Convents or monasteries; see section 4.2.
 - e. Personal care home, 6 or less; see section 4.2.
 - f. Personal care home, 7 or more; see section 4.2.

- g. Senior housing; see section 4.2.
- 2. Institutional/Public.
 - a. Cemetery, columbarium, mausoleum; see section 4.2.
 - b. Places of worship; see section 4.2.
 - c. Recreation club; see section 4.2.
 - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
 - e. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
 - a. Adult daycare facility, up to 6; see section 4.2.
 - b. Child day care facility, up to 6; see section 4.2.
- 4. Communication—Utility.
 - a. Amateur radio service or antenna; see section 4.2.
- 5. Wireless Telecommunication.
 - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
 - 1. Residential.
 - a. Accessory uses or structures.
 - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
 - 2. Institutional/Public.
 - a. Educational use, private; see section 4.2.
 - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
 - 3. Commercial.
 - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.12.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

Sec. 2.12.3. Dimensional requirements.

Dimensional requirements for the RSM (Small Lot Residential Mix) District shall be as provided in Table 2.4, Medium and High Density Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.12.3))

Sec. 2.12.4. Site and building design standards.

Site and building design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.12.4))

Sec. 2.12.5. Density and location criteria.

- A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.
- B. Density determination of each RSM (Small Lot Residential Mix) property:
 1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:
 - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
 - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
 2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

Table 2.6. Residential Density Bonus Eligibility and Percent, with Example Calculation

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.12.7.)
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED and reg, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low income households, or 25 percent for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.

Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Enhanced open space comprises 35 percent or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

Example Density Bonus: (Dwelling Units per Acre (du/acre))

Character Area (example): *Neighborhood Center Character Area*

Bonus types in example project: *Sustainability Elements and Amenity Proximity*

Method: *Multiply the Base x % = additional units eligible*

Step 1: Calculate density gained by bonus type:

Sustainability Element Bonus:

Base density: 4

% Bonus = 50%

Base x 50% = 4 x 50% = 2

+ 2 bonus du/acre

Amenity Proximity Bonus:

Base density: 4

% Bonus = 20%

Base x 20% = 4 x 20% = 0.8

+ 0.8 bonus du/acre

Step 2: Add bonus density to Base density

4

+

(2 + .8)

Cumulative Bonus

= 6.8 du/acre max density

Total project density allowed

(Ord. of 8-2-2017, § 1(2.12.5); Ord. No. 2021-06-03, § 1(Exh. A, § F), 8-23-2021; Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022)

Sec. 2.12.6. Amenity proximity requirements.

For proposed development within one-quarter mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

(Ord. of 8-2-2017, § 1(2.12.6))

Sec. 2.12.7. Bonus density qualifying standards.

The following standards shall be applied when considering whether bonus density may be allowed:

A. Qualifying public improvements.

1. *Bus shelter.* To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
2. *Park-n-ride and/or ride-share.* To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of 100 parking spaces, and park-n-ride amenities shall provide a minimum of 300 parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
3. *Public art.* To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off-site, and have a value of at least one-half of one percent of the total construction valuation of the building permit. The maximum required value shall not exceed \$250,000.00.
 - a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.
 - b. For commissioned work, a deposit with the planning department of 115 percent of the value of the public art is required prior to the issuance of a building permit.
 - c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including, but not limited to, the following:
 - Paintings;
 - Sculptures;
 - Site specific installations;
 - Engravings;
 - Carvings;
 - Frescos;
 - Mobiles;
 - Murals;
 - Collages;
 - Mosaics;
 - Statutes; and
 - Bas-reliefs.
 - d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.
 - e. The following shall not be considered public art or public works of art:
 - Reproductions or unlimited copies of original art work;
 - Art objects which are mass produced;
 - Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
 - Architectural rehabilitation or historical preservation.
4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
 - a. Parking decks not integrated into other buildings shall be located internal to the site.
 - b. Structures are either:

- (i) At least two stories above ground or greater; and/or
- (ii) Alternatively, at least one story is underground.
- c. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary buildings.
- 5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter mile and shall connect to a greenway/trail or sidewalk network external to the site.

B. *Qualifying amenity clarifications.*

- 1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9 of this chapter, including pharmacies with diagnostic services.
- 2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. of 8-2-2017, § 1(2.12.7))

City of Stonecrest 2038 Comprehensive Plan 5- Year Update



Caption: An example Suburban Neighborhood Land Use in Stonecrest, GA

Suburban Neighborhood (SN): The Suburban Neighborhood area recognizes those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those already developed and those under development pressures. Suburban Neighborhood areas are characterized by low-pedestrian orientation, limited transit access, scattered civic buildings, and curvilinear street patterns. The desired density for areas of this type is from 4 to 8 dwelling units per acre.

Use Descriptions: SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic

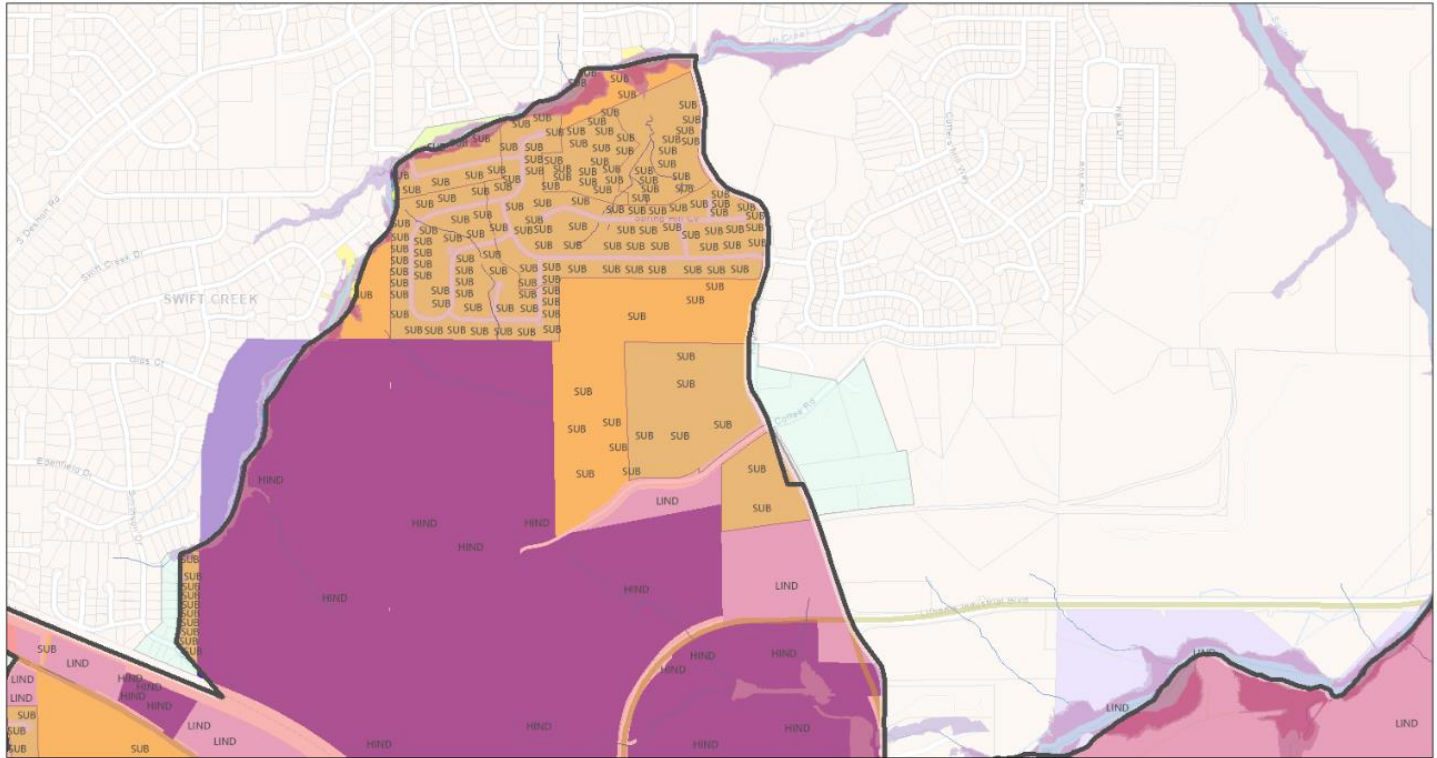
Maximum Density, Units/Acre: 4 to 8 du/ac

Permitted Districts: OI, OIT, NS, RSM, R100, R85, R75, R60, RNC

Public Participation

Property owners within 1,000 feet of the subject property were mailed notices of the proposed rezoning in February 2025. There was a Community Planning Information Meeting (CPIM) held on March 1, 2025, at 6:00 p.m. at city hall. There was one (1) attendee that spoke on the request.

LAND USE MAP



3/20/2025, 9:10:28 AM

City Limits

City Council

Stonecrest Council District 1

USA Flood Hazard Areas

0.2% Annual Chance Flood Hazard

1% Annual Chance Flood Hazard

Regulatory Floodway

Stonecrest State Waters

Truck Routes

Subdivisions / Apartments

DeKalb Parcels

Future Land Use

Heavy Industrial

Light Industrial

Office Professional

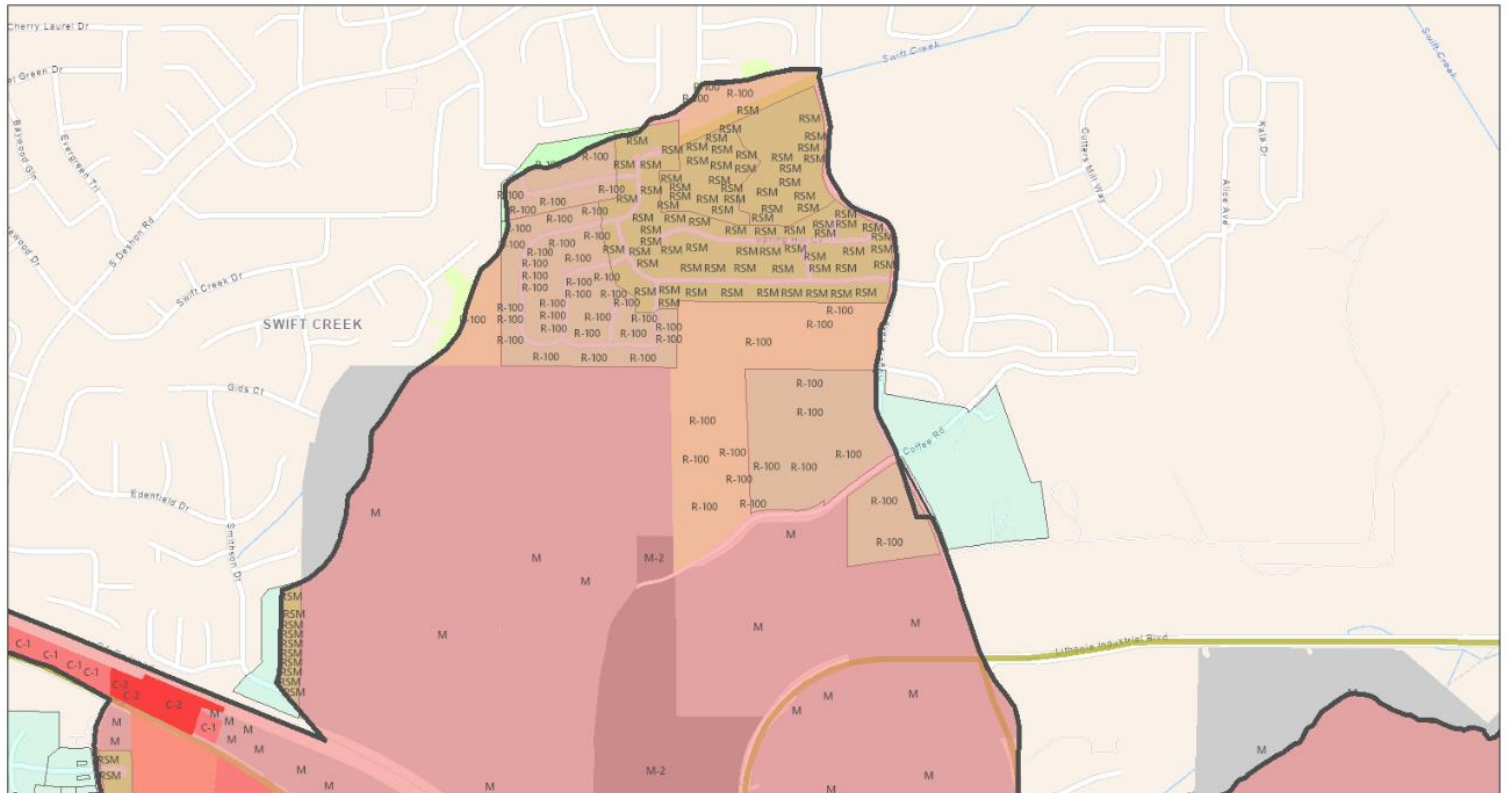
Suburban

1:9,495

0 0.1 0.2 0.4 mi
0 0.17 0.35 0.7 km

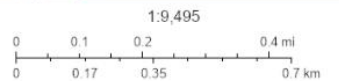
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

ZONING MAP



3/20/2025, 9:31:04 AM

- | | |
|--|---|
|  City Limits |  R-100 - Residential Med Lot |
|  City Council |  RSM - Small Lot Residential Mix |
|  Stonecrest Council District 1 |  MR-1 - Med Density Residential |
|  Truck Routes |  M - Light Industrial |
|  Subdivisions / Apartments |  M-2 - Heavy Industrial |



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



CITY OF STONECREST, GEORGIA

STANDARDS OF ZONING MODIFICATION REVIEW

[Section 7.3.5](#) of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The Stonecrest Future Land Use Map within the Stonecrest 2038 Comprehensive Plan-5 Year update shows the subject property as having a land use designation of Suburban. The *Use Descriptions* has townhomes as an allowable use in the RSM-Small Lot Residential zoning district. The proposed townhome development is within the allowable density range set forth by the comprehensive plan for this area of this type as 4 to 8 units per acre.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

The rezoning proposal from R-100 to RSM will permit a use that is suitable in view of the use and development of adjacent and nearby developments. The rezoning of the subject property is consistent with zoning of the property to the northwest that is developed as single-family homes developed on five (5) acre parcels. Although the subject property with the proposed development will not directly abut a RSM townhome development, there is a townhome development to the north with the same zoning classification as being requested.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property is currently zoned R-100 (Residential Med Lot). This zoning classification permits single-family homes with a 15,000 square foot minimum lot size. The property does have reasonable economic use under its current zoning designation and could yield approximately 40 lots. A single family detached development would be more in character with the adjacent developments.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The rezoning proposal to rezone from R-100 to RSM to construct townhomes may adversely affect the existing use or usability of adjacent or nearby properties. The proposed rezoning is requesting to allow a townhome development that would add approximately 75 townhomes to this area that will have access Rogers Lake Road with approximately 185+/- cars to a very narrow roadway. The pavement width is approximately 20 feet along the frontage of the subject property. This could adversely affect the livability and current home values of the current residents', their quality of life as well as an increase the potential for accidents.



CITY OF STONECREST, GEORGIA

E. Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.

The proposed use would be inconsistent with the uses that are adjacent to it on all sides. The proposed townhome development would be surrounded by significantly larger lots of single family detached residential homes to the south and east. It would be bordered by single-family medium lot homes to the north and west. Although the RSM zoning district is a permissible district according to the Stonecrest 2038 Comprehensive Plan 5- Year Update. The Suburban Neighborhood future land use designations states that this area is characterized as low-pedestrian orientation. It would be out of character with the adjacent developments. These factors provide supporting grounds to disapprove the proposed rezoning request.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

At the time of this report there are no direct indications that the proposed zoning change for 1455 Rogers Lake Road would adversely affect any historic buildings, sites, districts, or archaeological resources. The rezoning request is primarily to request the proposed development of townhomes.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The zoning proposal requests a change that would generate approximately 185 additional vehicle traffic on a road that is very narrow and, in some areas, has no shoulders or guard rails. The Stonecrest 2038 Comprehensive 5-Year Update Plan update included that there is a Sidewalk Master Plan project that will expand on proposed trails, existing trails, and existing sidewalks to develop citywide connectivity for pedestrians. Of the 75 planned sidewalk projects one (1) is planned for Rogers Lake Road. (SW-65)

Additional vehicle traffic could cause a burdensome hardship on the streets in the area as (Rogers Lake Road) is currently narrow and in some areas need repairs.

The proposed development will have an impact on the local school by increasing the number of students attending the area schools. It will also increase the need for utilities such as water and sewer and services such as sanitation refuge.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The subject property was partially cleared approximately four years ago. Based on the site plan submitted with this application, it appears that the development intends to keep the existing mature trees that exist on the site. The proposed development will be required to adhere to all development regulations including evaluation of storm-water requirements, erosion control plan and landscaping, open space/tree save areas.

STAFF RECOMMENDATION

The requested rezoning from R-100 to RSM is to develop a townhome community. The site plan submitted does not provide any information on the typical unit width or lot size. The surrounding area is currently developed as single-family detached homes. The homes to the north and immediate south of the subject property are housed on lots that are five (5) acres or more. The proposed development would not fit with the surrounding development and is not considered a transitional development from large lots to smaller lots.

Staff recommends **DENIAL**.



CITY OF STONECREST, GEORGIA

TRAFFIC DATA/AVERAGE ANNUAL DAILY TRAFFIC (AADT)



The closest data to provide traffic counts is

- A. STATION 089-0481 S. Deshon Rd. N of S. Stone Mountain Lithonia Road . *estimated AADT 9530*
- B. STATION 089-4062 Lithonia Industrial Blvd. W. of Rogers Lake Road *estimated AADT 16,100*
- C. STATION 089-4064 Lithonia Industrial Blvd. E. of Rogers Lake Road *estimated AADT 11, 800*



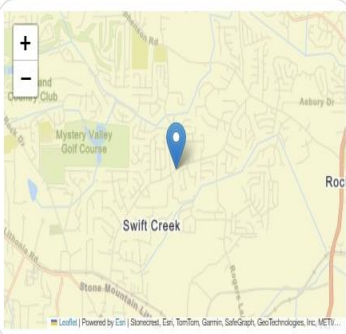
CITY OF STONECREST, GEORGIA

A. STATION 089-0481 S. Deshon Rd. N of S. Stone Mountain Lithonia Road

0000089_0481 - 089-0481

- S Deshon Rd N of S Stn Mtn Lithonia Rd
County: DeKalb
LRS section: 0892953200
Functional class: 5U - Major Collector (Urban)
Coordinates: 33.759217, -84.117007

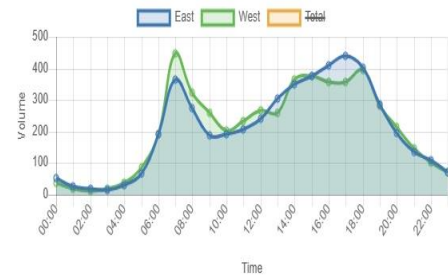
Site Data



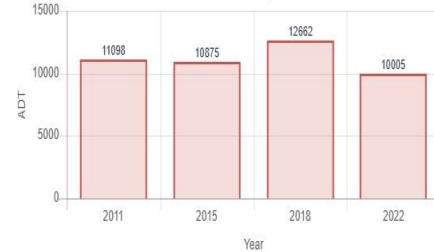
Count History

Year	Month	Count type	Duration	Count	ADT
2022	February	Volume	48 hours	20,010	10,005
2018	May	Volume	48 hours	25,324	12,662
2015	March	Volume	48 hours	21,750	10,875
2011	March	Class	48 hours	22,195	11,098

Average Hourly Volume



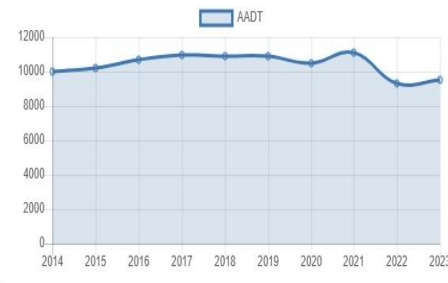
Count History

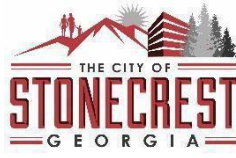


Annual Statistics

Data Item	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Statistics type	-	Actual	Estimated	Estimated	Actual	Estimated	Estimated	Estimated	Actual	Estimated
AADT	10,000	10,200	10,700	11,000	10,900	10,900	10,500	11,100	9,290	9,530
K-Factor	-	0.091	0.091	-	0.078	0.078	0.078	0.078	0.086	0.086
D-Factor	-	0.500	0.500	-	0.550	0.550	0.550	0.550	0.550	0.550
Future AADT	-	-	12,000	13,900	13,800	13,800	13,800	15,300	11,700	12,000

AADT Trend





CITY OF STONECREST, GEORGIA

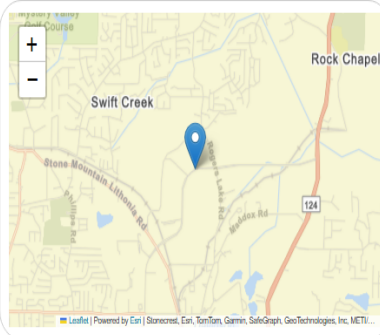
B. STATION 089-4062 Lithonia Industrial Blvd. W. of Rogers Lake Road

0000089_4062 - 089-4062

- Lithonia Ind Blvd W of Rogers Lake Rd
City: Atlanta County: DeKalb
LRS section: 0893298900
Functional class: 4U - Minor Arterial (Urban)
Coordinates: 33.744293, -84.10769



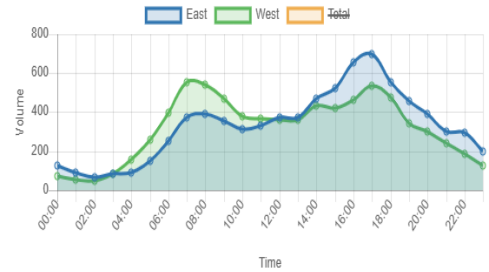
Site Data



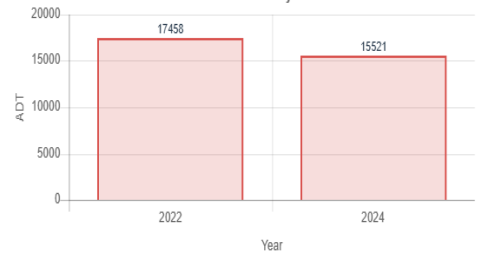
Count History

Year	Month	Count type	Duration	Count	ADT
2024	June	Volume	48 hours	31,042	15,521
2022	September	Class	48 hours	34,917	17,458

Average Hourly Volume



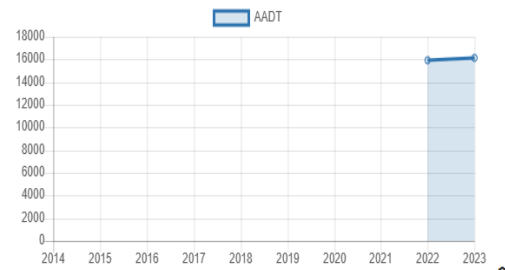
Count History



Annual Statistics

Data Item	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Statistics type	-	-	-	-	-	-	-	-	Actual	Estimated
AADT	-	-	-	-	-	-	-	-	15,900	16,100
K-Factor	-	-	-	-	-	-	-	-	0.101	0.101
D-Factor	-	-	-	-	-	-	-	-	0.600	0.600
Future AADT	-	-	-	-	-	-	-	-	25,800	20,300

AADT Trend





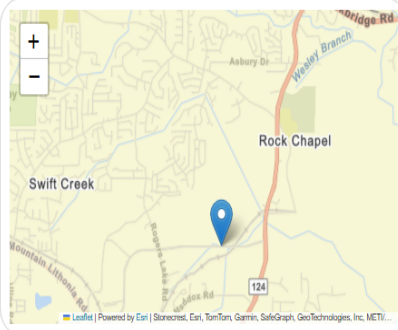
CITY OF STONECREST, GEORGIA

C. STATION 089-4064 Lithonia Industrial Blvd. E. of Rogers Lake Road *estimated AADT 11, 800*

0000089_4064 - 089-4064

- Lithonia Ind Blvd E of Rogers Lake Rd
City: Atlanta County: DeKalb
LRS section: 0893298900
Functional class: 4U - Minor Arterial (Urban)
Coordinates: 33.744867, -84.091946

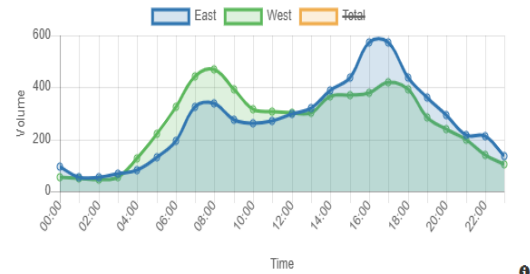
Site Data



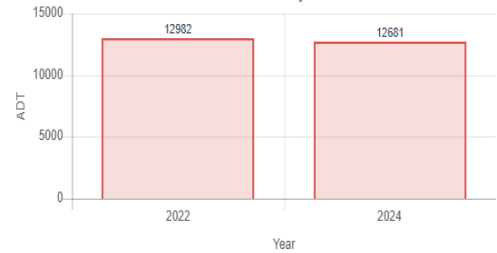
Count History

Year	Month	Count type	Duration	Count	ADT
2024	June	Volume	48 hours	25,362	12,681
2022	October	Class	48 hours	25,965	12,982

Average Hourly Volume



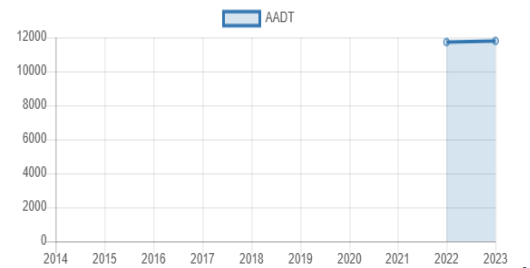
Count History



Annual Statistics

Data Item	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Statistics type	-	-	-	-	-	-	-	-	Actual	Estimated
AADT	-	-	-	-	-	-	-	-	11,700	11,800
K-Factor	-	-	-	-	-	-	-	-	0.097	0.097
D-Factor	-	-	-	-	-	-	-	-	0.600	0.600
Future AADT	-	-	-	-	-	-	-	-	19,000	14,900

AADT Trend





CITY OF STONECREST, GEORGIA

PLANNING COMMISSION (PC) RECOMMENDATION – April 1, 2025.

Planning Commission recommends **APPROVAL**.



CITY OF STONECREST, GEORGIA

APPLICATION PACKAGE

**1455 Rogers Lake Rd
Lithonia, Ga. 30044**

City of Stonecrest Planning and Zoning Department
3120 Stonecrest Blvd. Ste 190
Stonecrest, Georgia 30038
770-224-0200

RE: Letter of Intent
Subject Parcel **16 131 03 012**
January 25th, 2025

To Whom It May Concern,

We would like to request a rezoning of the 14.86 acre property located at 1455 Rogers Lake Rd. The existing zoning is R100 and we have included a Concept Plan that represents a request in rezoning to RSM. The plan features 75 single family attached (SFA) townhome lots. This represents a proposed density of 5.0 units/acre which includes a bonus density of 25% which is achieved through additional enhanced open space.

The following variance is requested:

1) Allow variance from code section 2.11.2. related to required setbacks to allow a 10 foot front setback instead of the required 20' front setback.

Sincerely,

Robert Ballard

Applicant



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Amendment Application

PROPERTY			
Site Address(es): 1455 Rogers Lake Rd/Lithonia, Ga. 30058		Parcel #: 16 131 03 012	Zip: 30058
Project Name (If applicable):			
Current Zoning	R-100	Proposed Zoning	RSM
Current Use	Undeveloped	Proposed Use	Townhome subdivision

OWNER INFORMATION			
Name: Boris, Allison, and Michelle Besay			
Address: 2474 Kings Arms Dr/Atlanta, Ga. 30345			
Email: besayb2@yahoo.com		Phone:	678-772-0707

APPLICANT			
Name: Robert F. Bullard			
Address: 1235 Prospect Rd/Lawrenceville, Ga. 30043			
Email: blpbobby@bellsouth.net		Phone:	678-344-1293

AFFIDAVIT

To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.

Applicant's Name:	Robert F. Bullard		
Applicant's Signature:		Date:	1/30/25

NOTARY

Sworn to and subscribed before me this 30 th day of Apr.			
Notary Public:			
Signature:		Date:	1/30/25





CITY OF STONECREST, GEORGIA

Amendment Application

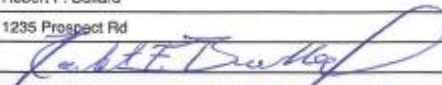
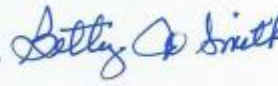
All applications and plans must be submitted through the [Citizenserve Online Portal](#)




Applicant(s) Notarized Certification

The petitioner acknowledged that this amendment application form is correct and complete. By completing this form, all applicant of the subject property certifies authorization of the filing of the application for amendment(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Applicant

Name:	Robert F. Bullard		
Address:	1235 Prospect Rd	City, State: Lawrenceville, Ga	Zip: 30043
Signature:		Date:	1/30/29
Sworn to and subscribed before me this <u>30th</u> day of <u>Jan.</u> , 20 <u>25</u>			
Notary Public:			



Applicant (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Applicant (if applicable)

Name:			
Address:		City, State:	Zip:
Signature:		Date:	



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this amendment application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for amendment(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner

Name:	Boris Bosay		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Georgia	Zip: 30345
Signature:		Date:	1/30/25
Sworn to and subscribed before me this <u>30</u> day of <u>January</u> , 20 <u>25</u>			
Notary Public:			

Additional Property Owner (if applicable)

Name:	Allison Bosay		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Georgia	Zip: 30345
Signature:		Date:	1/30/25
Sworn to and subscribed before me this <u>30</u> day of <u>January</u> , 20 <u>25</u>			
Notary Public:			

Additional Property Owner (if applicable)

Name:	Michelle Bosay		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Georgia	Zip: 30345
Signature:		Date:	1/30/25



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Sworn to and subscribed before me this 30 day of January, 2025

Notary Public:

Kelly E. Wagner



Additional Property Owner (If applicable)

Name:	Aeric Bailey		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Georgia	Zip: 30345
Signature:	<i>Aeric Bailey</i>	Date:	<u>1-30-25</u>

Sworn to and subscribed before me this 30 day of January, 2025

Notary Public:

Kelly E. Wagner





CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

Applicant/Property Owner Applicant			
Name:	Robert F. Bullard		
Address:	1235 Prospect Rd	City, State:	Lawrenceville, Ga.
		Zip:	30043
Signature:		Date:	1/30/25

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

Applicant/Property Owner Owner			
Name:	Aeric Bailey		
Address:	2474 Kings Arms Dr	City, State:	Atlanta, Ga.
Signature:		Zip:	30345
		Date:	1-30-25

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

Applicant/Property Owner			
Name:	Allison Besay		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Ga.	Zip: 30345
Signature:		Date:	1/30/25

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)




Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

Applicant/Property Owner Owner			
Name:	Boris Besay		
Address:	2474 Kings Arms Dr.	City, State: Atlanta, Ga.	Zip: 30345
Signature:			Date: 1/30/2025

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)




Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes

☒ No

Applicant/Property Owner Owner			
Name:	Michelle Besay		
Address:	2474 Kings Arms Dr	City, State: Atlanta, Ga.	Zip: 30345
Signature:		Date:	1/30/25

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA



1455 ROGERS LAKE RD
PROPOSED TOWNHOMES-FRONT ELEVATIONS



CITY OF STONECREST, GEORGIA



1455 ROGERS LAKE RD
PROPOSED TOWNHOMES-REAR ELEVATIONS

CITY OF STONECREST, GEORGIA

Environmental Site Analysis
1455 Rogers Lake Rd
Lithonia, Ga. 30044

1. Conformance to the Comprehensive Plan:

a. This project proposes a 75 lot single family attached (SFA) townhome development. The property is at 1455 Rogers Lake Rd and is 14.86 acres.

WOODED AREA CONSISTING OF PINES &
HARDWOODS (4" TO 20" CALIPER) ALONG
PROPERTY LINE, STEEP SLOPES IN THIS AREA

AREA RECENTLY TIMBER HARVESTED

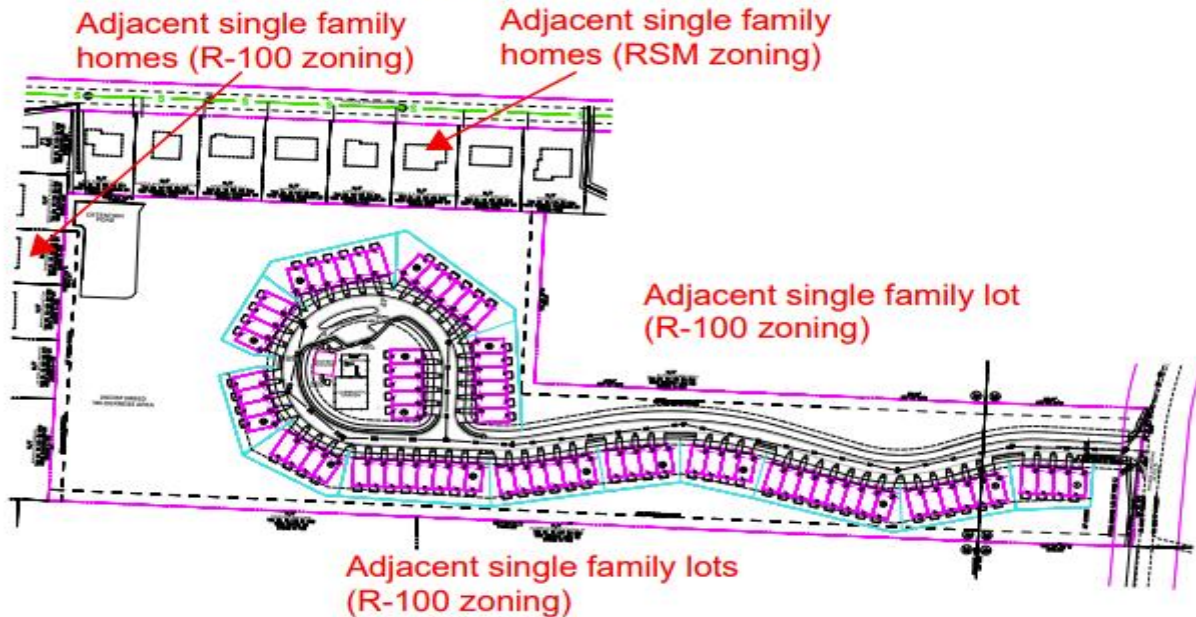


WOODED AREA CONSISTING OF MAINLY
HARDWOODS (4" TO 12" CALIPER)

36" White Oak
(Poor condition)

CITY OF STONECREST, GEORGIA

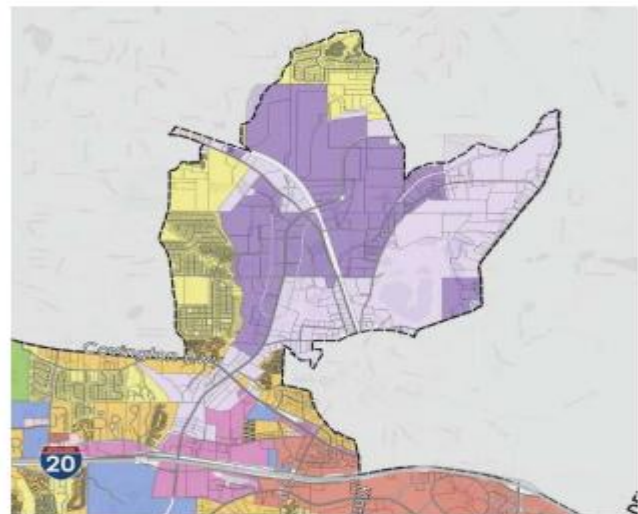
b. Adjacent Property Description and Proposed Site Plan



c. This proposed project conforms to the Comprehensive Land Use Plan as it proposes single family attached (SFA) townhomes which is an allowed use under RSM zoning

d. Under the Comprehensive Land Use Map, the proposed project and property is located in the "Suburban Neighborhood" classification.

e. The proposed townhome development would be an acceptable "Suburban Neighborhood" Land Use.





CITY OF STONECREST, GEORGIA

2. Environmental Impacts of the Proposed Project:

- a. The U.S. Fish and Wildlife Service, National Wetlands Inventory Map has been consulted and site visits have been done to this property and no wetlands areas exist on this site.
- b. The Federal Emergency Agency (FEMA) flood maps have been consulted and there is no floodplain on this property from a water course with a drainage area exceeding 100 acres or floodplain per FIRM Panel 13089C0113K dated 12/8/2016.
- c. A site visit has been done at this site and no streams or related stream buffers exist on the site or within 200 feet of the site.
- d. There is one small area just north of the northern property line of the site where there are existing slopes that exceed 25% over a 10 foot rise in elevation. There are no slopes like this actually on the site.
- e. Through field observations, a good portion of the site was cleared in the past 2-3 years, and almost all of the new development area is in the recently cleared area. The cleared area has begun to be re-vegetated with Black Berry and other early succession shrub, pine, and ground cover growth. The perimeter areas of the site have some Loblolly Pine but is a majority mix of hardwoods. The largest hardwoods are around 20" DBH but the majority are under 10" dbh.
- f. After an onsite review of the property, and reviewing the United States Fish and Wildlife Service inventory maps, the Georgia Department of Natural Resources, and the Wildlife Resources Division and Natural Heritage online records, we have determined that there are no endangered species, protected natural resources or natural heritage registered sites on or adjacent to this property.
- g. According to the National Register of Historic Places and our onsite site review, there are no historic or archaeological sites on, or adjacent to this site.



CITY OF STONECREST, GEORGIA

3. Project Implementation Measures:

- a. There are no streams or floodplains that exist on the site or within 200 feet of the site. On areas that exist with significant slopes to the north of the property, the addition of a stormwater detention pond will decrease the flow rates from the site to the neighboring properties.
- b. The protection of water quality will be achieved through the addition of a stormwater detention pond and water quality measures.
- c. There is no existing infrastructure on the site.
- d. There are no historical or archaeologically significant areas on the site.
- e. The site will not produce any negative impacts on environmentally stressed communities by exposure to any of the followings factors such as public or municipal (e.g., solid waste or waste water treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) uses.
- f. This site proposes to save over 50% of its total area in green/open space.
- g. The site will have buffer and green space areas around its perimeter to help protect surrounding citizens from any negative impacts of any proposed lighting and noise.
- h. This site will propose and preserve recreational green space and parks.
- i. This site will have minimal negative impacts to the existing wildlife in the area as it will set aside over 50% of its total area as open/green space.



CITY OF STONECREST, GEORGIA

Community Planning Information Meeting (CPIM)

Summary Minutes

March 13, 2025, at 6:00 P.M.

Planning-zoning@stonecrestga.gov

***IN-PERSON MEETING**

[Stonecrest's YouTube Broadcast Link](#)

Citizens wishing to actively participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request, including your full name, address, and position on the agenda item you are commenting on (for or against) via email to Planning-zoning@stonecrestga.gov by 2 p.m. the day before the meeting to be read into the record at the meeting.

- I. **CALL TO ORDER AND INTRODUCTIONS:** Planning and Zoning Staff – *Cobi Brown*
- II. **REVIEW OF THE PURPOSE AND INTENT OF THE COMMUNITY PLANNING INFORMATION MEETING AND RULES OF CONDUCT** – *Cobi Brown*
- III. **Item(s) of Discussion:**

PETITION: RZ25-001
PETITIONER: Bobby Bullard of Bullard Land Planning
LOCATION: 1455 Rogers Lake Road
PETITIONER'S REQUEST: The request is for a rezoning and map amendment of the parcel from R-100 (Residential Medium Lot - 100) to RSM (Small Lot Residential Mix) for a proposed townhome development.

Bobby Bullard, the applicant, stated that the proposed lot is about 15 acres, and the 75-unit townhome development will feature as much vegetation as possible. A community garden, playground, and pavilion are some of the amenities that will be available for residents. They would like construction to start in 2026 if all approvals are received.

The public was given time to ask questions.

There were many questions asked about the current zoning of the parcel as well as the surrounding zoning. Residents who live in nearby subdivisions expressed their concerns regarding current congestion from traffic in the area, the road width of the proposed subdivision, and the site distance from their properties.

Bobby Bullard provided information on stormwater management, vegetation maintenance, and the deceleration lane. Most of the surrounding parcels are in the R-100 or RSM zoning district.

PETITION: TMOD24-001
PETITIONER: The City of Stonecrest
LOCATION: City-Wide
PETITIONER'S REQUEST: The City of Stonecrest is seeking approval to modify *Section 6.1.3 Parking Regulations Off-Street Parking Spaces*.

Director Ralph Butts of the Code Enforcement department came up to speak. The amendment will help to regulate commercial (i.e. medium, heavy duty, box, semi, tractor-trailer, etc.) trucks. Parking of these trucks without any activity such as loading or unloading in the residential, OI, OD, C1, C2, MU1, MU2, MU3, MU4, and NS zoning districts will be prohibited.

The public was given time to ask questions.



CITY OF STONECREST, GEORGIA

Many of the residents shared locations where they have seen these vehicles parked in the city.

Officer Butts was also informed of loud music being played from the Born Losers Bikers Club overnight. The residents were encouraged to report any violations to the City of Stonecrest and to submit pictures or videos if possible.

IV. ADJOURNMENT

The meeting was adjourned at 6:42.

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities, and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event

Respectfully submitted by Cobi Brown

APPROVED:

Ellis Still

3.25.2025

DIRECTOR, PLANNING & ZONING

DATE

ATTEST:

Cobi Brown

3.25.2025

SECRETARY

DATE



CITY OF STONECREST, GEORGIA



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Financial Management Code Amendment, 2nd Read

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☒ OLD BUSINESS
☐ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☒ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): 03/24/25 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Lakeisha Gaines

PRESENTER: Lakeisha Gaines

PURPOSE: Ordinance for Financial Management Code Amendment, 2nd Read

FACTS:

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF
STONECREST, GEORGIA AMENDING CHAPTER 2
(ADMINISTRATION) ARTICLE VI. (FINANCE) OF THE CITY OF
STONECREST CODE OF ORDINANCES TO REVISE THE TITLE OF THE
CITY OF STONECREST PURCHASING POLICY AND TO ADOPT THE
CITY OF STONECREST FINANCIAL MANAGEMENT POLICY AS THE
OFFICIAL FINANCE POLICY DOCUMENT OF THE CITY OF
STONECREST, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO
PROVIDE FOR SEVERABILITY; AND FOR OTHER LAWFUL
PURPOSES.**

WHEREAS, the governing authority of the City of Stonecrest (“City”) is the Mayor and Council thereof; and

WHEREAS, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.; and

WHEREAS, the purpose of the City’s Financial Management Policy is to provide guidance to elected officials and staff on fiscal issues and core financial decisions that affect the management and function of the City; and

WHEREAS, the City desires to amend Chapter 2 (Administration) Article VI. (Finance) of the City of Stonecrest Code of Ordinances to revise the title of the City of Stonecrest Purchasing Policy and to adopt the City of Stonecrest Financial Management Policy as the official finance policy document of the City of Stonecrest, Georgia.

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF STONECREST, GEORGIA**

Section 1. That Chapter 2 (Administration) Article VI. (Finance) of the City of Stonecrest Code of Ordinances is hereby amended to revise the title of the City of Stonecrest Purchasing Policy and to adopt the City of Stonecrest Financial Management Policy as the official finance policy document of the City of Stonecrest, Georgia (Finance Amendments).

Section 2. That the Finance Amendments are adopted through the provisions set forth in Exhibit A attached hereto and made a part hereof by reference. That text added to current law appears in **red, bold and underlined**. Text removed from current law appears as **red, bold and strikethrough**.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

Item XII. a.

46 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
47 incorporated by reference as if fully set out herein.

Section 4. To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Ordinance

Section 5. All City Ordinances are hereby repealed to the extent they are inconsistent with this Ordinance.

BE IT ORDAINED, this Ordinance shall take effect immediately.

RESOLVED this _____ day of _____, 2025.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

Item XII. a.

EXHIBIT A

ARTICLE VI. FINANCE

DIVISION 1. GENERALLY

Sec. 2-172. Fiscal year.

The fiscal year of the city shall be set by ordinance of the city council.

(Ord. No. 09-05, § 2-172, 9-18-2017)

Sec. 2-173. Finance director.

- (a) The functions of the city accountant and city treasurer shall be performed by the finance director or his designee within the finance department under the direction of the finance director.
- (b) The finance director shall perform at least the following duties:
 - (1) Managing, planning, directing, and maintaining the city's financial operations, including serving as chair of the city finance department, if such a department is established;
 - (2) Directing and supervising the work of personnel involved in performing the accounting, utility billing, property tax, payroll, and purchasing functions for the city;
 - (3) Providing technical leadership in budgeting, overseeing, and directing investment opportunities and debt administration, as well as ensuring proper record retention policies are strictly followed; and
 - (4) The council may require the finance director to perform other duties.
- (c) The city may contract with a third-party to serve as finance director.

(Ord. No. 09-05, § 2-173, 9-18-2017)

Sec. 2-174. City tax collector.

- (a) The mayor shall nominate a city tax collector, subject to ratification by the council. The city tax collector also may serve as the city treasurer, city accountant, and city finance director.
- (b) The city may contract with a third-party, including the tax commissioner of DeKalb County, Georgia, to serve as city tax collector.
- (c) The city tax collector shall perform at least the following duties. The mayor and council may require the city tax collector to perform other duties:
 - (1) Managing, planning, and directing the collection of all city taxes.
 - (2) Notifying delinquent taxpayers of their status in accordance with state law.

(Ord. No. 09-05, § 2-174, 9-18-2017)

Sec. 2-175. Audits.

- (a) The city council shall appoint an internal auditor to audit the financial records and expenditures of city funds and to report the results of such audits in writing to the city council at times and intervals set by the city council, but no less than quarterly. Such audit reports shall, at a minimum, identify all city expenditures and other financial matters that the internal auditor either determines are not in compliance with or cannot conclusively be determined to be in compliance with the provisions of the Charter, the applicable city budget, applicable ordinances, resolutions, or other actions duly adopted or approved by the city council.
- (b) The city council shall appoint an auditor to perform an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing cost to the public. As a minimum, all audits and budgets of the city shall satisfy the requirements of O.C.G.A. § tit. 36, ch. 81, relating to local government audits and budgets.

(Ord. No. 09-05, § 2-175, 9-18-2017)

Sec. 2-176. Interest assessed under Code.

Unless specifically provided otherwise, all interest assessed under the provisions of this Code shall be at an annual rate of 12 percent per annum. Where penalties are specified, such penalties shall be assessed, in addition to specified interest charges, at the rate of ten percent of the amount due for failure to file, negligence or disregard of rules or regulations; an additional penalty of 25 percent of the amount due shall be assessed for any fraud or intent to evade.

(Ord. No. 09-05, § 2-176, 9-18-2017)

Sec. 2-177. Delegation of authority to set fees charged by the city.

- (a) The city manager or his designee shall have the authority to set such fees for permits, licenses, or other permissions required of the city.
- (b) Any change to any license fee, permit fee, or other fee charged by the city and set by the city manager shall not take effect unless and until the process required by section 2-178 shall be completed.
- (c) The city council shall retain the authority to rescind any fee set by the city manager or his designee upon passage of a resolution of the council rescinding such fee or setting a different fee amount.
- (d) The city manager is directed to take into account the costs associated with the application process and enforcement of the licensing or permitting scheme in determining an appropriate fee to be charged.

(Ord. No. 09-05, § 2-177, 9-18-2017)

Sec. 2-178. Administrative process for altering or setting fees charged by the city.

- (a) The city manager or his designee shall:
 - (1) Post any proposed change to the city fee schedule at city hall and on the city's website at least 45 days before the change is to take effect, including a calculation of the effective date of such change.
 - (2) Notify the mayor and city council by paper or electronic communication and by announcement at the next regular meeting of the city council of the proposed change.

- (3) All communications or postings of proposed changes to the city fee schedule shall include a justification for the needed change, which may include an analysis of the costs associated with the application, permit or license, costs of enforcement and investigation incurred by the application, permit or license, and such other facts or circumstances deemed relevant to the need for the change to the fee schedule.
- (b) Persons impacted by the proposed change shall have 30 days from the posted communication to make objections known to the city manager, in writing or by electronic communication, who shall then forward such objections to the city attorney and the mayor and city council. If oral objections are communicated, the objector shall be informed of the opportunity to provide feedback in writing.

(Ord. No. 09-05, § 2-178, 9-18-2017)

Sec. 2-179. Effective date of changes to city fee schedule.

- (a) Any proposed change to the city fee schedule initiated by the city manager shall take effect no sooner than 45 days from the date first posted or first communicated to the mayor and council, whichever is later.
- (b) No change to the city fee schedule shall be applied retroactively to any application, permit, license or other city fee.

(Ord. No. 09-05, § 2-179, 9-18-2017)

Sec. 2-180. Execution of checks or financial instruments.

- (a) All orders, checks, instruments, and warrants for payment of money may be signed by the mayor, mayor pro tempore, city manager, or finance director, provided that the amount thereof does not exceed \$25,000.00, and provided further that such signature is otherwise authorized by law. However, to safeguard public funds and ensure the integrity of financial transactions, all orders, checks, instruments, and warrants for payment of money in the amount of \$25,000.00 or greater shall require the signature of two duly authorized signers.
- (b) Within 90 days of appointment, all elected officials, employees, and contractors of the city who are authorized signers pursuant to subsection (a) hereof shall obtain and at all times maintain a surety bond in an amount to be established by policy, naming the City of Stonecrest as the obligee. The city may pay any costs or fees associated with obtaining and maintaining the surety bond required herein.
- (c) Notwithstanding the provisions of subsection (a) hereof, the city council may temporarily suspend or permanently revoke the check signing authority of any person upon evidence of misuse, theft, or misappropriation of city funds or upon evidence of unauthorized transactions or any activity that jeopardizes the safety and security of city funds. If the city council suspends or revokes a person's check signing authority, the city manager shall promptly notify the city's banking institutions and take whatever steps necessary to ensure that the city council's decision is effectuated immediately.

(Ord. No. 2021-06-01, § 1(Exh. A), 6-17-2021)

Secs. 2-181—2-259. Reserved.

DIVISION 2. PURCHASING

Sec. 2-260. Purchasing policy.

1. The Mayor and City Council of the City of Stonecrest, Georgia, hereby amend and restate the **Financial Management Policies** Purchasing Policy of the City of Stonecrest, Georgia, as contained in Exhibit "A" attached to Ordinance No. 2022-09-02, and incorporated herein by this reference.
2. The Mayor and City Council of the City of Stonecrest, Georgia, hereby readopt the **Financial Management Policies** Purchasing Policy of the City of Stonecrest, Georgia, as contained in Exhibit "A" attached to Ordinance No. 2022-09-02, and incorporated herein by this reference.

(Ord. No. 09-05, § 2-260, 9-18-2017; Ord. No. 2018-04-03, §§ 1, 2, 4-16-2018; Ord. No. 2022-05-03, §§ 1, 2, 5-23-2022; Ord. No. 2022-09-02, §§ 1, 2, 10-10-2022)

Sec. 2-261. Purchasing card policy.

1. The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopts the Financial Management Policies Purchasing Card Policy of the City of Stonecrest, Georgia, as contained in Exhibit "A" attached to Ordinance No. 2022-09-01, and incorporated herein by this reference.

(Ord. No. 2022-09-01, § 1, 10-10-2022)

Secs. 2-262—2-273. Reserved.***DIVISION 3. TRAVEL POLICY AND PROCEDURES*****Sec. 2-274. Established.**

The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt the City of Stonecrest, Georgia, Travel Policy and Procedures as contained in Exhibit "A" attached to Ord. No. 2018-07-03, and incorporated herein by this reference.

(Ord. No. 2018-07-03, § 1, 7-16-2018)

Secs. 2-275—2-289. Reserved.***DIVISION 4. FINANCIAL MANAGEMENT*****Sec. 2-276. Financial Management Policy.**

The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopts the City of Stonecrest Financial Management Policy as the official policy document that provides guidance to elected officials and staff on fiscal issues and core financial decisions that affect the management and function of the City.



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Personnel Code Amendment, 2nd Read

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☒ OLD BUSINESS
☐ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☒ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): 3/24/2025 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Leona Durden, Director of Human Resources

PRESENTER: Leona Durden, Director of Human Resources

PURPOSE: To make a decision – Removal of Chapter 20

FACTS: Click or tap here to enter text.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Ordinance Amending Chapter 20
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA AMENDING CHAPTER 20(PERSONNEL) OF THE CITY OF STONECREST CODE OF ORDINANCES BY REMOVING AND UPDATING TEXT TO AUTHORIZE THE CITY OF STONECREST PERSONNEL POLICIES AND PROCEDURES MANUAL AS THE OFFICIAL EMPLOYMENT POLICY DOCUMENT OF THE CITY OF STONECREST, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing authority of the City of Stonecrest (“City”) is the Mayor and Council thereof; and

WHEREAS, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

WHEREAS, the purpose of the City’s Personnel Policies and Procedures Manual (“Personnel Policy”) is to provide various policies and procedures relating to employment with the City of Stonecrest; and

WHEREAS, the City desires to amend Chapter 20(PERSONNEL) of the City of Stonecrest Code of Ordinances by removing the language of the code and authorizing the Personnel Policies and Procedures Manual as the official employment policy document of the City of Stonecrest, Georgia.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA

Section 1. The City of Stonecrest Personnel Policy is hereby adopted as the official employment policy document of the City of Stonecrest, Georgia.

Section 2. That the Personnel Policy is adopted through the provisions set forth in Exhibit A attached hereto and made a part hereof by reference. That text added to current law appears in **red and bold**. Text removed from current law appears as **red, bold and strikethrough**.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

Item XII. b.

Section 4. To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Ordinance

Section 5. All City Ordinance are hereby repealed to the extent they are inconsistent with this Ordinance.

BE IT ORDAINED, this Ordinance shall take effect immediately.

RESOLVED this _____ day of _____, 2025.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

Item XII. b.

EXHIBIT A

Chapter 20 PERSONNEL

ARTICLE I. IN GENERAL

Sec. 20-1. Personnel Policy

The Mayor and City Council of the City of Stonecrest, Georgia, hereby declares the City of Stonecrest Personnel Policies and Procedures Manual as the official employment policy document of the City of Stonecrest, Georgia.

~~Sec. 20-1. Definitions.~~

~~For the purposes of this chapter, certain terms and words are hereby defined. Where words or terms are not herein defined, but are defined in any other applicable sections of this Code or state law, now and as they may be amended hereafter, those words shall have the meaning as defined therein. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:~~

~~Act or the Act or merit system act means Georgia Laws, 1956, p. 3111 [App. B, § 1052 et seq.], as amended.~~

~~Allocation means assignment of a pay grade to a class of positions.~~

~~Appeal means a request by an employee to have a hearing pursuant to this chapter.~~

~~Applicant means any person who has filed an application in accordance with this chapter.~~

~~Appointment means the employment of an applicant for City service.~~

~~Available means an individual on a register for a class of positions willing to accept appointment to a particular position of that class.~~

~~Base rate of pay means that salary paid an employee excluding any incentive, longevity or other compensation.~~

~~Certification means referring a list of names of qualified applicants for appointment or promotion.~~

~~Class means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience and such other characteristics that the same title, the same tests of fitness, and the same schedule of compensation may be applied to each position in the group and which has been recognized as such in the classification plan approved.~~

~~Classified service means all positions under the merit system. Each position is assigned to a classification and carries that specific job code and an individual position number. Exempt positions are not in the classified service.~~

~~Compensatory time means that time which may be granted an employee as off time as compensation for time worked in excess of the standard workweek applicable to that employee.~~

~~Council means the merit system council.~~

~~Demotion means the reduction of a permanent or working test employee to a position of a lower class. For this purpose, a lower class means any class of positions having a maximum rate of pay lower than the maximum rate of pay for the position in which the individual is employed.~~

~~*Department* means the internal administrative unit established by formal action of the Mayor and City Council.~~

~~*Department head* means any city employee designated as the head or principal administrative officer of any department subject to the provisions of this chapter. This includes the chief executive who shall be considered the department head of department heads under the merit system.~~

~~*Director* means the director of the merit system and personnel administration department.~~

~~*Disciplinary action* means action taken for cause by the chief executive officer or department head that results in suspension, involuntary demotion or dismissal.~~

~~*Eligible* means an individual whose name appears on a register for a particular class of positions and who is not otherwise barred from consideration for appointment.~~

~~*Emergency appointment* means employment to fill an immediate need, and that regular appointment methods cannot be followed.~~

~~*Employee* means an incumbent of a position, as hereinafter defined.~~

~~*Examination* means the designated method of evaluating the knowledge, skills and abilities of applicants for purposes of ranking and selection. Such methods could include, but not limited to, written tests, oral interviews, evaluations of education and experience, etc.~~

~~*Exempt position* means a position designated as being exempt from the application of this chapter.~~

~~*Merit system* means the city merit system of personnel administration of employees covered under the act.~~

~~*Minimum qualifications* mean those training, experience and other requirements that qualify an applicant or employee to be considered for examination and appointment.~~

~~*Overtime* means time wherein an employee is directed to continue work in excess of the standard workweek for that position, as hereinafter defined.~~

~~*Part-time employee* means any employee working on a continuous basis at least 20 hours but less than the standard workweek, as hereinafter defined.~~

~~*Permanent status employee* means an employee who has successfully completed his or her probationary period and has been designated a permanent status employee by the department head and approved by the merit system director.~~

~~*Position* means the duties, tasks and responsibilities which comprise and constitute the work of an employee.~~

~~*Probation* means conditional employment; not regular; a trial or working test period.~~

~~*Promotion* means the filling of a vacancy by appointing an employee with permanent status to a position from a position of a lower class.~~

~~*Protected classes* means minorities, females, handicapped, older workers, and other classes designated by federal or state law for special employment consideration.~~

~~*Public hearings* means a meeting of the merit system council open to the public, held after at least five days' notice has been given thereof, at which time any interested party may appear and be heard.~~

~~*Public notice*, unless otherwise expressly stated, means a written notice on a bulletin board accessible to the public during business hours, and other publicity as may be deemed necessary by the merit system council.~~

~~*Qualifying service* means all periods of city employment during which an employee was eligible to accrue annual leave under this chapter.~~

~~Reallocation means change in the pay grade assignment of a class of positions.~~

~~Reduction in force means the termination of an employee due to lack of work, lack of funds, abolishment of position, or for other material changes in duties or organization, or appropriation of funds.~~

~~Register means an official list of persons who have successfully competed in a merit system examination for a particular class of positions.~~

~~Roster of employees means a listing of employees of the city government which sets forth the name of each employee, the department by which the employee is employed, the class title of the position held by the employee, and the salary range assigned to the class title of the position held by the employee.~~

~~Salary adjustment means any change in salary, resulting from legislative or administrative action, and not constituting a salary advancement, as hereinafter defined.~~

~~Salary advancement means an increase in salary based on merit and length of service within the salary range prescribed for a particular class of positions.~~

~~Standard workweek means that number of hours constituting the full working time for a class of positions, as determined by a department head and as approved by the Mayor and City Council.~~

~~Standby time means that time when employees are required to leave work at their homes or with departmental officials where they may be reached in case of an off duty call-out.~~

~~Temporary position means a position created for a designated period of time not to exceed six months.~~

~~Time limited appointment means employment to fill a position for a period of time designated by programs authorized by Congress or the state legislature.~~

~~Transfer means the filling of a vacancy by assigning a permanent or working test employee from another position of the same or a comparable class.~~

~~Vacancy means an unoccupied position that has been established through a job analysis and official delegation of duties, which has been properly allocated and adopted as part of the classification and pay plans, and for which funds are available.~~

~~Waiting time means that period of inactivity while on duty spent waiting for weather conditions to improve or contingency assignments to be made.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-2. Penalties for violation.~~

~~Any employee under the merit system who willfully violates any of the provisions of this chapter may be disciplined hereunder or may be required to forfeit the employee's position, subject to the appeals guidelines as set forth in article IX of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-3. Applicability.~~

~~All positions, other than those exempt positions under this chapter or law, shall be filled only in accordance with this chapter. All departments under the merit system, as provided herein, shall administer their personnel in accordance with this chapter. All positions, except those listed as exempt, shall be collectively known as the classified service. Nothing in this chapter shall be construed to conflict with any state law or~~

~~regulation that provides additional qualifications, duties or compensation levels of any employee who is also subject to the provisions of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-4. Exempt positions designated.~~

~~The provisions of this chapter shall not apply to any exempt position. The exempt positions are the following:~~

~~(1) *Generally.*~~

- ~~a. City Manager;~~
- ~~b. Deputy City Manager;~~
- ~~c. City Clerk;~~
- ~~d. Community Development Director;~~
- ~~e. City Planner;~~
- ~~f. Code Enforcement Supervisor;~~
- ~~g. Chief Building Official;~~
- ~~h. Accounting Manager;~~
- ~~i. Procurement Specialist;~~
- ~~j. Communications Director.~~

~~(2) *Appointed official.*~~

- ~~a. Members of appointed city agencies, boards, commissions, and councils and the employees of the offices.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-5. Reserved.~~

~~Sec. 20-6. Duties of merit system and personnel administration director.~~

~~The duties of the merit system director shall be to:~~

- ~~(1) Attend all meetings of the merit system council and act as secretary to the council.~~
- ~~(2) Establish and maintain a listing of all employees of the board of commissioners, including merit and non-merit, which will set forth the names of employees, their class titles, their pay grades, their salaries or pay statuses, their employment statuses and other appropriate data deemed pertinent by the director.~~
- ~~(3) Select a staff of assistants in accordance with this chapter and to assign and direct their work.~~
- ~~(4) Advise and consult with the department heads in the development of a variety of training programs to improve performance of employees at all levels as needed and to coordinate the planning and scheduling of such training programs for efficient administration.~~

- ~~(5) Assist the department heads in the development of a system of periodic performance appraisal of employees under the merit system to be administered by the department heads.~~
- ~~(6) Make annual reports and such special reports as deemed advisable regarding personnel administration under the merit system, and to make recommendations for improvement therein.~~
- ~~(7) Be responsible for the preparation and maintenance of the classification and compensation plans and, after consultation with department heads, to prepare and present to the board for adoption, class specifications and amendments thereto.~~
- ~~(8) Recommend amendments to this chapter and to cause all rules and regulations to be published and copies thereof to be given to the department heads and the board, and to maintain copies in the office of the merit system department.~~
- ~~(9) Prepare for review and approval by the chief executive, job classification and compensation, administrative procedures to be followed by employees, department heads and other officials in processing appeals and in carrying out other assigned responsibilities under this chapter.~~
- ~~(10) Prepare annual budgets covering all the costs of operating the merit system, for adoption by the board.~~
- ~~(11) Maintain all registers of eligible persons for appointment and to make certification from such registers.~~
- ~~(12) Act as custodian of all records and properties in the office of the merit system director.~~
- ~~(13) Make such regulations and other administrative memoranda as deemed necessary, not inconsistent with this chapter, relative to matters involved in the administration of this chapter.~~
- ~~(14) Be responsible for overseeing an equitable and uniform system of discipline, administering the internal grievance and appeal procedure and maintaining the centralized records and coordinating the activities associated with appeals.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-7. Adoption of rules, regulations.~~

~~The chief executive shall adopt uniform rules and regulations pertaining to city recruitment activities, applications for examination, qualifications of applicants, administration of examinations, and all other matters necessary to accomplish the purpose of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-8. Minutes of merit system council.~~

~~The date, time and place of each meeting of the merit system council, names of the councilmembers present, all official acts of the council and the votes of each member except when the acts are unanimous and, when requested, a councilmember's approval or dissent, with the reasons, shall be recorded in the minutes. The director shall cause the minutes to be prepared and presented to the council for approval or amendment. The adopted minutes, or a true copy thereof, certified by the director, shall be open to public inspection, and copies of pertinent sections thereof made available upon request to any department head or employee affected thereby.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-9. Record of appeal hearings.~~

~~A verbatim account of an appeal hearing will not be transcribed, unless requested by one of the parties, and paid for by the requesting party. Either party shall have the right to have the proceedings recorded by a court reporter at the party's own expense.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-10. Public records, confidential records.~~

~~All merit system documents, records and information are the property of Stonecrest, Georgia and shall remain confidential except when disclosure is required by the Georgia Open Records Act or other law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-11. Access to records.~~

~~The director shall have access to all departmental personnel records, documents and papers in order to discharge the director's duties. The department heads shall have access to such records as deemed pertinent by the director to their department and the discharge of their duties. Performance rating reports shall be accessible to the department head concerned, the director, the merit system council, the Mayor and City Council and the employee involved. Such performance reports may be reviewed by other individuals only for official purposes on a need to know basis at the discretion of the director. The merit system council shall have access to all records necessary to discharge its duties. Other personnel information may be made available for official purposes at the discretion of the director. Information which is obtained by employees in the course of their official duties shall not be released or made available to anyone other than employees charged with this responsibility as part of their official duties.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-12. Preservation of records.~~

~~(a) The following records shall be preserved in the offices of the merit system for the periods designated:~~

- ~~(1) Examination and testing records of appointees shall be kept permanently. Examination and testing records of other applicants shall be kept for one year.~~
- ~~(2) Registers of certified eligibles shall be kept for one year after expiration.~~
- ~~(3) A copy of each test form used and validation procedures employed shall be retained permanently.~~
- ~~(4) All other records related to examination and eligible lists, including correspondence, applications and examination papers, shall be kept for one year.~~
- ~~(5) The employee's permanent personnel file shall be purged each three years to remove appraisals and other documents related to performance, disciplinary actions and other materials over three years of age which are no longer needed in the operation of the merit system.~~
- ~~(6) Personnel files of terminated employees shall be kept for three years.~~

~~(b) The above retention periods may be extended if required by federal or state law.~~

~~(c) Records may be preserved in their original form or other duplicate form such as microfilm, at the discretion of the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-13. Position classification plan.~~

- ~~(a) The classification plan provides a systematic arrangement and inventory of the positions in the classified service. The plan groups the various positions into classes with an appropriate title indicative of the range of duties and responsibilities, and the types of work performed.~~
- ~~(b) The chief executive shall adopt rules and regulations for the implementation and administration of the classification plan within the budget approved by the Mayor and City Council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-14. Maintenance of registers.~~

~~The chief executive shall adopt uniform rules and regulations pertaining to the maintenance of registers, including procedures for determining the adequacy of existing registers, the frequency of announcements of vacancies or examinations, the abolishment of registers, and the establishment of registers.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-15. Fillings of vacancies.~~

~~All vacancies under the merit system must be filled either by probationary appointment, promotion, demotion, transfer, emergency appointment, reappointment, temporary appointment or part-time appointment. No vacancy may be filled until a valid requisition is received by the director from a department head.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-16. Equal opportunity employment.~~

- ~~(a) The city is an equal opportunity employer. This effort will be an ongoing process. For affirmative action purposes, the director, in conjunction with the affirmative action officer, may institute voluntary programs that will facilitate this purpose and implement programs approved by the Mayor and City Council.~~
- ~~(b) There shall be no discrimination against applicants or employees on the basis of race, color, religion, sex, national origin, political affiliation or opinion, age, handicap or other non-merit factors with regard to appointment, promotion, demotion, dismissal, discipline, training or any other aspect of personnel administration. This shall not prevent the application of a particular requirement factor that is a bona fide occupational qualification.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-17. Political activities.~~

- ~~(a) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position under the merit system.~~
- ~~(b) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in~~

~~appointment to a position under the merit system, or an increase in pay or any other advantage in employment in this position for the purpose of influencing the vote or political action of any person, or for any consideration.~~

- ~~(c) No employee under the merit system shall be a candidate for nomination or election to any elective public office, or take part in the management or affairs of any political campaign, except to exercise the right as a citizen to express an opinion privately and to cast a vote.~~
- ~~(d) Employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency are subject to the provisions of the Hatch Act.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-18. Political soliciting.~~

~~No employee under the merit system shall solicit or take part in soliciting any assessment, subscription or contribution for any political organization or purpose. Employees may make voluntary financial contributions to a political party or organization or candidate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-19. Persons advocating overthrow of government prohibited from employment.~~

~~No person shall be employed under the merit system who advocates or has ever advocated, or who is or whoever has been a member of any organization that advocates the overthrow of the government of the United States by force or violence.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-20. Conflicts of interest.~~

- ~~(a) No employee covered by the provision of this chapter shall:~~
 - ~~(1) Engage in any business or transaction or have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair independence of judgment or action in the performance of official duties;~~
 - ~~(2) Engage in or accept private employment or render services for a private interest when such employment or service is incompatible with the proper discharge of official city duties or would tend to impair independence of judgment or action in the performance of official duties;~~
 - ~~(3) Disclose confidential information concerning the property, governmental body or affairs of the city without proper legal authorization, or use such information to advance the employee's financial or other private interests or that of others;~~
 - ~~(4) Participate in the negotiation or the making of any contract with any business or entity in which the employee has a financial interest.~~
 - ~~(5) Solicit contributions from another employee for a gift or donation to an employee or elected official in a superior official position, or, if in a superior position, accept a gift presented as a contribution from an employee.~~

- ~~(6) Directly or indirectly solicit or accept any gift from a prohibited source or any gift given because of the employee's official position.~~
- ~~(7) Directly or indirectly give, offer, promise, demand, seek, receive, accept, or agree to receive anything of value to influence any official act.~~
- ~~(8) Except as provided by law for the proper discharge of official duties, directly or indirectly, give, offer, promise, demand, seek, receive, accept, or agree to accept anything of value for or because of any official act performed or to be performed, or for or because of any testimony given or to be given before an individual or other entity, tribunal or proceeding authorized to hear evidence or take testimony.~~
- ~~(9) Accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his/her public office for private gain.~~
- ~~(10) Accept a gift in violation of any local, state or federal statute.~~
- ~~(11) Accept vendor promotional training contrary to applicable regulations, policies or guidance relating to the procurement of supplies and services for the county.~~
- ~~(b) No employee shall receive any compensation, salary or supplementation of his/her city salary, from any entity other than the city or as may be contributed by law out of the treasury of any state, county, or municipality, for his/her services to the city.~~
- ~~(c) No employee shall by his or her conduct give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of official acts or actions or that he or she is affected unduly by the kinship, rank, position or association with any person.~~
- ~~(d) No employee shall by virtue of his or her position with the city, directly or indirectly attempt to influence the decision of any city employee who must act to further any city procurement, policy, regulation, inspection or transaction.~~
- ~~(e) No employee shall engage in or accept employment with or render services for any private business or professional activity when such is adverse to and incompatible with the proper discharge of his or her official duties.~~
- ~~(f) Employees shall not knowingly solicit or make solicited sales to other employees who are junior in classification or position, or to the family members of such employees, within or without work hours. In the absence of coercion or intimidation, this does not prohibit the sale or lease of an employee's noncommercial personal or real property or commercial sales solicited and made in a retail establishment during non-working hours. This prohibition includes, without limitation, the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a superior from making a solicited sale to a subordinate or to the subordinate's family, sales made because a subordinate approaches the superior and requests the sale to be made are not prohibited, absent coercion or intimidation by the superior. The posting of an advertisement in accordance with county policies does not constitute solicitation for purposes of this subsection.~~
- ~~(g) Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his/her household, or knows that a person with whom he/she has a covered relationship is or represents a party to such a matter, and where the circumstances would cause a reasonable person with knowledge of the relevant facts to question his/her impartiality in the matter, the employee should not participate in the matter.~~

~~(h) — An employee shall be disqualified for two years from participating in any particular matter in which a former employer is a party or represents a party. The two-year period of disqualification begins to run on the date the employee left the employ of the former employer.~~

~~(i) — An employee may accept unsolicited gifts from a person or entity other than a prohibited source, having an aggregate market value of \$40.00 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one source under the authority of this paragraph shall not exceed \$120.00 in a calendar year.~~

~~(j) — Definitions.~~

~~(1) — *Covered relationship.* An employee has a covered relationship with:~~

- ~~a. — A person with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;~~
- ~~b. — A person who is a member of the employee's household, or who is within the third degree of relationship with of the employee;~~
- ~~c. — A person for whom the employee's spouse, parent or child is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;~~
- ~~d. — Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or~~
- ~~e. — An organization, other than a political party, in which the employee is an active participant.~~

~~(2) — *Direct and predictable effect* means a particular matter will have a direct effect if there is a close causal link between any decision or action to be taken in the matter and any effect on a financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter. A particular matter will have a predictable effect if there is a real, as opposed to a speculative, possibility that the matter will affect a financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.~~

~~(3) — *Former employer* includes any person or entity which the employee served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee.~~

~~(4) — *Gift* includes any gratuity, favor, discount, entertainment, trip, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. A gift does not include:~~

- ~~a. — Modest items of prepared food and refreshments, such as soft drinks, or coffee and donuts, offered other than as part of a meal;~~
- ~~b. — Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;~~
- ~~c. — Loans from banks and other financial institutions on terms generally available to the public;~~
- ~~d. — Social invitations from persons or entities, other than prohibited sources. An employee may accept food, refreshments and entertainment, not including travel or lodgings, at a social event attended by several persons where the invitation is from a person or entity that is not a prohibited source and no fee is charged to any person in attendance.~~

- ~~(5) *Imputed interests* means the financial interests of the following persons will serve to disqualify an employee to the same extent as if they were the employee's own interests:~~
- ~~a. The employee's spouse/domestic partner;~~
 - ~~b. The employee's child;~~
 - ~~c. An organization or entity which the employee or his/her spouse serves as officer, director, trustee, general partner or employee; and~~
 - ~~d. A person with whom the employee is negotiating for or has an arrangement concerning prospective employment.~~
- ~~(6) *Market value* means the retail cost the employee would incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.~~
- ~~(7) *Particular matter* encompasses only matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The particular matters covered by this subpart include, but are not limited to, a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation or arrest.~~
- ~~(8) *Personal and substantial* means the direct and active supervision of the participation of a subordinate in the matter. To participate substantially means that the employee's involvement is of significance to the matter. Participation may be substantial even though it is not determinative of the outcome of the particular matter. However, it requires more than official responsibility, knowledge, perfunctory involvement, or involvement on administrative or peripheral issues. A finding of substantiality should be based not only on the effort devoted to a matter, but also on the importance of the effort.~~
- ~~(9) *Prohibited source* means any person or entity who:~~
- ~~a. Is seeking official action by the employee or the employee's department;~~
 - ~~b. Does business or seeks to do business with the city or the employee's department;~~
 - ~~c. Conducts activities regulated by the employee or the employee's department;~~
 - ~~d. Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or~~
 - ~~e. Is an organization having a majority of its members as described in paragraphs (j)(9)a. through d. of this section.~~
- ~~(10) A gift is *solicited or accepted* because of the employee's official position if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held the status, authority or duties associated with his/her county position. A gift which is solicited or accepted indirectly includes a gift:~~
- ~~a. Given with the employee's knowledge and acquiescence to his/her parent, sibling, spouse, child (included adopted and step children), or dependent relative because of that person's relationship to the employee, or~~
 - ~~b. Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee.~~

~~(11) Third degree of relationship. The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece.~~

~~(12) Vendor promotional training means training provided by any person or entity for the purpose of promoting its products or services. It does not include training provided under a county contract or by a contractor to facilitate use of products or services it furnishes under a city contract.~~

~~(h) Any employee who violates the provision of this section shall be guilty of misconduct and subject to appropriate disciplinary action, including immediate dismissal.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-20.1. Financial disclosure reports.~~

~~The mayor, member of city council, city manager, assistant city manager, city clerk, department heads, deputy, assistant and associate department heads/directors and economic development department personnel, shall file annually with the city clerk a report disclosing the sources of any income, whatever its nature, in excess of \$1,000.00 derived from any one source for the preceding calendar year. Such report shall be filed on or before April 30 of each year for the prior calendar year in a format determined by the director of finance. Failure of any such person to file such disclosure statement shall be reflected in the minutes of the next regularly scheduled meeting of the board of commissioners following the April 30 deadline, with a copy of the list of such persons presented to the chairperson of the Stonecrest Ethics Committee for appropriate action. The reports shall be considered public documents upon filing. Each report shall contain the following information:~~

~~(1) The source of each of the following items received or accrued during the preceding calendar year by such person reporting or his/her spouse, including the name and address of the source:~~

- ~~a. Any income for services rendered of \$1,000.00 or more;~~
- ~~b. Any interest or dividend income of \$1,000.00 or more;~~
- ~~c. Reimbursement for expenses of \$1,000.00 or more in each instance;~~
- ~~d. Honoraria from a single source in the aggregate amount of \$500.00 or more, except as otherwise reported under the state statute covering financial disclosure statements;~~
- ~~e. Any gift in the aggregate amount or value of \$500.00 or more from any single source received during the preceding year.~~

~~(2) The name, address and type of organization in which the person reporting or his/her spouse is an officer, director, partner, proprietor, or employee, or serves in any advisory capacity from which income of \$1,000.00 or more was derived.~~

~~(3) Each creditor, including the name and address, to whom the person reporting or his/her spouse was indebted for a period of 90 consecutive days or more during the preceding calendar year in an amount of \$7,500.00 or more, except for retail installment debt, or the purchase or sale of real property.~~

~~(4) Failure to file a financial disclosure report, as required by this section, may result in the referral of such violation to the Stonecrest Ethics Committee for punitive action, or may result in disciplinary action, including dismissal.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-21. Disposition of special fees and rewards.~~

~~Special fees and rewards received by any employee by reason of the performance of any act required of such employee by the city and such employee's duties, whether paid by an individual or by a public authority, shall be deemed the property of the city and no employee shall accept for private use and benefit this fee or reward.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-22. Full-time service; outside employment.~~

~~The city shall be entitled to the full-time services of all employees whose positions are on a full-time basis. All outside employment must be approved in advance by the department head. No outside employment which interferes with the employee's scheduled city work time shall be allowed, nor shall any outside employment be allowed which may create a conflict, or apparent conflict, between private interest of the individual and official city duties and responsibilities.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-23. Physical examination.~~

~~Before entering employment and as often as the head of the department may deem necessary for the performance of work assigned, an applicant or employee shall undergo a physical examination by a licensed physician to determine the physical fitness of the employee for the job sought or duty assigned. Such examination shall be paid for by the city. The standard of physical fitness requirements related to job duty shall be established by each department head with due consideration given to the duties to be performed. Before becoming effective, such physical standards shall be submitted to and approved by the director and shall be furnished to the physician conducting the physical examination. No otherwise qualified handicapped individual shall be excluded from city employment solely by reason of handicap, unless such handicap prohibits such individual from performing job-related duties or places such handicapped person or city employee in unsafe conditions likely to result in bodily injuries to the handicapped person or other city employee. If a city employee does not agree to submit to a physical examination, such refusal shall be grounds for dismissal, suspension or leave without pay.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-24—20-40. Reserved.~~***ARTICLE II. COMPENSATION PLAN*****~~Sec. 20-41. Salary increases.~~**

~~A salary increase shall not be considered as an automatic and routine right due an employee. All salary increases shall be based upon quality and quantity of work as reflected by performance appraisal and other recorded ratings, giving due consideration to length of service.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-42. Holiday pay.~~

~~All full-time employees shall be paid for a normal workday for each legal holiday established by Mayor and City Council. Part-time employees shall be paid the pro rata part of a normal workday based on hours per day normally worked. Temporary employees, whether part-time or full-time, are not eligible for holiday pay. Employees required to work on a holiday shall be paid the regular day's pay. In addition, they may be given comparable time off at a subsequent date not later than 12 months following the holiday or, upon approval of the city manager or assistant city manager, may be paid for the holiday at a straight-time rate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-43. Quality pay increase.~~

~~A quality pay increase is a pay increase equivalent to a step increase available to permanent full-time employees whose performance is of such superior quality above that ordinarily found in the type of position concerned that special pay recognition is warranted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-44. Longevity pay.~~

~~Longevity pay is a benefit to employees for continued service to the city. Permanent employees shall receive additional compensation based upon satisfactory completion of successive years of service to begin after completion of eight years of service. The method of compensation, as set forth in the administrative procedures to the personnel code, shall be determined by the Mayor with approval of funding by the City Council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-45. Separation pay.~~

~~(a) Annual leave payout. Upon separation from employment with the city, an employee who has completed at least six months but less than ten years of qualifying service may receive pay for accumulated unused annual leave up to a maximum of 30 days at the employee's regular rate of pay. An employee who has completed at least ten years of qualifying service may, upon separation from employment with the city, receive pay for accumulated unused annual leave up to a maximum of 45 days at the employee's regular rate of pay. No payment shall be made upon separation from employment for any amount of accumulated unused sick leave.~~

~~(b) Annual leave payout; death of employee. Upon the death of a permanent employee, the beneficiary of such employee shall be paid for accumulated unused annual leave and any other final pay and allowances in the manner of other separations as indicated above.~~

~~(c) Temporary and emergency employees. The appointment of any person as a temporary or emergency employee shall be automatically terminated upon the expiration of the maximum period of time that the person can be so employed. No further payment for services shall continue beyond the termination date.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-46. Hazardous duty pay.~~

~~Extra pay, as authorized in the city's compensation plan, shall be granted: to any employee qualified as a helicopter pilot, having appropriate and current Federal Aviation Administration licensing and medical certificates for the type of helicopters operated by the police department, and designated and serving in a position permitting active piloting duty on county-owned or county-leased aircraft; to any employee qualified as a bomb technician, having the appropriate certification from the Redstone Arsenal Missile and Munitions School and designated and serving in a position requiring active bomb disposal duty for the city; and to any employee qualified as a member of the special weapons and tactical unit, having advanced and extensive training and required certifications in the use of chemical munitions, explosive devices, automatic and specialized weapons, and related equipment.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-47. Employee suggestion program.~~

~~The employee suggestion program is established as a benefit program to compensate employees for suggestions that improve city operations, reduce costs, improve productivity and working conditions and/or improve employee morale. Employees can earn monetary payment for suggestions that are adopted and result in tangible savings (measurable, quantifiable cost savings or increase in county revenue) or intangible savings (have an overall benefit but cannot be measured in dollars). The method of compensation, as set forth in the administrative procedures to the personnel code, shall be determined by the mayor with approval of funding by the city council.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-48. Acting status pay.~~

~~Subject to approval by the mayor in accordance with procedures established by the mayor and city council, an employee appointed to serve in an acting status in a position with a higher pay classification shall receive compensation at the next pay step that would afford the employee at least a five percent pay increase for any time served in such acting status beyond 60 days consecutively. Acting pay shall not be paid for more than nine months without approval of mayor and city council. For purposes of this section, an employee shall be deemed to be appointed to serve in an acting status when such appointment is made in writing by the department head, is submitted through the merit system director to the mayor, and is approved by the mayor. An acting appointment may only be made to a duly established position which is vacant.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-49. Reserved.~~**~~Sec. 20-50. Continuance of life, health and dental insurance while on leave of absence.~~**

~~City officers and employees may continue their group life, group health and dental benefits insurance, if they so desire, while on leave of absence from the employ of the city, provided that such leave of absence is granted for one of the following reasons:~~

- ~~(1) — Military leave of absence.~~
- ~~(2) — Maternity leave of absence.~~

- ~~(3) Sick leave of absence.~~
- ~~(4) Court leave of absence.~~
- ~~(5) Family and medical leave of absence.~~
- ~~(6) Approved leave of absence.~~
- ~~(7) As required by state or federal law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-51. Family and domestic partnership benefits.~~

~~As part of a city officer's or employee's compensation, the city may provide for group life, group health and dental insurance benefits for an employee's legal spouse, and children, as provided for in the insurance plan documents. As part of a city officer's or employee's compensation, the city may provide for group life, group health and dental benefits for a person declared as the officer's or employee's domestic partner under Article X of this chapter. Any employee who receives insurance coverage for a domestic partner shall notify the employee benefits division within ten days of any change in or termination of the domestic partnership. Any employee who fraudulently obtains coverage for a person who is not a spouse, child, or a domestic partner, as defined under Chapter 20, Article X, shall reimburse the city for all costs involved in providing such coverage and be subjected to penalties as provided by the laws of the State of Georgia and the County of DeKalb.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-52. Limitation of liability for benefits.~~

~~Nothing in this chapter shall create any broader, greater, different or other benefits than that provided in the contract of insurance or group plan, and the city shall not be liable for any life, health or dental benefits beyond that provided by the insurance contract or group plan.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-53—20-65. Reserved.~~

~~ARTICLE III. CERTIFICATIONS AND APPOINTMENTS~~

~~Sec. 20-66. Generally.~~

~~When the department head chooses to fill a vacancy, the department head may elect to fill the position through any of the methods of making appointments established under this chapter or administrative regulations. The mayor shall adopt rules for the certification of eligibility on the register and the appointment to fill vacancies, temporary and emergency appointments to permanent positions, emergency positions and reappointment.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-67. Time-limited appointments.~~

~~Time-limited appointments may be made to positions established for special programs or projects normally anticipated as being longer than six months but not permanent in nature. Programs or projects requiring this type of appointment will normally be mandated by a federal or state program implemented for a specific purpose such as training, retraining or rehabilitation. Appointments may be made through competitive or noncompetitive procedures according to the program requirements.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-68. Review of discrimination charge.~~

~~Any applicant who believes unjust discrimination has been exercised in any phase of the pre-employment process because of race, color, religion, national origin, sex, political affiliation, or opinion, age, sexual orientation, or handicap may appeal to the mayor and city council. Such charge must be filed in writing within 180 days after the occurrence of the alleged discriminatory action, and must include the date, time, place, name(s) and specific charge of discrimination. The mayor and city council shall investigate the alleged discriminatory action, and the mayor and council's decision shall be binding.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-69. Employment of relatives.~~

~~a) — The employment of relatives within the same department (as defined in this Code section 20-69) wherein there is a direct or indirect supervisory/subordinate relationship is prohibited. For purposes of this Code section, direct or indirect supervisory/subordinate relationship shall mean regular assignment in the line of supervision or chain of command, and shall exclude temporary assignment of less than five consecutive business days.~~

~~b) — "Department" solely for purposes of this Code section 20-69 shall mean the departments of the city, except that the following bureaus and divisions shall be considered separate "departments" for purposes of this Code section:~~

~~(1) — Police bureau;~~

~~(2) — Fire bureau;~~

~~(3) — Emergency medical services;~~

~~(4) — Animal control division;~~

~~(5) — Development division;~~

~~(6) — Fleet maintenance division;~~

~~(7) — Roads and drainage division;~~

~~(8) — Water and sewer division;~~

~~(9) — Sanitation division;~~

~~(10) — Any bureau or division designated by the mayor as a separate "department" for purposes of this Code section.~~

~~(c) — The term "relatives" shall mean:~~

~~(1) Father, mother, daughter, step daughter, son, step son, brother and sister of the whole blood or of the half blood, grandparent, grandchild, first cousin, aunt, uncle, nephew and niece.~~

~~(2) Husband, wife, mother in law, father in law, sister in law, brother in law, son in law, and daughter in law.~~

~~These relationships shall include those arising from adoption.~~

~~(d) The limitation on employment or promotion of relatives specified in this Code section shall apply to the continued employment of persons where the referenced relationships commence subsequent to their employment. This section shall apply only to filling of vacancies by promotion, hiring, transfer from separate departments (as defined in this Code section) and reappointments made on or after the effective date of this section. If an appropriate transfer cannot be arranged, the less senior employee shall resign or will be terminated from employment unless the more senior employee chooses to transfer or resign.~~

~~(e) Seniority for purposes of this Code section shall mean total length of employment in positions covered by the City Merit System.~~

~~(f) Nothing in this Code section shall be interpreted to prohibit employment of relatives in different departments, as defined in this Code section.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-70—20-80. Reserved.~~

~~ARTICLE IV. VETERAN'S PREFERENCE~~

~~Sec. 20-81. Generally.~~

~~All candidates and competitors for positions under the merit system (including veterans and their spouses) must meet the minimum requirements for the position sought, and successfully pass the total examination prescribed, if any. Veteran's preference points, if any, shall not be used to raise an otherwise unqualified candidate to a qualified level, nor do veteran's preference points exempt those entitled to them from examination.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-82. Addition of points to rating—Able-bodied veterans.~~

~~(a) Any veteran who has served on active duty as a member of the Armed Forces of the United States for a period of more than 180 days (not counting service under an initial period of active duty for training under the six months' reserve or National Guard programs), any portion of which service occurred during a period of armed conflict in which any branch of the Armed Forces of the United States engaged, whether under United States command or otherwise, and who was honorably discharged shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system.~~

~~(b) Notwithstanding the 180-day minimum active duty requirement of subsection (a) of this section, the five-point preference granted to veterans under said subsection shall apply to any member of the National Guard or Armed Forces Reserve who served on active duty for:~~

~~(1) Any length of time during any portion of the time the Armed Forces of the United States were engaged in Operation Desert Shield or Operation Desert Storm if such service occurred in an area of imminent danger as defined by the United States Department of Defense as follows:~~

- ~~a. The Persian Gulf;~~
- ~~b. The Red Sea;~~
- ~~c. The Gulf of Oman;~~
- ~~d. The portion of the Arabian Sea that lies north of ten degrees north latitude and west of 68 degrees east longitude;~~
- ~~e. The Gulf of Aden; and~~
- ~~f. The total land area of Saudi Arabia, Kuwait, Iraq, Yemen, Oman, Bahrain, Qatar, and the United Arab Emirates; or~~

~~(2) Any length of time during a period of war or armed conflict in which any branch of the Armed Forces of the United States was engaged after Operation Desert Shield and Operation Desert Storm, whether under United States Command or otherwise.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-83. Same—Disabled veterans.~~

~~Any veteran who qualifies for a preference as provided in section 20-82 in this article and has at least ten percent service-connected disability as rated and certified by the United States Department of Veterans Affairs shall be entitled to and shall have ten points added to his or her passing score on any examination for employment in any position under the merit system. This ten point preference shall be in lieu of, not in addition to, any other similar preference accorded by this article or federal or state law.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-84. Spouse of disabled or deceased veteran.~~

- ~~(a) The spouse of a veteran who qualifies for a preference as provided in section 20-82 in this article shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system if the spouse of the veteran is qualified for the merit system position sought, and if the veteran has a 100 percent disability that disqualifies him or her from employment.~~
- ~~(b) The spouse of a veteran, who if living would qualify for a preference as provided in section 20-82 of this article, shall be entitled to and shall have five points added to his or her passing score on any examination for employment in any position under the merit system if the spouse of the veteran is qualified for the position sought and the veteran is deceased.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-85. Appropriate consideration.~~

- ~~(a) In the event that a scored examination is not required to qualify for a particular merit system position, "appropriate consideration" may be given to all candidates and competitors for that merit system position who qualify for a veteran's preference under this article.~~

~~(b) "Appropriate consideration" means that:~~

- ~~(1) A candidate who qualifies for a veteran's preference in this article and meets the minimum requirements for the merit system position sought is entitled to have his or her qualifications presented to the relevant department head or appointing authority for consideration;~~
- ~~(2) A candidate who qualifies for a veteran's preference in this article may be given preference in appointment to a position under the merit system if his or her qualifications for the position sought are equivalent to those of the best qualified non-veteran applicant for the position.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-86. Extent of preference.~~

~~The veteran's preferences established by this article are confined to entrance to the city's service, and do not apply in the case of examinations for or consideration for promotions.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-87. Preferential appointment not mandatory.~~

~~The appointment of a candidate who qualifies for a veteran's preference is not mandatory, even if his or her qualifications are equivalent to those of the best qualified non-veteran applicant for the position.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-88. Appointment discretionary.~~

~~The appointment of a candidate who qualifies for a veteran's preference is within the discretion of the department head. The department head may select another qualified candidate (who is not entitled to the veteran's preference) whose name has been certified. If this occurs, the director shall return the name of the candidate who qualifies for a veteran's preference to the register for further consideration.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-89—20-100. Reserved.~~

~~ARTICLE V. PROBATIONARY STATUS~~

~~Sec. 20-101. Purpose.~~

~~The probationary period shall be considered an integral part of the selection process. All employees appointed or promoted to a position in the city's classified service shall be required to satisfactorily complete the probation period prior to achieving permanent status.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-102. Duration.~~

~~The first six months of on-the-job service in a position to which an employee has been appointed or promoted under the provisions of article III covering appointments shall constitute the probation period. The director may fix a different length for the probation period as it applies to positions of one or more classes. The period shall not be fixed at less than three months, nor more than 12 months. The length of the probation period shall be the same for all positions in a class.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-103. Time counted.~~

~~Only time in pay and active work status shall be counted toward completion of the probation period. Employees in probation status who are absent on leave without pay, or who are absent for reasons under workers' compensation or disability leave, shall be required to complete the amount of time on the job specified for the class to which they are appointed.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-104. Conditions prerequisite to permanent status.~~

~~Supervisors of probationary employees should evaluate those employees periodically during the probation period. Whether formal or informal procedures are used, it is the responsibility of the supervisor to point out areas of deficiency and inform the employee in the correct and expected manner to perform the job. It shall be the responsibility of the department head to obtain a statement in writing from the proper supervisor to the effect that the services of each employee appointed for an initial appointment probation period have or have not been satisfactory and that the employee is or is not recommended to be retained. The statement shall contain an appraisal of the value of the employee's service upon the employee performance evaluation form. The department head shall obtain this statement prior to the completion of the probation period, and make a recommendation to the director. No probation employee shall be considered to have attained permanent status as an employee under the merit system until certified by the director. If the employee is not certified as a permanent status employee, the department head shall notify the employee in writing in advance of the date on which the employee's services are to be terminated, and transmit a copy to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-105. Probation in promotional position.~~

~~The department head shall have the same responsibility to assure evaluation of employees in promotional probation status as the department head has in initial appointment probation status. If it is determined that the employee is unsuitable for the position, the department head shall return the employee to the position previously occupied if it is vacant. If not vacant, the department head shall confer with the director relative to placement of the employee in a comparable class of positions for which the employee meets the requirements. If such placement is not feasible, the employee's name shall be placed on the reemployment register. The employee shall receive written notification, prior to the action, stating the reasons for the action. A copy shall be given to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-106—20-120. Reserved.~~

~~ARTICLE VI. PROMOTION, TRANSFER AND DEMOTION~~

~~Sec. 20-121. Procedures generally.~~

~~The city manager shall adopt administrative procedures for the filling of a vacancy by selection on a competitive basis of a permanent employee, and for transfers and demotions. Selection shall be made by the department head and reported to the director who will notify the applicant.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-122. Promotion.~~

~~No employee shall be promoted unless such employee has permanent status and the employee's last recorded performance appraisal is average or above. Although not eligible to qualify for a promotional position which is to be filled from present county employees only, a probation employee is eligible to apply for any city position which is being filled by open competitive examination. A probation period is required for an employee who is promoted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-123. Transfer—Generally.~~

~~A vacancy may be filled by the transfer of a permanent or probation employee from another position of the same class or a comparable class subject to the limitations of this chapter.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-124. Same—From position of same class.~~

~~A permanent or probation employee in a position may be transferred to any vacancy of the same class. Where the employee has been placed in a position through a procedure involving selective certification, the employee shall not be transferred to any other position for which selective certification on the same basis is not justified until the employee has completed the probation period or the employee's name on the register has been reached through regular certification.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-125. Same—From comparable class.~~

~~A permanent or probation employee may be transferred to a comparable class if the director has certified that the minimum qualifications or training/education and experience specified for the class of the vacancy are met. If a performance test is required for regular appointment to the vacant position, and the employee to be transferred has not passed the required performance test for the class, then the employee must be certified on a test similar to and as extensive as the regular performance test.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-126. Demotion—Generally.~~

~~An employee who is demoted shall retain the same employment status, except that the employee's rate of pay shall be reduced to the step in the pay range assigned to the lower position that is at least the equivalent of one step in the pay plan. If the demotion is non-disciplinary, and if the employee's present salary does not exceed the maximum of the new range, the director may, upon recommendation of the department head, approve a pay step equal to the employee's former salary.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-127. Same—Procedure; reasons.~~

~~A permanent or probation employee may be demoted to a lower class for which the employee meets the requirements for reasons relative to job performance. When an initial appointment probation employee is demoted, the employee shall continue the probation period as if the original appointment had been to the position of the lower class. A permanent or probation employee may request appointment to a lower class, and the department head may make the demotion subject to the limitations applicable to transfers. A department head may demote a permanent or probation employee when a shortage of work or funds, the abolition of a position, or other material change in duties or organization necessitates the action.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-128—20-140. Reserved.~~**~~ARTICLE VII. PERFORMANCE APPRAISAL~~****~~Sec. 20-141. Administration of appraisal system.~~**

~~Each department head, in consultation with the director, shall develop and administer a system of performance appraisal to give a fair and objective assessment of each employee's job performance. All appraisal (evaluation) forms and procedures shall be approved by the director prior to official use.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-142. Performance appraisal of supervisors.~~

~~A supervisor's performance appraisal shall include an evaluation of the use of performance appraisals with employees to improve their performance. Supervisors shall be evaluated as to their effectiveness in the equal opportunity and affirmative action policies of the city.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-143—20-160. Reserved.~~**~~ARTICLE VIII. ATTENDANCE AND LEAVE~~**

~~Sec. 20-161. Hours of work.~~

- ~~(a) The standard workweek for full time employees shall generally be 40 hours; however, due to the requirements of certain positions, this standard may vary. Specific hours of work shall be set by each department head with the concurrence of the director and the approval of the city manager. In any event, specific hours of work and compensation for overtime shall be in compliance with the provisions of the Fair Labor Standards Act. Time worked in excess of the standard workweek, which is approved by the department head in advance or in cases of emergency as determined by the department head, shall be credited as overtime. In computing hours worked for overtime purposes, annual and sick leave and holidays shall be excluded. Overtime shall be accrued or compensated at the rate of one and one-half times the regular rate. Compensatory time at the rate of one and one-half hours for every hour worked in excess of the applicable standard workweek may be given to employees eligible for overtime compensation in lieu of cash compensation.~~
- ~~(b) Eligible law enforcement, emergency medical, fire and seasonal employees may accrue up to 480 hours of compensatory time before overtime compensation must be paid in cash. All other employees eligible for overtime compensation may accrue up to 240 hours. Compensatory time may be utilized by the employee with prior approval of the department head under the same procedures as apply to annual leave as set forth in section 20-165, subsection (c). For employees eligible for overtime compensation, accrued balances must be paid to the employee at termination at a rate not less than the average regular rate of pay over the last three years of employment or the final rate of pay, whichever is higher.~~
- ~~(c) Employees exempt from overtime compensation may be granted compensatory time at an hour for hour rate at the discretion of the department head. If granted, such compensatory time must be used within one calendar year of the date granted in accordance with procedures as apply to annual leave as set forth in section 20-165, subsection (c). Overtime exempt employees are not eligible to receive cash compensation for unused balances.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-162. Transfer of leave benefits.~~

~~When a permanent or working test employee is transferred to another department, the department receiving the employee shall assume responsibility for this employee's unused accumulated sick and annual leave.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-163. Sick leave.~~

- ~~(a) City employees, except temporary and emergency employees, are eligible for sick leave benefits as earned from the date of employment. Sick leave shall accrue for full time employees at the rate of one day per month or its proportional equivalent (see section 20-165 for annual leave accrual rate) and an additional one-half day's sick leave or proportional equivalent thereof (see section 20-165 for annual accrual rate) will accrue on June 30 and December 31 of each year. Part-time employees shall accrue sick leave at the rate of one-half day a month and an additional one-quarter day's leave will accrue on June 30 and December 31 of each year. An employee who starts work before the sixteenth of a month shall earn sick leave for that month, but if the employee starts work on or later than the sixteenth of the month, sick leave accrual will be determined by the hours worked by the end of the month. No sick leave shall accrue for an employee under conditions as set forth in section 20-165, subsection (b). No accrual shall be permitted for an employee on leave without pay, workers' compensation or disability leave. When an~~

~~employee shall have accumulated 30 days of sick leave by the end of the last pay period in November, such employee may be paid in cash each year by December 25 for one fourth of that year's unused sick leave accumulated beyond the 30 days, and the other three fourths beyond the 30 days shall be added to the sick leave accumulation of such employee. Accrued but unused sick leave shall be cumulative for succeeding years.~~

- ~~(b) Both probationary and permanent status employees who are eligible for sick leave with pay shall be granted this leave for the following reasons:~~
- ~~(1) Personal illness or physical incapacity and doctor or dentist appointments of the employee, employee's spouse, children living in the same household, or serious illness of spouse, children or parents as defined in the Family and Medical Leave Act of 1993.~~
 - ~~(2) Enforced quarantine of the employee in accordance with community health regulations.~~
- ~~(c) An employee on sick leave shall inform the employee's immediate supervisor of the fact and the reason therefor within the time established by the department head, and failure to do so may be cause for denial of sick leave with pay for the period of the absence.~~
- ~~(d) A medical certificate signed by a licensed physician may be required by the department head to substantiate a request for sick leave for any of the following:~~
- ~~(1) Any period of absence consisting of three or more consecutive days.~~
 - ~~(2) Sick leave of any duration if absence from duty recurs frequently or habitually, provided the employee has been notified in writing that a certificate will be required.~~
 - ~~(3) To support the use of family and medical leave and unscheduled annual leave when sick leave has been exhausted.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-164. Holidays.~~

- ~~(a) The city will observe ten paid holidays per year. These are:~~
- ~~January 1, New Year's Day.~~
 - ~~Third Monday in January, Martin Luther King's birthday.~~
 - ~~Third Monday in February, George Washington's birthday.~~
 - ~~Last Monday in May, Memorial Day.~~
 - ~~July 4, Independence Day.~~
 - ~~First Monday in September, Labor Day.~~
 - ~~November 11, Veteran's Day.~~
 - ~~Fourth Thursday in November, Thanksgiving Day.~~
 - ~~Friday immediately following Thanksgiving Day.~~
 - ~~December 25, Christmas Day.~~
- ~~(b) Whenever a legal holiday occurs on Saturday, the previous Friday will be observed. Whenever a legal holiday occurs on Sunday, the following Monday will be observed.~~

~~(c) Any employee who is required to work the holiday may be allowed to take a day off at a subsequent date no later than 12 months following the holiday or, upon the approval of the chief executive or the chief executive's designee, may be paid for the holiday at a straight time rate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-165. Vacation (annual) leave.~~

~~(a) [Vacation accrual.] Vacation (annual) leave with pay for employees whose normal work schedule consists of a 40-hour workweek shall accrue as per the following:~~

Qualifying Service (years)	Accrual per month (hours)	Annual accumulation (days)
Less than 5 years	10	15
5 years up to 10 years	12	18
10 years up to 15 years	14	21
15 years up to 20 years	16	24
20 years and over	18	27

~~Those employees whose regularly scheduled average workweek exceeds forty (40) hours shall accrue vacation (annual) leave hours at a rate proportionate to the designated hours of work according to the following formula:~~

Scheduled		Normal		
Average		accrual for		
Hours		40 hour/week		proportional
per week		based on		leave accrual
	×	years of service	=	rate
40				

~~(b) [Exceptions.] Notwithstanding the provisions of subsection (a):~~

~~(1) Temporary and emergency employees shall not accrue annual leave.~~

~~(2) Part time employees shall accrue annual leave at one-half the rate shown.~~

~~(3) No annual leave shall accrue while an employee is on leave without pay, workers' compensation or disability leave.~~

~~(4) No annual leave shall accrue when, due to an unexcused absence, an employee works less than 75 percent of the scheduled hours in a pay period.~~

~~(c) [Use of accrued leave.] An employee shall not be entitled to use any part of accumulated annual leave until the employee has worked six months. Accrued but unused annual leave at the end of any year (starting with 2011) shall be accumulated for succeeding years up to a maximum per the following (based on a 40-hour workweek):~~

Qualifying Service (years)	Annual Maximum Carryover (Days)	Annual Maximum Carryover (Hours)
Less than 10 Years	30	240
10 Years and Over	45	360

~~Employees whose regularly scheduled average workweek exceeds 40 hours shall carry over vacation (annual) leave hours at a rate proportionate to the designated hours of work in accordance with the formula in subsection (a). Annual leave accumulated over the maximum amount that may be carried over to the next year shall be converted to sick leave and added to the employee's accumulated sick leave balance for the next year.~~

- ~~(d) [Scheduling leave.] Annual leave shall be scheduled in advance and requires the approval of the department head; vacation schedules shall be arranged to provide the least possible disruption of department work programs. Annual leave can be used for emergency situations when approved by the department head. Annual leave, to the extent the purpose for such leave qualifies for leave under the Family and Medical Leave Act of 1993 (FMLA), will be counted against the employee's FMLA leave entitlement.~~
- ~~(e) [Unused sick leave.] At the beginning of each year, an employee shall be credited with one day of annual leave for each 50 days of unused accrued sick leave the employee had on December 31 of the previous year.~~
- ~~(f) Transition to new annual maximum carryover. To move employees from the 2011 carryover limits to the new 2012 carryover limits, the rollover process will be handled in two steps as follows. First, any amount of accumulated annual leave that exceeds the prior 60-day maximum at the end of 2011 shall be converted to sick leave, per previous procedures. Second, any remaining annual leave exceeding the new 2012 carryover limit shall be converted to sick leave unless the employee elected to place it into an annual leave reserve account. That election must be made in writing by the employee and received by the director no later than January 2, 2012. If an employee does not make a timely election, all of the employee's accumulated annual leave not carried over into 2012 shall be converted to sick leave. All accumulated annual leave that is converted into sick leave pursuant to this subparagraph shall be converted on an hour-for-hour basis and added to the employee's accumulated sick leave balance for 2012. Accumulated annual leave that is placed into an annual leave reserve account may be used as annual leave if the employee's accumulated annual leave is otherwise exhausted and the employee's department head authorizes such use.~~
- ~~(g) Annual leave payout for employees who have reserve account annual leave at separation.~~
 - ~~(1) Payment for reserve account annual leave. An employee who has accumulated annual leave left in his/her annual leave reserve account at separation shall receive pay for such leave at the employee's last 2011 pay rate.~~
 - ~~(2) Payment for accumulated unused annual leave outside the employee's reserve account; limitations on such payment. In addition to payment for any remaining reserve account annual leave, an employee may receive pay for accumulated unused annual leave outside his/her reserve account at separation, subject to the limitations in subsection 20-45(a) of this chapter and subject to the additional limitation that no employee may receive pay for more than 60 days combined total of accumulated unused annual leave under subsections (1) and (2) of this subsection (g).~~

~~{Ord. No. 2019-05-01, § 1, 5-13-2019}~~

~~Sec. 20-166. Leave of absence without pay.~~

~~Leave of absence without pay for a period not to exceed six consecutive months may be granted to any employee with the approval of the department head. Any leave of absence for a period in excess of six consecutive months shall be at the discretion of the city manager. Valid reasons for leave without pay shall include, but not be confined to, the following: those reasons required under the Family and Medical Leave Act of 1993, educational or training enrichment, and military leave.~~

~~{Ord. No. 2019-05-01, § 1, 5-13-2019}~~

~~Sec. 20-167. Military leave.~~

- ~~(a) An employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay to participate in ordered military duty or training for a period consistent with state law.~~
- ~~(b) An employee, other than emergency or temporary, who leaves employment with the county for military service with the United States shall have reemployment rights upon successful completion of such service, consistent with federal law.~~
- ~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-168. Court leave.~~

~~An employee serving on a permanent, probationary or temporary basis shall be entitled to leave of absence from duties, without loss of pay or time and without effect on service rating, on all days during which the employee is subpoenaed by any court, federal, state or political subdivision thereof, to serve as a juror or witness.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-169. Maternity Leave.~~

~~Maternity leave shall be granted to merit system employees in compliance with applicable administrative procedures and the Family and Medical Leave Act of 1993. Time for beginning and ending of maternity leave shall be certified by the employee's doctor. Maternity leave shall consist of the following: use of any accumulated sick leave, annual leave and/or leave of absence without pay as prescribed in sections 20-163, 20-165, 20-166 and 20-170.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-170. Family and medical leave.~~

~~Family and medical leave shall be granted to those employees eligible and pursuant to the Family and Medical Leave Act of 1993 and the administrative procedures.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-171. Donation of leave time.~~

~~Any permanent employee who has been employed with the City for a minimum of 12 months and who meets the eligibility criteria set forth in the administrative procedures promulgated by the mayor and city council may donate his/her accrued annual or sick leave to other city employees who have exhausted all accrued paid leave due to serious health conditions as defined by the mayor and city council in the administrative procedures.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-172—20-185. Reserved.~~

- CODE OF ORDINANCES
Chapter 20 - PERSONNEL
ARTICLE IX. DISCIPLINARY ACTION AND APPEALS

~~ARTICLE IX. DISCIPLINARY ACTION AND APPEALS~~

~~Sec. 20-186. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Delinquency* means violation of duty to the job requirements or county regulations.~~

~~*Excessive absenteeism* means the habitual or patterned use of sick leave, or leave without pay, not supported by competent medical evidence or other proof of necessity. On a national average, employees experience two to three incidents of sick leave absence a year. Unsubstantiated absences, in excess of the following rule of thumb, may be an indication of excessive absenteeism:~~

~~(1) Two incidents in three months.~~

~~(2) Four incidents in six months.~~

~~(3) Six incidents in one year.~~

~~(An incident is a single day or consecutive series of absences.)~~

~~*Flat fee reimbursement* means a flat fee to reimburse a permanent status employee for a portion of the attorneys' fees such employee actually paid to an attorney to represent the employee in a merit system appeal, where at the end of all available appeals (including any appeals by the employee or county in court), the employee's termination or demotion is reversed. The amount of such reimbursement shall be determined by a reimbursement schedule issued in writing by the county attorney annually and approved by official action of the governing authority. Under this schedule, the flat fee amount that an employee may be reimbursed for shall be less for an appeal of a demotion than an appeal for termination.~~

~~*Incompetence* means the lack of qualities or the incapability of doing the job. Skills, knowledge and abilities are inadequate, unsuitable or obsolete to perform at minimally acceptable standards of performance.~~

~~*Inefficiency* means nonproduction, wasteful use of time, energy or material, or repeated errors and mistakes.~~

~~*Insubordination* means the unwillingness or refusal to perform assigned work, or deliberate failure to comply with written or verbal instructions from a proper supervisory authority.~~

~~*Misconduct* means mismanagement of job responsibilities and county property, intentional improper behavior on the job, or deliberate violation of county regulations.~~

~~*Negligence* means careless disregard for or lack of attention to job-related matters.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-187. Departmental rules.~~

~~The department head of any department may establish rules which are related to the work of that department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-188. Disciplinary action.~~

~~Where the department head does not deem termination warranted, as hereinafter provided, the following disciplinary actions may be taken after due consideration has been given to the nature of the cause therefor:~~

- ~~(1) — *Suspension.* An employee may be suspended for a period of one or more full days, not to exceed 30 days in a 12 month period. An employee may be suspended for an indefinite period of time pending the outcome of an investigation of a crime involving moral turpitude during which the employee may have the option of using accrued annual leave credits until they are exhausted. A suspension may be appealed as prescribed in section 20-193.~~
- ~~(2) — *Demotion.* An employee may be demoted to a lower class in which the employee meets the minimum qualifications.~~
- ~~(3) — *Reserved.*~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-189. Dismissal.~~

~~A permanent status employee may be dismissed by a notice in writing giving the cause of the dismissal with sufficient particularity so that the employee may be on notice of the reason for discharge in order that the employee may fully explain the conduct if so desired. Cause for dismissal shall be as outlined in section 20-191 or for other reasons relative to job performance. Dismissal for disciplinary reasons may be instituted without prior notice. Unless a written notice of dismissal is handed to the employee personally by a supervisor or other authorized person, it shall be mailed to the employee at the last known address of such employee as shown by the employee personnel file maintained in the merit system department. It shall be the duty of each employee, and no other, to keep the merit system department informed of the employee's residence address. A permanent classified employee may appeal a dismissal, including dismissal due to reduction in force, to a hearing officer by filing a written notice of the desire to appeal with the director within ten days from the effective date of dismissal. If the notice of dismissal is not handed to the employee personally, it shall be deemed to have been delivered to the employee three days after the date of deposit in the United States mail. Copies of all dismissal notices shall be furnished to the director.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-190. Authority for disciplinary action and discharge.~~

~~The mayor, as the chief administrative officer of the city, shall have the authority to impose disciplinary actions and to dismiss employees as provided in this article. In addition, disciplinary action may be taken against an employee or an employee may be dismissed by the head of the department to which the employee is assigned. An employee's supervisor may propose disciplinary action or dismissal, but before the same shall become final, it must be reviewed and approved by the department head.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-191. Cause for dismissal or disciplinary action.~~

~~Cause for dismissal and disciplinary action shall include but not be limited to the following:~~

- ~~(1) Violation of any material provision of this chapter, or other personnel rules and regulations, and any violation of section 20-20 (conflicts of interest) and section 20-20.1 (financial disclosure forms) of this chapter.~~
- ~~(2) Substandard work quality.~~
- ~~(3) Improper use of county equipment or property.~~
- ~~(4) Selling or soliciting on county property without prior authorization.~~
- ~~(5) Unauthorized use of telephone or other city communication equipment.~~
- ~~(6) Conduct unbecoming an employee of the city while on duty.~~
- ~~(7) Leaving the work area without permission from the supervisor.~~
- ~~(8) Failure to call in when sick or absent from work otherwise without prior approval.~~
- ~~(9) Neglect, carelessness or disregard of common safety practices.~~
- ~~(10) Violation of departmental rules.~~
- ~~(11) Malicious mischief, horseplay, wrestling, or other undesirable conduct.~~
- ~~(12) Falsifying any official record or document.~~
- ~~(13) Giving a false answer or false information on application.~~
- ~~(14) Habitual unexcused tardiness.~~
- ~~(15) Loafing, neglect of duties or otherwise wasting of working time.~~
- ~~(16) Sleeping during working hours except where conditions of work authorize and warrant it.~~
- ~~(17) Possession of intoxicating beverages or controlled substances at place of work, or in official city vehicles.~~
- ~~(18) Possession of or bringing a firearm or other deadly weapon on city property or an official city vehicle, unless duly authorized by the department head.~~
- ~~(19) Reporting to work under the influence of intoxicating beverages, or drugs not prescribed by a physician.~~
- ~~(20) Fighting, threatening, intimidating, coercing or otherwise interfering with the rights of other employees.~~
- ~~(21) Gambling on county property.~~
- ~~(22) Insubordination or willful failure to carry out an official supervisory directive or job assignment.~~
- ~~(23) Acceptance of a fee, gift or service of any item of value in return for a favor.~~
- ~~(24) Loss or damage of county property through carelessness or negligence.~~
- ~~(25) Violation of a safety rule which results in personal injury or property damage; refusal to use proper safety equipment when provided.~~
- ~~(26) Failure of supervisor to enforce established safety regulations, or requiring employee to perform unsafe act.~~
- ~~(27) Excessive absenteeism.~~
- ~~(28) Exhaustion of annual leave without prior approval.~~
- ~~(29) Abuse of sick leave.~~

- ~~(30) Misappropriation of city funds or illegal sale or disposal of city property for personal gain, or deliberate falsification of official reports, employment application or misrepresentation of personnel information in order to qualify for appointment or promotion.~~
- ~~(31) Conviction of a felony crime, or a misdemeanor involving serious moral turpitude.~~
- ~~(32) Engaging in a strike, work stoppage, slowdown or act of sabotage.~~
- ~~(33) Substantial incompetence or inefficiency in carrying out work assignments.~~
- ~~(34) Failure to report for work without prior approval, except when sick leave is authorized.~~
- ~~(35) Stealing or similar conduct, including destroying, damaging or concealment of any property of the city.~~
- ~~(36) Willful damage of or attempt to damage city property.~~
- ~~(37) Threatening physical violence or striking a supervisor or subordinate.~~
- ~~(38) Operation of any city owned or city leased vehicle or equipment without proper state license or while under the influence of any medication or drug which has been prescribed by a doctor and which carries the warning not to drive or operate machinery while using same.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-192. Intradepartmental transfer not a disciplinary act.~~

~~An employee may be transferred to another division or facility at the discretion of the department head. The department head shall be the final arbitrator of all intradepartmental transfers and the sole judge of the need, necessity, convenience or reason for such transfer. An intradepartmental transfer shall not be construed to be a demotion unless it results in a reduction of the employee's pay.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-193. Review of disciplinary action (appeals).~~

~~A permanent status employee aggrieved by any suspension, demotion, or termination may appeal such aggrieved action to a hearing officer as outlined below:~~

- ~~(1) All requests for review of disciplinary actions shall be filed in writing with the director within ten days from the effective date of the disciplinary action.~~
- ~~(2) A hearing officer shall be assigned, pursuant to the administrative procedures, to hear said appeal within 45 days after it is filed, during which time said hearing will convene to afford the aggrieved employee a hearing before said hearing officer, which may be continued from time to time, to fully explain his or her conduct for which he or she was disciplined.~~
- ~~(3) The hearing officer may reverse a disciplinary action only upon a finding that it was based upon an error in fact or was motivated by a non-job-related factor.~~
- ~~(4) The hearing officer shall issue a written decision within 20 days of the hearing. The decision of the hearing officer shall be in writing, dated and signed.~~

~~The written decision shall contain the findings of fact, the conclusions and, clearly set forth the basis or grounds for the decision.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-194. Review of action considered discriminatory against employee.~~

~~Any employee who believes unjust discrimination has been exercised with respect to any disciplinary action because of race, color, religion, national origin, sex, political affiliation, or opinion, age, sexual orientation, or disability may appeal to a hearing officer within ten days from the effective date of the action. Such appeal shall be filed with the director and set forth in detail the reasons why the employee contends the disciplinary action was based upon discrimination, including specifying the dates, times, places, and specific types of each instance of discrimination alleged. In such cases, the hearing officer may reverse the decision of the department head only on a finding that it was based on error of fact or was motivated by intentional discrimination against the employee because of membership in a protected class listed in this section. The same provisions relative to the hearing officer as outlined in section 20-193 shall also apply in the case of an employee discrimination appeal under this section.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-195. Review of dismissal due to reduction in force.~~

~~An employee dismissed due to reduction in force may appeal to a hearing officer within ten days from the effective date of the action. This appeal request must be filed in writing with the merit system director. Such appeal shall be filed and heard in accordance with the procedures set out in this chapter; however, the right of review by the hearing officer shall be limited to whether the dismissal was in fact due to lack of work, lack of funds, lack of appropriation of funds, abolishment of the position or for other material changes in the duties of the position or the organization of the department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-196. Flat fee reimbursement for certain attorney's fees incurred by employees who successfully appeal a termination or demotion.~~

- ~~(a) — Conditions of a flat fee reimbursement. Flat fee reimbursement shall be provided only when a permanent status employee appeals the employee's termination or demotion through the merit system appeal process and, at the end of any available appeals (including any appeals filed in court by the employee or the city), the employee's termination or demotion is reversed. In no event shall reimbursement exceed the flat fee amount provided for in the city attorney's flat fee reimbursement schedule for the year that the appeal process reaches its conclusion. Flat fee reimbursement shall be available only for successful appeals of termination and demotion actions effective on or after March 1, 2016.~~
- ~~(b) — Timing of requests for and payment of flat fee reimbursement. An employee who seeks to be paid a flat fee reimbursement under this provision must submit to the city's finance director documentation establishing: that the termination or demotion is reversed after all available appeals have been concluded; the amount the attorney billed the employee for services representing the employee in that merit system appeal process; and the amount the employee actually paid to the attorney for those services. This documentation must be submitted to the finance director within 45 days after the employee becomes eligible to apply for the flat fee reimbursement. If the employee timely submits sufficient documentation to the finance director, the finance director shall pay the applicable flat fee reimbursement to the employee within 30 business days after such submission. If the employee fails to submit sufficient documentation to the finance director, then the finance director shall not pay the applicable flat fee reimbursement.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Secs. 20-197—20-199. Reserved.~~

~~ARTICLE X. DOMESTIC PARTNERSHIPS~~

~~Sec. 20-200. Definitions.~~

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Declaration of domestic partnership* means a form provided by the city finance department in which two people of the same gender agree to be jointly responsible for the necessities of life incurred during the domestic partnership and that all qualifications for domestic partnership are met when the declaration is signed. The form will require both partners to provide reasonable proof of their primary, regular and permanent residence address. The form must be signed under penalty of perjury and must be witnessed and notarized.~~

~~*Domestic partnership* means two people of the same gender who live together in a single home and have signed a declaration of domestic partnership in which they attest that:~~

- ~~(1) They share the same primary, regular and permanent residence and have lived together for the previous 12 months (documentation must be submitted verifying joint residency);~~
- ~~(2) They have a committed personal relationship with each other that is intended to be lifelong;~~
- ~~(3) The employee's partner is a dependent of the employee under Georgia law;~~
- ~~(4) They are not married as recognized by Georgia law to anyone or legally separated from anyone;~~
- ~~(5) They have only one current domestic partner;~~
- ~~(6) They are 18 years of age or older;~~
- ~~(7) They are competent to enter into a contract;~~
- ~~(8) They are not related by blood closer than would bar marriage in the state;~~
- ~~(9) They are each other's sole domestic partner;~~
- ~~(10) They agree to file a termination of domestic partnership within ten (10) days if any of the facts set out in this definition change;~~
- ~~(11) Any prior domestic partnership declared under this section, in which their domestic partner participated with a third party, was terminated not less than 12 months prior to the date of such affidavit and, that notice of termination was provided to the county in writing to the finance department;~~
- ~~(12) They agree that the city employee shall have the sole and exclusive right to make all benefit elections on behalf of the domestic partner;~~
- ~~(13) They agree that the city employee shall be responsible for any and all tax liability associated with any benefits provided to the domestic partner, including imputed taxable income and be subject to tax withholding or other tax treatment;~~
- ~~(14) They agree under penalty of perjury under the laws of Georgia that all information in the declaration of domestic partnership is true and correct.~~

~~*Live (d) together* means that the two people claiming domestic partnership status share the same primary, regular and permanent residence. It is not necessary that the legal right to possess the residence~~

~~be in both names. Domestic partners do not cease to live together if one leaves the shared residence for a period not to exceed six months, but intends to return. Whether the relationship between these two people is or is not sexual is in no way relevant for the purposes of determining eligibility under this article.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-201. Effect of declaration of domestic partnership.~~

- ~~(a) Rights and duties created. Neither this article nor the filing of a declaration of domestic partnership shall create any legal rights or duties from one of the parties to the other, except those that specifically refer to domestic partnership. Nothing in this article shall be construed to explicitly or implicitly create a marital relationship. This article does not attempt to alter or affect the laws in the state that regulate any private or civil relationships. This article shall not be construed to conflict with, alter or affect the laws of this state or the United States.~~
- ~~(b) Nothing contained in this article shall create any rights in either domestic partner that are not covered, included or created in the underlying insurance or benefits plan documents of the city.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-202. Establishing existence of domestic partnership.~~

- ~~(a) Generally. Domestic partners, one of whom is an employee of the city, may establish the existence of their domestic partnership by presenting an original declaration of domestic partnership to the finance department of the city. The finance department will file the declaration. The standard declaration form will be available in the finance department during normal business hours.~~
- ~~(b) Limitations. The finance department shall only accept for filing declarations of domestic partnership submitted by domestic partners at least one of whom is an employee of the city.~~
- ~~(c) Amendments to the declaration. A partner may amend a declaration of domestic partnership filed with the finance department at any time to show a change in such partner's primary residence address.~~
- ~~(d) New declarations of domestic partnership. No person who has created a domestic partnership may create another until 12 months after a notice of termination has been signed and filed with the finance department.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-203. Records, copies, filing fees.~~

~~Records of the city's finance department. The finance director shall keep a record of all declarations of domestic partnerships, amendments to declarations of domestic partnership, and all notices of termination. The records shall be maintained so that amendments and notices of termination shall be filed with the declaration of domestic partnership to which they pertain.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-204. Ending domestic partnerships.~~

- ~~(a) Termination. A domestic partnership ends when:~~

~~(1) One partner sends the other partner written notice that such partner has ended the domestic partnership;~~

~~(2) One of the partners dies; or~~

~~(3) The partners no longer meet one or more of the qualifications or conditions for domestic partnership.~~

~~(b) Notice of termination. When a domestic partnership ends, the partners must execute a notice of termination naming the partner and stating that the partnership has ended. The notice of termination must be dated and signed under penalty of perjury by at least one of the partners. The notice of termination must be filed with the finance department.~~

~~Notwithstanding any of the above, the city shall revoke a declaration of a domestic partnership if the city finds that the partners no longer meet one or more of the qualifications or conditions for domestic partnership. The effective date of such termination will be retroactive to the date that such qualifications or conditions were no longer met. The city may revoke the declaration of the domestic partnership upon recommendation of the finance director and approval of the city manager without notice or hearing to the employee or domestic partner. Nothing in this Code shall create any right to a notice or hearing concerning the termination of the domestic partnership. In all circumstances, the provisions of the city's insurance plans shall control regarding coverage, eligibility and benefits provided to domestic partners.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~ARTICLE XI. EMPLOYEE ORGANIZATIONS~~

~~Sec. 20-205. Statement of policy.~~

~~It shall be the policy of the city to communicate with employee organizations in an orderly and professional manner, listening to input from such organizations where appropriate. This policy in no way obligates the city to bargain or contract with employee organizations. Further, this policy does not authorize employee organizations or any county employees to engage in strikes, slowdowns, or other organized absences from work or their assigned work stations.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-206. Definitions.~~

~~For the purposes of this article, certain terms and words are hereby defined. Where words are not defined herein, but are defined in section 1-2, those words shall have the meaning as defined therein. The following words, terms, and phrases, when used in this article, shall have the meanings given to them in this section, except where the context clearly indicates a different meaning: An eligible employee is a city merit-status employee who is not:~~

~~(1) A department head or other employee with actual authority to hire, fire, or discipline; or~~

~~(2) A confidential employee who works directly with and reports directly to an elected official, department head, or department director.~~

~~Employee organization means any lawful organization that eligible employees have joined for the purpose of discussing issues of common interest regarding terms and conditions of employment with the City of Stonecrest, Georgia.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-207. Applicability of article.~~

~~This article shall apply to employee organizations of which eligible employees are members.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-208. Prohibited discrimination and retaliation.~~

~~(a) There shall be no discrimination or retaliation against any eligible employee because of the fact that such employee is a member of an employee organization or has authorized a representative of an employee organization to communicate on his/her behalf in an appropriate manner regarding terms and conditions of city of Stonecrest employment. However, this section does not eliminate or limit the right to discipline employees for activities made unlawful by Georgia law or other applicable law (including, but not limited to, strikes or work slowdowns), or for conduct that violates city policy.~~

~~(b) No employee shall be required, as a condition of employment with the city of Stonecrest, to become a member of any employee organization. There shall be no discrimination or retaliation against an eligible employee because of the fact that the employee chooses not to be a member of an employee organization or otherwise chooses not to become involved in employee organization activities.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-209. Representative of the city.~~

~~The executive assistant shall designate a person in the human resources department to serve as the city's designated representative to meet with employee organizations when appropriate.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-210. Meet and confer.~~

~~When an employee organization requests a meeting with the city, the designated city representative will meet with a representative or representatives of that organization upon reasonable terms for the purpose of listening to input from the organization regarding employment terms and conditions of eligible employees the organization represents (but not for the purpose of collective bargaining or negotiating a contract). The designated city representative shall not be required to meet with a particular employee organization more often than once per month.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-211. Representation of eligible employees in merit system hearings.~~

~~Subject to the terms and conditions of the merit system and human resource department's written administrative procedures governing the conduct of merit system hearings, a representative of an employee organization shall be permitted to represent and assist an eligible employee who is an appellant in a merit system hearing under sections 20-193, 20-194, or 20-195 of this chapter: (1) if that representative is an attorney, or (2) if those written administrative procedures expressly authorize an appellant to designate a non-attorney to~~

~~represent him/her in a merit system hearing and specify the procedure for an appellant to designate a non-attorney representative for such a hearing.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~

~~Sec. 20-212. Employee organization activities during scheduled work hours.~~

~~No eligible employee may spend scheduled working time (excluding approved break time) away from his/her work assignment and/or work station to participate in employee organization activities, unless the employee obtains his/her supervisor's advance permission to spend that time away from his/her work assignment and/or work station. An eligible employee may spend up to one hour per calendar month of paid scheduled working time in employee organization meetings or in meetings between employee organization representatives and the designated city representative or city elected officials, if the eligible employee has advance permission from his/her supervisor to spend that time away from his/her work assignment and/or work station. With the exception of that one hour per calendar month, normal city and department rules regarding requests to take time off from work (using accrued paid leave or unpaid leave) apply to eligible employees' requests to take time away from their normal work assignments and/or work stations to participate in employee organization activities. The one hour per calendar month of paid scheduled working time that an eligible employee may spend on certain employee organization activities as described above shall not accumulate if unused during a calendar month, and no payment shall be made for any such time that is not used.~~

~~(Ord. No. 2019-05-01, § 1, 5-13-2019)~~



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for the Personnel Policy Manual

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☒ OLD BUSINESS
☐ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☒ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): 04/14/25 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Leona Durden, Director of Human Resources

PRESENTER: Leona Durden, Director of Human Resources

PURPOSE: For Decision – Personnel Policy Manual

FACTS:

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Resolution
- (2) Attachment 2 - Redline Personnel Policy
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

**A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF
STONECREST, GEORGIA TO AMEND THE PERSONNEL POLICIES
AND PROCEDURES MANUAL BY ADOPTING CERTAIN REVISIONS;
TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR
SEVERABILITY; AND FOR OTHER LAWFUL PURPOSES.**

WHEREAS, the governing authority of the City of Stonecrest (“City”) is the Mayor and Council thereof; and

WHEREAS, pursuant to the City charter the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof.; and

WHEREAS, the purpose of the City’s Personnel Policies and Procedures Manual is to provide key policies, benefits, and expectations of the City of Stonecrest employees; and

WHEREAS, the City desires to amend the Personnel Policies and Procedures Manual to adopt certain revisions.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA:

BE IT FUTHER RESOLVED, the City of Stonecrest Personnel Policies and Procedures Manual is hereby amended by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

BE IT FUTHER RESOLVED, the preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

BE IT FURTHER RESOLVED, to the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED, all City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

BE IT FINALLY RESOLVED, this Resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2025.

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

Item XII. c.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

Item XII. c.

EXHIBIT A



Personnel Policies Manual

Adopted by Resolution of Mayor and Council – April 28, 2025

Revised: Second Edition - Effective May 1, 2025



Office of the City Manager

Welcome to the City of Stonecrest!

We are excited to have you as part of our diverse team. You were hired because we believe you can contribute to the achievement of our goals and the success of our City.

The Human Resources Policies and Procedures Manual contains key policies, benefits, and expectations of the City of Stonecrest and other information you need as part of our team. This information is both necessary and informative. You are encouraged to use this manual as the essential resource it is intended to be.

As a member of the team, your contributions will be key to the City's ability to provide world class community services. Should you have any questions about this manual, please contact the Human Resources Department or your direct supervisor.

I wish you the greatest success and again, welcome to the team!

Sincerely,

Gia Scruggs
City Manager

DISCLAIMER – IMPORTANT NOTICE

This Human Resources Policies and Procedures Manual ("Policy Manual") contains various policies and procedures relating to employment with the City of Stonecrest (the "City"). Many of the provisions relate in various ways to federal, state, and local laws. Such laws are subject to change from time to time and, in accordance with such changes, the City may find it necessary or advisable to alter its policies and procedures and the other provisions of this Employee Handbook at any time. Further, certain job positions may have additional requirements which apply to those specific job duties. Each employee shall be subject to all requirements which have been established regarding his/her position with the City. In the event of a conflict in any such requirements and any provisions set forth in this Policy Manual, the latter shall be deemed the controlling provision.

Nothing in this Manual or in any of the City's personnel policies shall be deemed to constitute a contract of employment and all employees of the City are employees-at-will who may quit at any time for any reason and who may be terminated at any time for any or no reason. No one other than the City Manager may make any promises or assurances or enter into any contract, whether oral or written, that in any way is contrary to or inconsistent with an at-will employment relationship, and any such promises, assurances, or purported contracts shall be invalid and not binding on the City unless adopted, endorsed, and agreed to in writing by the City Manager.

This Policy and Procedure Manual has been adopted for administrative purposes only and is not intended and shall not be interpreted or applied (a) as creating any contractual right, any constitutionally-protected property or liberty interest, any expectation of privacy, or any other legally enforceable right, entitlement, or interest; (b) as imposing a heightened standard or duty of care on the City or any City official, officer, director, manager, supervisor, or employee; (c) as constituting a law, rule, or regulation within the meaning of Title 45, Chapter 1 of the Georgia Code; or (d) as materially altering any aspect of the legal relationship between the City and its employees except as otherwise explicitly provided herein.

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SECTION 1: GENERAL PERSONNEL POLICIES

1.0 PURPOSE

The general purpose of the Human Resources (HR) Policies and Procedures Manual is to set forth the policies applicable to City employees. These HR policies are effective upon approval by the Mayor and Council. It is the overall policy of the City to comply with all applicable Federal, State, and local laws.

I. EXCLUSIVITY

These HR policies shall be the sole and exclusive policies governing personnel administration and personnel transactions with respect to employment within the City, unless otherwise mandated by law. Departmental standard operating procedures in conflict with these HR Policies are not allowed. To the extent such a conflict exists, these policies and the procedures interpreting the same shall apply.

II. AMENDMENTS

Future additions, rescissions and amendments to these HR Policies shall be effective only upon approval by the Mayor and Council.

III. ADMINISTRATION

The Human Resources Director, the City Manager, and all Department Heads are charged with the faithful and impartial administration and execution of these HR policies and all future changes thereto which may be approved.

IV. AUTHORITY

a. General

Except for matters reserved by State law or the City Charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This HR Policies and Procedures Manual provides statements of policy and establishes procedures relating to personnel administration that are necessary to manage City operations effectively and efficiently. It is issued by the City Manager under the authority of the City Council.

b. Scope of Authority

The City Manager possesses the authority, subject to the City Charter and City Code, to administer City operations. The City Manager's authority includes, but is not limited to:

1. Hire, assign, transfer, discipline, discharge, or release of employees pursuant to the City Charter, City Code and procedures described in this Manual;
2. Direct the work forces;
3. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
4. Introduce new or improved methods or facilities or change such methods or facilities;
5. Determine reasonable work schedules and establish the methods and processes by which such work is performed;
6. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
7. Determine position availability by:
 - Authorizing lateral assignments;

- Freezing, hiring, and promoting;
- Authorizing delay in position uses due to budget, facilities, or other business necessity; or
- Authorizing temporary assignments to fill a vacancy.
- Recommend to City Council the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

c. Administration of Policy

Proper policy administration includes setting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about City policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations.

The City Manager, in consultation with the Human Resources Director and other key stakeholders as applicable, shall make interpretive decisions for those situations that are not specifically covered by this manual and may, in the best interest of City operations, override any provision in this manual

d. Establishment and Implementation of Procedure

The City Manager, in consultation with the Human Resources Director, is authorized to establish and modify, as needed, a procedure for implementing all policies herein. The intent of this HR Policies and Procedures Manual is to ensure compliance with all applicable City, State and Federal laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede.

1.1 EQUAL EMPLOYMENT OPPORTUNITY

City of Stonecrest is an equal opportunity employer. City of Stonecrest will provide equal employment opportunity to all qualified persons without regard to race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. This policy applies to all phases of employment, including, and not limited to, recruitment, hiring, placement, training, promotion, demotion, transfer, reduction in force, separation, compensation, and benefits.

City of Stonecrest is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments. Consistent with this policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or handicap, the City will provide reasonable accommodations to a qualified individual to allow them to perform their job, provided that the reasonable accommodations would not impose an undue hardship on City of Stonecrest or the operation of the City's business. An employee must notify the Department Director, or the employee's immediate supervisor that he/she needs accommodation because of a disability or condition. Upon receipt of an accommodation request, the Director, or his/her designee, will consult with the HR Director, and meet with the employee to discuss and identify the precise limitation(s) resulting from the disability or condition, and the

potential accommodation(s) that City of Stonecrest might make to help overcome such limitation(s).

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate based on race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. Reasonable accommodation for applicants with disabilities may be provided upon request during an application/interview process.

1.2 **AMERICANS WITH DISABILITIES ACT – REASONABLE ACCOMODATIONS**

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is the City of Stonecrest’s policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Stonecrest will provide reasonable accommodation for both employees and members of the public, if so requested.

Background and Applicability

The Americans with Disabilities Act (ADA), as amended, is a federal mandate requiring all public and private sector entities to provide equal access to employment opportunities, facilities, buildings, programs, goods, services, and activities for individuals who have mental or physical disabilities. Signed into law in 1990, this federal mandate extends anti-discrimination and civil rights protections to persons with disabilities as defined by the Act.

This policy is designed to assist all City employees with ADA compliance; to provide full and equal access to employment and promotional opportunities; to assist qualified employees with disabilities whose job performance may be impacted by their disability; and to provide reasonable accommodation(s) which may enable qualified employees to perform the essential functions of their positions unless the accommodation would result in undue hardship to City.

In establishing procedures, the City intends to fully comply with all requirements of the Americans with Disabilities Act, as amended (“ADA”), implementing regulations, and all other applicable laws (“applicable law”). To the extent any part of the procedure conflicts with applicable law, the requirements of applicable law will control.

1.3 **DIVERSITY AND INCLUSION**

The City respects, values and celebrates the unique attributes, characteristics and perspectives that make each person who they are. We believe that our strength lies in the diversity among the broad range of people and communities we represent. We consider diversity and inclusion to be a motivator of excellence and seek out diversity of participation, thought and action.

The City’s approach to an equal employment opportunity workplace is based on three key principles: equality, diversity, and inclusion. The City promotes equality by removing barriers, eliminating discrimination, and ensuring equal opportunity and access for all groups of people. The City accepts and respects each person as an individual. Success and competitiveness are built on our ability to embrace diversity, and we believe that everyone should feel valued for their contributions.

The City desires to create a working culture where differences are not merely accepted but valued; where everyone has the opportunity to develop in a way that is consistent with our vision and values. The City is committed to being a model employer, business partner and responsive service provider that is well prepared to meet the needs of the City's diverse constituency. In the pursuit of organizational excellence, equal opportunity, and equal access, the City of Stonecrest will recruit, hire, and promote a diverse workforce and contractors that delivers inclusive local government services. This policy affirms the City's commitment to create a culture of inclusion that encourages collaboration, innovation, flexibility, cultural competence, and civility. In addition to fostering integrated and inclusive service principals, this policy articulates the City's commitment to incorporate diversity and inclusion considerations in business administration, policy planning, resources allocation, service programming, and human resources management.

1.4 RELIGIOUS ACCOMMODATIONS

The City prohibits unlawful discrimination based on an employee's religious beliefs and will provide reasonable accommodation for employees' religious beliefs, observances, and practices in accordance with applicable law when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the City.

This policy and procedure shall apply to all City employees, including employees occupying temporary, seasonal and part-time positions. This policy and procedure in no way gives any employee a property interest in employment with the City.

Any employee who perceives a conflict between his/her job requirements and a religious belief, observance, or practice should bring the conflict and his/her request for accommodation to the attention of their supervisor and HR to initiate the accommodation process. Requests for a reasonable accommodation should be made in writing and, in the case of requested schedule adjustments, as far in advance as possible.

I. Procedure

An employee may request a religious accommodation by:

1. A written request to the Department Head and Human Resources;
2. Submitting the request for an accommodation to his/her supervisor or Department Head; and
3. If requested, provide documentation to support the request. Whenever possible, requests for accommodation should be made at least 15-20 days in advance of the desired accommodation, if possible. The City is not required to provide an accommodation if it is not aware of the employee's need and desire for accommodation.

Reasonable accommodations are determined, identified, and implemented using a collaborative process. Human Resources and the employee's supervisor will engage in an interactive process with any employee seeking a religious accommodation to discuss conflicts between religion and work to provide a reasonable accommodation for the employee's needs.

Following receipt of the request for accommodation, the supervisor or Department Head will:

1. Discuss the request with the employee; and

2. Where it would assist accommodating the request, discuss the basis of the employee's request with the Human Resources Director and the City Manager.
3. Legal shall be consulted to ensure that the proposed accommodation complies with applicable laws and does not impose an undue hardship or fundamentally alter the nature of the service, program, or activity.

4. The City Manager, in consultation with legal, shall have final authority to approve, modify, or deny the requested accommodation. All determinations shall be documented and communicated in writing to the requesting party.

II. Documentation

In addition to submitting the written request, it is the responsibility of the employee to provide requested documentation to support the request. The supporting documentation requested may vary depending on the nature and extent of the accommodation requested.

III. Analysis of Job/Position or Performance of Job Responsibilities

Departments will attempt to accommodate requests for accommodation, balancing the request to accommodate the employee's religious practices with the needs of the department and work unit. In determining whether to approve the request for accommodation, the employee's supervisor, or Department Head, in consultation with the Human Resources Department, will:

1. Identify the essential functions or primary work-related duties of the individual's position;
2. Assess the impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department or unit; and
3. Assess the potential issues posed by the request, such as the impact on other employees.

IV. Analysis of the Request for Accommodation

Reasonable accommodations are determined on an individual basis, and may include, but are not limited to, providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes, voluntary substitutions of shifts or hours with a supervisor's or Department Head's approval, job reassignments, and lateral transfers.

The following factors are among those to be included in the individualized assessment of a request for religious accommodation:

1. Nature of the accommodation requested
2. Duration of the request
3. Alternative accommodations
4. Financial impact
5. Impact on the operation of the department, division or unit
6. Ability of the individual to perform essential functions of the position, if the accommodation is granted

V. Notification and Implementation of an Accommodation

The employee making the request for an accommodation will be notified by his/her supervisor or Department Head of the determination and, if granted, of the type of accommodation. The Department Head and/or supervisor will help

make an agreed-upon workplace accommodation effective. Before any request for accommodation is denied, the supervisor or Department Head shall consult with HR.

VI. Resolving Disagreements

In the event an employee's request for religious accommodation is denied or the employee disagrees with the supervisor's/Department Head's proposed accommodation, he/she may contact the City Manager for assistance.

VII. Recordkeeping

Documentation related to an employee's religious accommodations request, including the request for accommodation and any other information, will be shared only for authorized department(s) and will be maintained in the employee's personnel file.

1.5 NO SOLICITATION

This policy is intended to ensure that only official City business is transacted in the City's work areas during employee work hours. In accordance with applicable law and except where prohibited by applicable law, the City has established rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property.

I. No Abrogation or Abridgement of Rights

Nothing in this policy abrogates or abridges the right of any employee to express his/her political opinions, vote, seek elected office, hold elected office or otherwise participate in politics outside of working time. However, the City has a compelling interest in protecting its integrity, protecting its employees from political interference, preserving public confidence in government, and maintaining the efficiency of its employees. Therefore, the City reserves the right to meet with any employee seeking or holding elected office so that the parties can mutually assess and address any potential or actual conflicts of interest.

II. Definitions

As used in this policy and accompanying procedure, "solicitation" shall include any undertaking by an individual, group or organization to promote the sale or use of a particular product or service, or a request for a contribution to or support for an individual or organization.

As used in this policy and accompanying procedure, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the City; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the City.

III. Guidelines

In accordance with applicable law and except where prohibited by law, the City has established the following rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property:

- Employees may engage in solicitation activities, including political activities, only during non-working times. No employee may engage in solicitation during his/her working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed solicitation material, including political literature, only in non-work areas, including the employee break room and parking lot, during non-working times. No employee may distribute or circulate any written or printed solicitation material in work areas at any time, or during his/her working time or during the working time of the employee or employees at whom such activity is directed;
- Employees may not use or attempt to use their authority or influence to (i) interfere with or affect the result of a political election, nomination, or referendum, or (ii) coerce, induce, or encourage, as a condition of employment, the making of a contribution, donation or loan to any political campaign, candidate or organization;
- Employees and non-employees are prohibited from utilizing City property, supplies, or equipment for the production of solicitation materials;
- Non-employees are not permitted to solicit or to distribute written solicitation material for any unauthorized purpose on City property.

1.6 SOCIAL MEDIA

In general, the City views social networking websites, e.g., Facebook and Twitter, personal websites, and blogs positively and respects the right of employees to use them as a medium of self-expression. However, the use of these types of websites can impact both the City and employees alike. Therefore, the City has created this policy to establish its expectations for employee use of these types of websites.

This policy is meant to apply to social networking sites; personal websites; blogs; photo, video, and file sharing sites; podcasts; as well as bulletin boards and comments posted on other websites. For ease of reference, this policy refers to all types of websites generically as “social media websites”. The absence of an explicit reference to a specific website is not meant to limit the application of this policy. Where no policy or guideline exists, employees should use their responsible judgment and take the most prudent action possible. You should consult with your supervisor if you are uncertain about any of your activities on a social media website.

I. No Interference with Job Duties

The City’s internet and computer resources are provided to employees to allow them to complete their job duties and should be used for business purposes only. As such, the City does not allow personal use of social media websites using City computers, equipment, or networks or at all during an employee’s work time.

II. Use Outside of Work

Employees may use social media websites during their personal time outside of work and without the use of City computers, equipment, or networks. Employees must be aware, however, that information they display on the internet reflects not only on them but could be associated with the City as well. Therefore, employees are expected to follow these guidelines when using any social media website:

A. Employees should use their best judgment and discretion when posting material and information online.

B. Confidential and proprietary information of the City is not to be discussed or referred to by employees on any social media website, even in private messages between site members who have authorized access to the information.

C. Employees are responsible for reading, knowing, and complying with the Terms of Service of the social media websites they use.

D. Employees are expected to always comply with the laws regarding copyright, trademark, and plagiarism. Posting of someone else's work without permission is not allowed.

1.7 ADMINISTRATION OF RECORDS

The Director of Human Resources, or his/her designee, is responsible for establishing and maintaining an official personnel file for each employee of the City.

This policy regulates the access to and confidentiality of City employees' personnel records and record management, retention, and storage of personnel records.

I. Access

Access to personnel records should be restricted to those whose job duties necessitate access and to those with designated authority to review the records, such as a supervisor, department head, or HR representative.

Unless necessitated by an employee's job duties, any request to review human resources records, including personnel records, disciplinary records, benefit program records, and medical records, should be submitted as an Open Records Act Request and treated as any other Open Records Act Request.

If an employee wishes to grant a designated representative access to the employee's human resources records, including personnel records, disciplinary records, benefit program records, and medical records, the designated representative must present a written authorization signed by the employee that clearly and specifically describes the records the representative may inspect or copy.

An employee or designated representative may inspect his/her own personnel records in the Human Resources Department or elect to obtain a copy of such personnel records. Charges for compiling and copying personnel records may be assessed in accordance with the Open Records Act.

II. Confidentiality

Employees whose jobs provide access to personnel records shall follow the policies and procedures specific to their position for confidential information found in the personnel records and not release it to any person who does not have authorization to receive it. Employees shall not use confidential information of other employees for personal reasons.

III. Categories of Personnel Records

The Human Resources Director and Department Head shall be responsible for the preparation, maintenance, security, and disposition of all types of records and documents relating to personnel activities and functions regarding individual employees including, but not limited to, the following categories:

1. Personnel folders for each employee (i.e., records related to personally-identifiable information, such as name, date of birth, home address, emergency contact, social security number, records covering employment, position classification, wage or salary,

employee relations, performance management, training, organizational development, and attendance, etc.)

2. Copies of payrolls and related correspondence
3. Classification and compensation
4. Salary rates and classes
5. Personnel transactions
6. Attendance and leave
7. Recruitment, examination, and certification
8. Appeals/ Hearing minutes
9. Medical records' file (medical certifications, physician statements, and related information that describe the health and medical history or condition of an employee or an employee's family members)
10. Disciplinary records (e.g., written warnings, reprimands, notices of suspension, etc.)
11. Performance Improvement Plans
12. Other (e.g., performance evaluations, etc.)

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POLITICAL ACTIVITIES

City of Stonecrest employees are encouraged to exercise their right to vote. If they so desire to take part in political activities on the local, State and Federal levels as long as such activities do not interfere with the performance of their job. However, no City employee may engage in political activities at the workplace or during working time. Further, no City employee may make use of City time, equipment, or other resources to aid a political candidate, political party, or political cause; nor may any employee use his/her position or official authority or influence to persuade, coerce, influence, or intimidate any person in the interest of a political candidate, party or cause, or for the purpose of interfering with or affecting the result of an election for Mayor, or a position on the City of Stonecrest City Council, or any elected office in City of Stonecrest. All City employees should be free of any and all political persuasion or coercion in relationship to their employment, and/or from their supervisors and co-workers, and should report any such activity to their supervisor, the Director of Human Resources, or City Manager if the same should occur.

No employee shall use or authorize the use of the facilities or resources of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion or opposition to any ballot proposition.

Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the United States of America.

SECTION 2: DEFINITIONS

The following words and phrases as used in these policies, unless a different meaning is required by the context, shall have the following meanings:

Absenteeism: Defined as a failure to appear at work on a scheduled workday or shift exclusive of an approved leave.

Accrual: Process of earning a benefit such as vacation or sick leave.

Adverse Action: An action taken by the City Manager or Department Director that results in a suspension without pay, salary reduction, demotion, or dismissal.

City: For purposes of this manual means City of Stonecrest, Georgia.

City Department: An organization in City government that is responsible for the oversight and administration of specific work functions or units at the direction of the City Manager.

City Policy: A policy adopted by the Mayor and City Council, or an administrative policy approved by the City Manager.

Date of hire: The effective date of the individual's employment with the City.

Department Director/Head: Includes heads of departments. The Department Director reports to the City Manager, or designee as specified in the job description.

Discharge: Termination of an employee by the City. Discharge may be used interchangeably with Dismissal.

Doctor: Any physician who holds an active license to practice medicine by law; a qualified practitioner of medicine.

Employee: For purposes of this manual is defined as any individual who holds a budgeted position with the City of Stonecrest

Employee-Initiated Resignation: Voluntary separation for any reason other than formal retirement.

Exempt: For purposes of this manual is defined as an employee who is specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).).

Grievance: An actual or supposed circumstance regarded as just cause for complaint, such as unsafe or unhealthy working conditions; erroneous or capricious application of City policies; or unlawful discrimination.

He/His: Use of this pronoun in this document shall apply equally to both males and females.

Immediate Family: Includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as the employee's dependent, and any individual who stands in loco parentis to an employee.

In-Law: A relative by marriage such as mother-in-law, father-in-law, daughter-in-law, and son-in-law.

Layoff: Separation of an employee by the City for lack of work, lack of funds, reorganization, or other changes that have taken place.

Manager: A Manager is the person responsible for planning and directing the work of a group of individuals.

May: The word may be conditional and implies there is discretion concerning whether a condition exists, or an action will take place.

Non-Exempt: for purposes of this manual is defined as an employee who is entitled to minimum wage and overtime compensation (or compensatory time in lieu thereof) pursuant to the provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).

Outside Employment: Employment outside of the duties as a City employee. This shall include self-employment and other business activity, as well as working for a second employer.

Overtime: All work performed in excess of the hours permitted under the FLSA work period.

Personnel Records: Includes digital and paper personnel and medical files. An employee's medical file shall be kept separate from his personnel file.

Probation: A period during which a new employee or an employee who has been transferred, promoted, or demoted is being evaluated on job capability and performance. Additionally, a period allotted to an existing employee to correct identified performance deficiencies.

Probationary Employee: An employee on a trial status of probation during a period of employment. Probationary periods may be extended under special circumstances.

Regular Employee: An employee who has successfully completed the probationary period, and is assigned to a position which is regular full-time or regular part-time.

Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a shift schedule which will total no less than 2080 hours per year (40 hours per week).

Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a shift schedule of up to 29 hours per week.

Retirement: Voluntary separation after having satisfied the age and length of employment requirements, according to the City's applicable retirement plans.

Shall/Will: These terms are unconditional and imply that a condition exists, or an action will take place.

Supervisor: An individual immediately in line after management who is responsible for monitoring and regulating staff in their performance of delegated duties. Particularly, they oversee the daily performance of a team or department. A supervisor has the authority to recommend or exercise discipline, promotion, and hiring.

Supervisor-Initiated Resignation: Termination requested by the supervisor, which permits the employee to resign in lieu of being dismissed.

Tardiness: is defined as the failure to report to work at the time scheduled.

Temporary Full-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration and works a shift schedule that totals no less than 40 hours per week.

Temporary Part-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration and works a shift schedule of up to 29 hours per week.

SECTION 3: CONDITIONS OF EMPLOYMENT

3.0 WORKPLACE ENVIRONMENT

City of Stonecrest is committed to ensuring that all employees enjoy a work environment free from intimidation, discrimination, harassment, and violence. These issues are discussed in more detail within this Policy Manual. If you have any concerns regarding your workplace environment, report those concerns to the City Manager, the Director of Human Resources, and/or to the Department Director.

3.1 HOURS OF WORK

The normal working hours for City administrative offices shall consist of a continuous eight (8) hour period, excluding a one (1) hour unpaid lunch, scheduled between the hours of 7:00am and 6:00pm, with such schedule to be established so that the needs of the department to deliver services to the citizens are met. In most cases, employees are expected to perform work during the core hours of 8:30am to 4:30pm.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The meal periods should be scheduled to allow for optimal staffing of offices at the discretion of the supervisor.

Occasions may arise when City services may be improved through the adjustment of an employee's work hours. Therefore, the City permits Department Directors the option of approving varying work hours or schedules within their respective departments consistent with this policy. Prior to implementing any varied work schedule, the Department Director must establish administrative standards and procedures to ensure no disruption in services provided by that department, either to the public or other employees.

The recognized varying work schedules are limited to:

1. **Flextime** - Employees are given a choice in their report to work time and their end of work time. Flextime schedules are approved in advance and shall not be used to correct tardiness or other attendance problems. Employees have the option to report to work between 7:00am – 9:00am, with the approval of their supervisor. Meal periods must be a minimum of half hour.
2. **Compressed Work Week** - Employees are assigned varying hours of work during the payroll period. The typical compressed workweek consists of four days working 10 hours each day per week, or a 9/80 work schedule which consists of a total of eight 9-hour days, one 8 hour day, and one day off over a two-week pay period.
3. **Telework** – Employees are allowed to work remotely (at the discretion of the supervisor and City Manager) for the same number of hours as they would work, if physically present in their assigned workspace. Telework is a privilege, not a right of the employee. Further, a telework arraignment may be revoked if it is determined that the work suffers from such an arrangement by the Department Supervisor and/or the City Manager.

When the workload and schedule permit, two 15-minute paid work breaks daily may be permitted, subject to approval by the employee's supervisor/manager. Any rest breaks of short duration (lasting less than 20 minutes) will be counted as “hours worked” and paid accordingly. Meal breaks lasting 20 minutes or more are not considered “hours

worked” for purposes of Federal law and will not be paid for non-exempt employees. Employees must be completely relieved from work duties during any unpaid meal break. If an employee is not completely relieved of all duties and/or is asked to return to work during an unpaid meal break, the employee must report the interrupted meal break to the employee’s supervisor immediately. Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the employee’s past work performance and effect on the criteria enumerated in this section.

Employees must provide their supervisors advance notice of anticipated tardiness or notice of unavoidable tardiness within one hour of their scheduled start time. Failure to do so will be construed as an unexcused absence, and the day or time missed will not be paid for non-exempt employees. Exempt employees will have unexcused time charged to either their vacation or sick leave accumulation if vacation is not available.

Notification by another employee, friend, or relative is not considered proper, except in an emergency where the employee is physically unable to provide the notification. Likewise, notices to employees other than the immediate supervisor, or above is not considered proper.

Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director.

3.2 WORK PERIODS

This section shall not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA. The referenced work periods may be changed to accommodate special work schedules, such as summer schedules.

The work period for all City employees shall be a seven (7) day period beginning on Sunday at 12:01 a.m. and continuing to Saturday at 12:00 midnight.

The minimum work week for full time employees shall be forty (40) hours. The minimum work week to be eligible for health benefits shall be thirty (30) hours with an expectancy of working 48 weeks or more.

3.3 NEPOTISM

The City of Stonecrest seeks to avoid any suggestions of favoritism, discrimination, or conflict of interest in making decisions to hire, promote, and transfer staff. The City

discourages nepotism but does not prohibit the hiring of qualified applicants who are relatives of current employees. The City also encourages collegial relationships but discourages relationships that could disrupt the work environment or lead to an actual or perceived conflict of interest. Due to the actual or perceived problems inherent in employing individuals with close family or other relationships, it is the City's policy that Immediate Family will not be employed in full-time or part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

Where business necessity requires the limitation of employment opportunity for Immediate Family members, the means chosen to meet the business necessity shall be those which have the least adverse impact on the employees, which may include re-assignment to another department or separation of employment for one of the affected employees.

All applicants for employment with the City are required to disclose the names of any relatives or personal relationships currently employed by the City on the application for employment. Should a Department Head extend an offer of employment to a relative of a current employee, it is the responsibility of the applicant to fully disclose the relationship to the Department Head before the offer of employment is accepted. The intentional failure to disclose a relative relationship constitutes a violation of this policy and may be grounds for rescission of the offer of employment, non-selection and/or discipline, up to and including termination.

It is the responsibility of every employee to keep his/her Department Head informed of any changes relevant to the employment of relatives and this procedure. Failure to timely report such changes may result in disciplinary action up to and including termination. Employees within the same department who become related through marriage shall notify their Department Head, in writing, within five (5) business days.

The Department Head, in consultation with the Human Resources Department, shall determine whether a supervisory relationship exists between the employees and, if appropriate, make such changes as are necessary to prevent and/or remedy any violations of this policy. Both employees will be permitted to retain their positions within the department provided that one is not under the direct or indirect supervision of the other. If one employee is under direct or indirect supervision of the other, the Department Head shall consult with the Human Resources Department to identify alternative arrangements for reporting, evaluation, assessment, and supervision.

The City Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the

position, substantial efforts have been made to recruit a person who is not an Immediate Family member, and the relationship is unlikely to materially affect their employment.

For purposes of this HR policy, "relative" is defined as an individual's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse, domestic partner, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, foster parent, foster brother, foster sister, fiancé, fiancée or legal guardian. The term "relative," as used in this policy, also includes relationships between individuals who are in a consensual romantic or sexual relationship, regardless of whether they are cohabitating.

3.4 PROBATION PERIOD

All employees placed in new full-time and part-time positions must serve at least a six-month period of probation. This applies to new hires, promotions, demotions, and transfers. Probation periods may also be utilized as a disciplinary measure in an attempt to improve deficient performance. This introduction period is intended, primarily, to allow the City and employee to determine whether the employee can adequately perform in the assigned job position and whether the position is a good fit for the employee.

Nothing in this section, including an employee being placed in a probationary status, shall limit, alter, modify, or nullify the City's employment at-will status, which includes the right to terminate employment without cause or notice.

If a new employee is unable to perform the work, the person may be transferred to a vacant position for which he is more suitable. If the department elects not to exercise this option, then the person should be terminated as early as possible. Prior to termination, the Department Director should review the case with the Director of Human Resources for consistency in the application of policy. Early termination saves the City both time and monetary investment, and saves the employee possible embarrassment and frustration.

If, during the probation period, an employee promoted into a new position is unable to perform the work at the expected level, such employee shall be returned to his/her previous position, or to a comparable position, if available.

Rejected probationers shall be notified of such action in writing by the Department Director and a copy of said notification shall be retained in the employee's personnel file.

It is expected that formal evaluations will be conducted during the probation period (45 day – 90 day – 180 day) to assess performance and to advise employees of expectations regarding performance. Any significant job deficiency shall be documented in the employee's personnel file. These evaluations provide the necessary justification for

retention of the person as a regular employee.

Under unusual circumstances, the probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the Department Director and approved by the City Manager. Employees whose probationary periods are being extended must be notified by the supervisor prior to the conclusion of the original period.

If the employee successfully completes the probation period, he shall automatically become a regular employee.

If an individual has been transferred or promoted, he remains eligible for all fringe benefits included with the previous position during the probation period for the transfer or promotion.

If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked. In this case, the probationary period will be extended to the equivalent time granted through the leave of absence.

3.5 RE-EMPLOYMENT

Any former regular, full-time or part-time employee who resigned from the City in good standing is eligible for re-employment. Persons interested in re-employment must complete a City application via the website for any advertised vacancy for which the former employee believes matches his/her qualifications. The individual will then proceed through the regular hiring procedures with other applicants.

The date of hire will take the person's previous service with the City into account for retirement service credit purposes; however, salary, benefits, and future increases will coincide with the re-employment date. The individual's previous personnel file will be re-activated once re-employed by the City provided reemployment is within seven years after the original separation.

All individuals re-employed by the City must complete a new probationary period. The Department Director has the discretion to re-employ an individual into any vacant position within the department for which the employee is qualified by following the prescribed recruitment process

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Re-employment of Retirees: If a bona-fide termination of employment as described in section 3.5 has occurred, the City may re-employ a retiree on a limited term basis. The following guidelines provide a consistent standard by which all requests for re-employment of retirees will be measured.

1. City Need - Re-employment must be as a result of City need, such as the retired employee possessing skills and institutional knowledge that the hiring department cannot otherwise obtain with equal cost effectiveness; or, the hiring department anticipates that the Retired Employee will assist a replacement to acquire necessary skills and knowledge.

2. Break in Service - A period of at least 30 days has elapsed since the time the employee retired and the date of re-employment. Additionally, employees who have not reached normal retirement age must not engage in discussions concerning re-employment for a period of 30 days after their retirement date.

3. Re-employed Status - Unless specifically approved by the City Manager, retired employees are limited to no more than 19 hours per week, or 988 hours during any 12-month period. Re-employment into multiple part-time positions may violate the maximum hour limitation and is prohibited.

4. Compensation - Upon re-employment, the employee will be compensated at the regular rate of pay for the position rehired. The retired employee may elect to either cease or continue to receive benefits under a defined contribution plan, if applicable. If the re-employed retiree continues the benefit, there will be no further employer contributions or accrual of credited service under the plan.

If the retiree elects to cease and is rehired into a full-time position, then the employee would be paid at the regular rate, resume contributions, and receive additional credited service; at the time of subsequent separation, the retirement benefit is recalculated with the additional service added.

5. Prior Approval Required - All actions to rehire a retiree must be approved by the City Manager after review and consideration of the aforementioned guidelines by the Director of Human Resources.

3.6 ELIGIBILITY FOR BENEFITS

Non-exempt employee compensation will be stated in terms of hourly wage. Exempt employees are considered salaried. Employees classified as regular full-time employees shall be eligible to receive all employee benefits provided by the City. Probationary employees shall be classified as regular full-time employees, for purposes of benefit eligibility and entitled to the same benefits as regular full-time employees subject to

applicable eligibility provisions and time periods.

Regular part-time employees working 30 or more hours for an expected duration to exceed 48 weeks are eligible to receive health benefits in accordance with the Affordable Care Act.

3.7 RECRUITMENT AND SELECTION

The Human Resources Department will administer and/or coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. It is the policy of the City to recruit and select the best qualified applicants for employment. All recruitment efforts and selection decisions will be made in accordance with the City's Equal Employment Opportunity and Diversity and Inclusion Policies. The Human Resources Director has the authority to implement a procedure to effectuate this policy.

Prior to filling any vacant regular, full-time, or part-time position, hiring departments must secure authorization from the City Manager, or designee, as may be modified or waived from time-to-time by the City Manager.

Recruitment – Open Positions

For purposes of the Recruitment and Selection Policy, a position is deemed to be open when: (1) the position is a newly-created position with no incumbent, or (2) in the case of an established position, when a Department Head receives information that the position will be vacated by the incumbent on a particular date due to promotion, demotion, lateral transfer, retirement, voluntary or involuntary separation from employment, or other change in job status.

A Department Head may begin recruitment and selection procedures for an established, funded position immediately upon receiving notice that the position will be vacated by the incumbent on a particular date due to promotion, demotion, transfer, retirement, voluntary or involuntary separation from employment, or other change in job status unless the Department Head has obtained approval for creation of a parallel position pursuant to City policy.

To fill an open position, the Department Head must inform the Human Resources Director of the need to initiate the recruitment and selection process as set forth below.

In order to fill any vacant or newly created position, the position must be posted to allow interested candidates to apply. City of Stonecrest departments have three posting options to use when filling vacant positions:

- a. In-house Posting (Departmental) – This option should be used first if departments are able to identify candidates from their current staff. The announcement of the position should be posted for a minimum of three days.
- b. Internal Posting (For City Employees Only) – This option has been established to provide City employees the first opportunity to apply for vacant positions. Internal postings are accessed via the City’s website . These postings will remain open for a minimum of three days and may be updated on a weekly basis.
- c. External Posting (All Candidates Interested in City Positions) – This option allows departments to consider anyone who is interested in City positions. External postings will be posted for a minimum of three days or longer.

Applications for all advertised vacancies are to be submitted directly to the Human Resources Department via the applicant tracking software. Upon the position closing date, all qualified applications will be available to the hiring department for review and consideration.

Application and Selection

A. Employment Application

Applications for employment in any announced open position shall be submitted within the time limits specified in the applicable announcement by any person who meets the minimum qualifications, standards and requirements of the position as specified in the announcement. Acceptance of applications after the closing date may be approved by the Human Resources Director or his/her designee whenever sufficient reason(s) exist. Applications shall be made under oath on forms prescribed by the Human Resources Department and shall be completed in their entirety. An application must be completed to be eligible for employment with the City.

B. Minimum Qualifications

No applicant for employment may be offered a position with the City unless the applicant meets the minimum qualifications established for the position.

C. Interviews and Selection

Upon receipt of a List of Eligible Applicants (LEA), a Department Head shall review the qualifications of the candidates appearing on the List and send written invitation(s) for interview(s) to a sufficient number of name(s) listed thereon to allow for selection. The Human Resources Department will provide the Department Head with sample written interview invitations or prepare and send the interview invitations on behalf of the Department Head, if requested.

It is the responsibility of the Department Head to act promptly on the LEA and to advise the Human Resources Director of their decisions and actions without undue delay.

Final hiring decisions and selection of eligible candidates from the LEA shall be made by the Department Head concerned. Upon selection of an acceptable candidate for appointment from the LEA, the Department Head shall submit the Request to Hire Form to the Human Resources Department indicating the name(s) of the candidate(s) selected, including salary requested.

D. Rejected Candidates

Candidates listed on a List of Eligible Applicants who were considered but not selected shall be appropriately removed by the Department Head and/or the Human Resources Department notified.

3.8 TESTING

Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available. Notice of required examinations will be included on the advertised position announcement.

The examination may consist of oral interview, application review, a structured questionnaire, practical tests, or written tests. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills, and abilities for the position.

The examination contents are developed by the affected department and reviewed by Human Resources for consistency with applicable employment laws. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

The Department Director shall ensure that all testing is based on bona-fide occupational qualifications. Upon receipt of a request for same, the Department Director shall work with the Director of Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner, unless such accommodation(s) would impose an undue hardship.

Pre-employment testing. All job applicants being considered for employment shall be required to pass pre-employment tests, which may include, but are not limited to, employment verification, a drug and alcohol screening test, criminal background, medical

and/or psychological exam, and/or credit check.

Random and periodic drug testing. The City retains the right to require all to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the Director of Human Resources.

Reasonable Suspicion Testing. A drug and/or alcohol screening test based on reasonable suspicion shall be undertaken in accordance with this Policy Manual.

Testing after accidents or injury. All employees involved in a work-related incident causing personal injury or property damage shall be tested promptly for drug and/or alcohol use in accordance with City policies. Any employee involved in a motor vehicle accident while driving a City vehicle on a public roadway and who is determined to have been at fault in the accident by the investigating law enforcement officer shall be tested for drugs and alcohol.

Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential.

3.9 AT-WILL EMPLOYMENT

All employees of City of Stonecrest are “at-will” employees. Employment with City of Stonecrest is entered into on a voluntary basis, and all employees are employed for an indefinite time period. Either the City or the employee is free to terminate the employment relationship at any time without notice, for any reason, with or without cause

This manual is not intended to, and does not, create an employment contract between the City and its employees. Your employment is for no specified period of time, and this manual does not limit your right or the City’s right to terminate your employment at any time for any reason or no reason, unless otherwise specified.

The Mayor and City Council may provide a contract/letter of agreement and/or employment offer letter for positions of City Manager, Director of Finance, City Clerk or any other positions reporting to Mayor and City Council.

3.10 EMPLOYMENT ELIGIBILITY I9 VERIFICATION

The City is committed to complying with all immigration-related employment laws. Therefore, the City will not knowingly or intentionally hire or continue to employ individuals who lack work authorization. Nor will it do business with independent service providers (e.g., independent contractors, subcontractors, vendors) it determines to have knowingly hired or continued to employ persons without work authorization. Moreover,

the City will only work with contractors and subcontractors who use E-Verify to check the status of workers employed on building and road projects and/or engaged in any other performance of labor for a public employer within this State under a contract or other bidding process, as required by State Law.

Consistent with this commitment, the City participates in E-Verify and requires the completion of the Federal Form I-9 to verify the identity and work authorization of all employees.

I. Prohibition of Discrimination and Retaliation

The City will not tolerate any form of discrimination or harassment prohibited by Federal, State, or local law, including discriminatory treatment based on an individual's national origin or citizenship status. Nor will the City tolerate discriminatory application of the Form I-9 requirements or E-Verify process including, but not limited to, singling out individuals for extra scrutiny based on their national origin or citizenship status. The City will not permit retaliation against employees for complaining of perceived discrimination or harassment.

II. Form I-9 Compliance

As required by Federal law, the City must ensure that every employee hired or rehired after November 6, 1986, completes the Form I-9. The Human Resources Department should use the most current version of the I-9 form. The City must retain I-9 forms of all current employees. It must also retain I-9 forms of former employees for three years after the date of hire or one year from the date of termination, whichever is later. Completed I-9 forms should not be placed in personnel files; instead, the forms, and any accompanying documents, such as E-Verify confirmations, should be kept in separate I-9/E-Verify binders and maintained in confidence as with any other personnel records.

III. E-Verify Participation

E-Verify is an internet-based program that compares information from an employee's Form I-9 to data in Federal records to confirm employment eligibility. As required by law, the City is enrolled in and participates in E-Verify. Before a Human Resources Department staff member uses E-Verify, they must register as a user, familiarize themselves with the rules and responsibilities contained in the E-Verify User Manual, and participate in the required E-Verify trainings. Registered users must never allow someone else to use their login credentials to access E-Verify.

All new hires must be verified through E-Verify. E-Verify should never be used to verify prospective employees or applicants. Current employees already confirmed through E-Verify must never be "re-verified" even if Section 3 of the I-9 must be completed because temporary work authorization expired or is set to expire. If the City rehires an employee,

the City must confirm his/her employment eligibility using E-Verify as for a new hire.

An E-Verify case for each newly hired employee must be initiated no later than the third business day after he/she begins working. Generally, case initiation should occur on the same day the Human Resources Department completes Section 2 of the I-9. If the Human Resources Department misses this deadline, the Human Resources Department must still proceed with the verification and note the reason for the delay using the dropdown function in E-Verify.

3.11 PERFORMANCE REVIEWS

City departments shall utilize a performance review process which includes both a mid-year (June-July) and year-end (December) performance reviews to provide employees appropriate feedback on their work performance and to provide progress against established goals and related performance standards (metrics) as well as general competencies for all employees and additional competencies for managers to perform the assigned duties and responsibilities of their positions. The form and manner of reviews should be prescribed by the Human Resources Department.

Managers and supervisors shall meet with each employee within their area of supervision at least twice per year to formally review performance. It is also expected, that at the start of each calendar year (January) or shortly after an employee is hired, transferred or promoted/demoted into a new role that performance expectations are reviewed and documented in the appropriate section of the performance evaluation form.

In addition to the performance review periods, supervisors are encouraged to establish a performance review period of a shorter duration for employees, and particularly for an employee whose performance is deemed to be unsatisfactory, who has been placed on performance probation, or who has been issued a performance improvement plan.

NOTE: All new hires and probationary employees will be evaluated at 45 days, 90 days, and 180 days.

3.12 LACTATION ACCOMMODATION

To the extent required by law, the City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child during the first year following the child's birth. Employees will be relieved of all work-related duties during any unpaid break. In accordance with applicable law, the City will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public.

The City will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other Non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules and other requested accommodations. The City will not demote, terminate or otherwise take adverse action against an employee because an employee requests or makes use of the accommodation and break time described in this policy.

Employees should contact their supervisor during their pregnancy or before their return to work to identify the need for a lactation area. These policies do not create a contract of employment. Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take another reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed for the employee, the lactation break time will be paid for nonexempt employees.

Where unpaid breaks or additional time are required, employees must notify their supervisor regarding scheduling and reporting the extra break time. Employees should provide reasonable notice to the City that they intend to take breaks for expressing breast milk upon returning to work. Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break times.

The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

SECTION 4: COMPENSATION

4.0 GENERAL

It is the policy of the City and the purpose of this plan to establish a compensation system that will allow the City to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

The City's pay range schedules include minimum and maximum pay allowed by grade. The pay range schedules for employees shall be adopted by the Mayor and City Council.

Cost-of-Living adjustments may be granted by the Mayor and City Council upon recommendation by the City Manager. In the event a cost-of-living adjustment is made, the salary range allowed by grade may not change. Rather, the eligible employee's pay should be adjusted up the range to reflect the cost-of-living increase.

Classification Plan: The City administers a classification and compensation plan in which jobs with similar duties and responsibilities are assigned to the same salary grade. The Director of Human Resources may conduct an analysis of various jobs when there is an indication an employee is working above or below the established responsibilities for that position. Such review may result in the position being upgraded to a higher grade or downgraded to a lower grade within the plan.

Position Upgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources and/or City Manager and results in the position moving to a higher grade range, the employee's salary may increase by 5% or the employee may assume the entry level salary of the new range, whichever is greater, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

Position Downgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources and/or City Manager and results in the position moving to a lower grade range, the employee's salary may be reduced by 5% or more, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

Maintenance of the Salary Plan: The Director of Human Resources shall be responsible for the continuous maintenance and administration of the City's Compensation Plan. Reviews will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the City Manager may recommend to the Mayor and City Council changes to keep the plan current, uniform and equitable.

New Employees: New employees will ordinarily be paid between the minimum rate and midpoint in the appropriate salary range, depending on qualifications, and budgetary considerations.

The salary offered to the employee must be consistent with the salary and requirements of the position. An employee who meets only the minimum requirements for the position will start at the bottom of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills, experience, and knowledge, but in no case shall the salary be more than the midpoint level pay for the position, unless prior approval is obtained from the City Manager.

No employee's salary shall exceed the maximum salary for their position. In the event an employee's salary exceeds the maximum range, he may not receive annual increases until

market research warrants an increase in grade and/or range or, unless authorized by the City Manager.

4.1 OVERTIME AND COMPENSATORY TIME

FLSA: This policy applies to all employees who are “non-exempt” as defined in the Fair Labor Standards Act (FLSA) and may apply to exempt employees in certain circumstances as set forth herein.

Overtime Pay: . When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Non-exempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of the applicable maximum hours of 40 and as otherwise required by applicable state and federal law, unless the employee receives compensatory time for overtime work as set forth in this policy. Vacation, sick, holiday or other types of leave will not count as hours worked for calculating overtime pay.

All overtime work must be authorized in advance by the employee’s supervisor. Employees will be compensated for all time worked. However, working overtime without prior authorization may result in disciplinary action. The standard work week discussed above are defined in the Work Week and Pay Period Policy.

Exempt Employees:

Exempt employees are expected to work as much of each workday as is necessary to fulfill their job responsibilities. Exempt employees are not eligible for overtime pay. At the sole discretion of the City, exempt employees may be offered compensatory time in certain circumstances, upon approval from the City Manager and/or Department Director, for departments under his/her direct supervision. If such compensatory time is offered, exempt employees will be allowed to use the compensatory time at a time convenient for the City. Exempt employees will receive payment for accrued unused compensatory time at their regular rate of pay upon separation from employment with City.

Paying out Compensatory Time:

Any comp time accrued over the 120 hours maximum will be paid the following pay period in which it is earned. Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded.

Compensatory time will be paid out as following (whichever occurs first):

1. 120 hours maximum accrual
2. Separation of employment

3. Change in classification affecting compensation (i.e. promotion/ demotion)

If the City in its discretion decides to cash out an employee's accrued compensatory time balance at time other than upon termination, payments for such accrued compensatory time will be paid at the regular rate earned by that employee at the time the employee receives such payment.

A.

a If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

b. An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:

1. The final regular rate received by such employee, whichever is higher.

c. An employee who has accrued compensatory time and has requested the use of such compensatory time, shall be permitted to use such time on the specific date requested by the employee, unless doing so would be unduly disruptive to the department's operations.

d. All compensatory time shall be used by the end of the calendar year, or such accrued time will be paid out in monetary compensation.

4.2 DEMOTIONS

An employee reassigned to a position in a lower pay grade regardless of the reason will receive a cut in pay commensurate with the nature of the demotion as determined by the Department Director in consultation with the Director of Human Resources and City Manager and considering the pay scale for the position.

Demotion Approval

A demotion can be voluntary or involuntary and may occur at the request of the Department Head or at the request of the employee. A demotion can be within the same department or in another department. If more than one department is involved, however, approval of both the losing and gaining Department Head, as well as that of the Human Resources Director, is required.

Reasons for Demotions

The reasons for demotion may include, but are not limited to, the removal of higher-level duties and responsibilities, the inability of an employee to assume or perform the duties of his/her position, and/or reduction in force. In addition, an employee may be demoted for disciplinary reasons.

Effect on Compensation

An employee who is demoted will typically receive a reduction in pay in an amount determined by the Human Resources Director and the City Manager; and based on budget availability. The demoted employee's salary rate for the lower position must fall within the minimum and maximum rates of the assigned pay grade for the lower position.

As a general rule, in the case of a voluntary demotion or the reclassification of a position to a lower pay grade, adjustments to an employee's salary will be made as follows:

- o a 3% salary reduction for a demotion of one pay grade level
- o a 5.5% salary reduction for a demotion of two pay grade levels
- o an added 1.5% salary reduction for each additional pay grade level thereafter

As a general rule, in the case of an involuntary demotion, adjustments to an employee's salary will be made as follows:

- o a 5% salary reduction for a demotion of one pay grade level
- o a 7% salary reduction for a demotion of two pay grade levels
- o an added 2% salary reduction for each additional pay grade level thereafter

In the case of an employee who is demoted within twelve (12) months of having received a promotion, the employee's salary will be reduced to the employee's previous salary or the entry salary for the new position, whichever is greater. In cases where the employee is demoted to a position that is assigned to a lower pay grade than the position held prior to the promotion, the adjustment methodology described in the immediately preceding paragraph shall be applied to the employee's previous salary.

The compensation of employees who are offered the option of a demotion as a reasonable accommodation under the ADA, will be reviewed on a case-by-case basis consistent with the ADA and Reasonable Accommodations Policy."

4.3 PROMOTIONS

A promotion is an appointment to a position in a classification with a higher pay grade. An employee may be promoted while in any status if they have established current eligibility for the promotional position. Generally, promotional recruitment shall be open only to current City employees who have been employed at least six months prior to the posting of the job announcement. However, any recruitment that is also open to the

public shall not be subject to such a minimum service requirement.

Effect of Promotion on Compensation

Whenever an employee receives a temporary or regular appointed promotion, the employee's salary rate shall be adjusted upward by a minimum ten percent (10%) or to the minimum of the pay grade for the employee's new position, whichever is greater. A Department Head may request a salary adjustment above ten percent (10%) or the minimum of the pay grade when an employee who is promoted to a position in a professional or technical class possesses specialized training, skills, experience or an advanced or professional degree directly related to the work of the position. The Department Head's request is subject to both approval of the Human Resources Director and budget availability. The Human Resources Director may develop a systematic method to be used for the placement of such employees within a pay range.

The Human Resources Department shall maintain copies of written requests for salary increases above ten percent (10%) or the minimum of the pay grade and the decisions regarding the same. "".

4.4 TRANSFERS

Any current employee interested in applying for a transfer must file a completed City application with the Human Resources Office.

If the employee meets the stated requirements for the position, he/she will proceed through the regular hiring procedures with all other applicants. Transfers are made only when the City's service will benefit. All else being equal, current City employees will be given priority for open positions.

Transfer employees will serve a probationary period in his/her new position. Transfer employees remain eligible for all fringe benefits included with the previous position. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply.

Transfers do not change an employee's ' date of hire. Transfers may also be initiated by the City in instances where the City's best interests may be served, without following the standard recruitment procedures.

The salary of an employee transferred to a position within the same salary grade will not change unless prior approval is obtained from the City Manager.

Any unused accrued vacation, or sick time for which the employee has at the time of transfer, shall transfer to the new department. Any unused compensatory time will be cashed out or used prior to moving to the new department.

4.5 LAYOFFS

The City reserves the right to separate employees via layoff due to lack of work or funding or for any reason determined to warrant a reduction in force. Employees may also be separated via layoff if positions are eliminated due to City-wide reorganization, departmental or divisional restructuring, or other circumstances. The determination of who is to be separated is within the sole discretion of the City Manager.

4.6 REORGANIZATION

The City will routinely review departmental operations to determine whether there are performance gaps or opportunities for improvement, such as increasing operational efficiency, reducing costs or making City government more customer friendly. Sometimes improvements require changing the organizational structure of a department, program or division and/or the elimination, addition or redistribution of job functions within a department. It is the policy of the City to have any changes to the organizational structure of departments centrally reviewed and approved by the City Manager prior to implementation.

A reorganization is the restructuring of departmental operations. A reorganization may occur for various reasons including, but not limited to, the following:

- To improve operational efficiency
- To reduce costs or for other budgetary reasons
- The merger, repositioning, or realignment of departments
- To meet the strategic needs of the City or department
- To provide a better service model
- The addition or loss of grant funds
- The addition or termination of a program or service
- A significant change in technology

This policy and procedure shall apply to any change in the organizational structure of an existing section, or division within a department, which results in the realignment of existing supervisory, managerial or other reporting relationships and/or the elimination, addition or redistribution of functions.

4.7 POSITION DESCRIPTIONS

Position descriptions shall be maintained by the Human Resource Department for all budgeted positions.

The position descriptions shall include Position Title, Grade, Department, FLSA Status, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications and Special Requirements.

The position description does not constitute an employment agreement between the City and employee and is subject to change as the needs of the City and the requirements of the job change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the Department Director or Director of Human Resources.

4.8 RECLASSIFICATION

Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions.

Each position of employment under the jurisdiction of the City of Stonecrest is assigned to a particular pay grade. This section allows for changing the assignment of a particular position to a different and more suitable pay grade when it is determined that the position is incorrectly assigned. This change may produce a corresponding change in the salary for the position.

A Department Director may request a reclassification review to the Director of Human Resources and the City Manager. A Request for Reclassification shall be submitted in writing, along with a position analysis questionnaire, a detailed statement of justification for the request, and proof of budget availability to support any potential increase in salary of the affected employee. Reclassifications are justified as a result of the following:

- a. The position was originally assigned to an inappropriate pay grade; or
- b. There has been a substantial change in the duties and responsibilities associated with a position since it was originally assigned to a particular pay grade.

Upon receipt and verification of the request, the Director of Human Resources shall conduct an analysis of the request for the purpose of determining whether the requested reclassification is warranted.

The Position Analysis Questionnaire will be reviewed using established point-factor analysis. Based on this analysis, the Director of Human Resources shall determine the appropriate pay grade for the position.

If the analysis reveals that the position should be reclassified to a pay grade that is different than the one currently assigned, the Director of Human Resources will forward this information to the City Manager for review/approval.

If the analysis reveals that the position is properly assigned, then no further action will be taken other than to inform the Department Director of the result of the review.

The City Manager shall review, approve, or disapprove recommendations of the Director of Human Resources regarding all Requests for Reclassification.

Treatment of Affected Employee Upon Reclassification of Position

- a. If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein with the corresponding status after the reclassification.
- b. If the position is assigned to a higher grade as a result of the reclassification, such action is considered a position upgrade. If the position is occupied at the time of an upgrade, the employee's salary shall be affected as outlined in 4.0.5.
- c. If the position is assigned to a lower grade as a result of the reclassification, such action is considered a downgrade of the position. If the position is occupied at the time of a downgrade, the employee's salary shall be affected as outlined in 4.0.6.
- d. In all cases of reclassification of a vacant position, the position shall be filled at the beginning salary of the new pay grade.

4.9 SUPPLEMENTAL PAY

Acting Status. When an employee is temporarily reassigned to a position that is different from the regular assignment, or when the employee is temporarily assigned a significant increase in duties and responsibilities above the employee's regular position, the Department Director may recommend to the Director of Human Resources and City Manager that the employee's salary be increased by a minimum of five percent, or to a level responsive to given responsibilities for the duration of the reassignment. All employees reassigned to acting status should meet the minimum requirements for the new position prior to the reassignment. The duration for acting status shall not exceed 12 continuous months without written approval of the City Manager. Requests to extend the 12-month limit must be provided in writing to the City Manager.

Supplemental pay will be discontinued in the event the employee is reassigned to a different position not eligible for supplemental pay.

The City Manager reserves the right to provide supplemental pay to employees who achieve additional or special degrees and/or certifications at the request of the Department Director.

4.10 WORKER'S COMPENSATION

All employees of the City are covered by the State of Georgia Workers' Compensation Act. Workers' compensation is a benefits program created by state law that provides medical, rehabilitation, income, death and other benefits to employees and dependents due to injury, illness and death resulting from a compensable work-related injury covered by the Law.

An employee who sustains an injury on the job must, at the time of the injury, notify his/her supervisor, Department Director, and the Director of Human Resources of the injury, and must document same on forms provided by the Human Resources Department. An employee may lose the right to receive compensation if an accident is not reported promptly.

Use of Designated Physicians – If medical attention by a physician is needed, the employee must select a doctor from the approved panel of physicians provided by the City. In an emergency, the employee may receive temporary medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City of Stonecrest reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.

If the injury prevents the employee from working, the employee must submit a physician's statement verifying same.

An employee who is eligible to receive workers' compensation benefits due to a job related injury or illness is entitled to sixty-six and two-thirds percent (66 2/3%) of his/her gross wages during such period of eligibility up to the current maximum weekly compensation set by law.

The first seven (7) days following a job related injury or illness are not reimbursable unless the employee is unable to work for more than twenty-one (21) days. If the employee is unable to work for more than twenty-one (21) days, the first seven (7) days are usually paid at the end of the compensable period.

The employee must use accrued sick or vacation leave during the initial seven (7) days of absence to supplement his/her weekly workers' compensation wages to maintain full pay.

Effect on Leave – Time spent on Workers' Compensation leave shall not be considered "hours worked" for purposes of leave accrual.

An employee may be paid for earned sick leave while on Workers' Compensation leave. Such payment, when combined with the Workers' Compensation benefit, shall not cause

the employee's salary to exceed the normal rate of pay prior to work injury.

If an employee qualifies for worker's compensation benefits, and the worker's compensation leave is for an FMLA-qualifying reason, the employee's worker's compensation leaves and the FMLA leave will run concurrently.

Return to Work – Any employee who has lost time due to a work-related injury or illness must obtain a doctor's statement for the time missed and a fitness-for-duty certification to return to work. Doctor's notes that specify work restrictions must be adhered to by the employee.

If the employee has caused or contributed to an on the job injury which resulted in a loss of worktime, you must submit to a substance abuse test.

A worker's compensation leave may not exceed twelve (12) months. If an employee does not return to work within twelve months from the date of injury, employment will be terminated.

4.11 LONGEVITY BONUS

A longevity bonus is an incentive used to recognize and reward long-term service for employees to the city. The City provides regular full-time employee's longevity pay, at the rate of \$10 per month for each full year of service, up to a maximum of 25 years, paid on an annual basis. All eligible employees of the city shall be eligible for an annual lump sum longevity bonus the month after their anniversary month of employment. Longevity bonus begins after a regular, full-time employee has completed three (3) years of service.

SECTION 5: BENEFITS

5.0 City of Stonecrest offers a variety of benefits to its employees. Information in this Policy Manual is intended to only summarize those benefits. Terms of written plan documents, insurance policies or other benefits plans and policies will be the controlling documents. Employees should refer to official plan documents or policies for detailed plan or policy information. Employees should contact the Human Resources Department with any questions about City of Stonecrest's employee benefits.

5.1 GROUP HEALTH PLAN

The City offers to all its regular, full-time employees and their eligible dependents group health coverage. The City pays a percentage, approved by the Mayor and City Council, of premiums for those with individual, dependent, or family coverage.

5.2 LIFE INSURANCE

The City provides life insurance to all its regular, full-time employees. Basic Life insurance premiums for employees may be paid in full by the City.

5.3 GROUP DENTAL AND VISION PLAN

The City offers to all its regular, full-time employees and their eligible dependents group dental and vision coverage. The City pays a percentage, approved by the Mayor and City Council, of the premiums for those with individual, dependent, or family coverage.

5.4 CREDIT UNION

City employees and their family members are eligible to participate in credit unions. Credit unions offer a variety of services to members, including savings programs, money market accounts, certificates of deposit, individual retirement accounts (IRA's), loans, check cashing, loan protection insurance, and member account insurance. All contributions are financed 100% by the employee.

5.5 457(b) – DEFERRED COMPENSATION

The City provides an option to any eligible employee to invest a portion of his present earnings in a deferred compensation (457b) plan. This is an arrangement where a percentage of an employee's salary can be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date, usually at retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.

The City approved program is administered by Georgia Municipal Association (GMA). Enrollment may be arranged through the Human Resources Office and is open to any individual who has achieved full-time employee status with the City. Contributions to the program are made by employees through payroll deductions.

The City makes no claim of profitability of investment options and is not responsible for any gains or losses that may occur as a result of individual investment choices.

The City may match a percentage of an eligible employee's contribution to the 457(b) plan, approved by Council. Matched contributions will be made in the 401(a) defined contribution plan and be subject to vesting rules.

5.6 RETIREMENT – 401(a) DEFINED CONTRIBUTION PLAN

The City chooses to provide all full-time City employees a defined contribution retirement program and may modify defined contribution plan documents from time to time. The City shall contribute a percentage approved by Council of the eligible employee's annual salary into the 401a defined contribution plan.

City employees participating in the City's 401(a) Defined Contribution Plan, and those qualifying for matching 457(b) contributions shall vest after completion of each vesting year in the plan as follows: Year 1 – 20%, Year 2 – 40%, Year 3 – 60%, Year 4 – 80%, Year 5 – 100%.

Employees should notify the Human Resources Department at least 60 days prior to their anticipated retirement date to ensure that all paperwork can be processed in a timely manner.

5.7 CONTINUANCE OF MEDICAL COVERAGE (COBRA)

Group insurance benefits will terminate upon termination of employment. However, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in loss of eligibility. Typical qualifying events include termination of employment (excluding for gross misconduct), divorce or legal separation, leave of absence, a dependent child no longer meeting eligibility requirements, or retirement. Under COBRA, the employee or dependent pays the full cost of coverage at City of Stonecrest's group rates (which includes City of Stonecrest's portion of the premium) plus an administrative fee. The City will provide a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the health plan, or upon request of the employee. Employees should contact the Human Resources Department to report any change in personal status (or qualifying event) which might affect their benefits, or for any questions about City health plans.

COBRA benefits will be discontinued when the employee becomes eligible for Medicare benefits, with the exception that where an employee's separation occurs less than 18 months after the date the covered employee became entitled to Medicare benefits, the period of coverage for qualified beneficiaries other than the employee will not terminate before the close of the 36-month period beginning on the date the covered employee became so entitled to Medicare benefits.

5.8 EMPLOYEE RECOGNITION PROGRAM AND SERVICE AWARDS

Service Awards – Employee tenure may be recognized by the presentation of a service gift. These gifts may be presented monthly to full-time employees by the Mayor and City Council or its designee. Recognition may be given every three (3) years.

Employee Recognition Program – This program is based upon the concept of promoting team spirit. The City of Stonecrest recognizes and values the strength in our teams and will continue to encourage and support efforts in building a team environment.

Sunflower Service Award- Nominees should have excellent customer service skills. Nominees strive to demonstrate that City of Stonecrest cares about every person that reaches out to us regardless of their issue or circumstances. Nominees are hard workers but are also encouraging, motivated, dedicated, pleasant to be around and always ready to lend a helping hand to a coworker. Nominees may not deal directly with customers, but their professionalism and communication skills around the office help move the City of Stonecrest forward. - \$200, Plaque (8 Hours Vacation) City Manager will select the Sunflower Service Award winner by way of recommendations from leadership

People Choice Award – Nominees should be often recognized by their peers as having a positive attitude, upholding the vision (Community, Commerce, and Culture working together as a world class city), and are always willing to provide support to others. Nominees set a high bar for everyone. \$100, Certificate (4 Hours Vacation) Staff nominates and votes for the People Choice Award.

Criteria

Nominees should be often recognized by their peers as having a positive attitude, upholding the vision (Community, Commerce, and Culture working together as a world class city), and are always willing to provide support to others. Nominees set a high bar for everyone.

5.9 VEHICLE USAGE

City Vehicles – City of Stonecrest may provide employees with vehicles to help them in carrying out their job efficiently and effectively.

a. Personal Use – Employees shall not use a City vehicle for personal or private business.

b. Authorization – Use of a City vehicle for commuting must be authorized by the City Manager for one of the following reasons:

1. Emergency Calls – The employee responds to emergency or after hours calls, and
2. The cost of providing the vehicle is less than the expense of mileage reimbursements for using a personal vehicle on City business

Taxation – If the vehicle is provided to an employee and is authorized and required for commuting to and from work, there is no tax liability on part of the employee. If a vehicle is not required for commuting to and from work, the value of the use of the City's vehicle will be reported as income to the employee for tax purposes. The City will withhold appropriate taxes from the employee for the value of the vehicle's use and will pay any taxes incurred as an employer.

Penalty for Abuse – Employees may not use a City vehicle for personal use other than authorized commuting to and from work, unless written authorization is obtained from the City Manager. Any further personal use of the vehicle will result in disciplinary action against the employee.

Motor Vehicle Record – It is the policy of City of Stonecrest and a requirement of employment that every employee filling a position that requires a valid driver's license have a motor vehicle record (MVR) specified grading requirements. This MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

Employee MVR's will be examined prior to the date of employment and every year thereafter. Any job offer made where the job requires a valid driver's license will be contingent upon an MVR meeting the required standards. Continued employment with the City in a position requiring a valid driver's license will require an MVR meeting the specified standards.

All violations will be reviewed by the City Manager and Director of Human Resources and may result in disciplinary action, up to and including termination.

5.10 EMPLOYEE ASSISTANCE PROGRAM

The City may maintain for its employees and their immediate family members a counseling and treatment program, referred to as the Employee Assistance Program or EAP. This program, provided by an outside professional medical organization, assists City employees and their immediate family members with a wide range of personal problems that may have a negative effect on their well-being and/or job performance. The provider will furnish an assessment for the employee or family member and make recommendations for further counseling or treatment as needed either at their facility or by making a referral to an appropriate agency.

Common problems for which employees may seek professional counseling through the Employee Assistance Program are financial, marital, alcohol abuse, drug abuse, dealing with problem children, coping with stress, death of a family member, divorce and children

with certain medical problems.

5.11 OTHER BENEFITS

The Mayor and City Council may authorize other benefits not specifically included in this policy manual to both full and part-time employees, contingent upon budgetary considerations.

Uniforms: The City may provide uniforms or an allowance for the purchase of uniforms to regular full-time employees for particular departments.

Personal Safety Equipment: Employees may be eligible to purchase safety equipment through a City or State Contract. The City will pay for required personal safety equipment necessary to adhere to OSHA safety standards.

5.12 Workplace Wellness:

With the rising onset of physical and mental health problems in Georgia, the City of Stonecrest has a growing concern for their employees' health and wellbeing. Therefore, we are dedicated to helping employees reach optimal health and improve their quality of life.

Definition: Health and wellness refer to the physical, mental, and social well-being of an individual, not merely the absence of illness. The City of Stonecrest recognizes the benefits, to both employees and employers, of programs that promote and support workplace health promotion and wellness. The City of Stonecrest's workplace wellbeing program is designed to provide employees with the tools and resources they need to make positive lifestyle changes that result in better physical and emotional health and wellbeing. The program's goals are to:

- Reduce health risks by encouraging preventive care, healthy lifestyle choices, and management of chronic conditions. This can lead to decreased healthcare costs for both the employer and employee.
- Create physical fitness programs that promote physical activity through fitness challenges and on-site exercise facility, leading to improved physical health and reduced risk of chronic illness.
- Address mental health programs that can offer mental health awareness training, stress management workshops, and access to mental health resources, promoting emotional well-being and reducing stress and anxiety.

As part of the City of Stonecrest's commitment to wellness, a Health Promotion Champion has been appointed and a Benefits and Wellness Committee formed that will:

- Assess the well-being needs of employees through surveys, data analysis, and meetings.
- Propose and implement programs and initiatives that address identified needs. This could include workshops on stress management, healthy eating, physical activity, financial literacy, or mental health awareness.
- Actively engage employees in well-being programs and initiatives through communication, incentives, and recognition.

This policy will provide up to thirty (30) minutes of the employees scheduled workday to engage in physical activity in support of this philosophy.

ACCOUNTABILITY

1. Supervisors will encourage and support employees in using their wellness break in order to decrease employee stress and help prevent overuse patterns from extended sitting computer use.
2. Employees are responsible for initiating and utilizing the wellness break in order to promote a healthier lifestyle.

PROCEDURES

1. A maximum of 30 minutes in a given workday will be used to engage in a wellness activity, at the discretion of the supervisor.
2. Employees are required to work with supervisors to ensure the wellness break does not impair the City's mission. Employees may not be granted a wellness break daily due to obligations and workload.
3. Wellness breaks can be taken in the form of:
 - Two (2) 15-minute breaks
 - One (1) 30-minute break
4. Supervisors will encourage and allow staff to combine the designated wellness break with lunch breaks, not to exceed sixty (60) minutes combined break.
5. These wellness breaks would replace any previous breaks taken in the morning and afternoon.
6. Employees are strongly encouraged to engage in heart healthy activities such as walking, jogging, exercise, dancing, meditation, etc.
7. Employees are not permitted to end work early and exercise without returning to their worksite. However, an employee may be excused to exercise at the end of their workday if they report back to work before their departure for that day.

8. Employees must report to work in the morning prior to taking their 30-minute wellness break. Employees cannot report to work 30 minutes late to accommodate the exercise before their scheduled arrival time.

5.13 BENEFITS COMMITTEE

5.13.1 The City Manager may create a benefits and wellness committee to advise on benefit offerings and effectiveness.

5.13.2 The mission of the Committee is to facilitate the provision of quality and affordable health and other benefits for City employees and their eligible dependents by acting in an advisory capacity to the Director of Human Resources and City Manager by:

Investigating and facilitating the provision of quality and affordable benefits for City employees; building a foundation for an effective health care program that encourages wellness through healthy lifestyle, including features that provide the best value for cost in the health care plan design, while reducing health care costs to employees, eligible dependents, and taxpayers; relying upon a combination of initiatives for employee, dependent and providers in making health care decisions; gaining employee understanding and endorsement of health, retirement, and other benefit programs; and developing fact-based outcome measures for cost effective health care programs.

SECTION 6: LEAVE

6.0 FAMILY MEDICAL LEAVE

6.0.1 It is the policy of the City to fully comply with the Family and Medical Leave Act (FMLA) to provide eligible employees with leave for qualifying reasons and to assure those employees that they will be able to return to work into the same or an equivalent position with all of the same benefits, pay, terms and conditions of employment as provided by law. It is further the policy of the City to comply fully with each and every requirement of the Family and Medical Leave Act.

To be eligible for FMLA benefits, employees must have (1) worked for City for a total of at least 12 months, which need not be consecutive as defined by applicable law; (2) worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) worked at a location where at least 50 employees are employed by the City within 75 miles, as of the date the leave is requested.

Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify, they should contact the Human Resources Director or his/her designee.

City of Stonecrest will provide employees, whom are eligible, up to twelve (12) weeks of unpaid family and medical leave during a twelve (12) month period for the following reasons:

1. Birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
3. To care for an employee's spouse, child, or parent who has a serious health condition.
4. A serious health condition that renders the employee unable to perform the essential functions of his/her job; and/or
5. Any qualifying exigency arising out of the fact the employee's spouse, son, daughter, or parent is a covered military member on covered active duty; or
6. Twenty six (26) workweeks of leave during a single 12 month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is the spouse, son, daughter, parent, or next of kin to the employee, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

–his/her

- 6.0.2 Ordinary illnesses do not qualify for FMLA, such as the common cold, flu, earaches, upset stomach, , and routine dental care. To be eligible for leave under the FMLA, an employee must have a condition that renders himself/herself unable to perform their essential job function.
- 6.0.3 Employees who take leave will be entitled to return to their positions, or positions with equivalent benefits, pay and other terms and conditions of employment, provided that the returning employee is able to perform the essential functions of the same or equivalent position upon his/her return. The City may deny restoration to a job position to employees who are among the highest paid 10 percent of the employees where the denial is necessary to prevent substantial and grievous economic injury to the operations of the City.
- 6.0.4 Employees may accrue any seniority or employment benefits during any period of FMLA leave.
- 6.0.5 The City will provide coverage under a group health insurance plan for employees who are on leave under the same conditions as coverage would have been provided if no leave had been taken.
- 6.0.6 Employees are required to provide at least 30 days' notice for foreseeable events that require leave under the FMLA.
- 6.0.7 Leave resulting from the birth of a child or the placement of a child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and the City agree on the schedule of intermittent or reduced leave.

- 6.0.8 Leave resulting from the serious illness of a child, spouse, parent, or the employee can be taken intermittently or on a reduced leave schedule when medically necessary.
- 6.0.9 Concurrent Utilization of Paid Leave and/or Compensatory Time: An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA.
- 6.0.10 An eligible employee who requests leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Director of Human Resources when requesting FMLA leave.

Certification shall be sufficient if it states:

- (1) The date on which the serious health condition commenced
- (2) The probable duration of the treatment or condition
- (3) The appropriate medical facts within the health care provider's knowledge
- (4) The estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Director of Human Resources has reasonable doubt as to the validity of the certification, the Director of Human Resources may require the employee to obtain the opinion of a second health care provider at the expense of the City. In any case in which the second opinion differs from the original certification, the Director of Human Resources may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Director of Human Resources and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The Director of Human Resources may also require that the employee obtain subsequent re-certification on a reasonable basis.

Health care providers who may provide certification of a serious health condition include:

- a. Doctor of Medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices.

- b. Podiatrists, dentists, clinical psychologists, and optometrists, authorized to practice in the State and perform within the scope of their practice under State law; and
- c. any health care provider recognized by the City's group health plan.

- 6.0.11 An employee qualifying for worker's compensation leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent worker's compensation leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.
- 6.0.12 In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City of Stonecrest, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.
- 6.0.13 In the event that the Director of Human Resources denies, in whole or in part, a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures:

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the Director of Human Resources. The written notice of appeal shall include the request for leave and all supporting documentation provided to the Director of Human Resources. The appeal shall be filed with the City Manager who has the authority to amend or reverse the decision of the Director of Human Resources. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

- 6.0.14 Return to Duty from FMLA Leave: As a condition for return to duty, the employee is required to provide certification from the employee's health care provider that the employee is able to resume work.

4 BEREAVEMENT LEAVE

- 6.1.1 A regular full-time employee who has a member of his/her immediate family taken by death shall receive up to five (5) days off with pay as bereavement leave to arrange and/or attend funeral activities.
- 6.1.2 If additional time is necessary beyond the normal five (5) days, it shall be taken as vacation or sick leave (or unpaid leave if vacation or sick leave has been exhausted) with advance authorization by the appropriate Department Director or Director of Human Resources. Time for attendance at funerals of others may be granted without pay, made up within the same pay period, or vacation leave.

- 6.1.3 The employee must notify his/her immediate supervisor upon making the determination to take time off from work.
- 6.1.4 Employees who fail to return to work on the date specified to the Department Director without receiving an extension are subject to disciplinary action, up to and including termination.
- 6.1.5 For purposes of this policy, immediate family members are defined as follows:

Spouse (including same sex spouses)
 Child (natural or adopted), stepchild, grandchild, or great-grandchild
 Brother, sister, half-brother, half-sister, stepbrother, stepsister
 Parent, Grandparent, Great-grandparent, Stepparent
 Brother or sister of your mother or father (uncle, aunt)
 Son or daughter of your brother or sister (nephew, niece)
 Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law
 Foster Child
 Legal Ward

6.2 HOLIDAYS

- 6.2.1 The City may celebrate the following holidays off with pay for full-time employees, contingent upon budgetary approval by the Mayor and City Council:

New Year's Day
 Dr. Martin Luther King, Jr.'s Birthday
 Memorial Day
 Juneteenth
 Independence Day
 Labor Day
 Veterans Day
 Thanksgiving Holiday
 Thanksgiving
 Christmas Holiday
 Christmas Day
 New Year's Eve

- 6.2.2 In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be

the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday. Notwithstanding, New Year's Day will always be recognized on the first business day of the year.

- 6.2.3 To receive pay for an official holiday, the employee must either: 1) work the day immediately before and after the holiday, or 2) be on approved paid leave on those days.
- 6.2.4 Non-exempt employees authorized to work during any holiday as defined in Section 6.2.1, may be paid at the rate of one and one-half times the normal hourly rate for hours worked on the holiday, plus holiday pay equal to their normally scheduled hours, as approved by the Mayor and City Council, and included in the annual budget.
- 6.2.5 Any employee who has accrued holiday hours shall use said holiday hours within the year earned and prior to using vacation hours.

6.3JURY/COURT LEAVE

- 6.3.1 Any regular full-time employee who is required to serve on a jury, or as a result of official City of Stonecrest duties is required to appear before a court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. A probationary employee called will have his/her probationary period extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.
- 6.3.2 Time away will not affect vacation or sick leave accruals.
- 6.3.3 Employees who appear in court as the plaintiff or defendant or are otherwise subpoenaed to appear in any action not related to their official duties or City business shall not be paid for time away from work unless that time is accrued vacation or compensatory leave. In addition, an employee shall not be granted court leave for any case in which the employee is charged with a crime.
- 6.3.4 The employee may keep any court payment for services performed on the days of his/her regularly scheduled workday or performed while on vacation or compensatory leave.
- 6.3.5 Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

6.4 MILITARY LEAVE

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The City will grant military leave in accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA” and Georgia law.

Military Leave under Federal Law – USERRA

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as “USERRA.” Employees’ rights under USERRA are summarized below.

A. Eligibility for Leave

City employees serving in the “uniformed services” are covered by USERRA. The “uniformed services” are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service
- An employee is unable to obtain orders of release through no fault of his/her own
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements

An employee who is separated as a result of exceeding the five-year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal.

B. Notice of Leave

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Department Head with as much advance notice as possible of any anticipated leave of absence for military service.

C. Compensation and Benefits During Leave

In compliance with Federal and State law, City employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year; however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his/her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

Accrued unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee's request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Department Head. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days. An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he/she would have attained if no military leave had been taken.

(D) Reinstatement

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his/her service on a basis that is not dishonorable or otherwise prohibited under USERRA and must not have exceed the five-year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled workday following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for re-employment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to re-apply within applicable time limits may result in the loss of re-employment rights. Full details regarding reinstatement are available from the Human Resources Department. In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, City will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of re-employment if his/her most recent period of uniformed service was more than 30 days but less than 181 days: or for
- One year after the date of re-employment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

Military Leave under Georgia Law

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled to a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if the City's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Regular appointed employees who must leave for up to six months in a four-year period to participate in assemblies or annual training, or to attend service schools

conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position, and they apply for re-employment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement. Employees should contact a Human Resources Department representative for more information about Military Leave.

6.5 SICK LEAVE

All full-time employees, whether paid on an hourly basis or by salary, shall be entitled to sick leave as follows:

- 6.5.1 A full-time employees shall be entitled to sick leave from the date of employment. Sick leave shall be granted at the rate of 3.33 hours for each pay period of service.
- 6.5.2 Employees entitled to sick leave may remain away from work with pay, where such absence is the result of personal illness or physical incapacity not job related, sickness of an immediate family member, involuntary or enforced quarantine, or death in the immediate family of such employee.
- 6.5.3 In the event of an employee's death, accumulated sick leave may be paid to the dependent spouse or child or the dependent's estate.
- 6.5.4 Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor, or clergy due to family illness or emergency.
- 6.5.5 A full-time employee who is on sick leave as above specified for a period of three (3) consecutive workdays or longer will, prior to being entitled to any compensation, must furnish without delay a "Certification of Health Care Provider for Employee's Serious Health Condition" form from a doctor which shall contain a diagnosis of the sickness, whenever possible, or will forfeit pay under sick leave.
- 6.5.6 Any employee who becomes ill while on vacation may be granted sick leave for the period of illness. This determination shall be made by the Director of Human Resources based on a written statement from the employee's doctor.
- 6.5.7 When an employee goes on Sick Leave, heshe must notify his/her Department Director or designated supervisor immediately. Notification should be at least one (1) hour prior to the beginning of the scheduled workday. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he expects to return

to work.

6.5.8 An employee who is on sick leave shall keep his/her supervisor advised daily as to improvement to his/her condition and expected date of return to duty. If requested, the employee will file a doctor's "Certification of Health Care Provider for Employee's Serious Health condition" stating the cause of the absence and the nature of the illness before sick leave payment is authorized.

6.5.9 Sick leave shall be rounded off to the nearest half hour. When possible, sick leave should be taken in increments of no less than half hour.

6.5.10 No sick leave will be given to an employee in excess of the amount earned and available to the employee. An employee may utilize vacation time when sick leave has been exhausted at the discretion of the Department Director.

An employee who separates employment with the City for any reason other than death will not be paid for sick leave earned or used up to the date of separation.

6.5.12 Employees covered under the 401A retirement plan and who meet the qualifications for retirement, may receive pay for ½ of their accrued sick leave at time of retirement. Retirees will not receive any other compensation for accrued sick leave upon retirement.

6.5.13 Sick leave is non-transferable, except in cases of extreme life-threatening illness, such as cancer, heart attack, stroke or other major illness. Such requests will be reviewed and approved by the City Manager and Director of Human Resources on a case-by-case basis.

6.6 VACATION LEAVE

6.6.1 Vacation (Annual) Leave- The City provides vacation leave with pay to each regular full-time employee for rest and relaxation.

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6.6.2 Vacation Earned – A regular full-time employee working a forty (40) hour workweek shall earn vacation leave at the following rates:

<u>Years of Service</u>	<u>Hours</u>
0 – 3 years	80 hours
3 – 8 years	120 hours
8 years and over	160 hours

6.6.3 Regular part-time employees working 30 hours per week shall earn a pro-rated accrual at

75%.

- 6.6.4 Maximum Accumulation – Employees with an accumulated balance on December 31st may retain this balance. In no event shall annual leave be accrued in excess of 240 hours. All hours accrued above 240 hours will be forfeited and uncompensated.
- 6.6.5 Payment for Annual Leave – An employee who is terminated shall be paid for annual leave earned up to the date of separation.
 - a. On Death of Employee – The estate of an employee who dies while employed by the City is entitled to be paid for all the vacation leave in the employee's account.
 - b. Maximum Limit – The maximum payment for annual leave on termination shall be 240 hours.
- 6.6.6 Upon resignation or retirement from City employment shall be paid the normal rate of pay received for his/her unused annual leave.
- 6.6.7 All vacations shall be taken at such time as shall be approved by the head of the department.
- 6.6.8 Vacations shall be scheduled at such times as the supervisor or Department Director finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the supervisor or Department Director prior to the commencement of the requested vacation.
- 6.6.9 The established period of determining vacation credit will be from the employee's date of hire.
- 6.6.10 Paid holidays occurring during vacation are not charged to vacation.
- 6.6.11 Compensatory time off must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited.

6.7 EMERGENCY CLOSING COMPENSATION

- 6.7.1 If an official City Emergency Closing is issued by the governing authority or its designee due to natural disaster or inclement weather, full time regular employees will receive pay for their regular work hours for that day.

If an employee actually works on an official emergency closing day, whether required by or at the request of their supervisor or manager, he/she still will receive full pay for their

regular work hours, plus compensatory time for actual hours worked (at the rate of one hour for one hour worked). Department managers and/or supervisors will be responsible for maintaining an employee log of compensatory time accrued due to working on emergency closing days.

If an employee does not report when requested or required because the employee deems the conditions to be too dangerous to travel from their home to their work location, the employee may request to telework. In such case, the manager or supervisor will review each case individually, and if deemed necessary, grant authority to telework for a specified period.

6.8 ADMINISTRATIVE LEAVE

- 6.8.1 At the discretion of the City, a full-time employee may be granted administrative leave with or without pay, to fulfill personal obligations not covered by any of the aforementioned leave categories, or to temporarily remove the employee from the City when it is deemed to be in the employee's and/or City's best interest.
- 6.8.2 Employees placed on Administrative Leave with pay may be required to remain at home or be otherwise available during normal work hours to assist the City, as needed.

6.9 VOTING LEAVE

- 6.9.1 The City encourages all employees to fulfill their civic responsibilities and to vote in official public elections. The City complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for non-exempt employees.

Paid leave for voting is available to employees when their work schedule does not allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible to request paid leave to vote.

Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having actually voted may be required.

6.10 DONATED LEAVE

- 6.10.1 Regular full-time employees with one (1) or more years of service are eligible to receive donations of paid leave time once they have exhausted all forms of accrued personal leave, such as vacation or sick leave. Donated leave time is limited to medical emergencies constituting serious health conditions under the Family Medical Leave Act (FMLA) for the employee only.

A qualified employee wishing to receive donated leave time must submit a “Request for Donated Leave” form to Human Resources. If the employee is unable to submit the request personally, the employee’s supervisor may do so on his/her behalf. Human Resources will review the request and, if it meets the standards of a medical emergency, will recommend the request to the City Manager for approval. There is no assurance (implied or otherwise) that any given request for leave time will be approved.

Requests may be renewed by submitting a new Request for Donated Leave form up to one (1) additional time within a calendar year. Once approved, a donating employee who wants to transfer accrued personal leave time may do so by completing a Donation Transfer Form available in the Human Resources Department. An employee may not donate leave to his/her supervisor or normal chain of command personnel. Limitations on transfers are as follows:

- Accrued vacation time – No limitations
- Accrued sick time – Donations of up to eighty (80) hours may be made; however, the donating employee must maintain a sick leave accrual of at least eighty (80) hours in his/her personal account

The HIPAA and confidentiality rights of the requesting employee will be maintained according to City policy. The City cannot award additional leave time beyond normal City policy. The City makes no assurances that once a donation request is approved, an employee will donate accrued time to the requesting employee.

Donated leave time is administered separately from all other forms of leave. Employee leave time is granted based on normal City policy and procedure, and whether or not an employee receives donated leave time has no impact on whether or not a leave of absence is approved or extended. Donated leave time will be applied as needed. If leave time is donated in excess of time actually needed by the receiving party, such excess time shall not be deducted from or forfeited by the donating party or held by the City.

6.11 PAID PARENTAL LEAVE

The City is committed to fostering a family-friendly work environment for its employees. The City shall provide paid parental leave to eligible employees following the birth, adoption, or foster care placement of a child with an

employee to give parents time to bond with their new child, adjust to their new family situation and balance personal and professional obligations. In providing paid time off for activities related to the care and well-being of a child born to or placed for adoption or foster care with an employee, the City reaffirms its commitment to promoting family well-being and improving family economic security.

I. Eligibility

Full-time employees who have been employed by the City for a minimum of one (1) year are eligible for paid parental leave. Reasons for Which Paid Parental Leave May be Granted

A. Qualifying Reasons for Paid Parental Leave:

- The birth of a child/children
- The placement of a child/children with the employee for adoption or foster care
- An employee's inability to work because of a post-pregnancy disability or incapacity related to childbirth
- To care for a spouse/domestic partner who experiences a post-pregnancy disability or period of incapacity related childbirth

B. Applicable Definitions

"Event" for purposes of this policy, means the birth (including post-pregnancy disability or incapacity related to childbirth), adoption or foster care placement of one or more children.

"Parent" for purposes of this policy, means a biological, adoptive, legal guardian or foster father or mother, or any other individual who stands *in loco parentis* to a child.

"Spouse" means the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This includes common law marriage, domestic partners, and same sex marriage in places where these marriages are recognized.

II. Methods and Amount of Leave Available

A. Amount of Leave Available as Paid Parental Leave

The City will provide up to four (4) weeks of 100% paid parental leave to an eligible employee upon the birth of a child or children, or upon taking custody of

an adoptive child or foster child under the age of 18. An employee may receive only one period of paid parental leave for the care of any given child. An employee shall not use more than four (4) weeks of paid parental leave in any twelve-month period. The birth, adoption or foster care placement of multiple children that is part of the same event does not increase the length of paid parental leave granted.

B. Calculation of Leave

Eligible employees will receive up to a maximum of four (4) weeks of paid parental leave per event. Eligible employees' leave is calculated by multiplying the assigned or average number of hours in a week by four (4). If both parents work for the City and meet the eligibility requirements, each parent will be eligible for up to a maximum of four (4) weeks of paid parental leave.

C. Use of Accrued Leave

Paid parental leave must be used within twelve (12) months following the birth, adoption or foster care placement of a child. To the extent an employee qualifies for leave under the Family and Medical Leave Act (FMLA) Policy and Procedure for the birth, adoption or foster care placement of a child, any paid parental leave taken under this policy shall be concurrent with, and not in addition to, leave taken under the FMLA Policy and Procedure.

Use of paid parental leave shall not require use of any accrued leave (e.g., sick, vacation, compensatory, holiday). Employees also may use paid parental leave before other accrued leave. Paid parental leave must be used before an employee enters into a leave without pay (LWOP) status. Any paid parental leave not used by the employee before the end of the twelve-month period to which it relates shall be forfeited and may not be accumulated for any subsequent use.

Paid parental leave shall be used in continuous days during the twelve-month period immediately following the birth or the arrival or placement of the adoptive or foster child. Parental leave may be used on an intermittent basis only if approved by the employee's Department. Paid parental leave will be paid at the employee's regular pay rate, but shall not include overtime.

D. Intermittent or Reduced Schedule Leave

Use of intermittent or reduced schedule paid parental leave is contingent upon the approval of the employee's Department Head. If the employee takes intermittent or reduced schedule paid parental leave, the actual number of hours of leave taken will be counted toward the total hours of leave allowed under this policy. Paid parental leave may not be used in increments of less than a full workday or work shift under any circumstance.

III. Notice

The City will process requests for paid parental leave using the same procedures

established for employees to request and receive FMLA leave. Employees planning to use paid parental leave should provide their Department Head with no less than thirty (30) days advance notice of the birth, adoption or foster care placement of a child. When the birth, adoption or foster care placement is not foreseeable, employees should provide their Department Head with as much notice as is both possible and practical.

IV. Confidentiality

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. All documents provided to the City regarding the leave will be maintained separately and treated by the City as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, government officials or City's legal counsel.

SECTION 7: CONDUCT

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the City. Additionally, since City employment is a position of public trust, certain activities are specifically prohibited.

7.0 CODE OF ETHICS.

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ARTICLE X. CODE OF ETHICS

Sec. 2-375. Declaration of policy.

- (a) It is the policy of the City that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials and employees is adopted.
- (b) This code of ethics has the following purposes:
 - (1) To encourage high ethical standards in official conduct by city officials and employees;
 - (2) To establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the city;
 - (3) To require disclosure by such officials and employees of private financial or other interest in manners affecting the city; and
 - (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(Ord. No. 2017-10-05, § 2-375, 10-2-2017)

Sec. 2-376. Scope of persons covered.

The provisions of this code of ethics shall be applicable to the mayor, all members of the city council, all appointed members of boards, commissions, authorities and other similar bodies, and all employees.

(Ord. No. 2017-10-05, § 2-376, 10-2-2017)

Sec. 2-377. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Censure means the act of condemning as wrong. A censure shall be effectuated by entry in the minutes of a city council meeting.

City official and/or official, unless otherwise expressly defined, means the mayor, the members of the city council, candidates for the offices of the mayor and city council after legal notice of candidacy and qualification as such candidate, the municipal court judges (including substitute judges), the city manager, any assistant city managers, the city clerk, any deputy city clerks, whether such person is salaried, hired or elected, and all other persons holding positions designated by the city charter, as it may be amended from time to time. City officials, unless otherwise expressly defined, includes individuals appointed by the mayor, city council, or both, to all city boards, commissions, authorities and other similar bodies, unless such individuals or individual members of city boards, commissions, authorities and other similar bodies are specifically exempted from this article by law, this ordinance and/or the city council.

Complainant means a person or entity who submits to the city clerk an ethics complaint alleging a violation of this article.

Decision means any article, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations, of the council, board or commission which can or may lead to a vote or formal action by such body.

Discretionary authority means the power to exercise any judgment in a decision or action.

Employee means full-time or part-time employees of the City.

Entity means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

Ethics complaint means a written document alleging a violation of this article by a city official or employee. All ethics complaints filed with the city shall contain the following:

- (1) A brief statement specifically identifying the name and title of the city official or employee against whom the complaint is filed. An ethics complaint may not allege violations and/or seek action against more than one city official or employee;
- (2) A numbered list separately identifying each improper act which the city official or employee is alleged to have committed, including:
 - 1) The date of any such alleged offenses;
 - 2) The specific sections of this article that each act is alleged to be in violation of; and
 - 3) The factual basis for each alleged violation;
- (3) A sworn and notarized statement by the complainant attesting that all information in the complaint is true to the complainant's information and knowledge;
- (4) Email address, phone number and mailing address where the complainant may be contacted; and
- (5) The complainant's residential address within the city limits.

Exempt city boards, commissions, authorities and similar bodies shall mean all boards, commissions, authorities and similar bodies of the city other than the Board of Zoning Appeals, Design Review Board, Historic Preservation Board, Planning Commission, Construction Appeals Board, Alcohol Licensing and Appeals Board, Stonecrest Convention and Visitors Bureau and any authority created by either the Georgia General Assembly or by the City by resolution or ordinance pursuant to chapter 61 or chapter 62 of Title 36 of the Official Code of Georgia Annotated. The members of exempt city boards, commissions, authorities and similar bodies are exempt city officials or officials unless such member is either an elected official of the City or is also a member of another city board, commission, authority or similar body not specifically exempted by this ordinance or by law.

Immediate family means the legal and/or biological parent, sibling, child, spouse, or any corresponding in-law of any city official or employee.

Interest:

- (1) Incidental interest means an interest in a person, entity or property which is not a substantial interest.
- (2) Remote interest means an interest of a person or entity, including a city official or employee, who would be affected in the same way as the general public. The interest of a councilmember in the property tax rate, general city fees, city utility charges, or a comprehensive zoning article or similar decisions is incidental to the extent that the councilmember would be affected in common with the general public.
- (3) Substantial interest means a known interest, either directly or through a member of the Immediate Family, in another person or entity:

- a. The interest is ownership of five percent or more of the voting stock, shares or equity of an entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
 - b. Funds received by the person from the other person or entity either during the previous 12 months equaled or exceeded \$5,000.00 in salary, bonuses, commissions or professional fees, or ten percent of the recipient's gross income during that period, whichever is less;
 - c. The person serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity other than a corporate entity owned or created by the city council; or
 - d. The person is a creditor, debtor or guarantor of the other person or entity in an amount of \$5,000.00 or more.
- (4) Substantial interest in real property means an equitable or legal ownership interest in real property with a fair market value of \$5,000.00 or more.

Reprimand means an official reproof, reprehension, or rebuke of a wrong. A reprimand shall be effectuated by resolution of the mayor and council.

Respondent means a city official or employee charged with a violation of this article.

(Ord. No. 2017-10-05, § 2-377, 10-2-2017)

Sec. 2-378. Standards of conduct.

- (a) No city official or employee shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) No city official or employee, in any matter before the body in which he has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.
- (c) No city official or employee shall act as an agent or attorney for another in any matter before the city council or any city body.
- (d) No city official or employee shall directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity in any matter or proceeding connected with, or related to, the duties of his/her office except as may be provided by law.
- (e) No city official or employee shall enter into any contract with the city except as specifically authorized by state statutes. Any city official or employee who has a proprietary interest in an agency doing business with the city shall make known that interest in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

- (g) Public property shall be disposed of in accordance with Georgia law.
- (h) No city official or employee shall solicit or accept other employment to be performed or compensation to be received while still a city official or employee if the employment or compensation could reasonably be expected to impair in judgment or performance of that official's or employee's city duties.
- (i) If a city official or employee accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official or employee might reasonably be expected to act, investigate, advise, or make a recommendation, the official or employee shall disclose the fact to the body on which he serves, or to his/her supervisor, and shall take no further action or matters regarding the potential future employer.
- (j) No city official or employee shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at-large.
- (l) No city official or employee shall directly or indirectly solicit from a person or entity a gift, loan, favor, promise, or thing of value for himself or another person or entity if the city official or employee is, at the time of such solicitation, involved in any official act or action which would result in a benefit to the person or entity from whom the gift, loan, favor, promise or thing of value is solicited. However, the above prohibition shall not apply in the case of:
 - (1) Occasional unsolicited non-monetary gifts and/or trinkets with a value of less than \$100.00, such as a calendar, memento, pen, and/or admission to or consumption of food and/or beverages at a function, social setting or event;
 - (2) An award publicly presented in recognition of public service;
 - (3) Any transaction authorized by and performed in accordance with O.C.G.A. § 16-10-6 as now or hereafter amended;
 - (4) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such loan or financial transaction;
 - (5) Campaign contributions made and reported in accordance with Georgia laws;
 - (6) Items listed under O.C.G.A. § 16-10-2 that are specifically itemized as "a thing of value shall not include" as now or hereafter amended; or
 - (7) Food, beverage or expenses afforded city officials or employees, members of their families, or others that are associated with normal and customary business or social functions or activities.

(Ord. No. 2017-10-05, § 2-378, 10-2-2017)

Sec. 2-379. Prohibition of conflict of interest.

A city official or employee may not participate in a vote or decision on a matter affecting a person in whom the official or employee has a Substantial Interest or a matter affecting any property in which the official has a Substantial Interest in real property; in addition, a city official or employee who serves as a corporate officer or member of a board of directors of a nonprofit entity may not participate in a vote or decision regarding funding of the entity by or through the city. Where the interest of a city official or employee in the subject matter or a vote or decision is remote or incidental, the city official or employee may participate in the vote or decision and need not disclose the interest.

(Ord. No. 2017-10-05, § 2-379, 10-2-2017)

Sec. 2-380. Conflict of interest exemptions.

The provisions of this article shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil or political organization not conducted as a business enterprise or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

(Ord. No. 2017-10-05, § 2-380, 10-2-2017)

Sec. 2-381. Reserved.**Sec. 2-382. Penalty.**

(a) Any respondent found to have violated the provisions of this article shall be subject to:

- (1) Public reprimand and/or censure by the mayor and council;
- (2) A fine greater than \$100.00 but less than \$500.00; and
- (3) Request for resignation by the mayor and council.

(Ord. No. 2017-10-05, § 2-382, 10-2-2017)

Sec. 2-383. Filing of complaints.

- (a) Any resident or employee may initiate a complaint of a violation of this ethics ordinance by submitting to the city clerk a written, verified and sworn complaint under penalty of perjury.
- (b) All ethics complaints shall be filed with the city clerk. The city clerk, or his/her designee, shall email a copy of any such complaint to the city manager and the respondents named in the complaint within five calendar days of such filing.

- (c) To discourage the filing of complaints under this article solely for political purposes, complaints brought under this article against a municipal election candidate filed 60 calendar days prior to the opening date of qualifying for municipal office through the date of certification of the election results will not be acted upon until the election results for that office have been certified. Deadlines under this article shall be tolled during such period. Action shall thereafter only be taken upon the ethics complaint if the candidate against whom the complaint is filed is elected to that term of office.

(Ord. No. 2017-10-05, § 2-383, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-384. Service of documents by respondent and complainant.

- (a) Within three calendar days of the filing of an ethics complaint with the city clerk, the complainant shall serve by personal service, certified mail return receipt requested or statutory overnight delivery the respondent with a copy of the ethics complaint.
- (b) The respondent may file a response to the ethics complaint with the city clerk, but is not required to do so.
- (c) The complainant and the respondent shall serve each other, the city manager and the appointed hearing officer (once the hearing officer is appointed), with copies of all documents filed by them with the city clerk relating to the ethics complaint, by certified mail, return receipt requested or statutory overnight delivery, within three calendar days of the date that any such document is filed.
- (d) The complainant and the respondent shall file with the city clerk proof of mailing of all mailings required under this article within three business days of such document being mailed. Such proof of service shall contain a copied and/or printed form provided by the postal facility which evidences the recipient, tracking number and date of such mailing. The city clerk shall verify that the correct address was indicated on the envelope.

(Ord. No. 2017-10-05, § 2-384, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-385. Action upon complaints.

All ethics complaints shall be heard before a hearing officer who: (i) shall be a competent attorney at law of good standing with the State of Georgia Bar, (ii) shall have at least five years' experience in the practice of law, and (iii) shall not reside or maintain an office within the City of Stonecrest. The hearing officer shall have power to issue subpoenas for witnesses that may be enforced, if necessary, by order of the Chief Judge of the Stonecrest Municipal Court. The city clerk may maintain a listing of qualified attorneys to serve as a hearing officer pursuant to this section. The burden of proof for all ethics complaints shall be on the complaining party and the standard of proof shall be beyond a reasonable doubt. Ethics complaints shall be reviewed as follows:

- (a) *Preliminary review of ethics complaints:*

- (1) Upon being appointed and being served with all pertinent documents, and upon expiration of the fifteen-day period for the respondent to file an answer, the hearing officer shall review the complaint and response, if any, to determine: (i) whether the complaint is in conformity with the requirements of sections 2-377 and 2-383 herein, (ii) whether upon consideration of the complaint and response, the complaint is unjustified, frivolous, patently unfounded, or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this article.
 - (2) If the complaint fails based upon the requirements of subsection (1) above, the complaint shall be dismissed stating the basis for said dismissal. A dismissal of such complaint preliminarily herein shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (b) *Evidentiary hearing on ethics complaints:*
- (1) Upon a determination that the complaint should not be dismissed pursuant to subsection (1) above, the hearing officer shall be empowered to collect evidence and information concerning such complaint and to add the findings and results of the investigation to the file containing such complaint. In furtherance of this investigation, the hearing officer may:
 - (i) Seek such further information from the complainant or the respondent through inquiry or written questions, provided, however, the respondent shall have no obligation to answer any inquiries, or
 - (ii) Conduct a hearing regarding the allegations set forth in the complaint. Respondent shall have the right to representation by counsel at all stages of these proceedings, to written notice of the hearing at least ten calendar days before the first hearing, to hear and examine the evidence and witnesses, to not testify, and to submit evidence and call or subpoena witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall guide, but not strictly apply.
 - (2) All investigations under this section shall be completed within 45 days of the hearing officer receiving the complaint and any response. Should the investigation not be completed in the said period, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the disciplinary jurisdiction of the city council, unless an extension is requested by complainant and granted by the hearing officer. Only one such extension may be granted for an additional 30 days. Within seven days of the completion of the investigation, the hearing officer shall:

- (i) Dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council; or
- (ii) Prepare a report of findings and recommendations to the mayor and city council.
- (iii) Should the hearing officer determine to submit a report in the matter, the report shall consist of: a written finding of facts, a determination whether the complaint establishes beyond a reasonable doubt that a violation has been committed, and, if so, the specific violation and evidence supporting the same, and a recommendation regarding the punishment for such violation.
- (iv) The hearing officer's written determination of findings and recommendations shall be delivered to the city clerk, who shall provide a copy to the city manager and the mayor and council and serve a copy on the complainant and respondent by personal service, certified mail return receipt requested, or by statutory overnight delivery. Such findings shall not be final until approved by vote of the city council.

(c) *Mayor and city council.*

- (1) Upon receipt of findings and recommendations from the hearing officer, the mayor and council may:
 - (i) By simple majority accept the findings of the hearing officer.
 - (ii) By simple majority accept the findings of fact and reject the recommended discipline, instead substituting its own discipline which shall be limited to the remedies stated herein.
 - (iii) By a supermajority, consisting of the majority of those present forming a quorum plus one, reject the findings and recommendations and conduct its own hearing in conjunction with the same hearing procedures dictated above. Upon the completion of such a hearing, the findings and recommendations of the mayor and city council shall be binding.
 - (iv) If no majority or supermajority can be obtained as provided herein, the findings and recommendations shall be deemed rejected and the complaint dismissed. Such dismissal shall be one on the merits.
- (2) If the subject of the complaint is the mayor or any councilmember, he/she shall recuse themselves from participating in any hearing or vote held pursuant to this subsection (c), with the exception of the right to attend such hearing as member of the general public, nor shall such mayor or councilmember be counted for the purpose of establishing a quorum.
- (3) Upon final judgment and certification of the minutes of the meeting disposing of this matter, the city clerk shall serve the respondent with the copy of the

certified minutes and findings and recommendations by personal service, certified mail return receipt requested or statutory overnight service.

(Ord. No. 2017-10-05, § 2-385, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-386. Charge of noncompliance.

- (a) After the filing of an ethics complaint, at least five days prior to the preliminary hearing, or evidentiary hearing if one is set, the respondent and/or complainant may file a charge of noncompliance with the city clerk, alleging that the complainant, respondent and/or any city employee/official has failed to meet a required deadline under this article. This section is strictly limited to grievances with respect to procedural deadlines set forth under this article, and may not be used to seek review of alleged ethics violations. Additionally, a separate charge must be filed against each city employee and/or official who is alleged to have violated a procedural deadline set forth under this article. The charge must identify the filer of the charge, the person against whom the charge is made, and the alleged missed deadline.
- (b) The city clerk, or his/her designee, shall email a copy of such charge to the hearing officer, city manager, respondent, complainant and the employee and/or official against whom the charge is made, within five calendar days of such filing. The city clerk shall not be required to email a copy of the charge to the respondent and/or complainant who filed the charge. The city manager shall cause for corrective action to be taken for any missed deadline under this article by a city employee.
- (c) The filer of the charge may also raise the charge of noncompliance as a threshold issue at the next scheduled public meeting on the ethics complaint. The hearing officer shall thereafter determine whether the alleged deadline was missed. The hearing officer's finding of a material failure by the complainant to comply with this article at any time may result in the ethics complaint's dismissal. The hearing officer's finding of a missed deadline by a city employee and/or official, without a finding of contributing negligence by the filer of the charge, shall give the filer of the charge the option to have the proceeding continued to the next available council meeting in lieu of being heard further that day.

(Ord. No. 2017-10-05, § 2-386, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-387. Bar against subsequent complaints.

- (a) The dismissal of an ethics complaint by the hearing officer on procedural grounds shall bar the complainant from filing any subsequent complaint against the same respondent for a period of three months from the date of such dismissal.
- (b) Should the hearing officer deny an ethics complaint on jurisdictional grounds, and/or determine that the evidence does not establish that the respondent has committed a violation of any provision of this article, the complainant shall be barred from filing any subsequent ethics complaint against the respondent arising from the same facts and circumstances as the adjudicated complaint.

(Ord. No. 2017-10-05, § 2-387, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-388. Participation by accused members.

- (a) If the mayor, city councilmember, appointed members of boards, commissions, authorities and other similar bodies, and all employees is charged with a violation of this article, he shall not:
 - (1) Participate in, preside over, remain in his/her place on the dais, or have any other direct or indirect involvement with the consideration or deliberation by the mayor and council of the ethics complaint; or
 - (2) Substantively discuss the pending ethics complaint, including any of the facts, circumstances, or allegations supporting it with the mayor, any other councilmember, or any official or employee of the city, except at the meetings and/or hearings on the complaint. This provision shall not prevent the mayor or any city councilmember from communicating with city employees and officials with respect to facilitating and receiving required filings and notices under this article.
- (b) If the mayor, a city councilmember, an appointed member of a board, commission, authority and other similar body, and all employees is charged with a violation of this article they shall completely recuse themselves from the complaint process under this article except to receive required filings and notices.

(Ord. No. 2017-10-05, § 2-388, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-389. Participation by complaining official.

If the mayor or any city councilmember files, initiates, and/or encourages the filing of an ethics complaint against a respondent, he shall not actively preside over the consideration of the complaint before the city council.

(Ord. No. 2017-10-05, § 2-389, 10-2-2017)

Sec. 2-390. Statute of limitations.

- (a) No ethics complaint shall be permitted under this article unless such complaint is filed within six months of the commission of the act complained of; provided, however, the limitation shall be tolled during the period that the alleged offense is unknown to the complainant. Under no circumstances, however, shall any period be tolled where the complainant knew and/or should have known about the alleged violation and/or where the facts surrounding the offense were published by a news outlet, discussed at a public meeting and/or otherwise known to the general public.
- (b) No proceeding under this article shall be instituted and/or prosecuted after the expiration of the respondent's term of office during which the offense is alleged, if not re-elected

immediately following such term, and/or after the resignation, death, vacancy, disqualification and/or withdrawal of the respondent from office.

(Ord. No. 2017-10-05, § 2-390, 10-2-2017)

Sec. 2-391. Right to appeal.

An appeal of any adverse decision of the mayor and council rendered under this article shall be commenced by filing a petition for review in the Superior Court of DeKalb County as provided by law.

(Ord. No. 2017-10-05, § 2-391, 10-2-2017; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

Secs. 2-392—2-410. Reserved.

7.1 ATTENDANCE AND PUNCTUALITY

It is the policy of the City that employees meet punctuality and attendance standards in accordance with the expectations of their job positions and applicable law. In addition, as a public agency, the City has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf.

If employees are unable to report for work on any day, they must call, text and/or email their supervisor at least one (1) hour or as soon as practical thereafter, before the time the employee is scheduled to begin working for that day. The City may inquire about the general reason for an absence or tardiness. Unless extenuating circumstances exist, employees must contact their supervisor on each day they are scheduled to work but will not report to work.

Excessive absenteeism or tardiness, which may include but is not necessarily limited to, unplanned absences or tardies that exceed an employee's accrued sick leave and/or last-minute absences or tardies, including no-call/no-shows, may result in disciplinary action up to and including termination, unless the absence or tardiness is legally protected. The following types of time off will not be considered grounds for disciplinary action under this policy:

- Excused time off, including vacation and other forms of paid time off
- Approved leaves of absence, including jury duty leave, military leave, leave protected under the Family and Medical Leave Act or Georgia law, and time off or leave provided under the Americans with Disabilities Act or Georgia law
- Time off due to a work-related injury that is covered by workers' compensation
- Unscheduled absences or tardiness resulting from circumstances beyond the employee's control, including, for example, unexpected school delays or closures and inclement weather that interferes with an employee's ability to arrive at work on time.

Generally, absenteeism will be considered excessive when an employee incurs three or more unexcused absences of any length in a 30-day period. An unexcused absence may occur whenever a supervisor does not accept as reasonable an employee's explanation for an unscheduled absence or occasion of tardiness. An unexcused absence is when you take time away from work without the permission of your supervisor. Unexcused absences aren't scheduled or authorized by an employer. For example, if an employee decides to take a personal day without communicating with their supervisor or making advanced arrangements, that is generally an unexcused absence.

An employee is deemed to be tardy whenever he/she fails to report to work more than ten (10) minutes past his/her scheduled start time. Excessive tardiness occurs when an employee is tardy three or more times during a rolling 30-day period. The City will not subject employees to disciplinary action or retaliation for an absence or for tardiness that is legally protected. If the employee believes that his/her absence or lateness to work is legally protected, the employee should notify his/her supervisor or manager of this fact at the time of the absence or tardiness. Employees will not be required to reveal the nature of any underlying medical condition to their supervisor or manager. If an employee believes he/she has been mistakenly subjected to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with his/her manager or Department Head. If the employee believes the matter has not been resolved by their manager or Department Head, the employee should contact the Human Resources Director. In addition, for FMLA and ADA-related matters, the employee should contact the Human Resources Department. Please see the City's FMLA Policy, ADA and Reasonable Accommodations Policy for further information.

Non-exempt employees who arrive after their scheduled start time but within the ten (10) minute grace period may, at the discretion of the Department Head, be allowed to make up time or required to use available vacation or sick time (as applicable) as a replacement for salary. Making up time is a privilege granted where good reason is provided. A request to make up time should be made in writing to the Department Head and include an explanation of the circumstances contributing to the tardiness. Generally, make-up time must be completed within the same work week.

Absent extraordinary circumstances or a legally protected reason, if an employee fails to report to work for a period of three (3) days and the absence is not approved nor has the employee provided proper notification to their supervisor, the City will consider the employee to have abandoned and voluntarily terminated his/her employment.

Each department should develop and maintain its own supplemental written time and attendance procedures to address issues unique to the department that are not included in these procedures. Issues that should be addressed in such departmental procedures include, but are not limited to, the procedure for requesting use of vacation leave and other paid or unpaid time off and the notification procedure when an employee will be absent due to illness or unexpected emergency.

7.2 DRUG FREE WORKPLACE

7.2.1 City of Stonecrest has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not

tolerate any employee's consumption, possession, sale, distribution, or presence in the body of illegal drugs or alcoholic beverages while on City property and/or on City work time. The City further expresses its intent, through this policy, to comply with Federal, State, and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol.

7.2.2 Scope of Policy and Prohibitions. This policy applies to all City employees, volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. The policy applies to all off-site meal breaks or rest breaks when an employee is scheduled to return to work, as well as to all work, activities, and occupation and use of City property and facilities.

7.2.3 Prohibitions. The City prohibits all employees from engaging in the following conduct or behavior while performing City business, while on City property, while in use of City property, or while operating or riding in a City vehicle and/or conducting City business:

The use or consumption of illegal drugs, controlled substances, and/or alcohol.

The possession of illegal drugs, controlled substances, and/or alcohol.

The abuse of prescription medications and over the counter medications.

Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol.

5. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or

- I. **The** use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

7.2.4 Definitions. For purposes of this Drug-Free Workplace policy, the following definitions apply:

Alcohol – Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Illegal Drugs (includes Controlled Substances) – Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict

accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

Impaired – The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

Legally Obtained Drug – Includes prescription drugs and over-the-counter medications.

Over-The-Counter Medication – Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

Prescription Drug – Any drug or substance that is attainable only by lawful prescription from a licensed physician.

Reasonable Suspicion – A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

7.2.5 Use of Legally Obtained Drugs

City employees must not be on the job, be on City property, operate a City vehicle, or operate any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is "unfit for duty" if, in the City's opinion, the employee's use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.

An employee who is using legally obtained drugs must notify his/her immediate Supervisor or Department Director, of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee's failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. An employee is not expected to notify the City of legally obtained drugs that are unlikely to render him/her

unfit for duty.

Employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties.

The abuse and/or inappropriate use of legally obtained drugs while on the job, while on City property, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination.

7.2.6 When Testing is Required

7.2.6. All job applicants for employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. . employee.

7.2.6.1 All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the Human Resources Department and shall seek confirmation of the observations from the Director of Human Resources or another employee with Reasonable Suspicion training before transporting the employee for testing.

7.2.6.2 Drug and alcohol testing must be performed when any employee, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City of Stonecrest business, is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s) shall be completed within eight hours of an accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

7.2.7 Procedures for Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.

All drug tests shall be administered and accounted for by an approved laboratory and/or

medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his/her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing.

- 7.2.8 Test Refusal. The City has a zero-tolerance policy regarding test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when an employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete.
- Fails to provide a urine or breath specimen for any drug or alcohol test required.
- A specimen shall be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed the employee to take.
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process.
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); and/or
- If the MRO reports that there is verified adulterated or substituted test result Failure or refusal to sign Step 2 of the alcohol testing form.

- 7.2.9 Investigation of Prohibited Drug and Alcohol Use and Searches. All City-issued equipment,

property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued property. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities.

7.2.10 Discipline. An employee who violates any provision of this policy is subject to discipline, up to and including termination.

The following actions shall be presumed to result in immediate termination of an employee:

- Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, while on City property, while in operation of a City vehicle, or while in operation any other equipment or vehicle while in performance of City business.
- Refusing to consent to or to take a drug or alcohol test pursuant to this policy, or failure to appear at the designated collection site to take a drug or alcohol test when so directed; and/or
- A confirmed positive test for drugs and/or alcohol.

7.2.11 Treatment. Employees who have a problem with drugs and/or alcohol are urged to seek help before the problem adversely affects their health, relationships, or work performance, or before it results in a violation of this policy.

7.3 GARNISHMENTS

Employee indebtedness is a personal concern, but multiple garnishments of an employee's salary may lead to disciplinary action. No employee shall allow his/her personal finances to hamper the performance of his/her job or create undue administrative problems for the City. A history of garnishments may be viewed adversely.

7.4 TITLE VII Under the Civil Rights Act (DISCRIMINATION PROTECTION)

Title VII defines an employee as simply "**an individual employed by an employer.**" Therefore, assuming they work — or are applying to work — for a covered employer as outlined above, Title VII provides discrimination protection for all employees, former employees, and those applying to be employees.

It shall be unlawful employment practice for the City of Stonecrest, an employee of Stonecrest or an employment agency acting on behalf of **Stonecrest to discriminate or perform any of the following based on an individuals' race, color, religion, sex, or national origin** to:

- (1) fail of refuse to hire or discharge any individual, or otherwise discriminate against any individuals with respect to their compensation, terms, conditions or privileges of employment
- (2) to limit, segregate or classify their employees or applicants for employment in any way which would deprive or tend to **deprive** any individual or **employment opportunities** or

otherwise adversely affect their status as an employee,

- (3) pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate
- (4) to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of Title 29 [*section 6(d) of the Labor Standards Act of 1938, as amended*].
- (5) to prevent apprenticeship, onboarding, training, retraining, including on-the-job training programs

Nothing contained in this section shall be interpreted to require any employer, training vendor or employment agency to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community in the available work available to the City of Stonecrest.

It shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, to fail or refuse to refer any individual for employment in any **position, if:**

- (1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and
- (2) such individual has not fulfilled or has ceased to fulfill that requirement.

7.5 HARASSMENT/SEXUAL HARASSMENT

The City is committed to maintaining a work environment that is free of inappropriate or unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client or customer of the City. Likewise, the City expressly prohibits such actions by employees against others, including vendors, clients, citizens, or customers of the City.

- 7.5.1 **Prohibited Conduct.** Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status or activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. This includes conduct by someone to another of the same gender.

The City will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. No supervisor or City employee has authority to engage in such conduct.

If an employee feels they have been subject to the type of conduct prohibited by this policy, they must report this conduct. They are specifically authorized to bypass their supervisor and directly file an EEO complaint with the Human Resources Department as provided for in this policy. If an employee complains to their supervisor and no action is taken, they are directed to report the conduct as described below to the Human Resources Department. An employee should report any improper conduct before it becomes severe or pervasive and does not have to wait until it rises to the level of an unlawful action.

- 7.5.2 **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.
- 7.5.3 **What is Not Harassment.** Harassment does not include the normal and lawful exercise of supervisory responsibilities, including direction, counseling, and discipline when necessary.
- 7.5.4 **Retaliation.** The City will not tolerate any retaliation against anyone pursuing in good faith the objectives or acting in accordance with this policy. Any complaints of retaliation should be reported to the Director of Human resources in the same manner as violations of these policies are to be reported. Any employee found by the City to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action ranging from written reprimand up to and including termination.
- 7.5.5 **Complaint Procedure.** All employees should help to assure that we avoid any form of unlawful or inappropriate treatment. If you feel that you have experienced or witnessed harassment, discrimination or unlawful or inappropriate treatment, you are to notify immediately (preferably in writing no later than 24 hours after occurrence) the Human Resources Department.

If the employee is not contacted promptly about their complaint, they are to re-file it with the Director of Human Resources.

The City forbids retaliation against anyone who has made a complaint or provides information related to a complaint.

The City will undertake an objective and appropriate review of any complaint. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as it determines is appropriate, including such discipline up to and including immediate termination of employment.

The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint. If you have any questions about the status of your complaint, you should contact the Director of Human Resources at the above telephone number and address.

- 7.5.6 Malicious or Bad Faith Complaints. The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his/her false accusation. The City encourages any employee to raise questions he/she may have regarding misconduct or this policy with the Director of Human Resources or higher-level officer.

7.6 CONFIDENTIALITY

As public servants, City of Stonecrest employees should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential City-related or employee-related documents while others handle sensitive matters, such as health records and investigations. Consequently, employees should maintain the confidentiality of matters they handle assuring information about these activities is made public only upon appropriate authorization.

7.7 OUTSIDE EMPLOYMENT

The City is sympathetic to the fact that employees may find it necessary to engage in outside employment, including self employment. However, each City full-time employee position should be considered the employee's primary employment. Therefore, City employees should carefully evaluate other employment that interferes with the employee's duties and obligation as a City employee, involves a potential conflict of interest, or in any way compromises the integrity or credibility of the department or City government.

- 7.7.1 Prohibitions. All City employees should avoid the following outside employment situations:

1. Outside employment with any entity that conducts business with the City without full disclosure and satisfactory management of any conflict of interest.
2. Outside employment which cannot be accomplished outside of the Employee's normal working hours or is otherwise incompatible with the performance of the Employee's duties by placing the employee in a position of conflict between the Employee's position with the City and the Employee's position with the outside employer/employment.
3. Outside employment which exploits the Employee's position with the City, or the confidential information acquired in the performance of City duties.
4. Outside employment which the public may reasonably view as work on behalf of the City.

Due to the importance of the public's perception of the City of Stonecrest government, all employees who engage in outside employment must disclose such work to the Supervisor, Department Head and Director of Human Resources. Outside employment is subject to review for conformance with this Policy. Employees engaged in outside employment determined not to be in conformance may be required to cease such outside employment

7.8 EMPLOYEE DISCLOSURE

Due to the importance of the public's perception of the City of Stonecrest government, all Department Directors, managers, and supervisors shall disclose all outside interests and financial relationships that may place the employee in conflict with each person's obligations to the City and to his/her profession. Timely and complete disclosure of potential conflicts of interest protects employees from suspicion and accusations of breach of professional integrity. Disclosure forms are available in the Human Resources Department.

7.9 WORKPLACE SAFETY

- 7.9.1 It is the policy of City of Stonecrest that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, and proper materials, and to establish and insist upon safe methods and practices at all times. It is the basic responsibility of every employee to make safety a part of their daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common-sense safety practices. Employees should always be conscious of the safety of others, as well as themselves. Employees should always observe the following guidelines:

1. Observe all safety rules, practices, and procedures.
2. Promptly report any unsafe conditions, accidents, damaged or malfunctioning vehicles or equipment, any employee who is performing his/her job in an unsafe manner, or any other type of hazardous situation.

3. Only operate equipment assigned to the employee and for which the employee has received full training.
 4. Use proper safety clothing, equipment, and personal protective equipment wherever provided, assigned, or required, as designated for the work performed.
 5. Wear a seat belt when in a City of Stonecrest vehicle, when driving on City of Stonecrest business, or when operating any vehicle on City of Stonecrest premises.
 6. Use appropriate, safe methods to lift heavy objects, and use back braces, handcarts, or other devices to assist with lifting or moving activities.
 7. Never endanger themselves or other individuals through inappropriate actions, horseplay, practical jokes, or by taking unnecessary chances.
 8. Be prepared for fire or other emergency situations. Know what to do, what actions to take, where to go, and the location of exits, firefighting equipment, and alarm pulls within the work environment.
 9. Observe proper maintenance practices to keep work areas, vehicles, tools, or other equipment in a clean, safe, and operable condition.
- 7.9.2 Reporting Safety Hazards or Deficiencies – Any employee who believes that a safety or health risk exists must report the matter to their supervisor so that the City may take appropriate action. The employee should make this report immediately upon detection of the safety or health risk. A safety or health risk may consist of, among other things, a condition in the workplace or the work methods of other employees.
- 7.9.3 Reporting Employee Injuries or Accidents – All workplace injuries and accidents must be reported immediately to the employee's immediate Supervisor, or Department Director. This ensures prompt and appropriate medical treatment, allows for timely completion of reports as required by law, and enables eligible employees to qualify for coverage as quickly as possible. Except for emergencies (in which case the employee should seek emergency treatment), if medical attention by a physician is needed, the employee must use one of the physicians specifically listed on the Workers' Compensation Notice posted by City of Stonecrest in a conspicuous place and on the City internal website (intranet). Failure to report an injury or to receive medical treatment from a physician on the posted panel may jeopardize payment of medical bills or other benefits under workers' compensation insurance.
- 7.9.4 Response to Emergency Situations* – Employees should become familiar with emergency plans established within their assigned department or work area, as well as with their assigned role in the event of an emergency situation.

***A call to 9-1-1 may be appropriate first**, in the judgment of the staff or managers involved.

Decisions may need to be made quickly to prevent a threat from being carried out, a violent act

from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

- 7.9.5 Safety Violations – Accidents, injuries, damaged equipment, or destruction of materials or property can cause needless suffering, inconvenience, and expense to City of Stonecrest or its employees. As a result, any such actions by employees that could be avoided by utilizing appropriate safety practices may result in disciplinary action up to, and including, termination.
- 7.9.6 Office Closings – Information about reporting procedures when the City of Stonecrest closes (or postpones opening) due to inclement weather or other situations, will be posted on the internal site, and communicated to all employees.
- 7.97 Risk Management/Safety Committee – The City Manager has the discretion to create a Risk Management/Safety Committee to provide oversight of a risk management program for the City of Stonecrest or to participate in a risk management program established by an approved municipal association. The purpose of the risk management program is to minimize the adverse effects of loss through identification and assessment of actual and potential losses, loss prevention, risk financing, and claims control.

- 7.10 WORKPLACE VIOLENCE AND ANTI-BULLYING** 7.10.1 The City is committed to providing all employees with a healthy and safe work environment. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are strictly prohibited and will not be tolerated. All reports of incidents or perceived incidents of workplace violence or threats of workplace violence will be taken seriously and addressed appropriately. This policy concerns prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures.

Any employee who feels he/she has been victimized by bullying and/or workplace violence is encouraged to report the matter to his/her supervisor or Department Head or to the Human Resources Department. Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary by the Department Head or his/her designee. Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends, or property. Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

1. Threats of any kind (veiled or direct, verbal, or non-verbal); intimidation or attempts to instill fear in others.
2. Physically aggressive, hostile, or violent behavior.
3. Behavior that suggests a propensity for violence, such as belligerent speech, excessive arguing or swearing, or sabotage or threats of sabotage of City property.

4. Intentional damage or destruction of City property or of another's property.

5. Harassing or threatening physical, verbal, written, or electronic communications, including comments, phone calls, emails, letters, faxes, website materials, diagrams or drawings, gestures, or any other form of communication that causes a reasonable fear or intimidation response in others.

6. Stalking (defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails, or any other type of correspondence sent by any means).

7. Unauthorized or illegal possession of firearms, ammunition, explosives, knives, or weaponry of any type on City property is strictly prohibited. A lawfully possessed firearm may be stored within a personal vehicle that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such vehicle.

8. Bullying: Unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Examples:

7.10.2 Reporting Incidents – Any employee who is subjected to, observes, hears of, or becomes aware of any of the above actions or behavior by an individual in the City workplace must immediately report such incident to a Supervisor, Manager, or the Department Director.

All acts of violence, or threats thereof, should be reported no matter how minor or insignificant they may appear. If an employee does not feel he/she can discuss an act or threat of violence with his/her immediate Supervisor, or if an employee is not satisfied with the manner in which a complaint was handled, the employee should contact the Department Director directly. Failure to report any threats or acts of violence in violation of this policy appropriately is in itself a violation of this policy, and may subject any employees involved to disciplinary action, up to and including termination.

7.10.3 Investigations – All reports of acts or threats of violence will be promptly investigated. The City may consult with law enforcement authorities or other resources as it deems appropriate. To the extent possible, identities of the reporting employee, any witnesses, and any individuals alleged to be involved in actual or threatened violence will be protected against unnecessary disclosure. All persons involved in the investigation are expected to refrain from discussing the matter with any person outside the investigation process. All employees – whether complainant, witness, or accused – are required to be truthful, accurate, and cooperative during a City investigation. his/her

It is the Human Resources Director's responsibility to oversee the investigation of all reported incidents involving workplace abuse, intimidation, or violence and report findings to the Department Head (or his/her designee) who shall take immediate action as appropriate. Such investigation shall commence as soon as practicable and supervisors and Department Heads

are required to take reasonable steps to protect the alleged victim(s), including, but not limited to, separation of the alleged perpetrator(s) and victim(s).

7.10.4 Consequences – Any employee found by the City to have engaged in violence or threats of violence will be subject to immediate and appropriate disciplinary action, ranging from a written reprimand up to and including termination. While the City encourages all employees to raise any concern(s) under this policy and procedure, the City also recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Any individual who knowingly falsely accuses another of a violation will be disciplined in accordance with the City policies and procedures up to, and including, dismissal.

7.10.5 Non-Retaliation Policy – Retaliation will not be tolerated against an employee for reporting in good faith a suspected act or threat of violence, or for providing information in good faith regarding a report made by another employee. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported. Any employee found by the City to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action, ranging from a written reprimand up to and including termination.

Conversely, an intentional or malicious false accusation could have a serious effect on an individual who has been falsely accused, and any individual found to have knowingly made false complaints will be disciplined based on the extent of the false accusation, up to and including termination.

7.10.6 Searches and Inspection – All City equipment, property, and facilities (including, but not limited to, desks, workstations, file cabinets, lockers, computers and computer-stored information, email, voicemail, business records, vehicles, or any other property or equipment owned, leased, or provided by the City) are subject to inspection at any time and for any reason. No employee shall have any privacy interest or reasonable expectation of privacy whatsoever in any City equipment, property, or facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, such evidence may be used to support disciplinary action up to and including termination. In cases involving suspected illegal activity, the evidence may be provided to the proper law enforcement authorities. Further, if the City reasonably suspects that an employee has violated a policy that directly affects the safety or security of City employees, patrons, or facilities, the City will take appropriate actions (such as contacting law enforcement officials, placing employee on administrative leave while an investigation is conducted, or other actions as deemed appropriate).

7.11 USE AND RETURN OF CITY PROPERTY

The purpose of this section is to provide a broad overview of guidelines for the use of City property, including property related to information technology. New employees will be issued City property upon hire. This may include, but is not limited to, keys, key cards for access to buildings and offices; photo identification cards; uniforms; computers or mobile devices and vehicles.

7.11.1 City Property. All computers, telephones, facsimile machines, copiers, communication systems,

electronic equipment, and/or any other material, property, or equipment provided by the City and used in the course of employment is property that is exclusively owned, leased, borrowed, and/or held by the City. Such property is, or for the purposes of this Policy shall be deemed and considered, exclusively the property of the City. City employees should have no expectation of privacy with respect to same.

- 7.11.2 Telephone Use. When making personal telephone calls from the workplace, and/or using a City mobile phone or similar device, employees must use judgment and discretion to limit the number and/or length of any calls. Excessive or unauthorized telephone use may subject an employee to disciplinary action, up to and including termination. Upon separation of employment, employees must return any mobile phone or device issued for City business. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.
- 7.11.3 Communication Systems. The City provides a variety of channels for communication to promote the efficient operation of City business. These communication systems include, and are not limited to, voicemail, email, facsimile, computer networks, internet connections, online services, computer files, telephone systems, mobile phones, and similar devices. All information transmitted by, received from, or stored in these systems is the sole property of the City, and an employee should have no expectation of privacy related thereto.
- 7.11 Email and Internet Access and Code of Conduct. Access to email and the Internet is provided by the City to its employees for the benefit of City employees and patrons, and as valuable sources of information to allow for the provision of better and more efficient services. It allows employees to connect to information resources around the state, the country, and the world. Every employee has a responsibility to maintain and enhance the City's public image and to use the internet in a productive manner.
- 7.11.5 Confidentiality, Privacy, and Monitoring. As set forth herein, all City computer systems, including email, internet connections, instant messaging, and similar protocols, are the property of the City. All documents, information, and data created in, stored in, and/or copied to City computer systems are the property of the City and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the City. Employees using the City's computer systems are cautioned that email and internet systems do not provide complete confidentiality and employees have no right to privacy when using same. The City has the right to access, monitor, and disclose the contents of any file or electronic message composed, sent, received, or viewed on City computer systems, for any business purpose, including but not limited to investigating potential security breaches, policy violations, or misuse of computer systems or email. Employees should be aware and understand that the use of personal email accounts to engage in City business may result in those personal accounts being subject to the provisions of the Georgia Open Records Act and/or other statutes pertaining to access to government records.

Safeguarding data privacy isn't just about digital systems—it's also about how we manage our physical workspaces. Maintaining the security of workspaces is vital to protecting sensitive information and upholding organizational integrity.

Every employee plays a critical role in protecting sensitive and confidential information from unauthorized access. To support data privacy best practices, always:

- **Lock your screen** when stepping away from your computer—even for a moment.
- **Secure drawers and cabinets** containing confidential files, records, or devices.
- **Clear your desk** of sensitive documents when not in use — especially before leaving for the day.
- **Avoid leaving documents or devices** in common areas where unauthorized individuals might see or access them.

7.11.6 Email Communications. All employees are responsible for the content of all text, audio, or images that they place or send via email or over the internet. Fraudulent, harassing, or obscene messages are prohibited. Information published on the internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language may be transmitted through the system. Notwithstanding the City's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them. Employees should not attempt to gain access to another employee's messages without the employee's permission, except as expressly authorized elsewhere.

7.11.7 Prohibited Activities. City employees are strictly prohibited from using City email, internet, communication systems, computers, electronic equipment, or other City property to engage in the following activities (except where expressly authorized elsewhere):

1. Sending, retrieving, or storing offensive, obscene, or defamatory material.
2. Engaging in illegal, fraudulent, or malicious conduct.
3. Transmitting or receiving messages containing derogatory, harassing, or inflammatory remarks about an individual's or a group's race, color, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy or related condition, physical attributes, or sexual orientation.
4. Working for or on behalf of another employer, business, association, or organization, without obtaining prior supervisor approval.
5. Sending uninvited email of a personal nature.
6. Personal activities that incur additional costs to the City or interfere with an employee's performance.
7. Sending City proprietary or confidential information and/or materials to anyone not entitled to know or receive same.
8. Monitoring or intercepting the files or electronic communications of other employees or of third parties.

9. Obtaining illegal or unauthorized access to another person's or entity's computer system.
10. Using another individual's account or identity without authorization.
11. Attempting to test, circumvent, or defeat the security or auditing systems of the City or any other person or organization or to otherwise "hack" into a City file or system that the employee is not authorized to access.
12. Distributing or storing chain letters, jokes, solicitations, or offers to buy or sell goods; or Downloading files or programs not authorized by the City.

7.11.8 Software. To prevent software compatibility issues, licensing infractions, and security or privacy concerns (such as computer viruses being transmitted through the system), there will be no unauthorized installations of any software. All software downloads must first be authorized by the Department Director. Employees with any questions should contact their supervisor or the IT Department. The City reserves the right to remove any programs that have been installed or downloaded without authorization.

7.11.9 Security. All messages created, sent, or retrieved via email or over the internet are the property of the City. The City reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications may be disclosed by the City to law enforcement or other third parties without the prior consent of the sender or the receiver.

7.11.10 Use of City Property in General. All City property, including and not limited to, all electronic property (such as computers, telephones, facsimile machines, copiers, communication systems, mailing systems, and electronic equipment) and non-electronic property (such as vehicles, buildings, furnishings, fixtures, furniture, books, supplies, and materials), shall be used in the manner for which it is intended and treated by City employees with care and due regard. City employees should keep in mind that they are the trustees, caretakers, and beneficiaries of such property, which has primarily been purchased, leased, or provided via public funding. No City employee shall abuse or misuse City property.

No employee or City Official may use any equipment, materials, supplies, or other City property or the services of City employees for their personal benefit. Employees are expected to use proper care when using the City's property and equipment. No property may be removed from the premises without the proper authorization of the employee's Supervisor/Manager. If an employee loses, breaks, or damages any property, they must report it to their supervisor immediately. An employee who negligently loses or damages City-issued property may be required to replace the item(s) at their own expense.

Employees must return all City property that is in their possession or use upon separation of employment, or immediately upon request. Employees should clearly understand that, upon separation of their employment, they are without authorization to access or use of any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's

computer systems or networks, including City email services, after separation of employment. Violation of this policy may result in disciplinary action, up to and including termination. Further, the City may also take all action lawful and deemed appropriate to recover or protect its property.

- 7.11.11 Passwords and Access. Access to computers, email, voicemail, and select applications may be password protected. Such passwords, access, and accounts, and any other types of authorization employed by the City, are confidentially assigned to individual employees, and may not be shared with others. Each employee is responsible for any access to and use of his/her assigned computer, email, voicemail, and applications. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.
- 7.11.12 Employer Monitoring. City employees should not expect privacy with respect to their work-related activities. Video surveillance may be used by the City to monitor job performance, monitor interaction and communication with the public, assure conformance with safety procedures, guard against employee misconduct, and to gather information for legitimate business reasons. However, no video surveillance will occur in City restrooms.
- 7.11.13 Violations. Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If deemed necessary or appropriate, the City may advise appropriate legal officials of any perceived illegal activities or violations via use of City communication systems.

7.12 SMOKE-FREE ENVIRONMENT

City of Stonecrest complies with the Georgia Smoke free Air Act of 2005. All City buildings and vehicles are designated as smoke-free and tobacco-free areas. Neither smoking nor tobacco use is permitted within 25 feet of any City building entrance or exit. This policy applies to the use of any tobacco product, including smokeless tobacco, and applies to both employees and visitors of the City.

Further, smoking (which means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance) is strictly prohibited in all privately-owned vehicles while used in the course of City work whenever other City employees or persons are present in the vehicle, regardless of whether the vehicle's windows are open. Smoking and/or tobacco use in privately-owned vehicles is otherwise permissible, provided that it is done within the vehicle and is not within 25 feet of any City building entrance or exit.

The City understands that tobacco is a legal product and further recognizes that, as an employer, the City may not require that employees or prospective employees refrain from tobacco use when not at work.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. All City employees are responsible for following and helping to enforce this policy and should report any problems or violations to a supervisor. Violations of this policy will subject an employee to disciplinary action, ranging from an oral reprimand up to and including

termination.

7.13 PROPER WORK ATTIRE AND STANDARDS FOR DRESS

7.13.1 Dress Standards – To maintain a public image consistent with a professional organization, the City adopts a conservative business casual dress code. (For purposes of this policy, the term “conservative” refers to modest clothing that is in keeping with traditional standards for casual business attire.) When away from work, an employee’s choice of attire is a matter of personal preference. However, when the employee is working, attire must be within parameters that reflect the professional, neutral environment that the City strives to provide. If an employee must conduct personal business that involves non-professional apparel before or after work, the employee should plan to change clothes.

7.13.2 Guidelines for Attire – The goal is for each employee to present a neat, clean, well-groomed, appearance while at work. Rather than focusing on individual items of clothing, the employee should consider the overall image that he/she presents. It is possible for one aspect of an outfit to be considered somewhat casual, but when paired with professional clothing the overall appearance may be professional.

No dress code can address all contingencies, and this policy does not attempt to itemize all current and future clothing options. Employees are expected to use judgment in selecting work attire.

Following are guidelines to assist employees in determining whether attire is acceptable.

- Business casual shall be the standard dress.
- Clothing that is see-through is unacceptable.
- Clothing should cover the chest, back, and midriff (including when standing, sitting, stooping, while arms are extended over the head or while bending over), and should not reveal undergarments.
- Solid T-shirts may be allowed only on Fridays, but shirts printed with political or social leanings, sayings, or graphics should not be worn (unless related to a City-approved activity).

7.13.3 Shoes and Footwear – Flip-flops are not allowed. Clean athletic shoes are acceptable only on Fridays and acceptable in certain positions/departments (i.e. Parks & Recreation). Conservative walking shoes, dress shoes, oxfords, loafers, boots, flats, dress heels, and backless shoes are acceptable for work.

7.13.4 Personal Grooming, Accessories, and Use of Fragrances – Professional appearance also includes an emphasis on standards of personal hygiene and good grooming. **No staff member shall have an odor generally offensive to others when reporting to work. An offensive body odor may result from lack of good hygiene, from an excessive application of fragrance or from some other cause.** Clothing should be clean, neat, and well kept (no holes, tears, patches, fading, or frayed areas). Facial hair should be clean and neatly trimmed. Fragrances, if used, must be mild; customers and other employees may be allergic or sensitive to perfumes, colognes, or other fragrant products.

7.13.5 Slacks, Pants, and Suit Pants

Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, flannel pants, pants that match a suit jacket, and nice-looking dress synthetic pants are acceptable.

Inappropriate slacks or pants include any that are too informal. This includes jeans (without prior approval by the City Manager or his/her designee), sweatpants, exercise pants, Bermuda shorts, short shorts, shorts, bib overalls, leggings, camouflage and any spandex or other form-fitting pants worn for exercise or biking.

7.13.6 Skirts, Dresses, and Skirted Suits

Dresses, skirts, skirts with jackets, dressy two-piece knit suits or sets, and skirts that are split at or below mid-thigh are acceptable. Dress and skirt length should be at a length at which you can sit comfortably in public.

Short, tight skirts that stop mid-thigh are inappropriate for work. Mini-skirts, skorts, sundresses, beach dresses, backless dresses and spaghetti-strap dresses are inappropriate for the office.

7.13.7 Shirts, Tops, Blouses, and Jackets

Shirts, dress shirts, sweaters, tops, and turtlenecks are acceptable attire for work if they contribute to the appearance of formal, professional dress. Most suit jackets or sports coats are also desirable attire for the office. Inappropriate attire for work includes tank tops; tube tops; midriff tops; clothing with see-through material; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; backless tops; tops with bare shoulders or plunging necklines; and sweatshirts.

7.13.8 Field Appropriate Attire

While the demands of the field rarely warrant traditional business dress, fieldwork should also not be viewed as an excuse for inappropriate or extremely casual attire. Field staff should keep in mind that they are representing the City in the field and should maintain a professional appearance appropriate to those field activities. Field staff should also consider safety and avoid excessively loose, draping, or floppy clothing that could be hazardous on an active construction site or any site involving machinery.

7.13.9 Uniforms

Staff whose job requires the use of uniforms and/or whose attire must meet prescribed safety standards must follow their department guidelines. Such staff must present a professional image by ensuring that uniforms are complete, clean and in good condition. Uniforms should not be excessively worn or faded. Uniform issue shorts may be permissible with City Manager approval. Modifications to uniforms (e.g., unauthorized logos on hats or wearing t-shirts) are not permitted. Uniforms should be worn during work hours only. All staff members must always carry or wear the City of Stonecrest identification badge while at work and/or conducting business on behalf of the City of Stonecrest.

7.13.10 Hats and Headgear

This section provides guidelines for wearing hats and head coverings in the workplace to ensure professionalism, safety, and inclusivity while accommodating cultural, religious, and medical needs.

1. General Rule

- Employees are generally expected to maintain a professional appearance. Wearing hats, caps, or other head coverings indoors may be restricted depending on the workplace setting.

2. Exceptions

- **Religious and Cultural Accommodations:** Employees may wear head coverings for religious or cultural reasons (e.g., hijabs, turbans, kippahs, or headscarves) upon review of request.
- **Medical Accommodations:** Employees requiring head coverings for medical reasons (e.g., chemotherapy, alopecia) will be accommodated upon request.
- **Workplace Safety:** Hard hats or other protective headgear may be required in specific work areas for safety compliance.

3. Dress Code Compliance

- Fashion or casual hats (e.g., baseball caps, beanies, fedoras) are restricted in professional or customer-facing roles unless explicitly allowed.
- Branded or company-issued hats may be permitted as part of a uniform.
- Head coverings should not display offensive language, graphics, or slogans.

4. Enforcement and Requests

- Employees seeking religious or medical accommodations should contact Human Resources.
- Supervisors are responsible for ensuring compliance with this policy in a fair and consistent manner.
- Violations will be addressed through disciplinary procedures.

7.13.11 Compliance. Dressing appropriately is a condition of employment with the City. Failure to adhere to the dress code will be addressed as a policy violation. Repeated or obvious violations of this policy will result in disciplinary action, up to and including termination. In extreme cases, the City reserves the right to require an employee to leave work to change into appropriate clothing. Any time spent away from work would be without pay.

Employees are expected to comply with the above standards and should not put their Supervisors in the position of having to police attire. If there is any doubt as to whether an aspect of attire is appropriate, the employee should assume it is not. Employees with questions

about what is appropriate for their positions should contact their Supervisor or the Department Director. The City reserves the right to prohibit certain articles of clothing. The Department Director may approve dress code exceptions in certain circumstances and will consider such instances on a case-by-case basis.

Supervisors may use discretion in granting limited exceptions to accommodate special circumstances, e.g., pregnancy or wearing athletic shoes following a foot injury. Departments experiencing difficulty interpreting these guidelines for particular situations should refer their concerns to the City Manager for a final determination.

The above guidelines are not intended to be all-inclusive. Rather, the guidelines are intended to help set general parameters for appropriate business attire and allow staff members to make intelligent judgments about items that are not specifically addressed. Rather than focusing on individual items of clothing, the staff member should consider the overall image that he/she represents.

* Guidelines are subject to change at the discretion of the City Manager. *

Any employee who contends that this policy interferes with his/her held religious beliefs should contact Human Resources to inquire into whether he/she may be eligible for an exemption.

7.14 PROFESSIONAL HONOR

7.14.0 As a part of the commitment to maintaining a professional work environment, all employees in leadership positions as determined by the City Manager shall adhere to the following Professional Honor Code.

“The City of Stonecrest Leadership Professional Honor Code assures our valued residents, visitors, and co-workers that when they place their trust in us, they can expect a high standard of professional excellence, integrity, tolerance and optimism – all within a framework that emphasizes respect for the people we work with and for. I acknowledge that I am expected to:

- uphold and promote the City of Stonecrest Code of Ethics.
- serve the people I work with and for with integrity, competence, objectivity, independence, and professionalism.
- ensure that considerations of personal benefit will never override my focus on the interests of the people I work with and for.
- exemplify the values I publicly espouse in making this pledge. I will be equally vigilant in ensuring the professional behavior of my co-workers and subordinates within my department, or the entire organization, and will bring to the attention of my supervisor

any violation of this shared professional oath of honor;

- treat all persons fairly and equally regardless of race, gender, nationality, religion, politics, sexual orientation or social status. I will be respectful of those whose wellbeing may be contingent on any decisions or advice;
- diligently apply objective judgment to all assignments.
- continually invest in professional development to keep abreast of evolving knowledge within my profession and in my areas of technical expertise; and
- recognize that my status and privileges as a professional – a leader of City government stem from the respect and trust that I must earn each and every day; and I accept my responsibility to employ, protect and develop the above standards to enhance that respect and trust.”

SECTION 8: DISCIPLINE

8.0 DEFINITION

As an At-Will employer, the City reaffirms its authority to terminate employment with or without cause, with or without notice. However, there are times when the City recognizes that it is in its best interest to attempt to take rehabilitative actions to positively affect employee behavior and performance. In so doing, the City will ensure that progressive discipline is taken in accordance with City policies and standards of performance, including the City Standards of Conduct and City’s Code of Ethics, and that progressive discipline is appropriately documented and retained in an employee's personnel file.

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The City will use a policy of progressive discipline when applicable. An employee who fails to perform assigned duties adequately or who violates City policies will be disciplined accordingly. Disciplinary actions taken may depend on the degree and circumstances of the violation and will be determined on a case-by-case basis.

The City expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee at its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

Information contained herein may be used as a reference when disciplining at-will employees.

As used in this policy and accompanying procedure, the term “cause” means any justifiable, non-arbitrary grounds, good and sufficient reason(s), occasion, motive, or inducement which is offered as the basis for a disciplinary or adverse action against an employee.

Responsibilities of Department Heads and other Supervisors

Supervisors should maintain clear and accurate records of all staff interactions (memos to file, progress notes, emails, etc.) with back-up documentation, as applicable. Informal progressive discipline normally starts with verbal counseling.

The fair administration of progressive discipline rests on the supervisor's careful collection of pertinent facts and consistent application of established policies, rules of conduct and performance standards. While it is not possible to anticipate a response to all types of misconduct or poor performance, the following principles should be considered:

- Initial discipline should be corrective rather than punitive in nature and applied in a consistent manner; and
- Supervisors should help employees understand the Standards of Conduct and other expected standards of performance and provide leadership to encourage them to meet these standards at all times.

Some forms of misconduct or unsatisfactory performance may warrant administrative suspension of the employee pending a review of the matter to determine the final form of progressive discipline, which may include termination.

In order to prepare to meet with the employee, supervisors should review City's Standards of Conduct, Code of Ethics, the employee's job description, and other policies and procedures as appropriate. Supervisors should compare the employee's conduct with established standards and should determine the degree of seriousness of the misconduct. The employee's prior record also should be considered.

All meetings should be conducted in private. At the end of the meeting, the employee should understand why progressive discipline is needed, the department's expectations for improvement, and the consequences of failing to improve.

Department Head may delegate or permit supervisors and managers to issue warnings, however, suspensions, demotions and dismissals should be ultimately decided by the City Manager.

Progressive discipline may also include the use of mandated referrals by Department Head to the Employee Assistance Program (EAP) which provides confidential counseling. Mandated referrals to the EAP are intended to help resolve problems affecting documented job performance/discipline. Failure by the employee to accept the mandated referral and/or failure to cooperate and complete any counseling/treatment may be considered as insubordination. The first EAP session may take place during normal City work hours. Additional sessions must be scheduled during non-work hours.

Forms of Progressive Discipline

A. Verbal Counseling

A verbal counseling is a private meeting between a supervisor/manager/Department Head and employee to advise an employee that his/her conduct/performance does not meet standards

and that, unless corrected, further progressive discipline may be necessary. This conversation should be documented on a calendar or via some other method for future reference but may not be documented to an employee's personnel or department file.

B. Written of Final Warning

A written or final warning is a formal report warranted by failure to meet the City's standards of performance or conduct. A written or final warning also may be used to advise an employee of a continued pattern of unacceptable conduct or performance, including failure to improve following a verbal counseling.

When issuing a written or final warning, the supervisor must complete a Progressive Discipline Form, with guidance and input from the Human Resources Department as appropriate, specifying the particulars of the pattern of behavior or rule infraction(s), and the consequences for the employee's failure to correct his/her behavior.

The supervisor must discuss the written or final warning with the employee so that the employee clearly understands the nature of the misconduct or unsatisfactory performance and the consequences of failing to improve.

The employee should sign the Progressive Discipline Form to acknowledge receipt of the written or final warning. The employee may comment in the space provided or provide a written addendum, if desired. If the employee refuses to sign, the supervisor should add language indicating that the "employee chooses not to sign."

A copy of the Progressive Discipline Form is given to the employee. A copy is maintained in the Human Resources Department for inclusion in the employee's personnel file.

C. Performance Improvement Plan

If after a written warning is issued, an employee's performance does not improve or is not corrected, a Performance Improvement Plan may be created. A Performance Improvement Plan is a detailed outline to develop employees who are experiencing performance deficits in several areas of their job responsibilities and should last at least thirty (30) days. Performance Improvement Plans are required for deficiencies in the following Articles, but not limited to:

Absenteeism and Tardiness
Inefficiency and Incompetence
Insubordination

The Performance Improvement Plan should state the areas of concern, the desired behavior, and an action plan to include any applicable training(s). The document should be signed by the Department Head, supervisor, and the employee. The supervisor should meet with the employee on a weekly basis to review the progress and provide additional guidance. There must be a formal follow-up no more than 60 days after the Performance Improvement Plan is initiated to provide the employee with closure on whether or not the improvement level was achieved to a satisfactory level. If a satisfactory level of performance is not achieved, the progressive discipline process will continue.

Although Department Heads and/or supervisors may choose to implement Performance Improvement Plans at other times, this process must be utilized with written warnings and annual performance ratings of less than "Satisfactory".

Supervisors should consult with their Department Head and the Human Resources Department if they plan on issuing a Performance Improvement Plan.

D. Administrative Suspension Pending Review

Suspension pending review provides time to evaluate the particulars of serious situations prior to determining the appropriate final form of discipline. These situations include, but are not limited to, fraud, theft, professional misconduct, breach of confidentiality, and substance abuse.

Emergency Action - The City Manager and/or Department Director may take immediate action against an employee under emergency situations. Immediate action shall be to place the employee on Administrative Leave with or without pay until an investigation can be conducted. For the purpose of this policy, an emergency situation may include but is not limited to the following:

- a. an employee commits a crime of moral turpitude. For the purpose of this policy, moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty, or good morals, and may include but is not limited to the following:
 - Making false representation
 - An intent to defraud
 - The actual act of committing fraud
 - Arson
 - Blackmail
 - Burglary
 - Embezzlement
 - Extortion
 - Forgery
 - Larceny (grand or petty)
 - Malicious destruction of property
 - Receiving stolen goods (with guilty knowledge)
 - Theft
 - Professional misconduct
 - Breach of Confidentiality
 - Substance Abuse
 - Assault
 - Contributing to the delinquency of a minor
 - Gross indecency
 - Kidnapping
 - Lewdness
 - Manslaughter

- Murder
 - Pandering
 - Prostitution
 - Rape (including "Statutory rape" by virtue of the victim's age).
- b. when an employee may harm himself, fellow workers, or the general public.
- b. when an employee may damage public property; and/or
- c. when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of policy for a drug and alcohol-free workplace.

The Department Head or their designees must consult with the Human Resources Department regarding administrative suspensions pending review. Administrative suspensions pending review are paid suspensions and shall last only up to ten (10) working days.

During administrative suspension pending review, the Department Head, in consultation with the Human Resources Department and other key stakeholders, will gather relevant information, review pertinent documents and conduct investigatory interviews, as appropriate.

E. Suspension without Pay

Suspension without pay is administered as a result of severe infractions of standards of performance or conduct, excessive and/or repeated violations of standards of performance or conduct after verbal counseling, written warnings and/or the failure to improve job performance after placement on a Performance Improvement Plan. A suspension without pay may also be administered as a result of the failure to maintain licenses and/or certifications required by an employee's position. Department Head or their designees must consult with the Human Resources Director prior to imposition of a suspension without pay on a classified employee.

F. Dismissal

Dismissal is termination from employment. It is invoked in situations of gross misconduct or after other progressive discipline measures have failed to achieve the results desired. Department Head or their designees must consult with the Human Resources Department in all cases of possible dismissal of any employee. The Human Resources Director or his/her designee must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps, when applicable, have been followed and that there is adequate documentation to support termination. The City Manager may suspend directors or department heads or recommend their termination as set forth so long as the City Attorney reviews the facts supporting suspension or termination and concurs such action is appropriate before such action is taken.

The City expressly reserves the right to depart from progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

Active Period for Discipline

Employee discipline remains active, at a minimum, for a rolling 12-month period following the date it was issued, depending on the type of offense and/or level of discipline previously imposed. Any disciplinary infraction shall be treated as cumulative with respect to progressive discipline. All documentation shall be submitted to the Human Resources Department for official record-keeping.

8.1 CAUSES FOR ACTION

Certain actions or forms of behavior are considered unacceptable in the workplace. In general, conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public is not tolerated. While it is not possible to list all of the actions considered unacceptable, the following are examples of conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

1. Theft, abuse, misappropriation, or misuse of City property or vehicles; failure to report damage or destruction of City property to a supervisor; loaning City property or equipment without permission or proper authority; negligence or improper conduct leading to damage of property.
2. Theft, destruction, unauthorized use, or inappropriate removal or possessing of property of other employees, patrons, or others doing business with the City.
3. Fraud, falsehood, perjury, or malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, responsibilities, reports, investigations or proceedings, or intentional misuse of paid work time or assets. Willfully, knowingly and falsely swearing by a person to whom a lawful oath or affirmation is administered, in a manner material to an issue or point in question in some proceeding.
4. Unauthorized use of, or access to, City computer systems or communication systems (such as computers, databases, email, internet, telephones, cell phones, voicemail, postal or interoffice mail), and/or violation of City policies governing the use of City property (including telephone, Internet, and electronic property and equipment).
5. Sabotage, malicious damage or vandalism to City property or the property of other employees.
6. Threats and/or Acts of Workplace Violence or Bullying as defined in the City's Workplace Violence and Anti-Bullying Policy and Procedure
7. Falsification or destruction of official records or documents.
8. Willfully giving false statements to supervisors, officials, or the public.
9. Divulging confidential, classified or highly sensitive information without proper authority or for an improper use.
10. Careless, negligent, or inappropriate handling of City funds or financial records; failure to follow laws or procedures governing the reporting or use of funds.

11. Reporting for duty or being on duty while using or under the influence of intoxicating liquors or drugs; provided, that for the purposes of this, any employee who is tested and has a positive test result for the presence of an illegal drug in the employee's urine or blood, and any employee who is tested and has a Blood Alcohol Concentration (BAC) test equal to .01 grams or greater, shall be considered under the influence of the tested substance. While an employee may not be required to submit to a test, signs of being under the influence which would subject one to discipline include, but are not limited to, slurred speech and motor skill impairment. Excessive public use of intoxicants while off duty resulting in conduct unbecoming a City employee
12. Violation of City policies regarding business ethics, conflict of interest, or acceptance of gifts or gratuities. Embezzlement or misappropriation of funds.
13. Acceptance of bribes, gifts or favors intended or designed to influence official actions or decisions.
14. Use of official position for personal benefit, profit, or advantage.
15. Any use, threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to promotion, transfer, change of pay rate, leave of absence, or character of work.
16. Violation of traffic laws while driving a City vehicle; failure to report to a Supervisor and/or Fleet Administrator any traffic violation or citation issued.
17. Any and all arrest(s) and/or conviction(s), as defined by law.
18. Violation of a crime or City Ordinance that tends to bring discredit upon the City.
19. Acts during duty hours which are incompatible with public service.
20. Unlawful gambling or betting on City premises.
21. Sexual harassment, as defined in the policy and procedure
22. Failure to do work at an acceptable level of competence as determined by the City. Continued inefficiency or incompetence in the performance of assigned work, based upon written performance reviews and/or other form of written or verbal counseling covering a reasonably demonstrable period of time.
23. Wasting time, willful idleness, inefficiency, sleeping while at work, and/or loitering during working hours.
24. Behavior reflecting conduct and misconduct identified in the City's policy against workplace violence.
25. Disorderly conduct or violence in the workplace, including fighting, threatening, abusing, or intimidating other individuals; using physical force against another individual except in self-defense; provoking a fight; causing a disturbance; engaging in horseplay or boisterous, disruptive activity; engaging in lewd, obscene, or otherwise inappropriate conduct.
26. Use of profane, obscene, or abusive language or discourteous treatment of the public or other

employees; use of any form of physical or verbal abuse of the public or other employees or making threats to the public or other employees.

27. Engaging in obscene or offensive conduct.
28. Insubordination or uncooperative behavior attitude, including, and not limited to, disrespect to a supervisor, co-worker, or the public.
29. Failure to follow the lawful orders or direct instructions of a Supervisor.
30. Carelessness or negligence with the monies or other property received by the City.
31. Failure to cooperate during an internal investigation of the City.
32. Excessive absenteeism or tardiness; unexcused or unauthorized absence, absence without notice, or failure to notify employer of absence or tardiness in a timely manner; absence when employee does not have sufficient accrued paid leave to accommodate the absence; leaving a scheduled work shift without authorization; absence due to incarceration.
33. Failure to report to work for a period of three (3) consecutive workdays without approval or proper notification (no call, no show)
34. Failure to report an occupational injury or accident during the shift on which it occurred.
35. Failure to follow policies, procedures or safety rules where safety of persons or property is endangered.
36. Violation of City policies against discrimination and harassment.
37. Violation of City policies for workplace safety and workplace security.
38. Violation of City policies for a drug and alcohol-free workplace.
39. Failure to adhere to City dress code and guidelines for acceptable attire and personal grooming.
40. Unauthorized solicitation or distribution or posting of materials at or in City work areas.
41. Unauthorized public statements to the media pertaining to the City Manager, Mayor, a Council member or the City Council, the employees of the City, or the work and/or operations of the City.
42. Unauthorized statements to any City Board or Committee member or body reflecting discredit upon the City, Mayor, a Council member, the City Council, City Manager, Department.
43. Negligence, inefficiency, or inability to properly perform assigned duties.
44. Misconduct.
45. Any other action or inaction not in the City's best interest.
46. Violations of City Policies and Procedures and any other violations or actions not specifically enumerated in this manual which impair or reflect adversely upon the integrity, efficiency, good order or operation of any segment of City government.

Off-Duty Conduct – In general, the City will only apply its disciplinary policies to any off-duty conduct that affects City’s business interests. Off-duty conduct such as membership in organizations to promote civil rights, religious practices protected by law, smoking, or other lawful off-duty conduct is not a matter of concern to the City. While it is not possible to list all of the potential off-duty conduct that may affect City interests, below are examples of off-duty conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

- Off-duty sexual harassment of City employees.
- Off-duty illegal conduct that occurs on City property.
- Off-duty illegal conduct that indicates the potential for violence.
- Off-duty illegal conduct that causes the employee to be unable to perform his/her essential job functions.
- Off-duty disruptive actions at a City-sponsored event.
- Off-duty conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public, including, but not limited to, arrests for alleged criminal conduct.

Depending upon the timeliness and severity of the infraction and the past record of the employee, greater or lesser penalties may be imposed. A combination of infractions may be considered jointly and normally will justify a more severe penalty than a single offense resulting in disciplinary action. Past records may be taken into consideration, but past offenses which did not result in disciplinary action at the time of discovery should not be applied in current disciplinary actions.

The violations outlined above do not cover every possible type of offense or disciplinary action. Therefore, offenses not listed should be reprimanded with comparable severity to other similar offenses listed.

8.2 **EMPLOYEE GRIEVANCES**

The City recognizes that complaints, disputes, misunderstandings, and dissatisfactions (“Grievances”) may arise between the City and its employees from time to time. An employee’s Grievance may be based on the belief that he/she has been treated unlawfully or in a way that violates his/her rights under City policy, or on his/her disagreement with how a certain policy or procedure is interpreted and/or applied to him/her. The City has therefore developed this procedure for the resolution of good faith Grievances when they arise, pursuant to which employees may present Grievances, free from coercion, interference, restraint, discrimination or reprisal.

The purpose of this policy is to allow for the expeditious and equitable resolution of Grievances. It is therefore the policy of the City that every Grievance properly presented through the procedure detailed herein be thoroughly considered and every reasonable effort made to achieve a resolution.

All City employees may utilize the procedures as provided herein.

GRIEVABLE AND NON-GRIEVABLE MATTERS

For purposes of this policy, a Grievable matter is an action, event, or condition in the workplace which negatively affects and is otherwise meaningful to the employee and which is not specifically designated herein as non-grievable. Grievable matters may be either disciplinary or non-disciplinary. Except as otherwise provided, the following matters are non-grievable:

- A. Written or verbal counseling, PIP, referrals to EAP, informal discipline, suspension without pay, or corrective action.
- C. Position classification (unless based on an alleged misclassification as exempt from overtime compensation).
- E. Performance reviews.
- F. Duties, responsibilities, or assignments if within the relevant position description or a reasonable extension thereof.
- G. Transfers, shift changes, or work schedule changes (unless not based on an alleged failure to follow or apply established policies or procedures).
- H. Ordinances, resolutions, budgets, or any other action taken by the City Council or which are otherwise not within the jurisdiction or control of the City Manager.
- J. Security measures, including decisions made and actions taken based on reasonable security considerations.
- K. Temporary or short-term changes to the employee's terms and conditions of employment due to emergency or other exigent circumstances.

Notwithstanding the foregoing, any of the above-stated non-grievable matters are considered grievable if within the jurisdiction or control of the City Manager and alleged to be the result of unlawful discrimination, harassment, or retaliation.

The following matters are grievable:

Separation, furlough, demotion, reduced work hours, or other changes to the employee's terms and conditions of employment due to layoff, reduction-in-force, reorganization or restructuring of the department, or other economic or budgetary considerations.

GENERAL CONSIDERATIONS

An employee may be entitled to such time off from regular duties to process a Grievance as may be necessary and reasonable with approved leave without pay or vacation leave. The City's Human Resources Department is available to answer questions regarding the Grievance procedure. All Grievance appeals and decisions must be in writing and issued within prescribed time limits.

GRIEVANCE PROCEDURE

Step One: Informal / Departmental Process

Employees are encouraged to discuss their Grievances with their immediate supervisor on an informal basis in an effort to resolve the Grievance at that level. If no resolution is achieved, the employee must submit his/her Grievance, in writing, to his/her immediate supervisor within five (5) work days from the date on which (a) the event giving rise to the Grievance occurred or (b) the employee reasonably became aware of the event.

Except as otherwise provided herein, the employee must follow the chain of command in his/her department, submitting the Grievance to each successive level of supervision. In each instance, the supervisor should respond to the Grievance within two (2) working days. The employee must submit his/her Grievance to the next level of supervision within two (2) working days of his/her receipt of an unsatisfactory response. If a supervisor at a particular level is unavailable or otherwise fails to respond to the Grievance within the prescribed time, the Grievance is considered denied and must be submitted to the next level of supervision within two (2) working days of the date on which the response would have been due. Any Grievance not presented in compliance with these deadlines will be considered resolved.

If the Grievance involves a supervisor in the employee's chain of command, the employee may bypass that supervisor and submit his/her Grievance to the next level of supervision.

Supervisors shall acknowledge receipt of the Grievance at each level of the process by noting the date, time, and the person receiving the Grievance. Responses should be in writing and contain an explanation of the supervisor's decision.

For purposes of all steps of the Grievance procedure, "working days" are considered to be Monday through Friday (excluding holidays).

Grievances based on a demotion or termination of employment must be initiated at Step Three.

Step Two: Formal Process / Department Head

If the Grievance is not satisfactorily resolved in Step One or if the supervisor fails to respond within the time specified, the employee may submit a written Grievance directed to the Department Head and Human Resources through the appropriate supervisor within two (2) working days of the final Step One response date.

The Grievance must include:

- A. A written statement of the Grievance and the facts upon which it is based;
- B. A written allegation of the specific wrongful act and harm done;
- C. A written statement of the relief or remedy sought; and
- D. Significant dates and times of events should be included.

As soon as practicable upon receipt of a timely Grievance, the Department Head and Human Resource Director will meet with the employee to review and discuss the Grievance. The Department Head should render a decision and comments in writing to the grievant within ten (10) working days of the

meeting.

If a Grievance not based on a demotion or termination of employment relates to the Department Head, the employee may submit the Grievance to the Human Resources Director who, after reviewing the Grievance and discussing it with the employee, will decide whether it should nevertheless be submitted to the Department Head or whether the employee may proceed directly to Step Three.

The decision of the Department Head is final as to any Grievance brought by a probationary employee.

Step Three: Deputy City Manager / Personnel Hearing Officer

If a Grievance unrelated to demotion or termination of employment is not satisfactorily resolved in Step Two or if the Department Head fails to meet with the employee or to respond to the Grievance within the time specified, a non-probationary employee may submit a written Grievance directed to the Deputy City Manager and Human Resources Director within five (5) work days of the Step Two response date.

Except as provided below, the Step Three Grievance must include:

- A. A statement of the purpose of the Grievance and the desired outcome;
- B. A statement that the chain of command has been followed (or an explanation of each instance in which the chain of command was not followed); and
- C. Copies of all previous versions of the Grievance submitted by the employee through Steps One and Two, including all written responses, associated correspondence, and any other documentation relevant to the Grievance.

Notwithstanding the foregoing, when a Grievance based on a demotion or termination of employment is initiated at Step Three, the Grievance must include the items enumerated above for Step Two Grievances.

When the Step Three Grievance does not involve the employee's demotion or termination of employment, it will be reviewed and decided by the Deputy City Manager.

In so doing, the Deputy City Manager, at his/her discretion, will determine the method he/she considers appropriate for reviewing the Grievance and arriving at an appropriate resolution. The Deputy City Manager may base his/her decision solely on the record presented or he/she may, among other things, meet with and/or interview the employee, meet with and/or interview the supervisors and/or department head involved in the decision or action being grieved and/or other witnesses, consult with outside parties, etc., or any combination thereof as he/she deems appropriate.

If the Deputy City Manager was directly involved in the decision or action being grieved or is otherwise unavailable, the City Manager or his/her designee may appoint a department head or other suitable individual to serve in his/her place and review and consider the Step Three Grievance.

Upon completion of his/her review, the Deputy City Manager (or any department head or other individual serving in his/her place) will respond to the Step Three Grievance within fifteen (15) calendar days.

When the Step Three Grievance involves the employee's demotion or termination of employment, it will be heard by the City's Personnel Hearing Officer. The Personnel Hearing Officer will preside over a personnel hearing and issue written findings and conclusions regarding the Grievance, as well as a recommended decision, to the City Manager or his/her designee.

1. Upon receipt of a compliant Step Three Grievance relating to the employee's demotion or termination of employment, the Deputy City Manager shall arrange for the Human Resources Director to notify the Personnel Hearing Officer of the Grievance and the need for a hearing within ten (10) workdays.
2. The Human Resources Director shall also cause to be provided to the Personnel Hearing Officer a copy of the Grievance and all attachments thereto.

PERSONNEL HEARINGS

Personnel Hearing Officer

A. Appointment

1. The Personnel Hearing Officer shall be selected from the pool of pre-qualified ethics officers, maintained by the City Clerk's Office (indicated in the Code of Ethics Policy, Section 7.0). .
2. The Personnel Hearing Officer shall enter into an agreement with the City pursuant to which the terms and conditions of the Personnel Hearing Officer's service to the City are established.

B. Qualifications. The Personnel Hearing Officer shall not be an employee or other agent or representative of the City and shall have the following qualifications:

1. A law degree; experienced in employment law
2. Admission to the State Bar of Georgia;
3. A working knowledge of, and the ability to understand, the provisions of the City's Employee Handbook and personnel policies, the City's Code of Ordinances, the City Charter, the laws of the State of Georgia (including local government law) and regulations pertaining thereto, and legal interpretations thereof by Federal and State courts;
4. A working knowledge of administrative hearings and procedures;
5. The ability to analyze and interpret laws, rules and policies and logically apply them to cases under review; and
6. The ability to prepare organized and concise written material utilizing technical and legal terminology.

Personnel Hearing Procedure

A. Scheduling and Notice of Hearing

1. Within ten (10) workdays of his/her receipt of a Step Three Grievance relating to the employee's demotion or termination of employment, the Personnel Hearing Officer shall schedule a hearing and

notify the employee, the Human Resources Director and the Deputy City Manager.

2. Such notice shall be provided at least thirty (30) calendar days prior to the scheduled hearing date.

B. Attendance at Hearing; Legal Counsel

1. Attendance is limited to the Personnel Hearing Officer, the employee, the department head or other individual(s) responding to the alleged Grievance ("respondent"), the Deputy City Manager, and the City's legal counsel.

2. The employee shall have the right to retain and consult with his/her own legal counsel at his/her own expense; however, for Grievances not involving termination, the employee's legal counsel shall not be present at the hearing.

3. For Grievances involving termination, the employee's legal counsel may be present for the hearing and consult with the employee but shall not respond for the employee before the Personnel Hearing Officer, examine witnesses, or otherwise actively participate in the hearing.

4. Witnesses may only be present while testifying.

5. For Grievances involving termination of employment, if the Deputy City Manager or his/her designee determines that a name-clearing hearing is warranted in light of the reason or grounds for termination, the Step Three Grievance hearing may be open to the public to serve this dual purpose.

C. Witness Lists

1. Not later than ten (10) workdays prior to the hearing, each party will provide the Personnel Hearing Officer with a list of witnesses (if any) to attend the hearing on the party's behalf. The Personnel Hearing Officer will provide each party with a copy of the other party's witness list within two (2) workdays of receipt.

2. Each party may add names to his/her original witness list based on the other party's witness list, but any additions must be submitted to the Personnel Hearing Officer and the other party not later than three (3) workdays prior to the hearing. The Personnel Hearing Officer may exclude the testimony of any witness who is not disclosed in accordance with this paragraph, absent good cause for the party's non-compliance.

D. Hearing Format

1. The Personnel Hearing Officer will preside over the hearing and rule upon all procedural matters.

2. An audio recording of proceedings will be made. Upon commencement of the hearing, the Personnel Hearing Officer will state the date and introduce him/herself, the parties, and any other attendees for the record. Copies of the audio recording may be obtained, upon request and payment of copying expenses, after the Personnel Hearing Officer has forwarded his/her findings, conclusions, and recommendation to the City Manager or his/her designee.

3. The Personnel Hearing Officer will swear in each party and any other witness providing

testimony during the hearing by requiring him/her to respond affirmatively to the following: "Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?"

4. After the employee gives an opening statement not to exceed fifteen (15) minutes, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the employee. The respondent will then have an opportunity to make an opening statement not to exceed fifteen (15) minutes. If the employee seeks relief against more than one respondent, each respondent will have an opportunity to make an opening statement. After hearing each respondent, the Personnel Hearing Officer will have thirty (30) minutes to ask questions.

5. After the opening statements and questions have been completed, the employee will call each of his/her witnesses. The employee will have twenty (20) minutes to ask questions of each witness. If the Personnel Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the employee may be allowed additional time for questioning. Following the employee's questioning, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the witness.

6. After the employee has called all of his/her witnesses, each respondent will then have the chance to call witnesses. Each respondent will have twenty (20) minutes to ask questions of each of its witnesses. If the Personnel Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the respondent may be allowed additional time for questioning. Following the questioning by each respondent of each of its witnesses, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the witness.

7. If provided to the Personnel Hearing Officer and the other party at least five (5) workdays in advance of the hearing, the Personnel Hearing Officer may consider the sworn statement of a witness who cannot or will not appear at the hearing; provided, however, that the statement must affirmatively explain the reason for the witness's non-appearance. The Personnel Hearing Officer may decline to consider any statement which he/she determines fails to adequately explain the witness's non-appearance.

8. After each side has called all of their witnesses, the employee and each respondent will have fifteen

(15) minutes to make a closing statement.

E. Evidence; Burden of Proof; Hearing Record

1. The Personnel Hearing Officer will base his/her findings, conclusions, and recommendations solely on the record made in accordance with the procedure outlined herein.

2. The burden of proof at the hearing shall be on the employee. To satisfy the burden of proof, the employee must establish by a preponderance of the evidence that he/she was wrongfully demoted or terminated as alleged in the Grievance.

3. The Personnel Hearing Officer will decide what testimony or other evidence to admit and is not required to follow state or federal rules of evidence (including those pertaining to hearsay). Testimony

or evidence may be excluded if it is cumulative, immaterial, irrelevant, offered for improper purposes, if its harm outweighs its potential value, or for any other good and sufficient reason. While the Personnel Hearing Officer should exercise reasonable flexibility so that he/she receives sufficient information on which to base his/her findings, conclusions, and recommendation, he/she nevertheless must ensure that the scope of the hearing remains confined to the issue(s) presented in the Grievance.

4. The Personnel Hearing Officer will determine when the hearing record is closed. Upon closure of the record, the Personnel Hearing Officer work with the Human Resources Director to include that both have complete and accurate copies of the hearing record, including the audio recording thereof.

F. Post-Hearing Procedures; Final Decision

1. The Personnel Hearing Officer will prepare a written report consisting of his/her findings of fact and conclusions regarding the application of any federal, state, or local law, rule, or regulation, any Charter provision, ordinance, policy, or procedure of the City, or any departmental SOP, directive, or order, or any other proper source of authority implicated by or relevant to the events precipitating the Grievance. The report should also include a summary of the testimony and other evidence admitted during the hearing upon which the Personnel Hearing Officer's findings and conclusions are based. Finally, the report should include the Personnel Hearing Officer's recommendation(s) as to whether the Grievance should be sustained or denied.

2. The Personnel Hearing Officer will transmit his/her written report and the hearing record to the City Manager within twenty (20) workdays of the closing of the record. For purposes of this requirement, the hearing record includes the audio recording of all testimony, opening statements, and closing arguments, the Grievance itself and all attachments thereto, and all other documentary and other forms of evidence accepted into the hearing record. The Personnel Hearing Officer shall not provide copies of his/her written report to the parties at this time.

3. Upon receipt of the Personnel Hearing Officer's written report and the hearing record, the City Manager, in the exercise of his/her sole discretion, may either (a) proceed to make a final decision on the Grievance based on his/her review and consideration of the report and hearing record or (b) delegate the task of making the final decision on the Grievance to the Assistant City Manager or other qualified individual.

4. In considering the written report of the Personnel Hearing Officer, the City Manager or his/her designee shall have the right, but not the obligation, to request that the Personnel Hearing Officer reopen the hearing record to receive additional testimony or other evidence when the City Manager or his/her designee deems such a request necessary.

G. Final Decision

1. If the City Manager or his/her designee approves the Personnel Hearing Officer's recommendation(s), copies of the written report shall be transmitted to the employee, the respondent(s) involved, legal counsel, and the Human Resources Director as the final decision on the Grievance.

2. If the City Manager or his/her designee rejects the Personnel Hearing Officer's

recommendation(s), he/she shall make his/her own decision without further hearing. Upon being reduced to writing, the decision of the City Manager or his/her designee shall be final. Copies of the Personnel Hearing Officer's written report and the written decision of the City Manager or his/her designee shall be provided to the employee, the respondent, the Human Resources Director, and any legal counsel involved in the Level Three Grievance.

GRIEVANCE ADMINISTRATOR; DISCLAIMER

A. Coordinator; Custodian

1. The Human Resources Director shall act as coordinator of the Grievance process, including any personnel hearings that may be conducted as provided herein, throughout and following the process.

2. The Human Resources Director shall act as the City's official custodian of all records comprising each Grievance, including any attachments thereto, as well as the entire record from any personnel hearing conducted on a Grievance, including the audio recording of the hearing and all documentary and other evidence admitted into the record during the hearing, the Personnel Hearing Officer's written report and any written decision issued by the City Manager or his/her designee on the Grievance. The Human Resources Director shall establish and maintain a file of all such Grievances and related materials, which file shall be maintained in a secure area within Human Resources.

3. The Human Resources Director shall conduct, or cause to be conducted, an annual analysis of formal Grievances to serve as a management tool in determining potential problem areas within City which may need to be addressed. The annual report of the completed analysis shall be forwarded to the City Manager.

B. Disclaimer. The City is an "at will" employer, and no aspect of this Grievance Procedure is intended or should be interpreted or applied so as to impose any restrictions or limitations on the City's right to terminate or otherwise modify any employment relationship at any time, with or without cause or with or without notice.

SECTION 9: REPEALER/SEVERABILITY/ACKNOWLEDGEMENT

9.0 REPEALER

All provisions of the ordinances of City of Stonecrest in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Stonecrest, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

9.1 SEVERABILITY

It is the intention of the City of Stonecrest that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

***Adopted by the City of Stonecrest City Council
this ____ day of ____, 2025.***

George Turner, Mayor Pro-Tempore

ATTEST:

Sonya Isom, City Clerk

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY MANUAL

By signing below, I acknowledge that I have received a copy of the City of Stonecrest Personnel Policy Manual; second revision – effective May 1, 2025. I understand that it is my responsibility to read and comply with the policies contained in this Manual as well as any revisions made to it. I also understand that if I need additional information, or if there is anything I do not understand in this Manual, I should contact my immediate supervisor, or other appropriate City management personnel, or the City Manager.

I understand that the City of Stonecrest is an "at will" employer and, as such, employment with City of Stonecrest is not for any definite period of time and may be terminated at the option of either me or the City, with or without cause, and with or without prior notice. I also understand that nothing contained in this Policy Manual may be construed as creating a promise of future benefits or a binding contract with the City for employment, benefits, or any other purpose.

In addition, I understand that this Manual reflects policies, practices, and procedures in effect on the date of publication, and that it supersedes any prior policy manual, handbook, work rules, benefits, and practices of City of Stonecrest. I further understand that the rules, policies, benefits, and practices referred to in this Manual are continually evaluated and may be modified, reduced, or discontinued at any time by City of Stonecrest, in its judgment and discretion, with or without notice.

REVIEWED AND ACKNOWLEDGEMENT BY:

(Print employee name)

(Employee signature / Date signed)

Please return signed acknowledgment page to the Human Resources Department.

REVIEWED AND ACKNOWLEDGED BY:

For HR Use only: HR Rep Name/Signature/Date Signed



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution for SDP 24-009 6251 Rock Springs Road (Preliminary Plat Highland Park Phase II)

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☐ ORDINANCE ☒ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, April 28, 2025

SUBMITTED BY: Shawanna Qawiy, Division Director Community Development

PRESENTER: Shawanna Qawiy, Division Director Community Development

PURPOSE: The applicant is seeking an approval of a Phase II preliminary plat single family detached homes known as Highland Park Phase 2. The 75 lots to be constructed include 16-34, 110-153, and 160-171.

FACTS: The applicant proposes to construct Phase 2 of the Highland Park Subdivision development. Located at 6251 Rock Springs Road , the parcel is currently zoned R-100 Residential Medium Lot. This development is concurrent with what is being constructed in Phase 1 of the Highland Park Subdivision.

OPTIONS: Approve, Deny, Defer Approve

RECOMMENDED ACTION: Approve with Conditions/Comments as outlined by Staff.

ATTACHMENTS:

(1) Attachment 1 - Resolution



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Staff Analysis/Application
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

STATE OF GEORGIA
CITY OF STONECREST

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO APPROVE THE PRELIMINARY PLAT FOR HIGHLAND PARK PHASE II LOCATED AT 6521 ROCK SPRINGS ROAD STONECREST, GEORGIA 30038; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council (“City Council”) thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, Section 14-88 within DIVISION 2 (PLAT APPROVAL PROCEDURE) Chapter 14 (LAND DEVELOPMENT) requires owners of the land or authorized agents where proposed development is to occur to file a preliminary plat with the Director of Community Development along with an application for approval; and

WHEREAS, preliminary plats and applications must contain required information that include existing conditions and proposed features in accordance with Section 14-89; and

WHEREAS, in accordance with Section 14-87 the Director of Community Development shall review the preliminary plat within 90 days of a complete application and preliminary plat; and

WHEREAS, the preliminary plat shall not be forwarded to the mayor and council until such time that the Director of Community Development certifies that preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws; and

WHEREAS, the City Council shall vote to approve, deny, or defer the preliminary plat based on its compliance with chapter 14 LAND DEVELOPMENT; and

WHEREAS, the Director of Community Development has properly reviewed analyzed the application and preliminary plat submitted by HIGHLAND PARK RESIDENCE, LLC ; and

WHEREAS, the Director of Community Development certifies that the preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws; and

WHEREAS, the Director of Community Development presents to the City Council the preliminary plat for approval, denial, or deferment LLC attached here as EXHIBIT A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, HEREBY RESOLVES, that the Mayor, on behalf of the City, hereby approves the preliminary plat submitted for Highland Park Phase II for the development located at 6521 Rock Springs Road Stonecrest, Georgia 30038.

BE IT FURTHER RESOLVED, that the preliminary plat and supporting documentation are attached here as EXHIBIT A and shall be considered to be and is hereby incorporated as if fully set out herein.

BE IT FURTHER RESOLVED, that the Director of Community Development or her designee is authorized to submit a final plat for final approval and certification.

BE IT FURTHER RESOLVED, to the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED, all City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

BE IT FINALLY RESOLVED, this Resolution shall take effect immediately.

SO RESOLVED AND EFFECTIVE this _____ day of _____, 2025.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

EXHIBIT A



Staff Analysis of Preliminary Plat

Case Number:	SDP 24-009
Applicant:	Chayce Bell
Owner:	Highland Park Residence, LLC
Project Location:	6521 Rock Springs Road, Stonecrest, GA 30038
Parcel(s):	16 085 02 003
City Council District:	District 4, Mayor Pro Tem George Turner, Jr.
Acreage:	40.07 +/- acres
Current Zoning:	R-100 Residential Medium Lot
Overlay District:	N/A
Proposed Zoning:	N/A
Future Land Use Area Designation:	Suburban
Proposed Development/Request:	The applicant is requesting an approval of a Preliminary Plat for 75 lots known as Highland Park Phase II
Staff Recommendations:	APPROVAL WITH CONDITIONS
City Council Recommendations:	TBD



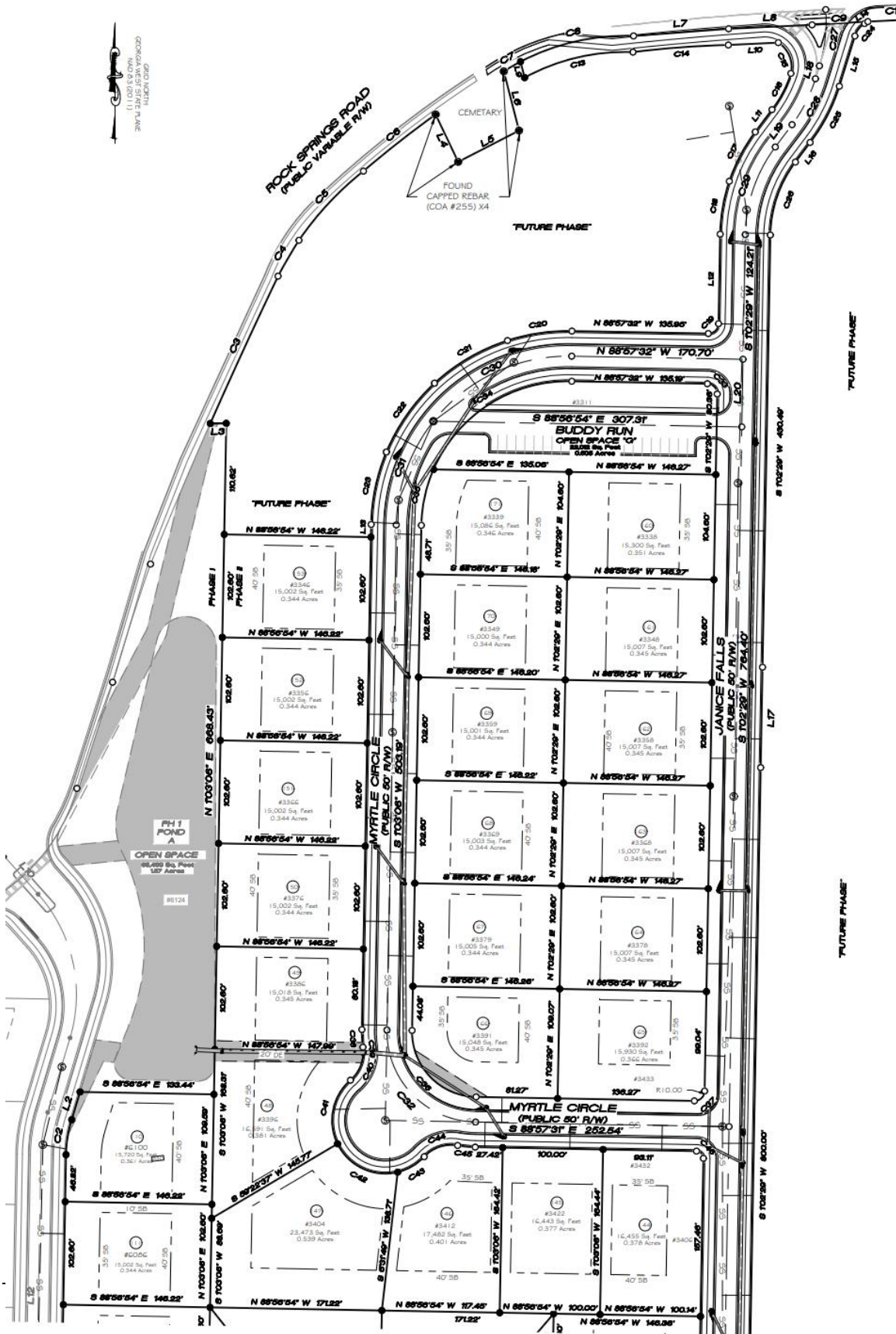
The subject property is surrounded by single family residential with the R-100 zoning category. Detail site and architectural plans must be submitted to the Planning & Zoning Department for the Pre-Development Review Team and shall be in substantial conformity with the City of Stonecrest Development Standards.

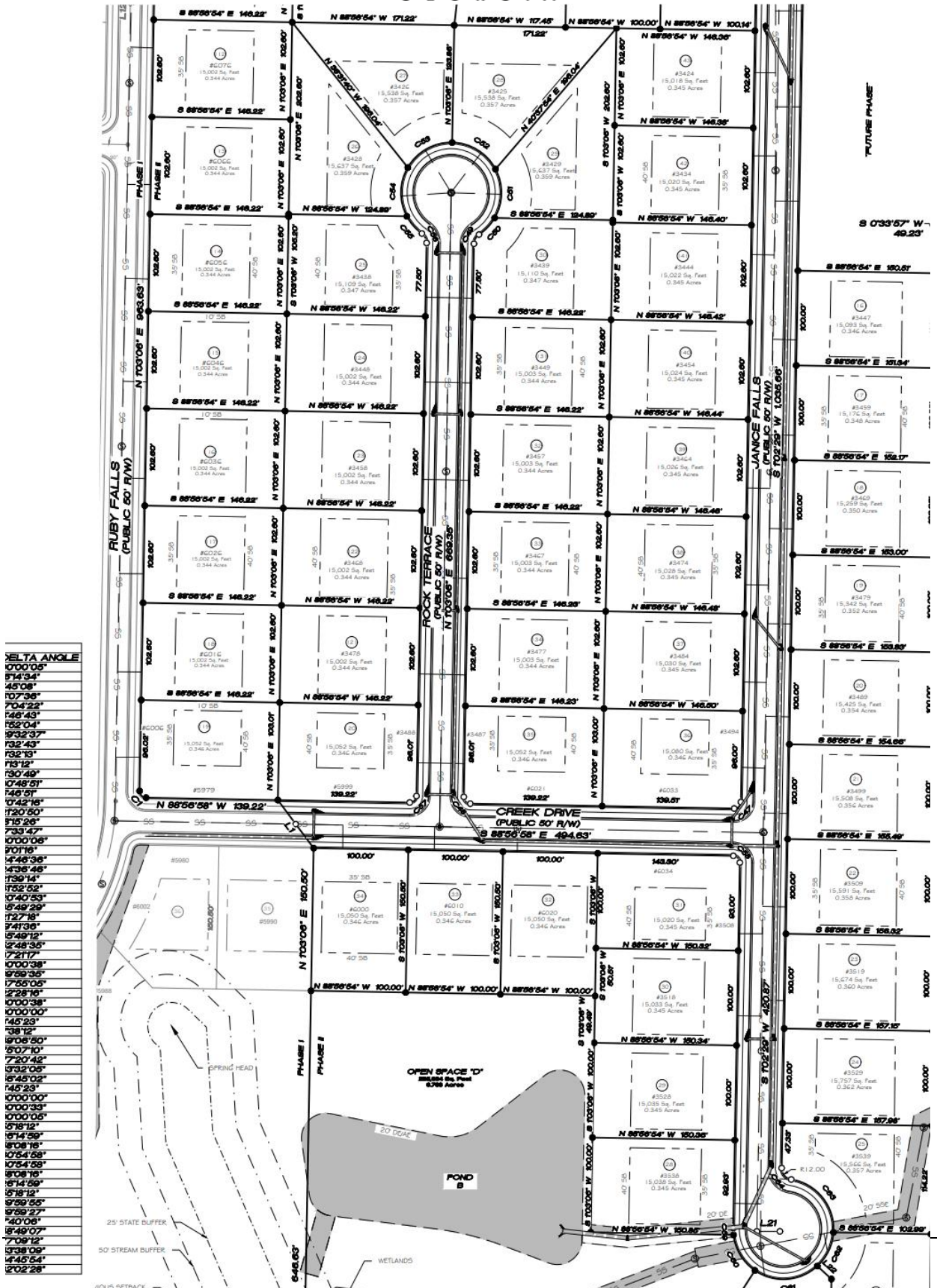
ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	MR-1 (Medium Density Residential)	Single Family
Adjacent: East	R-100 (Residential Medium Lot) District	Single-family
Adjacent: South	R-100 (Residential Medium Lot District)	Single-Family
Adjacent: West	R-100 (Med Residential)	Single-family Residential



AERIAL MAP

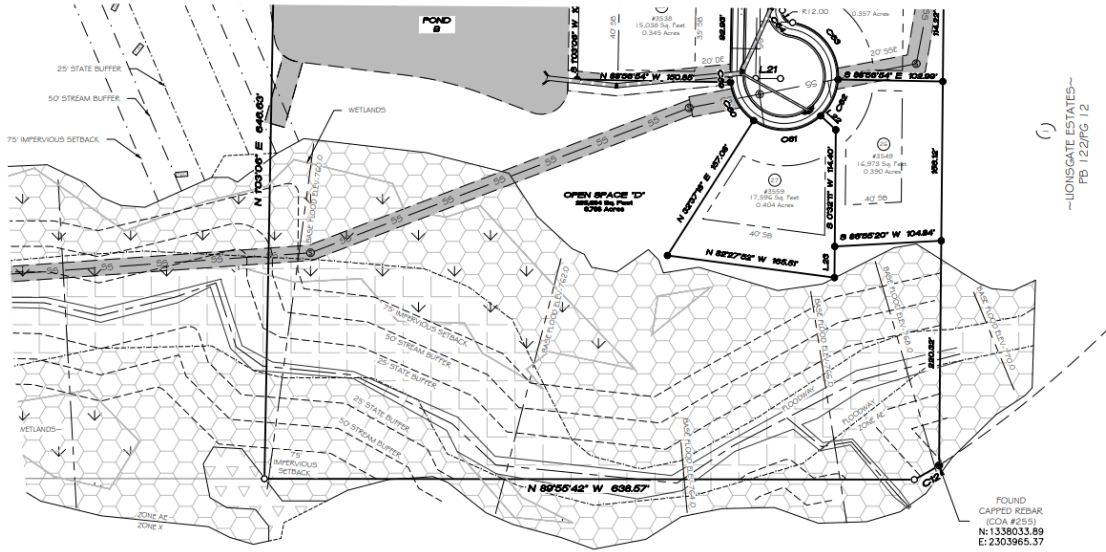








STREAM BUFFER LAYOUT



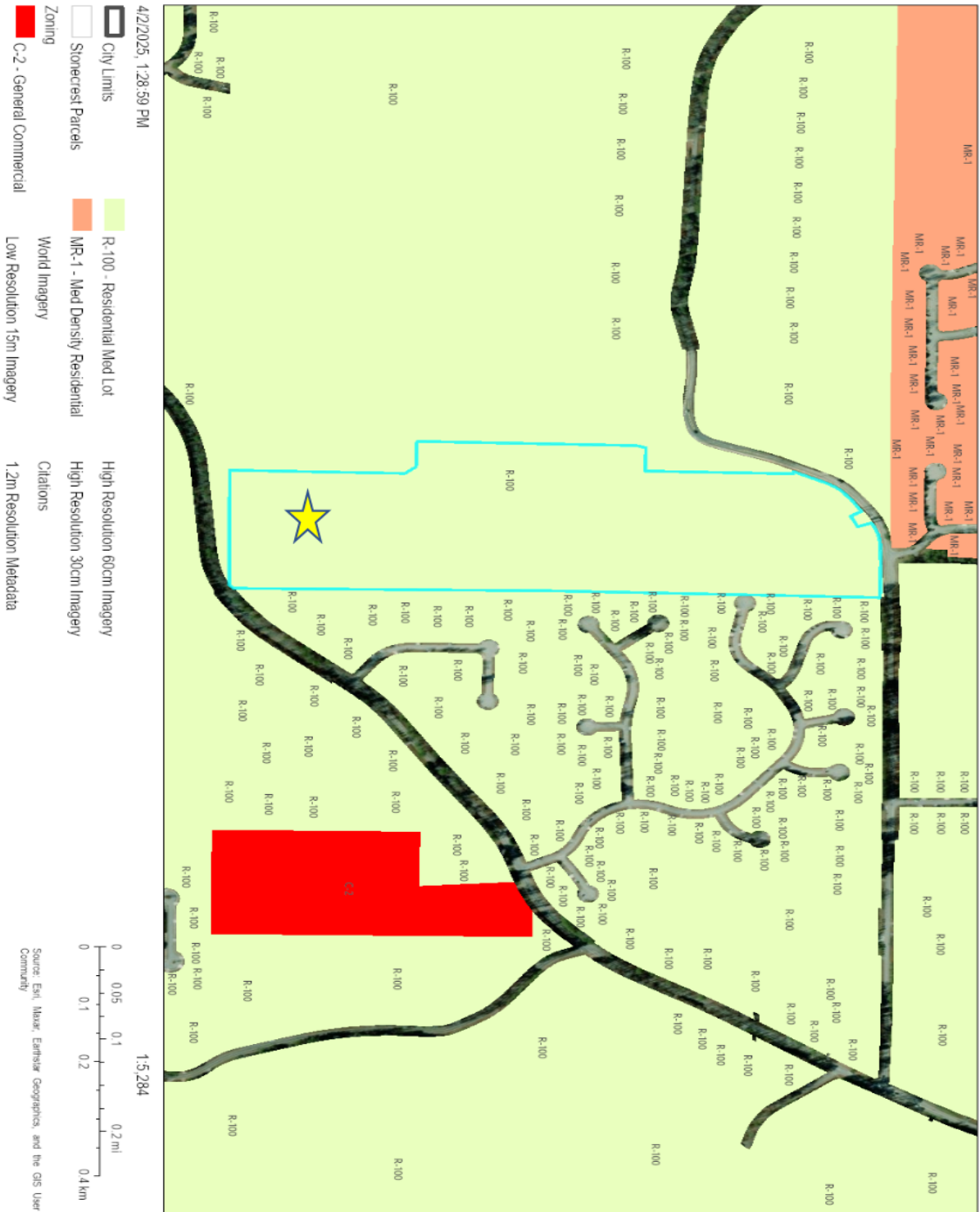


AERIAL MAP



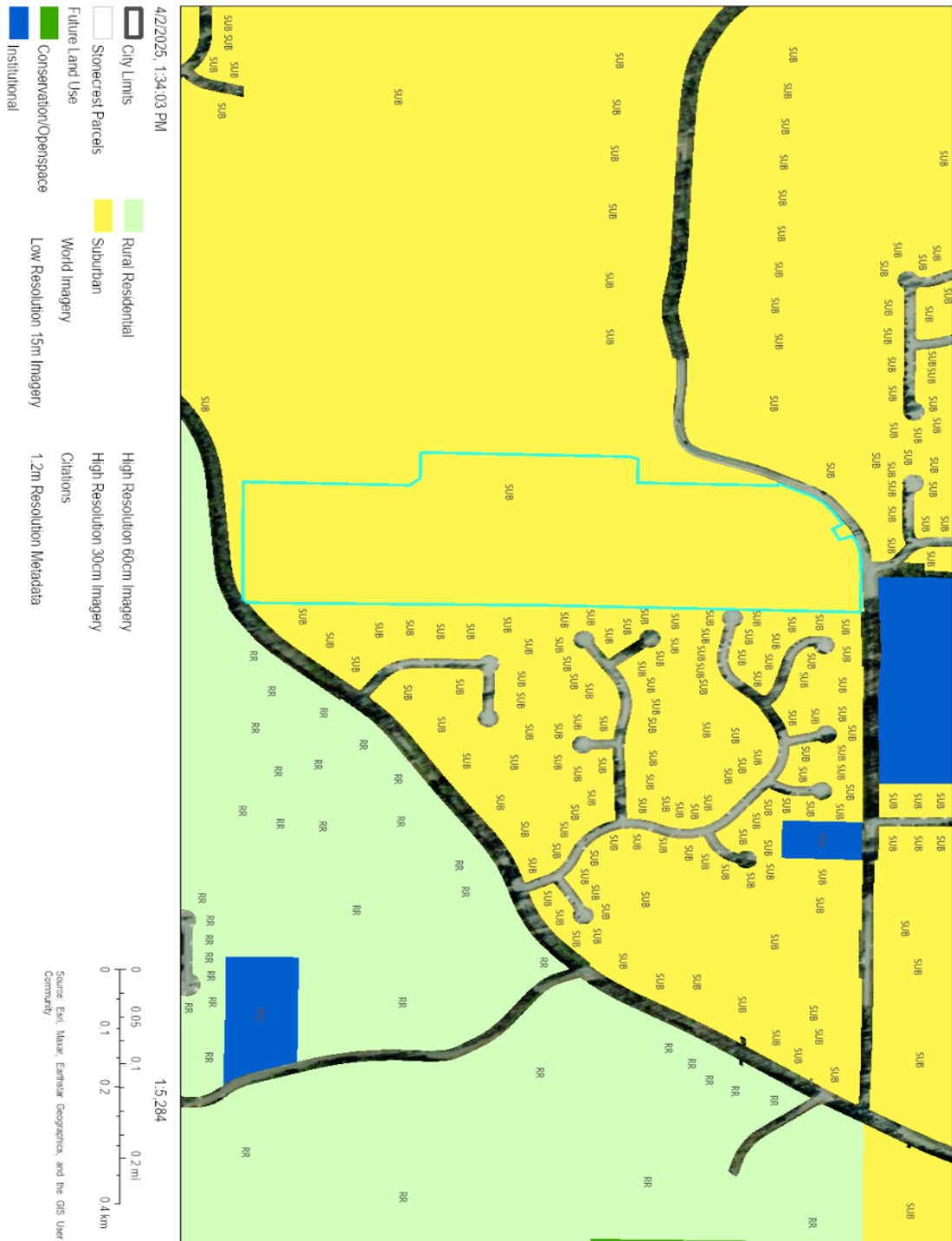


ZONING





FUTURE LAND USE





DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT

Sec. 2.5.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)

Sec. 2.5.2. Permitted and special land uses.

Permitted uses and uses requiring special land use permits shall be as provided below. In cases where a use is permitted but there are supplemental use regulations for that use specified in article 4 of this chapter, such regulations shall also apply.

- A. Permitted Uses. The following uses are permitted as of right under this Code:
 - 1. Agricultural Activities.
 - a. Keeping of livestock; see section 4.2.
 - b. Keeping of poultry/pigeons; see section 4.2.
 - c. Riding academies or stables; see section 4.2.
 - d. Urban Community Garden, up to 5 acres; see section 4.2.
 - 2. Residential.
 - a. Dwelling, single-family (detached).
 - 3. Institutional/Public.
 - a. Golf course or clubhouse, public or private; see section 4.2.
 - b. Government facilities.



- c. Neighborhood or subdivision clubhouse or amenities; see section 4.2.
 - d. School, public kindergarten, elementary, middle or high schools.
- 4. Communications—Utility.
 - a. Essential services.
 - b. Satellite television antenna; see section 4.2.
- 5. Wireless Telecommunications.
 - a. Carrier on Wheels (declared emergency); see section 4.2.
- B. Special Administrative Uses. The following uses are permitted only with administrative approval:
 - 1. Agricultural.
 - a. Urban, community garden, over 5 acres.
 - 2. Residential.
 - a. Home occupation, no customer contact; see section 4.2.
 - 3. Commercial.
 - a. Farmer's market, temporary/seasonal; see section 4.2.
 - b. Food Trucks, Mobile Vending/Food Carts; see section 4.2.
 - c. Temporary outdoor retail sales; see section 4.2.
 - d. Temporary outdoor sales or events, seasonal; see section 4.2.
 - e. Temporary produce stand; see section 4.2.
 - f. Temporary trailer, as home sales office or construction trailer; see section 4.2.
 - 4. Wireless Telecommunications.
 - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential).
 - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2.
 - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2.
- C. Special Land Use Permit. The following uses are permitted only with a special land use permit:
 - 1. Residential.
 - a. Bed and breakfast establishment; see section 4.2.
 - b. Home occupation, with customer contact; see section 4.2.
 - c. Child care home, 5 or less; see section 4.2.
 - d. Convents or monasteries; see section 4.2.
 - e. Personal care home, 6 or less; see section 4.2.
 - f. Senior housing; see section 4.2.



- g. Short-term vacation rental.
- 2. Institutional/Public.
 - a. Cemetery, columbarium, mausoleum; see section 4.2.
 - b. Places of worship; see section 4.2.
 - c. Recreation club; see section 4.2.
 - d. School, private kindergarten, elementary, middle or high schools; see section 4.2.
 - e. Swimming pools, commercial; see section 4.2.
- 3. Commercial.
 - a. Adult daycare facility, up to 6; see section 4.2.
 - b. Child day care facility, up to 6; see section 4.2.
 - c. Kennel, noncommercial.
- 4. Communication—Utility.
 - a. Amateur radio service or antenna; see section 4.2.
- 5. Wireless Telecommunication.
 - a. New support structure from 51 feet to 150 feet; see section 4.2.
- D. Permitted Accessory. The following uses are permitted as accessory only to a principal use:
 - 1. Residential.
 - a. Accessory uses or structures.
 - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2.
 - 2. Institutional/Public.
 - a. Educational use, private; see section 4.2.
 - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2.
 - 3. Commercial.
 - a. Fitness center.

(Ord. of 8-2-2017, § 1(2.5.2); Ord. No. 2022-06-01, § 2(Exh. A), 8-2-2022; Ord. No. 2024-02-04, § 1(Exh. A), 2-26-2024)

Sec. 2.5.3. Dimensional requirements.

Dimensional requirements for the R-100 (Residential Medium Lot-100) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.5.3))

Sec. 2.5.4. Site and building design standards.

Design standards and regulations to be applied in this zoning district shall be as provided in article 5 of this chapter, site design and building form standards.

(Ord. of 8-2-2017, § 1(2.5.4))

APPLICATION AND SUPPORTING DOCUMENTS



Owner's Authorization Consent Affidavit

This affidavit certifies that the party listed below as the "Applicant," has been granted authorization by and from the property owner(s) to obtain a permit(s) or entitlement(s) on behalf of the property owner(s). This form must be filled out completely by the joint, sole, officer of, or authorized representative of the owner(s) if another party is submitting an application on the owner's behalf. This form must be submitted at the time of application submission to Development Services.

I, Jinsong Yang, am the owner; or joint, sole, officer of, or authorized representative of the owner; of

(Print Name(s))

the property listed below, and I certify that I have granted/authorized, Cody Kephart representing

(Print Applicant's Name)

HIGHLAND PARK RESIDENCE LLC as my duly authorized agent and give permission to Applicant to obtain the permits or

(Print Company's Name)

entitlements necessary for the approval, construction (or installation) at the following address(es):

6251 ROCK SPRINGS RD, STONECREST, GA 30038 for the planning, construction or

installation of: 95 single family homes & Common area landscape

I authorize the applicant to file this application and to represent me on all matters concerning the associated application.

Signatures:

By:

Date:

04.02.2025



Notary:

Natalia Mora C

Date:

4.2.2025

As a condition of this application and to the fullest extent of the law, applicant hereby agrees to and shall defend, indemnify, release and hold harmless the City, its officers, officials, employees, agents, commissions, boards, and committees (collectively, "Indemnitees") from any claim, action, lawsuit, or proceeding brought against any of the Indemnitees, the purpose of which is to challenge, attack, set aside, void, modify, or annul the approval of this application, including but not limited to, any related action, approval, entitlement, permit, agreement, or environmental document, or the processing thereof. This duty of indemnification and defense shall include, and is not limited to, damages, costs, expenses, award of damages, attorney fees, or expert witness fees that may be asserted against Indemnitees by any person or entity, including the applicant, arising out of or in conjunction with this application. Selection of legal counsel for City's defense shall be subject to the prior approval of the City Attorney, which approval shall not be unreasonably withheld. The applicant shall indemnify the City for all of its costs, attorney's fees, and damages which City incurs in enforcing the indemnification provisions set forth herein and shall, at City's election, be subject to payment to City in treble amount. Applicant hereby represents and warrants that it either 1) is the owner of the property subject to this application, or 2) has lawful authority to bind itself and the property owner(s) to the foregoing indemnification.



Indemnification Agreement

This **Indemnification Agreement** (hereinafter referred to as the "Agreement") is entered into as of 04/02/2025 (hereinafter referred to as the "Effective Date") by and between Jinsong Yang, with a mailing address of 655 Engineering Dr. Suite 208 Peachtree Corners, GA 30092 (hereinafter referred to as the "Indemnitee") and _____, with a mailing address of _____ (hereinafter referred to as the "Indemnifier"), collectively referred to as the "Parties," both of whom agree to be bound by this Agreement.

WHEREAS, the Indemnitee seeks protection against any personal liability, claim, suit, action, loss, or damage that may result from the Indemnitee's participation in the Activity.

WHEREAS, the Indemnifier seeks to minimize any hardship Indemnitee might suffer as the result of any personal liability, claim, suit, action, loss, or damage that may result from the Indemnitee's participation in the Activity.

IN CONSIDERATION and as a condition of the Indemnifier and the Indemnitee entering into this Agreement and other valuable considerations, the receipt and sufficiency of which consideration is acknowledged, the Parties agree as follows:

1. Indemnified Activity. The Indemnitee seeks to be protected from the following indemnified activity (hereinafter referred to as the "Activity"):

2. Indemnity. The Indemnifier agrees to indemnify and hold harmless the Indemnitee, their respective affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from the Activity.


SIGNATURE



3120 Stonecrest Blvd. • Stonecrest, Georgia 30038 • (770) 224-0200 • www.stonecrestga.gov



PLAT APPLICATION

☐ Preliminary

☐ Final

Application Fee: \$200.00 + \$5/Lot.

All applications must be accompanied by four (4) folded copies of the lot division survey. (All plans must be folded).

PLEASE PRINT ALL INFORMATION

PROJECT NAME: Highlans Park Phase 2 PROJECT LOCATION: PARCEL I.D. NO: 16 085 02 003

PROPOSED USE: Residential

DATE OF SKETCH PLAT CONFERENCE: _____

SITE ACREAGE: 48.57 # LOTS: 95 # UNITS: _____ SEWER: _____ SEPTIC TANK: _____

PROPERTY OWNER: HIGHLAND PARK RESIDENCE LLC

PHONE: 470.268.4202

ADDRESS: 655 Engineering Dr. Suite 208

EMAIL: LD@McKinleyHomes.com

CITY: Peachtree Corners STATE: Georgia

ZIP CODE: _____

APPLICANT: Cody Kephart

PHONE: 404.893.9377

ADDRESS: 655 Engineering Dr. Suite 208

EMAIL: cody.kephart@mckinleyhomes.com

CITY: Peachtree Corners STATE: Georgia

ZIP CODE: 30092

SURVEYOR / ENGINEER: _____

PHONE: _____

ADDRESS: _____

EMAIL: _____

CITY: _____ STATE: _____

ZIP CODE: _____

Terms & Conditions The undersigned, upon oath, states that the above information is true and correct, understands that the Permit issued is only for work as stated. This permit is granted on the express condition that the said construction shall, in all respects, conform to the ordinances of this jurisdiction including the zoning ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any provisions of said ordinances. Construction will begin no later than six months from the issue date of the permit. If any information is found to be false or misrepresented, the permit will be deemed invalid. I agree to indemnify and hold the city harmless from all damages, demands or expenses of every character which may in any manner be caused by construction and/or the structure.

Cody Kephart
Applicant Signature (Property Owner or Owner's Rep)

04/02/2025
Date



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SUBMITTAL CHECKLIST

1. If resubmitting, provide all red-line comments and plats/plans.
2. Provide two (2) sets of storm system as-builts, bearing the design professional's seal and signature. Maximum sheet size shall be 30" x 42".
 - ✓ Drainage & detention facility
 - ✓ Storm drain system as-builts: plan & profile
 - ✓ As-Built Flood or Hydrology Study (if applicable)
 - ✓ Project name/address
 - ✓ Owner's name/address/phone
 - ✓ Design Firm name/address/phone
 - ✓ Engineer As-Built Detention Facility Certificate and Stormwater Maintenance Agreement
3. Provide five (5) sets of plats, bearing the design professional's seal and signature. Maximum sheet size shall be 17" x 22".
 - ✓ Cover Sheet
 - ✓ Zoning Conditions
 - ✓ Final Plat Survey
 - ✓ Location Map
 - ✓ Total & Disturbed Acreage and number of lots
 - ✓ North arrow and graphic scale
 - ✓ Project name/address
 - ✓ Owner's name/address/phone
 - ✓ Design Firm name/address/phone
 - ✓ FEMA map
 - ✓ Owner's Acknowledgement
 - ✓ Approval Signature Blocks
 - ✓ Revision Statement and signature block, if applicable.

STORM AS-BUILT CHECKLIST

1. Provide Professional Engineer's seal and signature on As-Built drawings for stormwater management facilities.
2. DeKalb County water as-built approval required
3. DeKalb County sanitary sewer as-built approval required
4. List project name and the City of Stonecrest Land Disturbance Permit number.
5. Provide North Arrow

Page 2 of 10

08-19-17



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SUBMITTAL CHECKLIST

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2. Provide two (2) sets of storm system as-builts, bearing the design professional's seal and signature. Maximum sheet size shall be 30" x 42".
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 - ✓ Cover Sheet
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 - ✓ Final Plat Survey
 - ✓ Location Map
 - ✓ Total & Disturbed Acreage and number of lots
 - ✓ North arrow and graphic scale
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 - ✓ Owner's name/address/phone
 - ✓ Design Firm name/address/phone
 - ✓ FEMA map
 - ✓ Owner's Acknowledgement
 - ✓ Approval Signature Blocks
 - ✓ Revision Statement and signature block, if applicable.



DeKalb County
GEORGIA

770.621.7200 (o)
770.621.7271 (f)
OeKalbCountyga.gov

Watershed Management 1580 Roadhaven Drive Stone Mountain, GA 30083

Chief Executive Officer
Michael Thurmond

LETTER SHOWING SEWER CAPACITY

December 02, 2020

Attention: Tyler Marchman Alliance Engineering & Planning
299 S. Main St., Ste. A Alpharetta, GA 30009

Board of Commissioners
District 1 Nancy Jester
District 2 Jeff Rader
District 3
Larry Johnson
District 4 Stephen Bradshaw

Dear Mr. Marchman:

Re: 6251 Rock Springs Rd.
16th Dist. LL 085
Rock Spring Rd Polebridge

District 5 Mereda Davis Johnson

District 6 Kathie Gannon

District 7 Lorraine Cochran-Johnson

The DeKalb County Department of Watershed Management ("DWM") received a sewer capacity request regarding the potential availability of sanitary sewer capacity at the above-referenced location. In response to the inquiry, DWM staff confirms that sanitary sewer capacity may be available for the subject property at this time. **After evaluating your capacity request, it has been determined based on the criteria set forth in DWM's Interim Sanitary Sewer Capacity Evaluation Program dated July 13, 2018 that DWM's wastewater collection, transmission, and treatment system has adequate capacity to receive the wastewater flow contribution from your sewer service**



connection as documented in your sewer capacity request. As such, approval to proceed with the project is **granted with regards to sanitary sewer capacity.**

Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the provided anticipated capacity needs associated with the project. In the event that sewer system infrastructure improvements are required to accommodate any new flow contribution and ensure adequate sewer system capacity as a result of development on the referenced property, the developer will be responsible for the cost associated with installing any such improvements to the existing sewer system infrastructure pursuant to DeKalb County Code of Ordinances, Chapter 25, Article IV - "Sewers and Sewerage Disposal". Once installed and accepted by DeKalb County, the improvements will be owned and maintained by DeKalb County.

This information is based on currently available data and should only be used to substantiate the potential availability of sewer services as of the date of this correspondence. Circumstances are subject to change and the potential capacity indicated herein is in no way guaranteed.

Should you have any questions or concerns in reference to this response, please do not hesitate to contact the Division of Planning & Development of DWM at mlotts@dekalbcountyga.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary L. Williams".
Zachary L. Williams
I

Executive Assistant/Chief Operating Office

A handwritten signature in blue ink, appearing to read "Brent Zem".

Brent Zem, PE

Assistant Director, Dept. of Watershed Mgmt.



STANDARDS OF PRELIMINARY PLAT REVIEW:

Section 14-88 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

The owner of the land where the proposed development is to occur, or his authorized agent, shall file a preliminary plat with the Director along with an application for approval. The application shall:

- (1) Be submitted with the plan set for a Land Disturbance Permit;
- (2) Be accompanied by minimum of six copies of the plans, which must be prepared by a registered civil engineer, surveyor, or landscape architect, as described in these regulations and complying in all respects with these regulations and conforming with the zoning of the property;
- (3) Be accompanied by an application fee in the amount set by the mayor and city council;
- (4) Be accompanied by a tree survey;
- (5) Include the name, address and telephone number of an agent who is authorized to receive all notices required by these regulations;
- (6) Be signed by the owner of the property, or if the application is not signed by the owner, a completed indemnification agreement signed by the owner of the property;
- (7) Be accompanied with a consent affidavit from the property owner;
- (8) Be accompanied by a small map of the City of Stonecrest depicted the subdivision location within the City;
- (9) Be accompanied by a vicinity map at a scale of 400 feet to one inch showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, and streams within 500 feet of the tract show zoning districts of adjoining property;
- (10) Include the names of adjoining property owners and the zoning classifications of adjacent properties;
- (11) Include the name, address and phone of developer and engineer;
- (12) Be accompanied by a certification by the applicant that no lots plated are nonconforming or will result in any nonconforming lots;
- (13) The applicant shall obtain the approval of the DeKalb County Health Department and the DeKalb County Department for Watershed Management; and
- (14) Payment of the appropriate development review application fee.

(Ord. No. 2018-06-03, § 14-88, 6-3-2018)



STAFF RECOMMENDATION

The applicant has met the Preliminary Plat requirements stated in Section 14-88 of Chapter 14. Staff recommends **APPROVAL** of SDP24-009 with compliance to the below comments/conditions.

1. Current correspondence from the DeKalb County Watershed Management department in reference to the current capacity of water and sewer for the requested **75 lots** for Phase II.
2. Any additional submissions for preliminary plat approvals for the Highland Park Subdivision located 6251 Rock Springs Road **shall** meet all development requirements as required in the City of Stonecrest Code of Ordinances including any required access points.