

PROCEDURE

GRIEVANCES, DISCIPLINE, & APPEALS

Section 300.001 Objective

It is the practice of Augusta, Georgia to:

- 1) Provide fair, equitable, and timely grievance procedures for all regular employees;
- 2) Facilitate free discussion of employment concerns between employees and supervisors to foster better understanding of administrative policies, procedures, and practices;
- 3) Promote reaching a fair and equitable decision and doing so in a climate of mutual understanding and objective fact-finding; and to
- 4) Assure that those who file grievances are not retaliated against.

Section 300.002 Grievance Procedure Scope

This grievance procedure applies to all regular full-time Augusta, Georgia employees except SES employees. Part-time employees, temporary employees, elected officials, contract employees and persons in Grant Funded positions are not covered.

Augusta, Georgia reserves the right to depart from this grievance procedure in its sole discretion. All employees are employed at will, and both they and Augusta, Georgia may terminate the employment relationship at any time, with or without cause, without following any specific procedure.

Section 300.003 Grievance Procedure Undertakings

No punitive, discriminatory, adverse, or retaliatory action shall be taken against any employee on account of the filing of a grievance or an appeal unless such grievance or appeal is frivolous. Frivolous is defined as a grievance or appeal that is completely unsubstantiated or falsified.

All employees involved in processing a grievance will work diligently to insure that all grievances are handled fairly and expeditiously and that all required deadlines are met. Every effort shall be made to resolve grievances at the lowest possible level in the Augusta, Georgia organization. Grievances shall be resolved by making decisions that are best for the organization and employees. Not every grievance will be resolved to the employee's satisfaction, but each grievance will be investigated and the employee will receive a response.

Department Directors shall be responsible for the administration of this grievance procedure in their respective departments.

Section 300.004 Grievance Procedure Definitions

A “grievance” is a disagreement regarding an interpretation and/or application of administrative rule, regulation, policy, plan or procedure which exists under the personnel administration system of Augusta, Georgia which an employee feels is unjust or unfair.

A “working day” for this procedure is defined as any day of business between workings hours of 8:00 a.m. and 5:00 p.m. excluding Saturday, Sunday and Augusta, Georgia observed Holidays.

Section 300.005 Exclusions from the Grievance Procedure

- 1) Disciplinary Actions (i.e. letter of warning, written warnings, PIPs, suspensions without pay, demotions, and terminations).
- 2) Complaints of Sexual Harassment (These allegations should be filed with and will be processed according to the Policies and Procedures established by the Commission for the Augusta, Georgia Equal Employment Office (EEO Office)).
- 3) Complaints of Discrimination (Allegations regarding discrimination based on race, age, sex, national origin, religion, veteran status and disability should be filed with and will be processed according to the Policies and Procedures established by the EEO Office).
- 4) Wage/compensation issues pertaining to pay or benefits; validity of established salary ranges of the current Augusta, Georgia pay plan; or salary, title, or duties and grade of a position or job evaluation.
- 5) Hours of work and work schedules or performance appraisals/ratings/performance standards.
- 6) Non-selection from a bona-fide referral list of qualified and/or highly qualified candidates provided to the selecting official from HR.

Section 300.006 Grievance Procedure General Provisions

Grievances may be initiated only by the employee concerned and may not be pursued without the affected employee’s consent.

Repeated filing of grievances concerning the same issue which has been denied will not be considered.

The employee filing a grievance may, at any step in the procedure, request the assistance from the HR Department or from an advisor/advocate of his or her choosing. If this advocate is a current employee, the advocate must obtain his or her supervisor’s permission to participate. The advocate can only present or prepare for the panel hearing during the advocate’s off-duty hours.

Supervisors or Administrators hearing a grievance are urged to call upon the HR Director for advice of assistance in the appropriate interpretation of Augusta, Georgia rules and procedures.

This procedure is normally intended for the use of individual employees. Should a number of employees file separate grievances on the same matter, such grievances may be combined. A final determination on the combined grievance shall be binding on all such similar grievances, and a copy of the final determination shall be provided to all complainants.

Any grievance shall be considered resolved at the completion of any step if all parties are satisfied or if neither party appeals the matter to the next step of the procedure with the prescribed period.

Section 300.007 Presenting a Grievance

Grievances must be presented, in writing, to the appropriate supervisor/manager in the chain-of-command within ten (10) working days from the date of the act or from the date the employee became aware of the occurrence. Grievances submitted after this time are untimely and will not be considered. Grievances must be submitted on the grievance form prescribed by the HR Director for this purpose.

If the supervisor does not comply with the time limits within a step of the procedure, the employee filing the grievance may proceed to the next level of review. A supervisor who is not responsive to the time limits set forth in this procedure maybe subject to disciplinary action.

Failure of the grievant to comply with established time limits shall constitute abandonment of the grievance and an exhaustion of such employee's administrative remedies as to the issue grieved. Since it is important that grievances be resolved as rapidly as possible, time limits, as set forth in the previous paragraphs, shall be considered a maximum and efforts shall be made to expedite the process.

If either party wishes to extend any time limit at any step a request for extension should be made in writing to the Department Director, indicating justification for the request at least twenty-four (24) hours prior to the deadline established for the various steps.

Section 300.008 Grievance Process

Step One: Immediate Supervisor

Augusta, Georgia's position is that issues are best resolved when there is open communication between employees and supervisors. It is the responsibility of any employee who believes that he/she has a bona-fide grievance to promptly discuss the issue with his or her immediate supervisor and attempt to resolve the matter at this level. It is recommended that the employee verbally express the suggested solution. The immediate supervisor shall give an oral response to the employee. Every reasonable effort shall be made to resolve the problem at this step. If the employee is not satisfied with a supervisor's oral response, or chooses to bypass this step, then the employee may proceed to step two.

Step Two: Chain of Command

The employee shall complete a written Employee Grievance Form and submit it to the immediate supervisor within five (5) working days of the event that gave rise to the grievance or when the employee first became aware of the issue. Upon receipt of a written grievance, the immediate supervisor shall consult with their immediate supervisor (if appropriate) and immediately forward a copy of the grievance to the Department Director. If there are other supervisory levels between the immediate supervisor and the Department Director, (i.e. field supervisor, assistant director, etc.) these levels should participate in resolving the grievance at this Step since the next step is the Department Director. The immediate supervisor and other supervisors in the employee's chain of command shall enter their joint comments on the Employee Grievance Form and return it to the employee within five (5) working days of receipt of the grievance by the employee's immediate supervisor. Where a grievance concerns the conduct of the immediate supervisor, the next supervisor in the chain of command may choose to respond at this step.

If the written response of the immediate supervisor and/or other supervisors does not satisfy the complainant, the employee may proceed to the next level by presenting the grievance to the Department Director within five (5) working days of receiving the step two response.

Step Three: Department Director

Upon receipt of a timely submitted step two exhausted grievance, the Department Director will conduct whatever investigation they deem necessary as part of their review of the grievance.

Within ten (10) working days of having received the written grievance, the Department Director shall submit a written response to the complainant. A copy of the response shall also be provided to the supervisors in the employee's chain of command at the Department level and to the HR Director.

If the Department Director's response is not acceptable to the complainant, the complainant may request that the Administrator (or appropriate designee) review the grievance through a request to the HR Director. Such a request must be made on the Employee Grievance Form, within five (5) working days after the employee receives the Department Director's response.

Step Four: Administrative Review

Upon receipt of a timely submitted step three exhausted grievance, the HR Director will investigate the grievance and recommend a solution to the Administrator. The HR Director will have ten (10) business to provide a recommendation to the Administrator.

The Administrator may accept the HR Director's recommendations, conduct his or her own investigation, and/or hold an Administrative Review hearing. The Administrator or his or her designee will present a final decision within ten (10) working days of receipt of the grievance from the HR Director. The Administrator's decision is final.

Section 300.009 Grievance Witnesses

The grievant and the department may call witnesses to testify at a grievance hearing. Falsifying a

statement is considered “serious misconduct” and may result in the employee’s suspension or separation from employment.

Section 300.010 Grievance Documentation

Once a grievance submitted to the Administrator has been resolved, all documentation associated with the grievance will be forwarded to the Human Resources Department. Although grievance documentation is part of the employees’ records, the documentation will be maintained in a file separate from the employee’s official personnel file in the HR Department.

Section 300.011 Discipline Framework

Purpose:

To establish a uniform, fair, and standardized means by which Augusta, Georgia may administer a program of disciplinary procedures and guidelines. Each party shall seek guidance from the Human Resources Department regarding such disputes.

Guidelines:

- 1) Disciplinary action may be taken against an employee when a rule of Augusta, Georgia or the Department is violated, when work performance is not satisfactory, when counter-productive or inappropriate behavior is exhibited, or violation of lawful orders, work rules/standards, organizational Standard Operating Procedures (SOPs), administrative rules, organizational policies and procedures, ordinances, and/or statutes. A discipline program should exhibit promptness, impartiality, consistency, and fairness, where employees know what to expect as the result of certain behaviors on the job (See Guidelines for Disciplinary Actions- Table I).
- 2) Augusta, Georgia generally follows a policy of progressive discipline. The purpose of a progressive disciplinary procedure is to give the employee adequate notice and opportunity to correct any deficiencies, and its focus is on prevention of future violations rather than on punishment. The disciplinary action taken is normally to be the least serious **action** needed to prevent future instances of inappropriate behavior. If inappropriate behavior continues, the employee can expect further and more serious discipline. This procedure does not restrict the imposition of a suspension, demotion, or termination in matters that are outside the progressive discipline policy.

Augusta, Georgia reserves the right to depart from this discipline procedure in its sole discretion. All employees are employed at will, and both they and Augusta, Georgia may terminate the employment relationship at any time, with or without cause, without following any specific procedure.

Types of Discipline:

The types of disciplinary action, in order of their severity, are:

A. Informal Discipline

1) Letter of Warning

A Letter of Warning is a type of informal disciplinary action and may be used to admonish an employee for committing a minor violation. It is often used when verbal counseling, admonishments, on the job training, and/or guidance has failed to provide the necessary corrective action. The “Notice of Warning Letter” (See Form HR-ER 1) provides documentation that the counseling occurred, outlining the shortcomings or violations and then offering recommendations for improvement. Informal discipline documentation is maintained at the department level.

Informal disciplinary actions are not subject to the grievance or appeals processes. Thus, decisions made by Department Directors with regard to informal disciplinary actions are final with no right of appeal.

B. Formal Discipline

1) Written Reprimand

A Written Reprimand is an admonishment given to the employee in writing, and is always placed in the official personnel file in Human Resources. This form of discipline is more serious than a Letter of Warning, but less serious than a suspension. A Written Reprimand often serves as the type of discipline given for a repeated offense of minor violations or for the first offense of a moderately serious infraction. The “Notice of Written Reprimand” (See Form HR-ER II) will be completed by the Department Director and forwarded to Human Resources for inclusion in the employee’s official personnel file. If a Letter of Warning or any other relevant disciplinary actions has been issued previously, a copy may be attached as supporting documentation. The letter of Written Reprimand may be used to support further disciplinary actions for a period no longer than three (3) years from the date of receipt. Decisions made by Department Directors with regard to written reprimands are final with no right of appeal.

2) Performance Improvement Plans

The Performance Improvement Plan (PIP) is designed to facilitate constructive discussion between a staff member and his or her supervisor and to clarify the work performance to be improved. It is implemented, at the discretion of the supervisor and Department Director, when it becomes necessary to help a staff member improve his or her performance.

A PIP will be conducted for period of ninety (90) days and must be approved by the Department Director. If an employee shows improvement but not enough that the employee meets the status of “satisfactory”, the PIP may be extended for a period of ninety (90) days within a one (1) year cycle for a total of no more than two (2) PIP plans. If an employee does not show improvement after the initial PIP or does not meet the status of “satisfactory” after two (2) PIPs, the Department Director should demote

or terminate the employee. A PIP may be used in conjunction with any other form of discipline. Decisions made by Department Directors with regard to performance improvement plans are final with no right of appeal.

3) Suspension Without Pay

A suspension is the most severe form of discipline, short of demotion or termination, and involves time off without pay. It is used when a written reprimand has not corrected the inappropriate behavior or when an offense is more serious than that warranting a reprimand. A suspension may last from one (1) to thirty (30) days depending on the seriousness of the infraction. Any suspension shall utilize the “Notice of Disciplinary Action” form (Form HR-ER III) and must be approved by the Department Director, or equivalent, prior to issuance to the employee. A copy will be processed through the HR Director. The decision maker with regard to all suspensions without pay is the Department Director, but such decisions can be appealed to the Administrator.

4) Demotion With a Pay Reduction

Performance-Based Demotion

An involuntary demotion may occur based on poor performance and is appropriate where:

- a. The employee’s inability to perform current job duties has been demonstrated and documented in the employee’s record through one or more PIPs;
- b. The employee’s record is otherwise satisfactory and no other active rule violations exist, e.g. attendance, punctuality, etc.;
- c. The employee is qualified for the lower grade or alternative position;
- d. The employee has the ability, is qualified, and a vacancy exists, the employee may be demoted to another position which may be in a lower pay grade or transferred to another job within the employee’s functional unit; and
- e. The Department director has provided final approval for a demotion.

If an employee has been promoted or transferred in the last year and the employee is not performing at a level expected in the new job, then the employee may request to return to the previous job or a job similar to the previous job and their salary will return to what it was prior to the promotion or transfer. The availability of such a job may depend upon mitigating circumstances, such as whether the job has already been filled within the same department. Augusta, Georgia will assist the employee in finding a suitable job that corresponds to their experience, skills, and knowledge. Should the job previously held by the employee be filled and no other comparable position exists, the

employee will be placed on lay-off status until a comparable position may be found. However, if within six (6) months a comparable position is not found the employee will be placed on permanent lay-off status.

Performance-Based Demotions with pay reductions may be considered in cases where moving the person out of their current position is more appropriate than termination.

Conduct-Based Demotions

An involuntary demotion may also occur based on poor or unacceptable conduct. With this type of demotion, a Performance Improvement plan is not necessary or required.

- a. Unacceptable personal conduct violations are outlined in the violations and recommended disciplinary actions in Table I. These conduct violations may include but are not limited to: personal conduct that disrupts work or the work environment, jeopardizes the safety of persons or property, or creates other serious disruptions in the workforce.
- b. There are circumstances in which unacceptable or bad conduct could warrant imposing disciplinary action that is more severe than suspension but less severe than termination. An acceptable alternative disciplinary action for this type of conduct can be demotion in lieu of termination.

Provided the employee is qualified, a funded vacancy exists, and the Department Director believes that demotion would be a more appropriate disciplinary action than termination; the employee may be involuntarily demoted to another position which may be in a lower pay grade or transferred to another job within the employee's functional unit. In either case the demotion in pay and/or grade would require a minimum ten percent (10%) reduction in base pay. The decision maker with regard to all demotions is the Department Director, but such decisions can be appealed to the Administrator.

5) Termination

Termination from employment is the most severe form of discipline. It is normally used when an employee has violated the substance abuse policy or has been disciplined repeatedly and commits yet another infraction. It may also be used when the employee has committed any infraction that falls outside progressive discipline, regardless of disciplinary history. The decision maker with regard to all terminations is the Department Director, but such decisions can be appealed to the Administrator and, for non-substance abuse terminations, there is a second appeal to the Personnel Board.

Section 300.012 Discipline Guidelines and Procedure

- 1) An employee for whom formal disciplinary action (i.e. written reprimand, PIP,

suspension, demotion, or termination) is being considered may, when possible, be allowed notice prior to imposition of such action by the use of the “**Notice of Disciplinary Action**” form. The employee will have five (5) working days in which to respond in writing or orally to the Department Director explaining why the action should not be taken. Failure to respond within that period will not delay administering of the disciplinary action.

- 2) Suspensions (for any reason), terminations, and demotions are permanent actions and will be retained in the official personnel file indefinitely.
- 3) Any disciplinary action recommending a suspension, demotion, or termination must be in writing and must be approved by the Department Director prior to disciplinary action being imposed.
- 4) An effective discipline program is characterized by the uniform application of rules and regulations. Generally, like offenses should result in similar disciplinary actions. At the same time, the supervisor administering the discipline may consider additional factors such as years of service and internal consistency.
- 5) It is recognized that similar offenses may result in different disciplinary actions, depending on work history, circumstances, and the severity of the offense. For example, an employee who is charged with “absence without approved leave” (AWOL) for a two-week absence may be terminated while an employee who is charged with AWOL for a two-hour absence may only receive a one-day suspension. Both employees are charged with the same offense, but receive different disciplinary actions.
- 6) Other factors that may influence the severity of disciplinary action include, but are not limited to, the following: the length of the employee’s service, the quality of the employee’s service, the cost involved, and the cooperation of the employee in the investigation of the specific incident. Ensuring that disciplinary actions are administered in a fair, consistent, and non-discriminatory manner is the responsibility of the Department Director, the HR Director and the Administrator.
- 7) An employee may not be punished more than once for the same offense by any other management official of Augusta, Georgia. Previous offenses may, however, be taken into account when considering future discipline. Disciplinary actions by law enforcement or any other outside agency does not prohibit Augusta, Georgia from also taking disciplinary action. For example, if an employee is issued a citation by law enforcement during the investigation of an “at fault” accident, this does not prohibit Augusta, Georgia from imposing disciplinary action as well.
- 8) In determining the proper level of disciplinary action, which would be suitable to a particular offense, refer to the “Guidelines for Disciplinary Actions”. This Table of Guidelines (Table I) provides examples of misconduct but may not be all-inclusive. Augusta, Georgia has the right to discipline an employee for offenses not specifically

listed. If an act or violation is of a very serious nature, intermediate levels of progressive discipline may be bypassed with more severe penalties imposed.

- 9) In addition to a thorough narrative with any supporting evidence as necessary, supporting the reason(s) for the charges or offense in question, the Department Director should cite any applicable “Violation Reference” code found on the table of guidelines. (HR-ER Form). More than one reference may be cited in making record of the disciplinary action. The specific action or punishment to be taken is at the discretion of the Department Director; particularly egregious violations may bypass the progressive discipline process.

Note: The Personnel Board shall consider only appeals of employees as it relates to non-substance abuse terminations.

Section 300.013 Review and Approval Process

Formal Discipline	Submitter (Step 1)	Approver (Step 2)	Time to Appeal (Step 3)	1st Appeal (Step 3)	Time to Appeal	2nd Appeal (Step 4)
Written Reprimand	Supervisor/ Manager	Department Director	None	None	None	None
PIP	Supervisor/ Manager	Department Directors	None	None	None	None
Suspension	Supervisor/ Manager	Department Director	5 days	Administrator	None	None
Demotion	Supervisor/ Manager	Department Director	5 days	Administrator	None	None
Termination (Non-substance abuse)	Supervisor/ Manager	Department Director	5 days	Administrator	5 days	Personnel Board
Termination (Substance Abuse)	Supervisor/ Manager	Department Director	5 days	Administrator	None	None

- 1) When initiating discipline, the Supervisor shall notify the employee (Notice of Pending Disciplinary Action” form) that formal disciplinary action, i.e. suspension, demotion,

or termination, is being considered. This notification shall provide facts and a description of the alleged infraction(s) and the consequences under consideration. The employee shall be given five (5) working days in which to provide a written response to the Department Director, with a copy to HR, showing cause as to why disciplinary action should not be taken.

- 2) When a regular employee is charged with misconduct that serves as a basis for termination or demotion, the Department Director may (but is not required to) place the employee on up to three (3) days Administrative Leave with pay. The administrative leave will be unpaid if the employee is otherwise unavailable to perform his or her job duties or if unpaid Administrative Leave is approved by the HR Director.
- 3) Infractions of a serious nature may require prompt action, not allowing for advance notification. Any written communication from the employee will permanently accompany the relevant disciplinary action.
- 4) The Department Director must coordinate with the HR Director to assure procedural compliance prior to issuance of any proposed or final decision. Within ten (10) business of receipt of the employee's written response, the Department Director will decide and issue the disposition in the matter using the "**Notice of Decision Form HR-ER IV.**"
- 5) Upon receipt, the employee should sign and date a "Receipt Acknowledged" of Notice of Decision. A copy of all documentation associated with the case will be furnished by the Department Director to the HR Department for filing in the official Personnel File.

Section 300.014 Appeal of Approved Discipline

- 1) In order to remain timely, the request from the employee for an Appeal to the Administrator or Personnel Board, must be written, signed and filed in the HR Department within five (5) business days of the employee receiving notice of the Decision by the Department Director or appeal decision by the Administrator. The effect of an employee's failure to request an Appeal within this five (5) day period constitutes a waiver of their right to appeal the action or decision and a failure on their part to exhaust their administrative remedies. In such instances, the decision made by the Department Director (or Administrator) shall become a final Decision which is not appealable.
- 2) If an employee chooses to appeal a Decision made by the Department Director to the Administrator, a written statement by the employee specifically referencing the suspension, demotion, or termination and providing their reasons, to include any relevant documentation, for recommending the disciplinary action be overturned, shall be forwarded to the HR Director. The HR Director will review the documents for timeliness and completeness and, if a timely appeal is made, shall forward a copy of the request to the next appeal level within five (5) business days of receiving the

request.

Section 300.015 Appeals to the Administrator

- 1) The employee shall have five (5) business days from notification of the Decision of the Department Director to file a written appeal to the Administrator. The written appeal shall contain a short descriptive statement containing the reasons the appealing party believes the Department Director's decision should be overruled.
- 2) Within five (5) business days of filing a timely appeal to the Administrator, the Human Resources Department shall deliver the complete discipline file to the Administrator.
- 3) The Administrator shall review the discipline file and render a written decision and within ten (10) business days of the delivery of the file. After reviewing the discipline file, the Administrator may, but is not required to, meet with the employee and/or the Department Director prior to rendering a decision on an appeal. The Administrator may uphold, overturn, or modify the decision of the Department Director at his or her discretion. If the Administrator upholds a termination decision, he or she shall provide written statement supporting the decision.

Section 300.016 Appeals to the Personnel Board: Non-Substance Abuse Terminations Only

Note: Only full-time regular employees may appeal Terminations. SES and Probationary employees may not appeal to the Personnel Board.

- 1) The employee shall have five (5) business days to appeal the decision of the Administrator to the Personnel Board upon receiving notification of a final decision.
- 2) Upon receipt by the HR Director of a timely written request for appeal of termination by the employee, Human Resources will, within ten (10) working days, submit all documentation, including a statement of charges, to the Personnel Board.
- 3) At its next scheduled meeting, or at a special called meeting, the Personnel Board will hold an open hearing and receive evidence in relation to the Appeal in accordance with the bylaws of the Personnel Board.
- 4) The employee or agents of the employee may not contact or have discussions with any member of the Personnel Board regarding the Employee's hearing, the facts surrounding the hearing, or the Employee's character outside the confines of the hearing while the Employee's appeal is pending. The employee's failure to comply with this regulation will result in the Employee's appeal being denied and the decision of the Department Director being upheld.
- 5) If an employee wishes to have an attorney present at the Personnel Board hearing, said employee must inform the HR Director of such intention at least forty-eight (48) hours

prior to the hearing. The HR Director may seek legal representation from the Law Department in any Personnel Board Hearing irrespective of whether the employee has requested an attorney or not.

- 6) If an employee desires to request a continuance of a scheduled hearing, the employee must provide at least forty-eight (48) hours' notice of the need to reschedule. Failure to provide adequate notice will result in the hearing to proceeding as scheduled. Decisions regarding whether to allow for a continuance shall be made by the Chairperson of the Board. If an employee fails to attend the scheduled open hearing, the employee's appeal will be denied and the decision of the Administrator will be upheld.
- 7) Within five (5) business days of the hearing, a written decision will be rendered by the Personnel Board. Such decision shall contain a descriptive statement by the Chairman of the Personnel Board describing the reasons the Board rendered its decision.

The HR Department will notify the employee in writing of the decision of the Personnel Board.

Section 300.017 Personnel Board By-Laws

(A) Purpose. The purpose of these bylaws is to establish uniform procedures for the conduct of hearing and meeting of the Augusta, Georgia Personnel Board (hereinafter "Personnel Board" or "Board").

(B) General Provisions.

- 1) An employee who is terminated for a non-substance abuse reason may file an appeal to the Board within five (5) days after the date of the decision of the Administrator upholding the termination. Within thirty (30) days from the date of the employee's appeal to the Board, a hearing shall be scheduled by the Board Chairman.
- 2) Notice of Hearing. All appeals to the Personnel Board shall be resolved within sixty (60) days from the date of the filing of the appeal. If the appeal is not resolved by the Personnel Board within sixty (60) days from the date of the filing of the appeal, the termination shall be upheld. The Chairperson of the Board shall designate an appropriate time and place to conduct the hearing and shall so notify all parties in writing. Such notification should be mailed or served at least five (5) calendar days in advance of the date set for the hearing. The Personnel Board will review the charges and information provided by the Department Director and shall consider the written statement provided by the Administrator in upholding the termination. At its next scheduled meeting, or at a special called meeting, the Board will hold an open hearing and receive any additional evidence in relation to the Appeal. The Chairperson of the Board, or a majority vote of the Board, shall have the authority to postpone or to continue a hearing (either in the Chairperson's discretion, upon a motion by the Personnel Board or upon the motion of either party, orally or in writing). Once a hearing is scheduled, each party may request a continuance if appropriate, but no party

can request more than two (2) continuances during the course of an appeal.

- 3) Representation. Opportunity shall be afforded both parties to represent themselves or to be represented by an attorney licensed to practice law in the State of Georgia. All arrangements for providing legal counsel shall be the responsibility of the party desiring such representation. An employee intending to have representation shall inform the Director of Human Resources and the Department Director of such intentions at least 48 hours prior to the scheduled date of such hearing.
- 4) Pre-Hearing Conference. The Chairperson of the Personnel Board may arrange a pre-hearing conference for the purpose of reviewing the matter being appealed and establishing stipulations to expedite the hearing.
- 5) Witnesses.
 - a. The appellant or the Department Director (or his or her designee) may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. Employees appearing as witnesses shall be released from duty without loss of pay or time and without effect on their service rating. However, the Personnel Board does not have subpoena powers to compel a witness's attendance.
 - b. No person shall directly or indirectly use, or threaten to use, any official authority or other influence which would tend to discourage any other person from testifying.
 - c. Each party shall provide the opposing party a witness list at least three (3) business days in advance of a scheduled Personnel Board hearing. A party seeking to have a witness testify that is not on their witness list may only do so with the consent of the opposing party.
- 6) Record of Hearing. A recording shall be made of all hearings; however, such recording will not be transcribed unless the Personnel Board decision is appealed in accordance with applicable law; or a transcript is requested by the Personnel Board or the Administrator. In addition to the recording of the hearing, or a transcription thereof, all documents entered into the record during the hearing shall be made part of the official record of the hearing. It shall be the responsibility of the clerk of the Personnel Board to compile the official record of the hearing and, upon the filing of an appeal of the Personnel Board's decision, to have such record certified by the Chairperson of the Personnel Board.

(C) Hearing Process.

- 1) Role of the Board. The Personnel Board shall have the authority to do the following in connection with any hearing:
 - a. To administer oaths and affirmations;
 - b. Regulate the course of the hearing;
 - c. Set the time and place for continued hearings and pre-hearing conferences;
 - d. Reprimand or exclude from the hearing any person for any indecorous or improper

- conduct committed in the presence of the Personnel Board;
- e. To make informal disposition of any case by stipulation, agreed settlement, consent order or default, unless such disposition is precluded by law;
 - f. To render a decision as to issues properly presented to the Personnel Board; and
 - g. To file Answers to Writs of Certiorari properly filed in the Superior Court of Richmond County.
- 2) Attendance at the Hearing. Any hearing at which the Personnel Board receives evidence or hears arguments on appeals of terminations shall be open to the public in accordance with Georgia Open Meetings Law. Witnesses may, however, be sequestered at the discretion of the Board.
- 3) Evidence. With respect to all hearings before the Personnel Board:
- a. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied to the trial of civil non-jury cases in the Superior Courts of Georgia shall be followed. Evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Personnel Board shall give effect to the rule of privilege recognized by law;
 - b. Objections to evidentiary offers may be made and shall be noted in the record;
 - c. When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
 - d. Documentary evidence may be received in the form of copies of excerpts if the original is not readily available; and
 - e. The Department Director may proceed with the presentation of evidence first.
- 4) Conduct of Hearings. In the hearing of an appeal, the proceeding shall be informal but orderly. The following procedure shall prevail:
- a. The Chairperson of the Board shall open the hearing by explaining the procedure to be followed in the hearing.
 - b. Witness shall be sworn in and at the discretion of the Chairperson any or all witnesses may be sequestered;
 - c. The Chairperson shall read or cause to be read the charges and specifications of the issues to be determined by the Personnel Board;
 - d. The facts not in dispute may be stipulated;
 - e. Each party shall be given an opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. The Department Director shall present their opening statement first followed by the employee;
 - f. The Department Director will begin its presentation of evidence followed by the

employee;

- g. All witnesses shall testify under oath or affirmation. The employee and the Department Director may call witnesses to testify at a grievance hearing. Falsifying a statement is considered as “serious misconduct” and may result in the employee’s suspension or separation from employment;
 - h. Each party may conduct such cross examination as shall be required for a full and true disclosure of the facts. In addition, the Personnel Board members may examine the witnesses;
 - i. Before closing the hearing, the Chairperson may allow both parties the opportunity to make brief oral or written closing statements. The employee may present his or her closing statement first;
 - j. At any point during the hearing, of his/her own accord or at the request of either party, the Chairperson may grant a fifteen (15) minute recess to allow the parties engage in confidential settlement negotiations. This initial fifteen (15) minute recess may be extended by the Chairperson if both parties signify that progress is being made in the settlement negotiations.
 - k. The Board shall render a written decision, which sets forth evidentiary reasons for the decision, within five (5) business days of the close of the hearing. The decision of the Board shall be in writing which shall set forth the reasons for its decision regarding the dispute. Should the Board fail to overrule the termination decision, the termination shall stand. If the termination decision is reversed by the Personnel Board and no timely appeal to Superior Court is filed, the employee shall be “made whole” by being reinstated as an employee and provided back pay.
 - l. The Human Resources Director will notify the employee in writing of the final decision of the Personnel Board and will be responsible for implementation of the decision rendered by the Board.
- (5) Time Limitations. In the hearing of an appeal, the parties are subjected to the following time limitations in the presentation of their cases and such time will be monitored by the clerk of the Personnel Board.
- a. Opening Statements. Each party shall have a maximum of five (5) minutes to make an opening statement.
 - b. Presentation of Evidence. Each party shall have an initial time period of thirty (30) minutes to present evidence in support of their case. A party may be granted one or more extensions of time in fifteen (15) minute increments, upon motion and good cause shown, to complete presentation of evidence in support of their case.
 - c. Closing Statements. Each party shall have a maximum of five (5) minutes to make a closing statement.

1)

Section 300.018 Appeals from the Personnel Board to Superior Court

- 1) Should an employee or the Augusta, Georgia Commission disagree with the Personnel Board's decision, either may file an appeal to Richmond County Superior Court in accordance with the laws of the State of Georgia.
- 2) In the event that an appeal to Superior Court is filed, it shall be the responsibility of the HR Director to ensure that a certified copy of the complete record is submitted to Superior Court in accordance with Georgia law and the Personnel Board Bylaws.
- 3) The Chairperson of the Personnel Board Shall Answer any Writ of Certiorari to the Superior Court of Richmond County for decisions made by the Personnel Board.

Section 300.019 Guidelines for Disciplinary Actions

LEGEND:

- L = Letter of Warning**
- S = Suspension**
- W = Written Reprimand**
- T = Termination**

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
IN-1	Disregard for or willful failure to follow the written instruction or direction of a supervisor or higher authority	Insubordination	W	S/T	T	

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
IN-2	Abusive verbal conduct directed at a supervisor within the employee's chain-of-command.	Insubordination	W/S	S/T	T	
IN-3	Failure to work overtime, special hours, or special shifts or be on stand-by, as directed	Insubordination	W/S	S/T	T	
ND-1	Violation of any Augusta, Georgia, department or division rule or directive	Neglect of Duty	L/W/S	W/S/T	S/T	T
ND-2	Inability to perform up to accepted work standards	Neglect of Duty	L	W	S	T
ND-3	Habitual tardiness, unscheduled absence (six (6) or more in a 180 day period), absenteeism, and/or abuse of leave privileges	Neglect of Duty	L	W	S	T
ND-4	Willful neglect in performance of duties	Neglect of Duty	W/S	S/T	T	
ND-5	Job abandonment for 3 consecutive scheduled workdays, or 2 consecutive 24-hour shifts.	Neglect of Duty	S/T	T		
ND-6	Leaving the assigned work area during regular working hours without permission or until relieved.	Neglect of Duty	L	W	S	T

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-7	Absence without approved leave, including failure to call in or report an absence to a supervisor the day the absence begins.	Neglect of Duty	W	S	T	
ND-8	Being identified as “at fault” in an accident or collision by the Safety Review Committee while the operator of Augusta, Georgia vehicle or piece of equipment.	Neglect of Duty	See SRC Penalty Matrix	See SRC Penalty Matrix	See SRC Penalty Matrix	
ND-9	Failure to maintain licenses, certifications and/or other professional credentials required for employment or failure to notify appropriate Augusta, Georgia officials of their loss, suspension, or revocation.	Neglect of Duty	S/T	T		
ND-10	Suspension or revocation of Driver License or Commercial Driver License (CDL) if it is required for the performance of job duties.	Neglect of Duty	W/S/T	S/T	T	
ND-11	Willful or negligent violation of a safety policy or procedure, which results in property/equipment damage or personal injury.	Neglect of Duty	W/S/T	S/T	T	
ND-12	Violating a safety rule or practice or any conduct which could endanger a co-worker or member of the public.	Neglect of Duty	W/S/T	S/T	T	
ND-13	Operating, or directing the operation, of an Augusta, Georgia vehicle or equipment without proper qualifications or supervision.	Neglect of Duty	W	S	T	
ND-14	Failure to immediately report any on-the-job accident to a supervisor or member of the chain-of-command.	Neglect of Duty	W	S	T	
ND-15	Failure to report to the Department a subpoena or request for information from a law firm that relates to Augusta, Georgia business.	Neglect of Duty	S/T	T		
ND-16	Possession or sale of alcohol or illicit drugs on Augusta, Georgia property (including vehicles).	Neglect of Duty	S/T			

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
ND-17	Working under the influence of alcohol or illicit drugs.	Neglect of Duty	S/T			
ND-18	Violation of traffic laws while operating Augusta, Georgia vehicle, i.e. speeding, running traffic control device, failure to yield, etc.	Neglect of Duty	L	W	S	T
ND-19	Motor Vehicle Record review with 10 points or more – impact on driving privileges	Neglect of Duty	T			
EV-1	Fraud, waste, and/or abuse of Augusta, Georgia property or time.	Ethics Violation	W/S/T	S/T	T	
EV-2	Falsification or misrepresentation of an official document or record.	Ethics Violation	W/S/T	S/T	T	
EV-3	Falsification or misrepresentation of any portion of a job application.	Ethics Violation	W/S/T	S/T	T	
EV-4	Violation of Augusta, Georgia policies relating to impartiality, use of public property, conflict of interest, disclosure or confidentiality.	Ethics Violation	W	S	T	
EV-5	Conviction of a felony, a misdemeanor conviction involving moral turpitude, or any misdemeanor while in the performance of Augusta, Georgia duties.	Ethics Violation	S/T	T		
EV-6	Unauthorized possession of firearms, explosives, or weapons on Augusta property.	Ethics Violation	W/S/T	S/T	T	
EV-7	Unauthorized vending or solicitation on property or from Augusta, Georgia vehicle.	Ethics Violation	L	W	S	T

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-8	Attempting to coerce or influence a member of the public, fellow employees, subordinates or supervisor with gifts, services, loans or other consideration OR receipt of a fee, gift, or valuable item when such is given or accepted in the expectation of receiving a favor or preferential treatment.	Ethics Violation	S	T		
EV-9	Directing or permitting a subordinate to violate any rule, policy, procedure or regulation, whether explicit or condoned through inaction.	Ethics Violation	W/S	S/T	T	
EV-10	Engaging in any employment, activity or enterprise which is illegal, incompatible, or in technical conflict with the employee's duties and responsibilities as Augusta, Georgia employee.	Ethics Violation	S/T	T		
EV-11	Engaged in outside employment activity while using sick leave, worker's compensation leave, or catastrophic leave.	Ethics Violation	T			
EV-12	Intentional destruction, theft or unauthorized removal of Augusta, Georgia property or assets for personal use.	Ethics Violation	W/S/T	S/T	T	
EV-13	Intentional destruction, theft (including stealing time) or unauthorized removal, possession or use of Augusta, Georgia property, tools or equipment without consent.	Ethics Violation	W/S/T	S/T	T	
EV-14	Violation of Augusta, Georgia's discrimination and/or unlawful harassment policies.	Ethics Violation	W/S/T	S/T	T	
EV-15	Gross misconduct to include, but not limited to, physical violence, threats of physical violence or engaging in offensive conduct or language toward the public, supervisory personnel, or fellow employees.	Ethics Violation	S/T			
EV-16	Membership in any organization that advocates the overthrow of the Government of the United States by force or violence.	Ethics Violation	T			

Reference	Infraction	Category	First Offense	Second Offense	Third Offense	Fourth Offense
EV-17	Misconduct which undermines supervisory authority, productivity, or morale.	Ethics Violation	W	S	T	
EV-18	Off duty conduct (e.g. conviction of a felony) which reflects very unfavorably upon the image and ethical standards of Augusta, Georgia as an employer.	Ethics Violation	W/S/T	S/T	T	
WE-1	Violation of Augusta, Georgia Internet Use Policies (e.g. social media, pornographic sites, etc.)	Work Ethics Violation	W/S/T	S/T	T	
WE-2	Violation of Augusta, Georgia Email Policies (e.g. Passing on inappropriate chain emails and non-work related content, etc.) and/or excessive personal email/web time.	Work Ethics Violation	W/S/T	S/T	T	
WE-3	Unauthorized use of Augusta, Georgia vehicles or equipment on or off-duty.	Work Ethics Violation	W	S	T	

**Notice of Letter of Warning
(Form HR-ER I)**

Employee _____ Job Title _____
Date Hire _____

Supervisor _____ Job Title _____
Department _____ Date of Incident _____

I. Explanation

II. The following corrective action is expected of the employee:

I. Future infraction(s) may result in:

Signatures

Employee Date

I acknowledge receipt of this document.

Supervisor Date

Notice of Disciplinary Action Form
(Form HR-ER II)

Written Reprimand

Employee _____ Job Title _____
Date Hire _____

Supervisor _____ Job Title _____
Department _____ Date of Incident _____

I. Disciplinary action is being taken for the following reason(s) (include dates(s) of infraction and violation of stated policy or procedure):

II. Explanation (include dates and explanation of previous relevant discussions and/or discipline):

III. The following corrective action is expected of the employee:

IV. Future infraction(s) may result in:

EMPLOYEE COMMENTS (To be completed by employee.)

Signatures

Employee Date

I acknowledge receipt of this document and I understand that a copy of this document will be placed in my official Personnel File in Human Resources.

Supervisor Date

- Distribution of copies:**
Original to employee
Departmental file
Human Resources employee file

Notice of Disciplinary Action
(Form HR-ER III)
(Suspension/Demotion)

Current Date:

Employees Name:
Street Address
City, State, Zip Code

RE: Notice of Disciplinary Action – Decision to Suspend Without Pay:

Dear Mr./Mrs./Ms: (Employees last Name)

This letter is to inform you that effective (date and time) you have been placed on suspension for () days. This is due to your violation of Augusta, Georgia Policies.

State violations:

Please be advised that in accordance with the Augusta, Georgia Appeal Procedures, you have the right to file an appeal to the Administrator. Your request for an appeal must be submitted to the Director of Human Resources in writing within five (5) working days, of receipt of this letter.

If you have, any additional, questions or concerns related to this information do not hesitate to contact me or the Director of Human Resources at 706-821-2303.

Sincerely,

Name _____
Department Director

Employee: _____ Date: _____

I acknowledge receipt of this document and I understand that a copy of this document will be placed in my official Personnel File in Human Resources.

**Notice of Administrative Review
For Proposed Disciplinary Action- (Termination, Demotion, Suspension)
(Form HR-ER IV)**

Current Date:

Employees Name:
Street Address
City, State, Zip Code

RE: Notice of Proposed Disciplinary Action – Termination:

Dear Mr./Mrs./Ms: (Employees last Name)

This letter is to inform you that effective (date and time) you have been recommended for Termination (Demotion, Suspension). This is due to your violation of Augusta, Georgia Policies.

State violations:

If you disagree with this proposed disciplinary action, you may request that I conduct an administrative review of this request where you will be provided the opportunity to explain why you believe you should not be Terminated (Demoted, Suspended). To request an administrative review of this recommendation, you must submit a written request to me within five (5) days of receipt of this letter.

Should you not agree with my decision following the administrative review, you have the right to appeal to the Administrator (and the Personnel Board for non-substance abuse terminations).

If you have, any additional, questions or concerns related to this information do not hesitate to contact me or the Director of Human Resources at 706-821-2303.

Sincerely,

Name: _____
Department Director

Employee: _____ Date: _____

I acknowledge receipt of this document and I understand that a copy of this document will be placed in my official Personnel File in Human Resources

cc: HR Director

Notice of Disciplinary Action- Termination
(Form HR-ER V)

Current Date:

Employees Name:
Street Address
City, State, Zip Code

RE: Termination:

Dear Mr./Mrs./Ms: (Employees last Name)

This letter is to inform you that effective (date and time) you have been terminated from employment. This is due to your violation of Augusta, Georgia Policies.

State violations:

If you disagree with this decision you may appeal to the Administrator. To appeal this decision, you must submit a written request to the HR Director. Your request for appeal must be received by the HR Department within five (5) business days of receipt of this letter. Failure to submit an appeal will result in the termination decision being upheld.

Should the Administrator uphold the termination, you have the right to appeal to the Personnel Board (for non-substance abuse terminations). For your appeal to be timely, it must be provided to the HR Director within five (5) days of receipt of the written notification of the Administrator's decision.

If you have, any additional, questions or concerns related to this information do not hesitate to contact me or the Director of Human Resources at 706-821-2303.

Sincerely,

Name: _____
Department Director

Employee: _____ Date: _____

I acknowledge receipt of this document and I understand that a copy of this document will be placed in my official Personnel File in Human Resources.

cc: [Name], Administrator
[Name], General Counsel
[HR Director, Title]

Employee Signature: _____ **Date** _____

Received by (Human Resources Department):

Human Resources

Signature: _____ **Date** _____

Was request filed within five (5) business of receipt of the disciplinary decision?

Yes _____

No _____

If the employee's administrative review request was not received by the Human Resources Director within five (5) working days of receipt of the disciplinary decision, it is untimely and will not be processed. In this event, please sign below, copy and return the original of the appeal to the employee:

Human Resources Department

Date

Original to Human Resources employee file

Copy to Administrator

Copy to Department Director

Copy to employee

