

POLICY AND PROCEDURE

POLICY NUMBER: 220-505

POLICY TITLE: PERSONNEL REVIEW BOARD

EFFECTIVE DATE: _____ **REVISION DATE:** _____

APPROVED BY: _____
CITY MANAGER

Confirmed by Council of The Columbus Consolidated Government, Ordinance No.
_____ **dated the** ____ **day of** _____, **2014.**

STATEMENT OF POLICY:

To assure due process for Merit System personnel of the Columbus Consolidated Government, and the employees of elected county officers and employees of other commissions, boards, or bodies of the county when said county officers or commissions or boards or bodies make written application for the inclusion of their employees in the merit system of the Columbus Consolidated Government, the Personnel Review Board, in accordance with its duties set forth in Paragraph (1) of Section 4-610 of the Columbus Charter, shall hear appeals from Merit System employees from significant disciplinary actions, as specified herein; and perform such other functions and duties as may be required by ordinance.

SCOPE:

This policy applies to all personnel within the merit service of the Columbus Consolidated Government. *Employees of elected officials, who have not been placed in the Merit System, may not be included.*

RESPONSIBILITY:

The Human Resources Director shall receive appeals; determine eligibility for Personnel Review Board appeal; and coordinate the Personnel Review Board appeals hearing process.

The Personnel Review Board shall hear employee appeals submitted by the Human Resources Director and render a fair and impartial judgment thereon either completely affirming or completely reversing the official action appealed. The adverse actions appealed to the Personnel Review Board shall be affirmed by the Board unless they are found by the Board to constitute an abuse of discretion.

An "abuse of discretion" does not amount to the second-guessing of the decision by an administrator. It occurs only when the administrator or other decision-maker has, in making the decision, either: (1) failed to take into proper consideration the facts or logic relating to the particular decision; or (2) arbitrarily or unreasonably departed from clearly stated employment or other applicable policies and procedures promulgated by the City and/or its Department of Human Resources.

BOARD COMPOSITION:

The Personnel Review Board shall consist of five (5) regular members and five (5) alternate members. Each alternate member shall be designated as the alternate for a particular regular member. In the absence of any regular member, or in a proceeding where the regular member is recused for a conflict of interest, the alternate so designated for his/her place shall sit as a substitute for said absent regular member and shall be empowered to act as a regular member until such time as the proceedings begun in the absence of the regular member or necessitating the recusal are concluded. Three members shall constitute a quorum of the Board. However, if there are not three votes in favor of a disposition of the appeal, then the original personnel action as approved or modified by the Human Resources Director shall stand.

Board Members are appointed for a three (3) year term or to fill the unexpired terms of members terminating before their term expires. No regular member may serve more than two consecutive terms. No person will be appointed to serve on the board who has been employed in another capacity in the Consolidated Government for a period of one year immediately prior to appointment. Any member of Council may nominate potential members or alternates who shall be individuals with significant knowledge and experience in the area of employee relations. The Council of Columbus, Georgia, will appoint all members and fill vacancies on the board as they occur in accordance with the provisions of this ordinance.

PROCEDURE:

1. Regularly scheduled meetings of the Personnel Review Board will be set for the third Wednesday of each month; provided however, regularly scheduled meetings may be canceled and special meetings may be added to accommodate the case load pending before the Board and the availability of participants. Either the Department bringing the disciplinary charges or the appealing employee may request one continuance of the appeal. No further continuances shall be granted absent a determination of the Human Resources Director that extraordinary circumstances of one of the parties or the lack of a quorum of the Board to hear the case warrants further continuance.
2. Any non-probationary Merit System employee may appeal to the Personnel Review Board, any official action of any official of the Columbus Consolidated Government involving demotion, suspension of more than one (1) day, or termination, after all Fair Treatment Policy or City Safety Review Board remedies have been exhausted, by delivering that appeal, in writing, to the Human

Resources Director. This action must take place within ten (10) calendar days of notification of the Fair Treatment review process final determination or the City Safety Review Board final determination.

3. The Human Resources Director shall schedule a Personnel Review Board hearing on the next available regular hearing date. Employees whose employment has been terminated shall receive preference in scheduling.
4. (a) At a Personnel Review Board hearing, technical rules of evidence shall not apply however, informal rules of decorum will be preserved to promote fairness and truth finding. All testimony shall be under oath. The appealing employee and the official whose actions are being appealed, including their representatives or attorneys, shall limit their presentation to thirty minutes unless the time limit is extended by majority vote of the sitting Board. The Mayor or City Manager may address the Board during any appeal proceeding. The members of the Board voting on a particular matter may retire to deliberate in private, but they will vote in public session. Within five (5) days, the Board will supply a written decision stating the grounds for its decision. The decision of the majority of the members of the Board shall be final, except as provided in subparagraph (b).

(b) If a decision of the Personnel Review Board overrules an official action, such decision may be appealed by the Mayor or the City Manager in the following manner. The Mayor or the City Manager may appeal such decision by filing a petition for writ of certiorari to the Superior Court of Muscogee County within thirty (30) days of the decision of the Personnel Review Board. Such petition shall be filed pursuant to O.C.G.A. Section 5-4-1 et seq. and shall be heard by the Superior Court during the first full term of the Superior Court following the filing of such petition.
5. The employee, upon his/her request to the Human Resources Director, shall be given assistance in writing the appeal and/or in presenting the appeal to the Personnel Review Board.

LEGAL REPRESENTATION

In all disciplinary actions appealed to the Personnel Review Board where the employee being disciplined is represented by an attorney, the department bringing disciplinary charges shall, upon request, be represented by the City Attorney or his or her designee before the Board or in any court on appeal from the decision of the Board. The employee shall be required to give five (5) days advance written notice to the Human Resources Director of his/her intention to be represented by legal counsel.

PAYMENT OF ATTORNEY FEES:

In all disciplinary actions appealed to the Personnel Review Board where the employee being disciplined is represented by an attorney and when said employee prevails and the board sets aside the disciplinary action and also **makes a specific finding of fact that the disciplinary action was not taken in good faith**, application may be made to the Human Resources Director for payment of attorney's fees not to exceed three hundred dollars (\$300.00), when the Human Resources Director receives a proper bill from the attorney establishing that services were rendered and expenses were incurred, payment shall be made to the employee and to this attorney from appropriate funds established by the City Manager which he may charge to the account of the department by which the employee is employed. No member of the Columbus Council who is also an attorney may represent a city employee before the Personnel Review Board and receive compensation for the same.

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