



Administrative Services Committee Committee Room- 10/8/2007- 1:00 AM Meeting

ADMINISTRATIVE SERVICES

1. EEO Policy and Procedures ☐ [Attachments](#)
2. Reconsideration for funding from the 2008 CDBG Program. ☐ [Attachments](#)
3. Approve Retirement of Ms. Juanita Dantzler under the 1977 Pension Plan. ☐ [Attachments](#)
4. Motion to Approve Modification of the Current Employee Disciplinary Appeals Process. Suggestions for change include: 1. Keep the current disciplinary appeal structure but modify the composition of the Personnel Board so that Personnel Board Members serve "at the Pleasure of" the Commissioner that appointed them. 2. Eliminate the Personnel Board and replace it with a Personnel Hearing Officer. 3. Modify the disciplinary appeal process so the Personnel Board makes merely a recommendation to the Administrator regarding employee disciplinary actions. ☐ [Attachments](#)

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**Administrative Services Committee Meeting
10/8/2007 1:00 AM
EEO Policy and Procedures**

Department: Equal Employment Opportunity (EEO)

Caption: EEO Policy and Procedures

Background:

Analysis: This policy outlines the guidelines for the operation of the internal Augusta-Richmond County EEO Office.

Financial Impact: N/A

Alternatives: None

Recommendation: Approve and forward to full Commission

**Funds are
Available in the
Following
Accounts:** None required

REVIEWED AND APPROVED BY:

**Finance.
Administrator.
Equal Opportunity
Finance.
Administrator.
Clerk of Commission**

Augusta-Richmond County Equal Employment Opportunity (EEO) Office EEO Policies and Procedures	Last Revision Date: October 3, 2007
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Section A

A.1: Purpose and Scope

The purpose of this policy is to promote employment diversity and equality within the Augusta-Richmond County consolidated government. This policy is also intended to provide uniformity in the processing of Equal Employment Opportunity (EEO) complaints. These policies and procedures exclusively apply to EEO-related issues in connection with direct employees (classified and non-classified) of the Augusta-Richmond County consolidated government operating under the authority of the Mayor and the Augusta-Richmond County Commission. In addition, these EEO policies and procedures are only intended to address employment discrimination concerns which relate to race, color, sex, pregnancy status, marital status, national origin, age, religion, disability or veteran's status. Elected officials are exempt from this policy unless pursuant to state law, they have elected through written notice, to be included in the Augusta-Richmond County Civil Service System.

Section B

B.1: Augusta-Richmond County EEO Statement

Augusta-Richmond County provides equal employment opportunity to all qualified employees and applicants for employment and does not discriminate on any basis prohibited by law, including without limitation: race, color, sex, pregnancy status, marital status, national origin, age, religion, disability and veteran's status. Augusta-Richmond County is committed to preventing discrimination in the work place. Therefore, it is the policy of Augusta-Richmond County not to tolerate illegal discrimination. Providing Equal Employment Opportunities is a system-wide effort and the responsibility of all employees, the EEO Office, Department Heads, Directors and the City Administrator.

Section C

EEO Office Areas of Oversight and Jurisdiction

C.1: The Augusta-Richmond County EEO Office oversees employee issues relating to:

Title VII of the Civil Rights Act of 1964, as amended

The Equal Pay Act of 1963 (EPA), as amended

The Age Discrimination in Employment Act of 1967 (ADEA), as amended

Pregnancy Discrimination

The Americans with Disabilities Act of 1990 (ADA) issues and accommodations for employees

The Civil Rights Act of 1991, as amended

Section 504 of the Rehabilitation Act of 1973, as amended

Internal Augusta-Richmond County Title VII inquiries, complaints, concerns and/or investigations

General EEO issues; diversity affairs

Responding to federal EEOC complaints and cases

EEO-related case investigations and resolutions

EEO-related consultation, training and outreach

EEO-related employee demographic information

Organizational EEO Plans

C.2: EEO Philosophy

Bridge-building • Diversity • Mediation • Collaboration • Education

C.3: Motto

“Building Bridges for Diversity”

C.4: EEO Mission

- Establishing and maintaining a diverse and representative workforce for Augusta-Richmond County by removing barriers and maximizing both individual and collective potential.
- Ensuring Augusta-Richmond County Government organizational compliance with governing EEO statutes and regulations.
- Promoting equal employment opportunity in the Augusta-Richmond County Government workforce by enforcing EEO guidelines and laws which prohibit employment discrimination.
- Promoting a positive organizational understanding and awareness of cultural diversity within the Augusta-Richmond County workforce.

C.5: Implementing The Mission

The EEO Office will implement its mission through:

- (A) Assisting employees and management in relation to EEO compliance; providing information and data to management.
- (B) Conducting diversity outreach and bridge-building to promote an appreciation of multiculturalism.
- (C) Providing EEO oversight and feedback during the hiring process of organizational directors and managers.
- (D) Maintaining federally-mandated reporting of workplace EEO demographics.
- (E) Responding to federal EEOC Complaints and other EEO-related inquiries.
- (F) Working to promote accommodations and equal access for people with disabilities as required under the ADA.
- (G) Independently and directly reviewing Augusta-Richmond County EEO data and testing results generated by vendors.
- (H) Advising departments to maintain internal EEO data directly related to their specific department, as needed.

- (I) Investigating Title VII and ADA employment discrimination complaints for employees.
- (J) Utilizing Augusta-Richmond County workforce diversity.
- (K) Providing training, information and consultation for employees and supervisors in the areas of equal employment opportunity and workplace diversity.
- (L) Overseeing hiring processes to ensure equal opportunities and compliance with EEO standards.
- (M) Conducting multicultural recruitment initiatives to promote a diverse applicant pool of qualified candidates, as needed.

C.6 (a): EEO Office Overview

The official organizational name of Equal Employment Opportunity/ Equal Opportunity Office, EEO or a similarly-phrased name shall be exclusively designated to this specific office.

The EEO Office will collaborate with employees, managers, and various departments to promote EEO compliance, systemic inclusion and diversity. The EEO Office will assess departments to ensure inclusion and equal opportunities. In addition, the EEO Office will promote the expansion of organizational diversity in relation to race, color, sex, pregnancy status, marital status, national origin, age, religion, disability and veteran's status.

The EEO Office may mediate in organizational matters which directly connect to EEO laws and the expansion of diversity. In addition, the office may become involved in matters relating to organizational diversity, respond to inquiries by the Augusta-Richmond County Commission and serve as a consultant to the Commission. In matters involving overall department-wide or organizational investigations, the EEO Office will make recommendations for changes to the Commission after consultation with the City Administrator.

C.6 (b): EEO Access to Information and Data Collection

EEO-related demographic data collection and the retrieval of certain personnel/employee and departmental files are essential to the organization and the mandate of the Augusta-Richmond County EEO Office to provide case investigations, Title VII inquires, Federal Government reporting data, agency profiles and the analysis of departmental and organizational progress. The EEO Office may request data via e-mail or hardcopy correspondence. Data requests should be copied to the City Administrator. In certain matters, the EEO Office should (at the discretion of the EEO Office) independently access all EEO-related data in relation to the organization directly from internal departments, vendors and testing companies when such data contains EEO-related information in relation to Augusta-Richmond County. Therefore, Departments, managers, employees and offices shall allow the EEO Office to obtain and maintain direct departmental and vendor access to all EEO-related information, statistics and testing data including, without limitation, applicant pool and departmental demographic data. The EEO Office may require segments of information and/or past data. Requested information may not

necessarily be related to certain minority groups or protected classes of individuals; the EEO Office is authorized to request and receive information pertaining to various groups including non-protected categories in order to facilitate investigations, inquiries and disparagement comparisons. Requested information should be released as soon as it is generated by the department or agency, but no less than five working days after the request is issued by the EEO Office. Request for departmental data relating to more than two (three or more) employees should be copied to the City Administrator. Departmental responses for data should contain the race and sex of each employee listed. Each department shall establish direct EEO-data access for the internal EEO Office by issuing initial release forms to vendors or creating direct access at the request of the EEO Office. Unless otherwise requested by the EEO Office in writing, all data should be sent to the EEO Office through confidentially-marked e-mail, confidentially-marked and sealed interagency mail, or confidentially-marked and sealed departmental hand-delivery. No fees or EEO generation requirements shall be assessed to the EEO Office for the collection of such data or the replication of requested information.

C.7: The EEO Office Guidelines for Assessing Educational Credentials In EEO Cases

In EEO-related cases where educational credentials are an issue, the Augusta-Richmond County EEO Office has adopted guidelines from the U.S. Government and recognizes degrees from schools that have received accreditation from an accrediting body which has been approved by the U.S. Department of Education [(USDE) www.ed.gov], the Council for Higher Education, the American Council on Education [(ACE) www.acenet.edu], or the Association of Specialized and Professional Accreditors [(ASPA) www.aspa-usa.org]. All accrediting agencies—regional, national, and specialized—that are recognized by the USDE as reliable authorities regarding the quality of the programs and schools they accredit are listed on the USDE website at: <http://www.ed.gov/admins/finaid/accred/index.html>. The central accrediting body for many of the degree-granting institutions of higher education in Georgia is the Southern Association of Colleges and Schools (SACS), www.sacs.org.

Section D

Grievance Issues

D.1: Internal Augusta-Richmond County employee EEO grievable issues include:

1. Allegations of unlawful discrimination based on race, color, sex, pregnancy status, marital status, national origin, disability, religion, veteran's status or EEO-related retaliation.
2. Allegations of sexual harassment as defined under Title VII and the EEOC Guidelines; and
3. Allegations of retaliation for asserting Title VII or ADA protected rights.

D.2: This Internal Augusta-Richmond County EEO Policy does not apply to:

1. General personnel matters and personality conflicts that the employee states or concedes are not based on race, color, sex, pregnancy status, marital status, national origin, disability, religion, veteran's status or EEO-related retaliation;

2. Issues or charges officially filed or pending before any courts;
3. Any adverse employment action that is not based on race, color, sex, pregnancy status, marital status, national origin, disability, age, religion, veteran's status or EEO-related retaliation including but not limited to termination, demotion, not being granted a job interview, denial of promotion, reassignment, department reorganizations, furlough, layoff from duties because of lack of work, or other action resulting from a reduction in the work force or job abolition;
4. Alleged policy violations that are not based on a Title VII claim, race, color, sex, pregnancy status, marital status, national origin, disability, age, religion, veteran's status or EEO-related retaliation, should first be referred to the Department Head for resolution. If matters remain unresolved, employees should then take their concerns to the Human Resources (HR) Department and follow the HR Grievance Procedures;
5. Internal EEO, Title VII or ADA occurrences, issues, charges, allegations, or concerns which occurred over one-hundred and eighty days ago;
6. Elected officials and their direct-report employees (unless elected officials or if part of a group, the governing-body of elected officials, have within 30 days, or the most current statutory date from the date of the last election, submitted a written, notarized and signed notice to the EEO Office to be included in the Augusta-Richmond County Civil Service System under HR Policies and Procedures);
7. EEO issues relating to organizations, business or companies outside of the Augusta-Richmond County consolidated government.
8. EEO issues or concerns pertaining to the employees of vendors or contractors of the Augusta-Richmond County Government (these matters shall not be investigated internally by any Augusta-Richmond County Office, but individuals may decide to seek review by the Federal EEOC); and
9. Issues concerning persons not directly employed with the Augusta-Richmond County Government organization.

Section E

E.1: EEO Complaint Procedures

Employees or others interfacing with Augusta-Richmond County may consult with the Augusta-Richmond County EEO Office on an informal basis to receive information and consultation in relation to specific situations without filing a formal EEO complaint or grievance. In addition, employees may withdraw a formal EEO complaint and seek mediation or an informal resolution at any point in the process. Once an employee files a written complaint, a letter is necessary to effectuate the withdrawal of an internal EEO complaint.

E.1 (a): Confidentiality

This section is intended to protect the rights of individuals who file a written EEO charge with the EEO Office. Managers and all involved parties are expected to maintain the confidentiality of employees and other individuals directly involved in the EEO complaint process. This includes confidentiality in relation to conversations, meetings, e-mails, written correspondence, final case-findings and resolutions. Confidentiality does not mean that the accused will not be informed of the pending charges as the accused will be allowed to respond to allegations made by the complainant. Witnesses may also infer certain conclusions based on the line of questioning during a case investigation.

Confidentiality will be kept as much as possible and to the extent that it does not impede the investigation or a directive from the Augusta-Richmond County Commission body. Management, Human Resources Management, related individuals and in certain cases the Augusta-Richmond County Commission may be advised of an investigation, have access to case information, asked questions in relation to allegations and receive updates and/or final outcomes. Individuals who have not filed a formal written complaint with the EEO Office do not fall under the protection of this policy section.

E.2: Management and Employee Cooperation (Case Resolution and Mediation)

E.2 (a) All managers and/or employees connected to Augusta-Richmond County are required: 1) to fully cooperate in EEO investigations, 2) not to withhold any information (written, e-mailed, or oral) connected to an EEO investigation, 3) to make themselves available for questioning within five working-days of a request for a meeting from the EEO Office (if this is not possible, an alternative date and time should be submitted in writing to the EEO Office) and 4) to provide truthful and accurate statements to the EEO Office.

E.2 (b): Once a formal written complaint has been filed the matter has gone past the level of informal resolution. At this stage, employees should not attempt to resolve a formal EEO complaint on a one-on-one basis or confront an employee (either the complaining employee or the accused) in relation to an EEO case that is either open or closed.

E.2 (c): Supervisors should not presume an employee (either the accused or the complainant) to be guilty of anything or institute disciplinary actions merely based on a pending EEO charge or case.

E.2 (d): Employees, managers, and administrators should follow the chain-of-command and procedures outlined in this policy in order to resolve any EEO-related concerns. Employees or managers with concerns must make direct contact with the Department Head or the EEO Office to resolve any EEO related matters. The Department Head or Director should forward concerns to the EEO Office.

E.3: Honesty Code

The complainant or charging party must sign a statement indicating that the allegations in the EEO complaint (either verbal or in writing) are honest, true, accurate and non-exaggerated. When issuing a statement or answering questions in connection with an EEO inquiry an employee must, to the best of their knowledge and belief, be truthful in all of their oral and written responses. Individuals (including complainants, accused parties, employees, administrators, witnesses, managers, supervisors, information gatherers, persons submitting data

and others) who fail to cooperate with the EEO Office or who are found to have provided false information, filed a frivolous claim or altered written data in relation to an EEO inquiry or investigation will be subject to progressive disciplinary action as outlined in the Employee Handbook.

E.4: Employee Relocation In Connection With A Pending EEO Case

Except in extreme circumstances or cases involving physical safety concerns, managers and administrators should allow employees (both the complaining party and the accused) to remain situated in the same physical work location, job assignment and department during an EEO inquiry. Supervisors and/or administrators should attempt to exhaust all other remedies before resorting to relocating any employee in connection with a pending EEO case. In relation to the pending EEO complaint interim period, unless the threat of direct physical harm exists, neither the accused nor complaining employee should be relocated to another department, given alternative job assignments, or placed in another work location without a prior five-day notice being sent to the employee and the EEO Office. In such cases, the relocated employee and the EEO Office should receive written notice of the move, the reason behind the relocation and the time duration of the relocation at least five days in advance. If an employee is involved in an EEO case (either as the accused, the complainant, a co-worker or a witness), the EEO Office is required to review any employment transfer, department change, physical office move, job reassignment or relocation to ensure that it does not appear to involve retaliation and then send written correspondence to the manager to indicate that the transfer was reviewed by the EEO Office. If an employee feels that a change is being made in retaliation for their involvement in an EEO case or disagrees with the relocation, the employee has a right to file an appeal with the EEO Office.

Relocated employees should be returned to their previous physical work location, job, and/or department within five days after a case is resolved. In cases where the employee will not be relocated back to their same work assignment or location, both the employee and the EEO Office should be notified in writing at least five days in advance of a reassignment. The reassignment or relocation letter should outline the details of why the changes are being made. In such cases, the employee who initially made the EEO complaint has a right to file an appeal with the EEO Office if the employee feels that the changes are being made in retaliation to filing an EEO claim.

E.5: Stage One (Informal Resolution)

Many EEO-related matters arise from misunderstandings and a lack of basic communication. The EEO Office encourages matters to be resolved at the lowest possible levels and at the earliest stage possible. When no written complaint has been submitted to the EEO Office or the Department, employees may collegially discuss the concerns directly with the individual or colleague involved in an attempt to clear up any possible miscommunications that may exist. In addition, employees are encouraged to utilize the process of informal mediation to resolve conflicts. The EEO Office may facilitate the process of informal mediation. Attempting to use informal methods of conflict resolution does not forfeit the employee's right to move forward at a later date (within one-hundred and eighty days of the last alleged act) with a formal written complaint if the matter is not resolved in an informal manner.

The EEO Office provides consultation to both employees and managers seeking approaches to resolve issues in an informal manner. Collaborative EEO resolutions at the

lowest possible levels and the earliest time periods are strongly encouraged. The EEO Office promotes respectful communication as a viable option for settling disputes. Except in cases involving allegations of sexual harassment, informal complainants may do the following to seek an informal resolution:

- 1) When no formal written complaint has been filed with the EEO Office, employees may first discuss the concerns directly with the individual or colleague involved in an attempt to clear up any possible misunderstandings;
- 2) If the matter is not resolved, then the employee should take the next step and discuss their concerns with their immediate supervisor and;
- 3) If the concern remains unresolved, the next step is to schedule an appointment to discuss the matter with the Department Head.

E.6: Stage Two (Informal Mediation)

If efforts toward an informal resolution are unsuccessful at Stage One (Informal Resolution), then a complainant is encouraged to contact the EEO Office to request assistance with negotiating or mediating the dispute prior to filing a formal EEO complaint. Employees may seek assistance from management and/or the EEO Office in order to schedule a mediation meeting to discuss issues which relate to an EEO case. The EEO Office will assist in working to bring about an equitable resolution for both parties through the process of informal mediation.

E.7: Stage Three (Formal Written Complaints)

If the informal resolution or mediation attempts between an employee, a manager or another entity do not result in a resolution to a complaint within twenty working days, the charging party then has the option to 1) drop the matter or 2) request that the internal EEO Office conduct a formal investigation. The request for a formal internal EEO investigation must be dated and issued in writing by the complainant within one-hundred and eighty working days of the alleged act of improper conduct. The complainant is required to provide sufficient facts and data to substantiate discriminatory allegations. According to Augusta-Richmond County Policy, the EEO Office will investigate the complaint and attempt to conciliate the claim.

The charged party (one who is accused of a discriminatory act) will be allowed to review the written allegations and to provide a written response to the charges within seven days after the review. After reviewing the allegations, responses, and evidence from both parties, the internal EEO Office will make a determination as to whether or not to proceed with further internal investigations, or to refer the employee to the Federal EEOC Office.

In cases where the EEO Office is moving forward with an internal EEO investigation witnesses, co-workers and management may be questioned. Both the accused and the complainant will have an opportunity to present their responses. An accused individual may have one person of their choice (non-legal) attend investigatory meetings.

Augusta-Richmond County employees formally being accused of an EEO violation in writing have a right to the following:

1. To not receive: an assumption of violation, disciplinary actions, reactionary job relocations, assignment changes, a demotion or a termination merely based on an initial EEO accusation and/or a written complaint that has not yet been investigated and had a case finding issued;
2. To see the actual written charges submitted in the complaint;
3. To have seven days from the date of receipt of the written charges, to submit a response to the EEO Office and have this data included as part of the case investigation; and
4. To receive the final case findings in writing and to have a date of final case closure.

EEO investigations are an internal-agency fact-finding process not a formal hearing or a court trial. Therefore, no part of the EEO inquiry may be recorded (by the accused, charging party or third party witnesses) either by audio recording, transcription or any other form. The EEO Office maintains the right to keep the official record of all inquiry data. Except by court order, only the complete official case finding shall be released from the EEO Office. All related parties shall receive a complete version of the final case finding. Usually, complete case findings are issued within sixty days of the filing of a formal written complaint.

E.7 (a): Submitting A Formal Complaint In Writing

Employees should file an EEO complaint directly to the Augusta-Richmond County internal EEO Office. If filed indirectly through Human Resources, an individual employee or another department, the individual receiving the EEO complaint should forward it to the EEO Office as soon as possible.

E.7 (b): Submitting A Formal Complaint Orally

Employees may also request to have a formal complaint issued orally and transcribed into written format by the EEO Office. An oral complaint must be transcribed into written format, signed and then submitted by the complaining employee. The employee is responsible for ensuring that their oral complaint is completed, signed, and submitted to the EEO Office within ten days after filing the oral complaint.

E.7 (c): Complaint Inquiries and Investigations

All organizational EEO proceedings, inquiries and investigations will be conducted under the direct management and direction of the EEO Office. The EEO Office may initiate individual investigations, conduct inquiries, or provide educational information, in employee, contractor, or vendor concerns as deemed necessary by the EEO Office. In cases of actual written charges being filed, a written notification of an EEO complaint or concern will be sent to the charged employee and the employee's immediate supervisor and Department Head. The notification will occur within thirty working days after a representative of the EEO Office and the complainant has signed an EEO Complaint Form. In cases where no individual supervisor can be identified, case results will be directed to the City Administrator.

E.7 (d): Complaint Resolution or Closure

The charging party, the accused, and the Department Head, Director or supervisor of the accused will be issued a letter of findings which may include recommendations from the EEO Office.

Generally, the finding will be issued within thirty to ninety working-days after filing a complaint. However, in some cases, the EEO Office may extend the investigation time period. If the period of investigation is extended, all parties will be provided with written notification of the new deadline to complete the investigation. During the investigation period, ongoing mediation and support services may be provided by the EEO Office. Following each investigation, the EEO Office may elect to forward additional recommendations to the Department, the City Administrator and/or the Augusta-Richmond County Commission for consideration. Recommendations to the Commission and/or the City Administrator will be made at the discretion of the EEO Office.

Individuals found by the EEO Office to be in violation of a Title VII or ADA charge shall be issued progressive disciplinary action by the Department Head beginning with a minimum of three-day suspension without pay up to termination. The Department Head or the highest level supervisor over the employee is required to initiate disciplinary action within five working days of receiving a written finding and confirmation of an EEO violation and do a follow-up letter to advise the EEO Office of the final actions taken at the departmental level. In cases where systemic violations relating to a department are found, the City Administrator, the Commission and the EEO Office shall collaborate to bring about corrective actions; this shall not eliminate actions against individuals within the department found to be in violation of Title VII or the ADA. A written letter of resolution will be issued by the EEO Office and sent to the complainant and the charged individual. In certain cases where the EEO Office deems that the accused may have more likely than not violated a Title VII or ADA statute or which may pose specialized concerns, the EEO Office may consult with legal counsel and/or seek a detailed legal case review in conjunction with the final internal EEO case finding.

E.8: Prohibition Against Retaliation In Relation To An EEO Case

Complainants, employees, management, participants, EEO Officials, and witnesses are protected against any form of organizational, administrative or management retaliation due to/or in any part based on participation in an EEO complaint, inquiry, mediation and/or investigation. A manager may not cause an adverse employment action or otherwise "retaliate" against an individual for engaging in protected conduct (filing a charge of discrimination or participating in a discrimination proceeding).

If a person believes they are being subjected to retaliation, they should notify the EEO Office in writing within ten working days of the date of the alleged retaliatory act. The written notice must outline in detail the allegations and dates of the specific retaliatory acts that the person believes are being done. Department managers and any other employees and officials found to have committed verifiable acts of retaliation against an individual in connection with an EEO case will be subjected to progressive discipline as outlined in the Employee Handbook.

While employees are protected from retaliation for filing EEO complaints, employees who knowingly file completely unsubstantiated or falsified EEO charges are subject to progressive disciplinary action as outlined in the HR Employee Handbook.

Section F: Final Internal Case Closure and Appeal Rights

The issuance of a final written case finding from the Augusta-Richmond County EEO Office shall constitute the end of all Augusta-Richmond County discrimination inquiries, investigations and appeals from or on behalf of both the complaining party and the accused. Charging parties

completing this level of appeal, who are still dissatisfied with the outcome, have a right to file a complaint with the Federal EEOC Office.

Section G: Policy Updates, Jurisdiction and Other Matters

This policy updates and clarifies EEO-related systems, policies and procedures that were previously being conducted for Augusta-Richmond County. It shall be added as a section of formal policy to all current editions of the Human Resources Employee Handbook and all HR and departmental policies and procedures (formal and informal/verbal and written). HR and other departments are expected to acknowledge and adhere to the EEO Policies and Procedures. HR does not have the jurisdiction to investigate EEO-related matters or personnel. As to all matters that are not EEO-related, HR Policies and Procedures and/or the applicable City Ordinance shall control. The EEO Office and its personnel will be provided retained legal advocacy, counsel and representation by Augusta-Richmond County in matters connected to the office. The EEO Policy shall override any internal departmental policies and procedures in relation to EEO issues or complaints. This policy supersedes any prior policies or procedures in connection with the Augusta-Richmond County EEO Office or any prior policies and procedures used by the HR Department.



**Administrative Services Committee Meeting
10/8/2007 1:00 AM
MACH Academy**

Department:

Caption: Reconsideration for funding from the 2008 CDBG Program.

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are
Available in the
Following
Accounts:**

REVIEWED AND APPROVED BY:

Clerk of Commission

AGENDA ITEM REQUEST FORM

Commission/Committee: (Please check one)

☐ **Commission**
☐ **Public Services Committee**
☒ **Administrative Services Committee**
☐ **Engineering Services Committee**
☐ **Finance Committee**
☐ **Public Safety Committee**

Contact Information for Individual/Presenter Making the Request:

Name: Betty L. Jones, Executive Director
Address: 1850 Chester Avenue, Augusta GA 30906
Telephone Number: 706 796-5046
Fax Number: 706 796-5046
E-Mail Address: mparks37@comcast.net

Caption/Topic of Discussion to be placed on the Agenda:

Re-consideration for funding from the 2008 CDBG
Program

Please send this request form to the following address:

Ms. Lena J. Bonner	Telephone Number: 706-821-1820
Clerk of Commission	Fax Number: 706-821-1838
Room 806 Municipal Building	E-Mail Address: lbonner@augustaga.gov
530 Greene Street	
Augusta, GA 30911	

Requests may be faxed, e-mailed or delivered in person and must be received in the Clerk's Office no later than 5:00 p.m. on the Wednesday preceding the Commission or Committee meeting of the following week. A five-minute time limit will be allowed for presentations.

Commission meetings are held on the first and third Tuesdays of each month at 2:00 p.m.
Committee meetings are held on the second and last Mondays of each month from 12:30 to 3:30 p.m.



**Administrative Services Committee Meeting
10/8/2007 1:00 AM
Petition for Retirement of Ms. Juanita Dantzler**

Department: Human Resources

Caption: Approve Retirement of Ms. Juanita Dantzler under the 1977 Pension Plan.

Background: Normal retirement under the 1977 Pension Plan is the first day of the month following his/her 65th birthday or attaining 62 yrs. of age and completing 25 years of credited service. The monthly benefit is 1% of the participants average earnings multiplied by his/ her years of credited service. The 1977 Pension Plan allows you to retire as early as age 50 after completing 15 years of service. The early retirement benefit is 5/12% for each month by which the retirement date of the participant precedes his normal retirement date.

Analysis: Ms. Juanita Dantzler (age 80) is currently a Deputy in the Sheriff's Office. Ms. Dantzler was hired on July 1, 1969. Ms. Dantzler meets the requirements for retirement under the 1977 Plan. Her proposed retirement date is September 1, 2007. The retirement benefit payable to Ms. Dantzler is \$977 per month (Life Only).

Financial Impact: Funds are available in the 1977 Pension Plan. Employee has contributed 4% of her salary towards her retirement since July 1, 1992.

Alternatives: Do not approve the retirement of Ms. Juanita Dantzler under the 1977 Pension Plan.

Recommendation: Approve the retirement of Ms. Juanita Dantzler under the 1977 Pension Plan.

**Funds are
Available in the**

**Following
Accounts:**

REVIEWED AND APPROVED BY:

**Finance.
Administrator.
Clerk of Commission**



RETIREMENT BENEFIT OPTIONS

Defined Benefit Program for Augusta-Richmond County Employees' Plan 1977 County Plan

PARTICIPANT INFORMATION

Employee Name:	Juanita B. Dantzler	Social Security Number:	XXX-XX-1659
Date of Birth:	6/7/1927	Original Date of Hire:	7/1/1969
Gender:	Female	Normal Retirement Date:	7/1/1992

Beneficiary Name:	Nina Dantzler Lillard	Social Security Number:	XXX-XX-0001
Date of Birth:	5/18/1945	Relationship:	Child
Gender:	Female		

MONTHLY BENEFIT PAYMENT OPTIONS

For: Normal Retirement

Retirement Date: 8/1/2007
 Age at Commencement Date: 80.20
 Benefit Commencement Date: 9/1/2007

Credited Service: 0.500 Years

Minimum Total Benefit: \$62,256
 Average Annual Compensation: \$8,400

AVAILABLE FORMS OF PAYMENT

Form of Benefit	Regular
	Employee Beneficiary
Single Life:	\$977
10 Year Certain and Life:	\$704
50% Joint and Survivor:	
75% Joint and Survivor:	
100% Joint and Survivor:	
Lump Sum Cash Out:	N/A

Compensation Used	Year	Amount
	2002	\$15,004
	2003	\$16,905
	2004	\$17,660
	2005	\$18,219
	2006	\$41,087
	2007	\$22,976

EXPLANATION OF PAYMENT OPTIONS

Regular

Single Life:	Payable for the life of the participant only; no payments to any beneficiary upon participant's death
10 Year Certain and Life:	Payable for greater of the life of the participant or ten years
50% Joint and Survivor:	Payable for the life of the participant; upon participant's death, beneficiary will receive 50% of benefit
75% Joint and Survivor:	Payable for the life of the participant; upon participant's death, beneficiary will receive 75% of benefit
100% Joint and Survivor:	Payable for the life of the participant; upon participant's death, beneficiary will receive 100% of benefit
Cash Out Value:	Payable in a single lump sum in lieu of any future Plan benefits

For Estimate Purposes Only

Actual benefit amounts will be based on information provided at time of retirement

Item # 3



**Administrative Services Committee Meeting
10/8/2007 1:00 AM
Proposed Changes to Employee Discipline Appeals Process**

Department: Law Department

Caption: Motion to Approve Modification of the Current Employee Disciplinary Appeals Process. Suggestions for change include: 1. Keep the current disciplinary appeal structure but modify the composition of the Personnel Board so that Personnel Board Members serve "at the Pleasure of" the Commissioner that appointed them. 2. Eliminate the Personnel Board and replace it with a Personnel Hearing Officer. 3. Modify the disciplinary appeal process so the Personnel Board makes merely a recommendation to the Administrator regarding employee disciplinary actions.

Background: Since the Personnel Board was created by the governing authority of Richmond County in the Augusta Code rather than local law, the Board of Commissioners has broad authority to amend, modify or change the Personnel Board. [1] Section 1-7-15 of the Code states that "the board of commissioners shall have authority to amend, change or make additions to any rules and regulations adopted hereunder." Thus, the Board of Commissioners has authority to modify the current disciplinary appeals process so long as such changes do not violate any laws. [1] However, the Georgia Legislature still retains full authority to make future changes relating to the Personnel Board, should it so desire to do so.

Analysis: Further information regarding each suggested change is attached.

Financial Impact: No financial impact anticipated.

Alternatives: The Commission can leave the Employee Disciplinary Appeals Process as it is without making any changes.

Recommendation: Consider these suggested changes and make a recommendation for change.

**Funds are
Available in the
Following
Accounts:** Not Applicable.

REVIEWED AND APPROVED BY:

**Finance.
Administrator.
Clerk of Commission**

1. Keep the current disciplinary appeal structure but modify the composition of the Personnel Board so that Personnel Board Members serve "at the Pleasure of" the Commissioner that appointed them.

The current disciplinary process has generally served Augusta-Richmond County well. However, three primary changes could be made to address commissioner concerns while maintaining the existing structure. First, each Personnel Board appointee should serve "at the pleasure of" the Commissioner that appointed them instead of being removed only "for cause." This would allow each commissioner to have a more active role in the direction of the Personnel Board without needing to attend each Personnel Board hearing. Second, the Board of Commissioners could reduce the jurisdiction of the Personnel Board to only have jurisdiction to conduct hearings and render decisions on employee terminations and not suspensions and other grievances. Third, the jurisdiction of the Personnel Board could also be clearly limited to a review of whether the appropriate "due process" procedures of Augusta-Richmond County were followed in each termination case. In other words, the Personnel Board would have no authority to overturn a termination unless they found a violation of Augusta-Richmond County policies relating to the employee disciplinary process.

2. Eliminate the Personnel Board and replace it with a Personnel Hearing Officer.

This is generally the structure of the employee disciplinary process used in the governments of Athens-Clarke County, Georgia and DeKalb, County Georgia. The Personnel Hearing Officer (PHO) would be an attorney appointed by majority vote of the Commission (or appointed by the Mayor). The PHO would essentially replace the Personnel Board. Each of the twelve members of the Personnel Board is currently paid \$20.00 per day plus travel expenses for their Personnel Board service. *See Code § 1-7-13(c)*. The compensation for the PHO would be approximately the same as the fees and expenses currently paid to the members of the Personnel Board (\$240.00 per hearing). Once the Administrator rendered a decision regarding employee discipline, the employee would have the option of appealing that decision to the PHO. The PHO would conduct a public hearing and would render a final decision regarding same. His or her decision could be appealed to Superior Court. One advantage of this structure is the quick and final resolution of personnel matters.

3. Modify the disciplinary appeal process so the Personnel Board makes merely a recommendation to the Administrator regarding employee disciplinary actions.

This is generally the structure of the employee disciplinary process used by Chatham County, Georgia. In this disciplinary structure, initial determinations of discipline would fall on the department heads and the Human Resources Director. The employee could appeal to the Personnel Board and a hearing would be conducted. The Personnel Board would render a recommendation to the Administrator who would make the final decision regarding employee discipline. The Administrator would only be permitted to review the official records of the Personnel Board when making his or her final decision. His or her decision could be appealed to Superior Court.

Current Status of Disciplinary Appeals Process

Pursuant to the current Augusta-Richmond County Code and Personnel Policies and Procedures, the following procedure is used with regard to employee discipline where dismissal is sought:

1. The Department Head or Director initiates the disciplinary process by charging an employee with “misconduct that serves as just cause for dismissal” and placing the employee on “a three (3) day paid, administrative suspension with a recommendation for dismissal.” Employee Handbook § 1.F, Dismissal (p. 8).
2. The Department Head or Director sends a letter to the Director of Human Resources “specifically setting forth the reasons for suspension with recommendation for dismissal.” Employee Handbook § 1.F, Dismissal (p. 8).
3. “[W]ithin three (3) working days of the effective date of the action” (three day suspension with pay), the Director of Human Resources reviews the recommendation and conducts an investigation regarding the recommendation. If the recommendation is approved by the Director of Human Resources, it is sent to the charged employee and the Administrator. Employee Handbook § 1.F, Dismissal and Progressive Discipline (p. 8).
4. “Within three (3) working days of the affected employee being notified of the charges, the Administrator or his designee shall hold a pre-termination conference at which time the employee shall be authorized to present information which is pertinent to the charges on his/her behalf.” Employee Handbook § 1.F, Progressive Discipline (p. 8).
5. The Administrator makes a decision as to termination “based on all of the facts pertinent to the situation.” Employee Handbook § 1.F, Dismissal (p. 8).
6. If the administrator decides to uphold the recommendation for termination, the employee is terminated. Employee Handbook § 1.F, Dismissal (p. 8).
7. Once an employee receives notice of their termination, they have five (5) working days to submit a formal appeal in writing to the Director of Human Resources requesting an appeal to the Personnel Board. Employee Handbook § 1.F, Right of Appeal (p. 8).
8. The Personnel Board has the responsibility “to conduct hearings and render decisions on dismissals and hear appeals from any employee who claims to have been improperly dismissed.” Augusta-Richmond County Code § 1-7-15 (b)(2).
9. A decision by the Personnel Board can be appealed to the Superior Court of Richmond County.