AN ORDINANCE TO AMEND THE CHARTER

OF THE CITY OF SAVANNAH REGARDING CLASSIFIED

SERVICE DEMOTION, SUSPENSION, AND DISMISSAL ACTION

APPEAL PROCESSES IN THE CIVIL SERVICE ORDINANCE

WHEREAS, pursuant to O.C.G.A. § 36-35-3 the City has been vested by the State of Georgia with legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its affairs; and

WHEREAS, pursuant to O.C.G.A. § 36-35-6 the City’s Home Rule Power may not extend to any matter preempted by the General Assembly via enactment of general law; and

WHEREAS, incident to its home rule power, the City may amend its charter provided such action does not affect the composition, form, procedure for election or appointment, continuance in office and limitation therefor for members of City Council; and

WHEREAS, the Mayor and Aldermen find that the Civil Service Ordinance has not been substantially revised since 1956 and should be amended to better comport with current organizational structure and practices;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Aldermen of the City of Savannah, in regular meeting of Council assembled, and pursuant to O.C.G.A. § 36-35-3, after proper notice and advertisement in accordance therewith, that the Charter of the City of Savannah, is hereby amended as follows:

SECTION 1: That Section 3-302, Appointment, removal, compensation and duties of the Civil Service Board, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah subsection (a) be deleted in its entirety and the following inserted in lieu thereof:

Sec. 3-302. Appointment, removal, compensation and duties of the Civil Service Board.

(a) There is hereby created and established the City of Savannah Civil Service Board which shall consist of three (3) members of known sympathy to the merit system. One (1) member shall be from the labor group. Another member shall be from the business group. The third member shall be from the professional group. No person shall be appointed to the Board who is not a citizen of the United States and a resident of Savannah for at least five (5) years preceding such appointment. All of said members shall be appointed to the Board by the Mayor subject to the approval of the Board of Aldermen. It shall be the duty of the Mayor and Aldermen of the City of Savannah to appropriate annually a sufficient sum of money to enable the Civil Service Board of the City of Savannah to properly carry out the purposes of this chapter. All appointments shall be for a term of three (3) years and the members shall serve until successors have been qualified and appointed; provided, however, that the first member appointed immediately following adoption of this ordinance shall serve a term of one (1) year, the second member shall serve a term of two (2) years, and the third shall serve a term of three (3) years. Thereafter, Board members shall serve staggered three-year terms. The members shall elect one of their number as Chairman of the Board. Two members shall constitute a quorum for the conduct of business. Vacancies in the office of said Board created by death, resignation, or otherwise shall be filled by appointment of the Mayor for the remainder of the unexpired term subject to approval by the Board of Aldermen. Thereafter, appointment of Board member(s) shall be made in accordance with the appointment schedule as denoted above. No member shall hold any lucrative office or employment under the United States government, the City of Savannah, or any county government. There is excepted, however, the office of notary public or an office in the military forces.

SECTION 2: That Section 3-303, Appointment, oath, duties generally, etc., of human resources director, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah subsection (d)(3) be deleted in its entirety and the following inserted in lieu thereof:

Sec. 3-303. Appointment, oath, duties generally, etc., of human resources director.

(d) It shall be his/her duty:

(3) To prepare, recommend, and administer rules and regulations for the proper administration of this chapter, which shall include specific rules and regulations for the conduct of Board hearings on employee demotion, suspension, and dismissal appeals, and which shall be approved by the Board, and the formulation of registers of eligibles; the certification of persons qualified for appointment to the classified service; administration of appointments, transfers, demotions, promotions, suspensions, lay-offs, re-employments, regulations, dismissals, and other matters pertaining to the proper administration of this chapter. Rules and regulations for the conduct of Board hearings on employee appeals shall be prepared within ninety (90) days of the adoption of this ordinance and submitted to the Board for adoption. Such rules and regulations shall be reviewed by the human resources director at least once per calendar year and he/she shall report in writing to the city manager, no later than January 31st, with recommended changes, if any. If none, the report shall so state.

SECTION 3: That Section 3-315, Demotion of employees, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah be deleted in its entirety and the following inserted in lieu thereof:

Sec. 3-315. Demotion of employees.

An appointing authority may demote for cause a classified employee under his jurisdiction from a position in one class to a position in a lower class, but only after the employee involved and the director have been notified in writing of such contemplated action. Any employee holding a permanent civil service status who is demoted by any appointing authority may appeal his or her demotion to the Board for consideration and review. Such appeal shall contain the basis for the appeal and be submitted in writing to the human resources director no later than forty-eight (48) hours after the employee is advised of the demotion. The human resources director shall forward the appeal to the Board within three (3) business days of receipt. The Board shall hold a hearing on the appeal within thirty (30) business days of receipt; however, the Board may grant up to one continuance by Board initiative or per party per requested hearing. It shall issue a written recommended decision on the appeal, which shall contain a finding of facts and justification for the recommendation, which shall be forwarded to the involved employee, his or her appointing authority, the human resources director, and the city manager within two (2) business days of the conclusion of the hearing. The city manager shall issue a final determination on the appeal as expeditiously as possible. Failure to timely appeal to the Board terminates the involved employee’s appellate rights.

SECTION 4: That Section 3-316, Suspension of employees, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah be deleted in its entirety and the following inserted in lieu thereof:

Sec. 3-316. Suspension of employees.

An appointing authority may suspend a subordinate in the classified service for cause, but only after the employee involved and the director have been notified in writing of such contemplated action. Any employee holding a permanent civil service status who is suspended for greater than three (3) working days by any appointing authority may appeal his or her demotion to the Board for consideration and review. Such appeal shall contain the basis for the appeal and be submitted in writing to the human resources director no later than forty-eight (48) hours after the employee is advised of the suspension. The human resources director shall forward the appeal to the Board within three (3) business days of receipt. The Board shall hold a hearing on the appeal within thirty (30) business days of receipt; however, the Board may grant up to one continuance by Board initiative or per party per requested hearing. It shall issue a written recommended decision on the appeal, which shall contain a finding of facts and justification for the recommendation, which shall be forwarded to the involved employee, his or her appointing authority, the human resources director, and the city manager within two (2) business days of the conclusion of the hearing. The city manager shall issue a final determination on the appeal as expeditiously as possible. The Board may recommend that the employee be dismissed from the service, suspension, demotion, or transferal. Failure to timely appeal to the Board terminates the involved employee’s appellate rights.

SECTION 5: That Section 3-318, Dismissal of employees, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah be deleted in its entirety and the following inserted in lieu thereof:

Sec. 3-318. Dismissal of employees.

An appointing authority may dismiss a subordinate in the classified service for cause, but only after the employee involved and the director have been notified in writing of such contemplated action. Any employee holding a permanent civil service status who is dismissed by any appointing authority may appeal his or her dismissal to the Board for consideration and review. Such appeal shall contain the basis for the appeal and be submitted in writing to the human resources director no later than forty-eight (48) hours after the employee is advised of the suspension. The human resources director shall forward the appeal to the Board within three (3) business days of receipt. The Board shall hold a hearing on the appeal within thirty (30) days of receipt; however, the Board may grant up to one continuance by Board initiative or per party per requested hearing. It shall issue a written recommended decision on the appeal, which shall contain a finding of facts and justification for the recommendation, which shall be forwarded to the involved employee, his or her appointing authority, the human resources director, and the city manager within two (2) business days of the conclusion of the hearing. The city manager shall issue a final determination on the appeal as expeditiously as possible. The Board may recommend that the employee be dismissed from the service, suspension, demotion, or transferal if it finds the removal was made for personal, political, or religious reasons and not justified. The Board shall specifically address the foregoing factors, with supporting facts, in its written recommendation. Failure to timely appeal to the Board terminates the involved employee’s appellate rights.

SECTION 6: That Section 3-321, Residence of employees, of Chapter 3, Civil Service, of Article 3, Organization, Administration, Personnel, of the Charter of the City of Savannah be deleted in its entirety and reserved for future use.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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Van R. Johnson II, Mayor

ATTEST:

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Mark Massey, Clerk of Council