

NORTH GEORGIA HEALTH DISTRICT
County Board of Health Personnel Policy #1602
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

DISCIPLINARY / SEPARATION ACTIONS - UNCLASSIFIED EMPLOYEES

EFFECTIVE DATE: August 1, 2010

RELEASE DATE: August 1, 2010

REFERENCES: State Law (O.C.G.A. §45-20-1 *et seq.* - Unclassified Service)
State Law (O.C.G.A. §47-2-2 and §47-2-123 - Retirement Law)
Governor's Executive Orders dated May 3, 1996 and September 13, 1996
CBH Human Resource/Personnel Policy #1904 - *Involuntary Separation - Retirement Benefits*

The County Board of Health (CBH) recognizes that Georgia is an "employment-at-will" state. As such, unclassified employees serve at the discretion of the Board.

GENERAL PROVISIONS

1. Applicants and classified employees who are offered unclassified positions should be advised of the unclassified status. An *ACKNOWLEDGEMENT OF UNCLASSIFIED POSITION* Form (Attachment 1), which indicates the terms of accepting a position in the unclassified service should be signed.
2. Unclassified employees are not covered by the Rules of the State Personnel Board and have no rights of appeal to the State Personnel Board.
3. In accordance with the CBH Grievance Procedure for Unclassified Employees (CBH Personnel Policy #1502), disciplinary actions and separation actions are not grievable.
4. Supervisors or personnel representatives **must** consult with the District Health Director prior to taking disciplinary or separation action against unclassified employees.
5. Separation actions may be taken against unclassified employees at any time without notice or statement of reasons, unless employees are covered by the provisions of the **Involuntary Separation Based on Retirement law section** of this policy. Other circumstances in which it is permissible to provide reasons for separation are outlined in the **Type of Separation Actions section** of this policy.

AUTHORITY FOR DECISIONS

1. Any decision to separate, demote, suspend without pay or reduce the salary of an unclassified employee for disciplinary reasons must be **approved in writing** by the District Health Director **prior to the action being taken**. The supervisor or personnel representative recommending the action **cannot** be the official authorizing the action.

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2. The District Health Director may elect to:
 - 2.1 Personally approve all decisions made in accordance with this policy;
 - 2.2 Delegate authority for approval of such decisions; or,
 - 2.3 Use a combination of personal approval and delegation of authority.
3. The requirement for written approval on disciplinary actions and separation actions **does not apply** to unclassified employees who are not eligible for benefits (e.g., hourly employees, temporary employees, re-employed retirees, etc.). Written approval is also not required for unclassified employees who are separated at the expiration of a time-limited appointment.

TYPES OF DISCIPLINARY ACTIONS

1. Disciplinary actions (**which do not include separations**) may be taken against unclassified employees as determined appropriate. Employees are to be given sufficient information regarding the inappropriate conduct or performance deficiency to enable them to correct the problem. Actions include:
 - 1.1 Written Reprimands;
 - 1.2 Demotions;
 - 1.3 Suspensions Without Pay; and,
 - 1.4 Disciplinary Salary Reductions.
2. For FLSA exempt employees, suspensions without pay must be administered in full FLSA work periods and cannot cover parts of two (2) FLSA work periods. The FLSA work period for CBH positions is Saturday through Friday.
3. Disciplinary salary reductions cannot be taken against FLSA exempt employees due to provisions of the Fair Labor Standards Act.

TYPE OF SEPARATION ACTIONS

Unclassified employees may be separated based on the categories listed below:

1. **DISMISSAL** - Employees may be dismissed for reasons **directly related** to inappropriate conduct or performance deficiencies, including but not limited to, unexcused absences from work and

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circumstances that would warrant presumptive resignation for classified employees. Reasons for separation **are not to be provided** to unclassified employees who are dismissed from employment under these circumstances.

2. **RELEASE** - Employees may be released for reasons **other than** inappropriate conduct or performance deficiencies, including but not limited to:

- budgetary constraints or reduction;
- downsizing;
- reorganization; or
- termination of program.

2.1 Unclassified employees who are released from employment for reasons listed above, through no fault of their own, **may be given** reasons for the release verbally or in writing.

2.2 **RELEASE** should be considered in lieu of **DISMISSAL** if performance failures occur during the first six months of employment, despite satisfactory efforts by the employee. Generally, this would be due to the employee's inability to perform the duties of the job.

2.3 **RELEASE** should also be used for the separation of hourly and temporary employees, unless there are conduct or performance issues.

3. **FAILURE TO RETURN FROM LEAVE** - Employees may be separated for failing to return from a leave of absence. Employees **may be given** reasons verbally or in writing when separated for this reason.

INVOLUNTARY SEPARATION BASED ON RETIREMENT LAW

1. Employees, who first established membership in the Retirement System (ERS) **prior to April 1, 1972**, and who have a minimum of **18 years of State employment**, have involuntary separation rights under the Retirement System Law.

2. State Law requires that specific procedures be followed in order to separate employees with involuntary separation rights.

3. Because of the legal requirements associated with separations of this type, any time a long-term (18 years or more) employee is being considered for separation, a thorough review must be conducted to determine if the employee first established

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membership in ERS prior to April 1, 1972.

4. **In all cases**, employees who meet or may meet the qualifying requirements listed above must not be separated without prior consultation with the District Health Director.

PROCEDURE

1. The Personnel Manager will prepare the appropriate disciplinary action or separation letter using information provided by the employee's supervisor. If appropriate, the letter will be sent to the supervisor for signature and processing.
2. **Written reprimands require review by The District Health Director prior to presenting to employees.** Copies of written reprimands are to be forwarded to the District Personnel Office for placement in **employees' official personnel files**. (Copies should not be sent to the State Personnel Board, Georgia Merit System or the Office of State Administrative Hearings.)
3. All other disciplinary action and separation letters are to be submitted to the District Personnel Office with the Personnel Action Request Form.
 - 3.1 The District Health Director is to approve or disapprove the recommended action.
 - 3.2 If the action is approved, the disciplinary action or separation letter is to be presented to the employee. Copies of the letter are to be forwarded to the District Personnel Office for placement in the employee's official personnel file. (Copies should not be sent to the State Personnel Board, Georgia Merit System or the Office of State Administrative Hearings.)

RECOMMENDATION FOR RE-EMPLOYMENT

When an employee is separated from employment, the supervisor or personnel representative is to review the employee's work performance, behavior and reasons for separation to determine if it is appropriate to have a "No Rehire" recommendation entered in the employee's record.

1. In some circumstances, employees who are separated from employment are not to be re-employed. (See CBH Personnel Policies #504 - Criminal History Record Checks, #505 - Drug-Free Work Place, and #1302 - Alcohol and Drug Testing Programs for mandatory disqualifications from re-employment.)
2. Each circumstance, other than those requiring mandatory disqualifications as indicated above, is to be reviewed on a case-

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by-case basis, in consultation with the District Personnel Office.

3. If an employee should not be re-employed, “No Rehire” is to be written in the comments on the *REQUEST FOR PERSONNEL/PAYROLL ACTION* Form.
4. Documentation of the reason(s) supporting the “No Rehire” must be available upon request.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.

ATTACHMENTS:

Attachment #1 –ACKNOWLEDGEMENT OF UNCLASSIFIED POSITION
