

The City of Snellville  
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# AGENDA

WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, SEPTEMBER 12, 2022

Publication Date: September 8, 2022

TIME: 6:30 p.m.

DATE: September 12, 2022

PLACE: City Hall Conference Room 145

## I. CALL TO ORDER

## II. REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING AGENDA ITEMS

## III. REVIEW CORRESPONDENCE

## IV. CITY ATTORNEY'S REPORT

## V. DISCUSSION ITEMS

- a) Update of Ongoing Projects [Bender]
- b) Discussion about Training Opportunities with Freddie Broome from Georgia Municipal Association [Bender]
- c) Discussion of Personnel Rules and Regulations Update [Bender]
- d) Discussion of RS 5 Zoning Category [Schulz]
- e) Discussion of Complaints about Lack of Maintenance/Code Violations of Golf Course Property [Emanuel]

## VI. EXECUTIVE SESSION

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

## VII. ADJOURNMENT



# PERSONNEL RULES AND REGULATIONS

Adopted 8/12/2002

Revised: 10-2007

Revised: 5-2016

Revised: 9-2020

Revised: 9-2022

**PERSONNEL RULES AND REGULATIONS**

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## **1.1 STATEMENT OF POLICY**

The purpose of this Personnel Rules and Regulations Manual is to provide general information regarding the personnel guidelines of the City of Snellville. This Manual does not constitute an employment agreement or contract between any employee and the City of Snellville. The guidelines set out in this Manual may not apply to every employee or in every situation. The City of Snellville may rescind, modify, delete, or deviate from these or other guidelines, policies, practices, or procedures relating to employment matters from time to time as it considers necessary in its sole discretion, either in individual or City-wide situations, with or without notice.

The information contained in this Manual is designed as an advisory guide to assist the City of Snellville and its department directors with the effective management of personnel. The Personnel Rules and Regulations are intended to cover most personnel policies and issues. Those not specifically covered shall be interpreted by the Personnel Officer and shall be in keeping with these adopted rules and regulations. The provisions and guidelines contained in this Manual apply to all provisional and regular full - time classified service employees of the City. These Personnel Rules and Regulations shall not apply to the following: elected officials, City Clerk, volunteers, permanent part time employees; temporary part-time employees, temporary full- time employees, or other full time employees appointed by the Mayor and City Council, members of appointed Boards or Commissions, Judges, the City Attorney and the Solicitor, persons performing work under contract for the City of Snellville, or any other position officially designated or appointed by the City Council, who shall all nevertheless be expected to comply with state and federal laws regarding equal employment opportunity, sexual harassment and public records.

It is the policy of the City to expect all employees to comply with all personnel policies, state and federal laws, and local ordinances. Any employee violating any of these personnel policies may be subject to disciplinary action, including dismissal, in addition to any penalty that may be imposed for the violation of the same.

## **1.2 CITY AUTHORITY AND RIGHTS**

The City retains certain authority and rights including but not limited to the following:

1. To determine the organization and staffing of each department.
2. To determine the purpose of each department.
3. To exercise control and discretion over the organization and the efficiency of operations.
4. To set standards for services to be offered to the public.
5. To manage and direct the employees of the City and to determine the number of personnel to be employed.

6. To hire, test, classify, promote, train, transfer, assign, schedule and retain employees.
7. To suspend, demote, dismiss or take other disciplinary action against employees.
8. To increase, reduce, change, modify or alter the composition and size of the work force, including the rights to relieve employees from duties because of lack of work, lack of funds, or other reasons.
9. To determine the location, methods, means and personnel by which operations are to be conducted including the right to contract and sub-contract existing and future work.
10. To evaluate any outside personal economic relationship which affords present or future financial benefits to an employee, his/her family, or individuals with whom he/she has business or financial ties.

### **1.3 EFFECTIVE DATE OF POLICIES**

The City of Snellville Personnel Rules and Regulations shall become effective upon adoption by the City Council. These rules and regulations supersede and replace all previous polices.

If any section or other portion of these Personnel Rules and Regulations is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these regulations.

### **1.4 AMENDMENTS AND REVISIONS**

Proposals to amend or revise these rules and regulations may be presented in the form of a resolution to the Mayor and Council for consideration. The Mayor and Council must adopt the resolution before implementation.

Adopted revisions of the Personnel Rules and Regulations shall be posted on the City of Snellville shared network folder and distributed to all employees during their initial orientation.

### **1.5 ADMINISTRATION**

The responsibility and authority for the administration and enforcement of these Personnel Rules and Regulations are assigned to the Personnel Officer.

## **1.6 DEPARTMENTAL POLICIES**

Departmental operating policies and procedures shall supplement and conform to these Rules and Regulations. In the event of a conflict in any section, these personnel policies shall prevail.

## **1.7 PERSONNEL ADVISORY BOARD**

### **A. Terms of Appointment and Service**

The City's Personnel Advisory Board shall be an advisory board appointed by the Mayor and Council, to serve without compensation. It shall be comprised of four (4) persons, 3 of whom shall be citizens of the City, but shall not be City elected officials and one (1) shall be a full time employee of the City, to be elected by the employees of the City. Three (3) members are necessary to have a quorum. Three (3) advisory votes are necessary to carry any motion or make a decision.

### **B. Authority**

The principal functions of the Personnel Advisory Board are to serve in an advisory capacity to the Personnel Officer and the City Manager in the administration of the City's Personnel administration system and to act as an independent forum in the hearing of employee appeals as described herein.

The Personnel Advisory Board shall advise and counsel the City Manager on aspects of personnel administration as requested and hear appeals of claims involving employee adverse actions.

## **2.1 EQUAL EMPLOYMENT OPPORTUNITY (EEOC)**

The City of Snellville is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, we will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, coworker, vendor, client or customer of the City. The City provides equal employment opportunities for every employee and applicant without regard to race, religion, creed, color, sex, age, national origin, disability, or any other legally protected status.

Violations of this policy will not be permitted and may result in discipline up to and including dismissal. An employee may file a complaint of unlawful discrimination if that employee believes that they have been discriminated against in their employment with the City. A complaint may be filed in accordance with the grievance procedures outlined Section 7.

## **2.2 AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Snellville makes every effort to make employment decisions based on the facts applicable to individual applicants or employees and not on the basis of presumptions as to what an individual with a disability can or cannot do. The City will ensure that every effort is taken to comply with the regulations issued under the Americans with Disabilities Act (ADA) during an individual's pre-employment and employment with the City.

The City will strive for prompt resolution of complaints, which allege that any action prohibited under the ADA rules, which govern non-discrimination on the basis of a covered disability, has taken place. All complaints for ADA non-compliance should be filed with the designated ADA coordinator usually the Personnel Officer appointed by the City Manager to handle and investigate ADA complaints.

## **2.3 UNLAWFUL HARASSMENT**

It is the policy of the City of Snellville, as part of its commitment to equal employment opportunity, to provide a work environment free of intimidation or harassment. Acts of harassment on the basis of race, gender, sexual orientation, color, religion, age, national origin, disability, or veteran status are strictly prohibited. The City will not permit conduct, whether intentional or unintentional, occurring between employees and/ or volunteer or between an employee and /or volunteer and a client, customer or other non-employee that creates an intimidating, hostile, or offensive working environment for others.

### **2.3.1 DISCRIMINATORY HARASSMENT**

The Equal Employment Opportunity Commission's (EEOC) definition of harassment is unlawful harassment of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his/her relatives, friends, or employees, and that:

- A. has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- B. the purpose or effect of unreasonably interfering with an individual's work performance;  
or
- C. otherwise adversely affects an individual's employment opportunities.

All employees and elected officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status, is a violation of this policy and will be treated as a

disciplinary matter. For purposes of this policy, the term “discriminatory harassment,” shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- A. Offensive remarks, comments, jokes or slur pertaining to an individual’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- B. Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail or text messages that are reasonably offensive or that reasonably exploit an individual’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status;
- C. Threatening reprisals based on an employee’s race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or other protected group status; or
- D. Conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance and/or conduct that creates an intimidating, hostile or offensive working environment.

### **2.3.2 SEXUAL HARASSMENT**

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violate Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- 2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
- 3. Such conduct has the purpose or effect to interfere with an individual’s work performance or creates a hostile or intimidating environment.

#### **A. Quid Pro Quo**

Quid Pro Quo literally means “this for that” and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

**B. Hostile Environment**

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

**C. Prohibited Behavior**

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

**A. Complaint Procedure and Investigation**

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to either their immediate supervisor, Department Director, Assistant City Manager, or the City Manager. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the Personnel Officer. At any point, the employee who feels they have been harassed, may go outside the chain of command or their department and go to the Personnel Officer.

The Personnel Officer will investigate all reports of harassing or offensive behavior promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. During the investigation, the Personnel Officer may seek assistance from Departmental Personnel as needed. The Personnel Officer may recuse himself/herself from the investigation if a conflict of interest arises. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with coworkers, friends, or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

**B. Corrective Action**

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay or termination. In the event that harassment or offensive behavior reoccurs, it should immediately be reported to the City Manager or designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

## **2.4 WORKPLACE INTERRUPTIONS**

The City of Snellville does not allow an employee to use intimidation, verbal or implied threats, violence, or the threat of violence against any individual during the course of his/her work.

Work disturbances caused by persons not employed by the City of Snellville, but occurring on the city's work sites, will be reported immediately to a Department Director and the appropriate law enforcement agency. The appropriate law enforcement agency will conduct an investigation and make criminal charges when appropriate. If the disturbance is determined to be the result of a domestic or a personal situation involving an employee, the City Manager is to be notified.

Work disturbances resulting from domestic or personal situations can result in disciplinary action being taken against the employee, especially severe or ongoing disturbances that affects other employees or the City of Snellville's business environment. The employee will take all reasonable and precautionary steps to prevent these disturbances. These steps may include, but are not limited to, seeking counseling or a court order restraining the non-employee from coming to or being at the city's work sites.

Violations of this policy may result in disciplinary action up to and including termination.

## **2.5 RECRUITMENT**

The City of Snellville provides equal employment opportunities for every employee and applicant without regard to race, religion, creed, color, sex, age, national origin, disability, or any other legally protected status.

### **A. Vacancies in Classified Service Positions**

Positions in the Classified Service may be determined by the Department Director to be filled either by open competition from any applicants or by promotional competition from existing City employees in the Classified Service.

#### **1. Announcement of Vacant Positions**

All announcements for open competitive and promotional competitive vacancies in the Classified Service may be publicized by posting announcements for a minimum of fourteen (14) days in the City's Administrative Offices, official bulletin boards, in conspicuous public places, in appropriate public communications media or by any other means which the Personnel Officer or Department Director deem appropriate.

#### **2. Application Forms**

Application shall be made on application forms provided by the Personnel Officer.



Applications will be accepted from all persons desiring employment with the City and who apply during regular business hours. Applicants will not be allowed to submit resumes or similar documents in place of a completed application. All applications shall be signed and such signature shall certify the truth of all statements contained therein.

## **B. Retention of Application Forms-Open Competitive Vacancies**

For open competitive vacancies, all persons will be informed at the time of application that the application form will be placed in an active file for a period of ninety (90) days. The city will retain the applications from those not hired for a competitive position in accordance with Georgia record retention guidelines.

If an individual's application form is in active status as described above and that individual wishes to be considered for another open competitive vacancy that occurs during the same ninety (90) day period in which he/she originally applied for employment, the individual must request in writing to the City that his/her application be reconsidered.

## **C. Evaluation of Applicants**

The Personnel Officer shall determine the process for evaluating applications for all open competitive and promotional vacancies. An applicant's work history, educational record, credit history, driving history, and criminal history may be investigated for the purpose of verifying the statements contained in the application and consideration of the applicant's suitability for the applied position. The City may also ask the applicant to supply professional and/or personal references regarding his/her qualifications for the job. The results of these findings shall be used to evaluate the applicant.

In addition to a job interview, the City may request an applicant to take a test as part of the applicant evaluation process.

The Personnel Officer or designee may disqualify an applicant as part of the application review for any of the following:

1. It is found that the applicant does not meet the minimum qualifications required for the job;
2. The applicant has made a false statement of material fact in the application;
3. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the recruitment and selection process;
4. The applicant has failed to submit the application correctly or within the prescribed time limit;
5. The applicant has previously been separated from the City for cause; or

6. The applicant has been convicted of a felony or a crime involving moral turpitude or an aggravated misdemeanor.

#### **D. Background Check, Drug Testing, Physical (Medical), Psychological and Polygraph Examination**

Every potential regular full time and permanent part time employee will be subject to a pre-employment background check and drug test. Sworn police officers and police cadets will also be required to complete post-offer (*conditional employment*) physical (medical), psychological, and polygraph examinations, in accordance with the Americans with Disabilities Act of 1990. Conditional employment offers are administered to potential employees who have fulfilled all job application requirements and it is understood that the employee will be hired given that certain conditions are met before employment begins.

##### **1. Background Checks**

The City will conduct pre-employment background checks on all internal and external finalist candidates for employment. Dependent upon the position being sought, the information collected may include legal residency, reference checks, education verification, criminal history, motor vehicle driving history, financial and credit information, and or any combination thereof determined by the City to be necessary, appropriate and relevant to the position being sought.

The process for background checks will comply with all federal, state, and local laws and statutes and will be performed only after a candidate has provided written authorization. Candidates who refuse to provide such authorization will not be considered for employment.

##### **2. Drug Testing**

All job applicants will be informed in advance that said testing shall be required and shall sign the consent form. A candidate for employment shall not be allowed to start working until his or her drug test result has been reviewed and approved as a negative test by the medical review officials and/or the City Personnel Officer.

An applicant whose initial drug screening shows a positive test result may, at the applicant's own expense, have the initial result confirmed by the medical personnel who performed the initial test. The confirmation test must be performed on the same specimen supplied for the initial test. If the confirmation test is negative for illegal drugs or controlled substances, the applicant's initial positive test result will be disregarded.

Any applicants for a position to drive and/or operate a commercial motor vehicle, as defined supra herein, shall be required to submit to additional testing and other requirements as mandated by the Omnibus Transportation Employee Testing Act of 1991 now in force or as amended. These additional requirements will also apply to any city

employee who, whether it be due to transfer, promotion or otherwise, will operate a commercial motor vehicle for the City.

### **3. Physical (Medical), Psychological and Polygraph Examination**

Physical (medical), psychological, and polygraph examinations to applicants are administered only after a *conditional* offer of employment has been extended and all entering employees in a particular job classification are subjected to such exams, regardless of disability (e.g. Sworn Police Officer), and to potential employees only when justified by job-related necessity. If physical examinations are required, all finalists for vacancies within the respective occupational group will be required to undergo a physical examination after a *conditional offer* of employment has been extended. A qualified physician (designated or deemed acceptable by the City) shall certify and perform such examination to determine whether the employee is able to perform the essential duties of the job for which they have applied. Applicants who are not able to perform the essential duties for the respective job as determined by the attending physician, shall be disqualified from the respective position.

## **2.6 PROVISIONAL PERIODS**

The provisional periods shall be regarded as an integral part of the selection process and shall be utilized for evaluating an employee's work performance based on assigned job duties and responsibilities in the position's class description and in other administrative directives. The provisional periods provide an initial period of time for a new or reappointed employee to effectively adjust to the job.

A provisional period shall be established for new and promotional appointments and for reappointments. An employee transferred or demoted to another position shall not be required to begin a new provisional period. The provisional period for all appointments shall *normally* be for six (6) months.

An extension of an employee's provisional period may be granted by the Personnel Officer, upon written request by the department director. The provisional period may be extended when the employee has shown adequate progress in performing essential job duties but needs more time to demonstrate an acceptable level of performance based on existing standards. The Personnel Officer may grant an extension up to, but not to exceed, six (6) months.

If an employee has not performed satisfactorily during the provisional period, the department director may decide that the employee should be separated from the City. The effective date of the separation shall be on or before the last date of the employee's provisional period. Written notification of this decision shall be presented to the employee.

### **A. New and Reappointment Employees**

The first six months of service in a position to which a new employee has been hired or reappointed into the Classified Service shall constitute an *introductory* provisional period. The introductory provisional period shall be an essential part of the evaluation process, and shall be utilized for the most effective adjustment of a new employee. If the employee successfully completes the introductory provisional period, the employee shall obtain regular full time status, to begin on the day following the successful completion of the introductory provisional period. The individual's appointment date shall be established on that date.

**1. Initial employment**

A new employee appointed to a position in the City shall not begin his/her first day of employment on a designated official holiday. The first day of employment shall be on a day that coincides with the employee's regular work schedule.

**2. Promotional Employees**

An existing Classified Service employee promoted to another position shall be required to begin a new provisional period. The employee's status as a regular full-time employee in his/her former position shall remain in effect during the promotional provisional period. A new appointment date shall be established on the day of successfully completing the promotional provisional period. If an employee fails to perform satisfactorily during the promotional provisional period, the employee shall be eligible for transfer to a position that is comparable to the previous position held prior to the promotion, if such position is available.

**2.7 EMPLOYMENT STATUS**

**A. Regular Full-time Appointment**

An appointment to a full-time position of forty (40) hours per week in which the employee is given regular status after satisfactorily completing the provisional period. This appointment provides the employee with all of the rights and privileges of the city's personnel rules and regulations and other policies as designated by the City Manager.

Regular appointments remain in effect until the appointee voluntarily separates, is involuntarily separated, or the position is eliminated.

**B. Temporary Full-time Appointment**

A Department Director may request that the City Manager approve a temporary full-time position that is needed for a limited duration of time, not to exceed one (1) year.

The acceptance or refusal of a temporary full-time appointment shall not affect an applicant's eligibility for regular appointment. A person appointed to such a position shall not be eligible for

the rights, privileges and benefits conferred through these Personnel Rules and Regulations to other City employees.

### **C. Permanent Part-Time Appointment**

A Department Director may request that the City Manager approve a permanent part-time position. The work schedule of this position shall be year round and permanent part time employees will work an average of twenty-nine (29) hours per week or less in a scheduled work cycle.

The acceptance or refusal of a permanent part-time appointment shall not affect an applicant's eligibility for regular appointment. A person appointed to such a position shall not be eligible for the rights and privileges conferred through these Personnel Rules and Regulations to other City employees. The City Manager may authorize some benefits.

### **D. Temporary Seasonal Part-Time Appointment**

A Department Director may request that the City Manager approve a Temporary Seasonal part-time position. The work schedule of this position is dependent on the seasonal nature of the duties to be performed and could average up to 40 hours per week in a scheduled work cycle for the season's duration; i.e. Pool Operations and Summer Day Camp.

The acceptance or refusal of a temporary seasonal part-time appointment shall not affect an applicant's eligibility for regular appointment. A person appointed to such a position shall not be eligible for the rights, privileges and benefits conferred through these Personnel Rules and Regulations to other City employees.

### **E. Reappointment of former employees**

Former City employees (with at least one year of previous regular full-time continuous service with the City) who apply with and are reappointed to regular full-time employment with the City shall receive credit for previous service based on the following criteria.

If an individual is rehired within one calendar year of his/her date of termination then he/she will immediately receive credit for his/her former service with the City as of his/her date of reemployment, but he/she will have a break in service. Should an employee return to service with the City within an amount of time that could be covered by their severance payout, i.e. accumulated vacation and sick leave, then they will resume employment as if no break in service occurred.

If an individual is rehired after one calendar year from their date of termination then they must serve the amount of time they were away or five (5) years (whichever is less) before they will be credited for their prior service with the City of Snellville.

At the time a rehired employee meets the criteria stated above his/her date of employment will be adjusted for accredited past service for the purposes of calculating time sensitive benefits.

## **2.8 CHANGES IN POSITION STATUS**

Vacancies in positions above the entry level in the Classified Service may be filled by promotion, except when it is determined to be in the best interest of the City to fill the position with candidates recruited from outside the Classified Service.

It shall be the responsibility of the Department Directors to submit their requests for changes in positions that involve promotions, demotions and transfers to the Personnel Officer who then will present it to the City Manager, if necessary. Such requests must include adequate information to explain and document the requested change in position status. The City Manager shall evaluate the request and shall be responsible for issuing final approval for such actions.

## **2.9 PROMOTIONS**

A promotion is the advancement of a regular full-time employee to a vacant position with a higher classification. A higher classification is one, which has a maximum salary in the salary range that is greater than that of the previous classification held by the employee. Promotional vacancies are filled through a promotional competitive process and are available only to existing regular full-time employees in the City's Classified Service.

The promoted employee is eligible for two salary adjustments - one upon placement in the new position and one upon successful completion of the promotional provisional period. Such salary adjustments shall be implemented in accordance with procedures in Section 3.

## **2.10 DEMOTIONS**

A demotion is the movement of a regular full-time employee or a new employee during their provisional period to a position with a lower classification. A lower classification is one, which has a maximum salary in the salary range that is less than that of the previous classification held by the employee. An employee may be demoted to a position on a voluntary basis or on an involuntary basis. An employee's regular full time status shall not change with the demotion although his/her rate of pay may be reduced.

### **A. Voluntary Demotions**

An employee may request to be demoted to a vacant position upon written request to the Department Director. The affected Department Directors and the Personnel Officer shall determine whether the employee *is* qualified to perform the duties and responsibilities of the lower position and the City Manager shall provide final approval for such action.

When demotion is voluntary, the employee's pay rate shall be lowered by 5% if their current rate of pay is within the new job's salary range; or to the maximum of the lower job classification if

their current rate of pay is greater than the new job's salary range.

## **B. Involuntary Demotions**

An employee who is demoted on an involuntary basis shall be moved to the established lower salary range. When demotion is involuntary, the employee's pay rate shall be lowered by 5% if their current rate of pay is within the new job's salary range; or to the maximum of the lower job classification if their current rate of pay is greater than the new job's salary range. Involuntary demotions require final approval by the City Manager.

## **2.11 TRANSFERS**

A transfer is the lateral movement of a regular full-time employee or new provisional status employee to another position in the same classification or in a different classification with the same salary range of the employee's former position. The status and pay of the employee shall remain the same as previously existed. The transfer of an employee to a different department shall have the written approval of both Department Directors. All transfers shall be reported in writing to the Personnel Officer.

## **3.1 PAY AND CLASSIFICATION PLAN OVERVIEW**

The City's Pay and Classification Plan establishes a fair and equitable system for classifying and compensating all Classified Service positions. The Plan shall be followed for all employee hiring and mobility including: new and reappointed employees hiring; promotions; reclassifications; transfers; disciplinary demotions or salary reductions; and annual merit increases. The Pay and Classification Plan shall be adopted by the Mayor and City Council and administered and enforced by the Personnel Officer to ensure that all City personnel actions and activities comply with the City's adopted Pay and Classification Plans and Personnel Rules and Regulations. This Plan is provided as a separate document from the City's Personnel Rules and Regulations and should be referenced for further information regarding the decision-making and other details.

It is the City's right to establish, change or modify the City's Pay and Classification Plans. Such action includes but is not limited to, revising the pay schedule; changing pay grade assignments of classifications, modifying class specifications; adding or deleting classifications.

### **A. Allocation of Positions**

A comprehensive classification plan for all positions shall be established and approved by the City Council. The maintenance of the classification plan shall be subject to the provisions of these policies. The plan shall be based on investigation and analysis of the duties and responsibilities assigned to each position, and each position shall be assigned a pay grade in the City's Pay Plan. Employee salaries shall be set in accordance with the Pay plan and salary schedules in the Pay plan. The Classification plan shall be developed after consultation with the supervisors in each

department and other persons technically familiar with the character of the work. When complete, the classification plan shall include for each job an appropriate title, description of duties, responsibilities, and the education, training, experience, and other qualifications necessary to perform each job.

All positions shall be authorized in the City's operating budget each fiscal year. The City Manager with the consent of the City Council shall have the authority to establish new or delete existing positions based on work conditions, staffing and budgetary considerations.

## **B. Job Classifications**

Job classifications are descriptive and explanatory but not meant to be restrictive or all encompassing of an employee's daily job duties. They are designed to indicate the nature of work performed and the minimum qualifications required. The language of classifications is not to be interpreted as limiting or modifying the authority of supervisory officials, and/or the City Council in its authority to take from, eliminate, or otherwise change the duties and responsibilities of a job, to assign duties, or to delegate responsibilities to employees and/or to direct and control their work.

## **C. Revisions**

Revisions to the Classification Plan require the review and approval of the City Manager and the Mayor and City Council. Review of job duties as classified in the City's plan may be made upon request of a department director or the Personnel Officer. The City Manager may consider revisions to the Classification Plan based on classification information and other research gathered from public and private employers. Adjustments to the Classification Plan may be considered on an as-needed basis.

## **D. Records**

The Personnel Officer must properly document classification and compensation actions in order to maintain the City's personnel system. The class title, pay grade and pay, if applicable, must be reflected on the necessary personnel action, budgeting and payroll records for proper execution and documentation of transactions.

The Personnel Officer shall maintain a copy of the adopted Pay and Classification Plans. These Plans shall be open for inspection by employees and the general public under reasonable conditions during normal business hours.

## **E. Reclassifications**

A reclassification occurs when an employee's job duties and responsibilities change significantly such that the employee's current job title no longer reflects the job being performed. The employee may then be eligible for a reclassification to change his/her classification, salary range and rate of pay to properly classify and compensate the employee based on his/her current job duties.



Reclassifications as described in this section shall apply to individual position reclassifications requested by department directors. Such reclassification requests shall be submitted in writing to the Personnel Officer and the City Manager. Reclassification requests must include adequate documentation on the changes in duties and responsibilities of the position to warrant approving the reclassification.

#### **F. Entry Salaries-New Employees**

The salary for all new employees shall normally be set at the beginning of the salary range for the classification. If it is necessary to set the starting salary for a new employee above the entry level, the Department Director must provide a written explanation of the reasons for the deviation to the Personnel Officer. The Department Director may use experience, educational attainment, or specialized skills as a reason for their request. The Personnel Officer will then present the request and his/her recommendation to the City Manager for approval. A copy shall be included in the personnel file of the affected employee.

#### **G. Reappointment**

An employee who is reappointed may be placed on an appropriate assigned salary range, considering the individual's qualifications. However, the employee may not be placed in a salary that is higher than what his/her salary would have been if he/she had remained in the employ of the City, unless the individual has obtained further education and or/credentials that would so merit the higher salary.

#### **H. Provisional periods**

A new employee is eligible for a salary increase on the date following the successful completion of the provisional period. Successful completion means the employee's job performance has been fully satisfactory and the individual accepts regular status as a City employee.

A regular full-time employee who is promoted to a higher classification shall be required to serve a new six (6) month promotional provisional period. The promoted employee is eligible for two salary adjustments - one upon placement in the new position and one upon successful completion of the promotional provisional period.

### **3.2 SALARY PLAN ADJUSTMENTS**

#### **A. Merit Increases**

Salary advancements due to merit increases shall be given to City employees based on their individual job performance as documented on their performance evaluation forms. The city shall adhere to performance evaluation procedures as outlined in the Pay and Classification Plan.

Salary advancements shall be made effective according to the schedule adopted by the City. The

advancement of each employee's salary within the employee's current salary range shall take effect in accordance with the performance rating system described in the Pay and Classification Plan.

## **B. Promotions**

The promoted employee is eligible for two salary adjustments – one upon placement in the new position and one upon successful completion of the promotional provisional period.

The salary of a regular, full-time employee who receives a promotion in accordance with the section 2.8 will be increased by five percent (5%); or to the minimum of the new salary range, whichever is greater. If they successfully complete the promotional provisional period the employee will be eligible for another salary increase based on an evaluation of their performance in the new position and in accordance with the Pay and Classification Plan.

## **C. Demotions**

When an employee is demoted either on a voluntary or involuntary basis, the employee's pay rate shall be lowered by 5% if their current rate of pay is within the new job's salary range; or to the maximum of the lower job classification if their current rate of pay is greater than the new job's salary range.

### **3.2.1 INCENTIVE-BASED SALARY ADJUSTMENTS**

The City Manager may authorize a mid-year adjustment to an employee's pay when he/she earns an advanced certification or a degree. The new salary shall take effect starting in the next pay period. An employee shall receive one incentive-based salary adjustment per fiscal year. The incentive-based salary adjustment may be separate from the annual merit increase.

### **3.3 PAY PERIODS**

Employees are paid on a bi-weekly basis, on Fridays. If a regularly scheduled payday falls on a city observed holiday, employees will normally be paid on the last workday preceding the holiday.

### **3.4 PAYROLL DEDUCTIONS**

#### **A. Mandated Deductions**

Payroll deductions, including federal and state taxes, FICA, etc. shall be made by the City as required by federal and state laws. The employee may authorize additional deductions.

#### **B. Charitable Contributions**

Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions shall not be permitted.

### **3.5 OVERTIME PAY**

Compensation for overtime work shall be administered in accordance with the Fair Labor Standards Act (29 U.S.C.) upon request by the Department Director and upon approval by the Personnel Officer. The Department Director or their designee must authorize any overtime work for non-exempt employees. In such an event and according to agreement between employee and supervisor, overtime shall be compensated by one of the following two (2) options, at the rate of:

1. one and one-half (1.5) times the non-exempt employee's regular rate of pay; or
2. compensatory leave on a time and a half (1.5) basis shall be granted to the employee.

Any non-productive time (sick leave, annual leave, court leave, holidays, etc.) occurring in a pay period will not be counted as time worked for non-holiday overtime computations.

Overtime shall be paid in fifteen-minute increments. Time worked less than eight (8) minutes will not be compensated while time worked in excess of eight (8) minutes will be paid.

#### **A. Non-Exempt Employees (other than sworn police officers)**

These employees are eligible for overtime pay in accordance with the overtime provisions of applicable federal and state wage and hour laws. Non-Exempt Employees will be eligible for overtime compensation for any hours actually worked in excess of 40 hours during the seven day period beginning Sunday 12:01 a. m. and ending Saturday 12:00 p.m.

#### **B. Non-Exempt Sworn Police Officers**

A partial exemption exists for sworn law enforcement employees under §7(k) of the FLSA. Under this section the City of Snellville has adopted a 14 day work period for Police Officers. Police Officers will be eligible for compensation at 1.5 their regular hourly rate for any hours actually worked in excess of 86 during the 14-day work period beginning Sunday 12:01 a. m. and ending in 2 weeks on Saturday 12:00 p.m.

#### **C. Exempt Employees**

These employees are excluded from the overtime pay provisions of applicable wage and hour laws. The job duties and compensation for these employees must meet the exemptions criteria established by the Fair Labor Standards Act (FLSA). Generally, exempt positions are classified as executive, administrative, or professional as defined by the FLSA.

#### **D. Holiday Overtime Pay**

For non-exempt employees and police officers, time worked on a holiday in excess of the normal shift time shall be compensated at one and one-half times their regular rate of pay. Eligible employees will be compensated for holiday overtime pay without regard for leave time that is taken during the same pay period.

#### **E. On-Call Pay**

Any non-exempt employee who has actually worked 40 hours during a pay period (Sunday through Saturday) and is called back in to work for an emergency situation or other necessary city business shall receive a minimum of two (2) hours of pay at their regular pay rate for any time worked up to one hour. Any time worked over two (2) hours shall be paid at time and half for hours served. Hours paid for sick leave, vacation, or holidays do not count toward the 40 hours for purposes of this policy.

Employees called in after hours for emergency or other necessary city business, who have not worked forty (40) hours during the pay period (Sunday through Saturday) shall receive a minimum of one (1) hour of pay at their regular rate for any time worked up to one hour. This policy covers non-exempt employees only and does not apply to exempt employees, Department Directors or sworn law enforcement personnel.

#### **F. Hazardous Duty Pay**

This Policy implements uniform procedures for ensuring staff members who are required to work during hazardous conditions are assigned a stipend for Hazardous Duty Pay. This policy will be applicable to the tracking of wages during an impending or declared emergency and/or disaster response and recovery period for all employees (exempt and non-exempt) working under the hazardous conditions. In an emergency, this policy is intended to ensure fair and equitable compensation for City of Snellville employees. City of Snellville provides essential services that must continue during emergency situations, such as public health emergencies that pose a risk of harm to the general public and workers. Such services are essential to ensure the continuity of government operations, to provide for public safety, and to expedite the reestablishment of government services. During emergency situations, City of Snellville employees perform duties that may pose a risk to their health and safety, perform their regular duties under circumstances or in locations that may pose a risk to their health and safety, or both. City of Snellville recognizes that employees should be compensated for their willingness to take on such risks.

This Policy will be applied when conditions exist that pose a hazardous work environment to one or more employees. With authorization from the Mayor and Council, the City Manager may implement this Hazardous Duty Pay Policy for City Departments, in whole or in part, based on those assigned to work under the identified hazardous condition. All employees, regardless of length of service or job status, who physically report to their assigned work locations during a public health or other declared emergency, may be eligible for Hazardous Duty Pay (HDP). HDP is a supplement to the employee's regular rate of pay. Specified employees may receive HDP while

performing duties or working in a location that may be affected by an emergency or disastrous event.

Employees will receive an additional flat amount of Hazardous Duty Pay determined and approved by the City Manager per bi-weekly pay period during the periods they physically report at their permanent work site or reassigned work site to perform assigned job duties during the emergency situation. The City Manager shall determine the duration of the emergency situation along with data from other government entities. Employees will not receive HDP for hours worked remotely at home, hours on any type of paid or unpaid leave, hours that the employee is directed to stay at home without working, or any other type of non-work status.

FUTURE POLICY APPLICATION: The HDP Policy may be amended and activated as deemed necessary for any emergency or disaster event for the purpose of providing employees with additional compensation while working in emergency situations.

### **3.6 WITHHOLDINGS**

Procedures for the garnishment or withholding of wages for support obligations such as alimony and child support and for other debts such as taxes shall follow prescribed Federal and State laws.

### **3.7 TERMINAL PAY**

Prior to receiving final monies due, all items of City property in the employee's custody shall be returned to the Department Director. Certification to this effect must be made by the employee and must be submitted to his/her immediate supervisor prior to separation.

Deductions for the loss or abuse of City property, or other financial obligations, which are due to the City, may be deducted from the employee's final paycheck.

All unused compensatory time, vacation and sick leave shall be handled in accordance with the policy outlined in sections 5.2 and 5.5 of this document.

#### **A. Compensation Due Deceased Employee**

The City, in the case of a death of an employee, shall pay to the named beneficiary, or as otherwise provided by order from the Court, all wages, terminal annual leave, or other monies which may be due the employee, as of the date of death. Payment shall be made at the employee's rate of pay at death.

### **3.8 PERFORMANCE EVALUATIONS**

The City of Snellville's performance management (evaluation) program assists employees and

supervisors in establishing a workplace that is acceptable to all involved. The evaluation process gives the supervisor an opportunity to provide feedback to the employee regarding his/her work performance; to discuss needed improvements in work performance, and to discuss with the employee his/her work needs regarding supervision, training and other areas. The evaluation process allows the employee to objectively see what areas he/she needs to improve on and also gives praise in areas where the employee excels.

### **A. Provisional Period Employees**

Throughout the provisional period, an employee's supervisor or department director shall observe the employee's job performance and shall discuss these observations with the employee on an informal basis as needed.

At least twenty (20) calendar days prior to the completion of an employee's provisional period, the supervisor or department director shall complete an evaluation report of the employee's job performance. The evaluation report shall state in writing whether or not the employee has performed satisfactorily during the provisional period.

The supervisor or department director shall schedule a meeting with the employee to discuss the report and to give the employee an opportunity to read and comment on the report. A copy of the completed evaluation report shall be given to the employee and shall be placed in the employee's personnel file.

If the employee is on *introductory* provisional period status and he /she successfully completes the provisional period and obtains regular status as a full-time employee, the employee's appointment date shall be established. The employee's performance evaluation shall be conducted at least annually thereafter on the schedule established by the city.

### **B. Regular (Full – time) Employees**

Performance evaluations for regular full-time employees shall be conducted by their immediate supervisors on at least an annual basis. A performance evaluation is a written appraisal of an individual employee's job performance for the latest work period. The evaluation report shall state in writing whether or not the employee has performed fully satisfactorily during the evaluation period.

Performance ratings shall be given as part of the written performance evaluation report. These ratings shall have a direct bearing on the salary or merit increases all employees involved in this process receive for the year. Merit increases are therefore given based on satisfactory job performance and are not automatic.

### **C. Conducting Evaluations**

The City's evaluations report form shall be used for all evaluations. When an employee's immediate supervisor completes the evaluation form, it must be reviewed and signed by the Department

Director before it can be presented to the employee. The immediate supervisor or department director shall schedule a private meeting with the employee to discuss the report and to give him/her an opportunity to read and comment on it.

The employee shall sign the evaluation form indicating that the evaluation and rating have been explained. The signature does not necessarily indicate that the employee agrees with the evaluation or rating. A copy of the completed evaluation report shall be given to the employee and to the Personnel Officer for insertion in the employee's active personnel file. An employee shall not be eligible for a pay raise until the performance evaluation form has been processed.

## **4.1 WORKDAY HOURS**

The City Manager shall establish the hours of work, which insofar as practicable, shall be uniform within occupational groups, and shall be determined in accordance with the needs of the City services. These workday hours shall also take into account the reasonable needs of the public who may be required to do business with the City departments.

### **4.1.1 TELECOMMUTING**

The City Manager has the discretion to allow employees to telecommute. Employees will be considered on an individual basis for their telecommute eligibility. A primary consideration for administering telecommuting in the city is that it does not interfere with auxiliary services provided to the public during work hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal, and the employee's tasks can be performed successfully away from the office. It is important that consistent communications be maintained by telecommuting employees.

Telecommuting employees shall be available at their remote locations by telephone and/or e-mail to management and other City staff during regular work hours. They shall not hold meetings at their alternate workplace where the physical presence of others is required. They shall not conduct any unauthorized external (non-City) work during their telecommuting work schedule.

## **4.2 HOLIDAYS**

All regular full-time employees of the Classified Service will receive paid leave (holiday pay) on official holidays. The amount of holiday pay will be the normal rate of pay for an employee's regular shift. The City of Snellville observes nine (9) official holidays.

<u>Date</u>	<u>Holiday</u>
January 1	New Year's Day
3 <sup>rd</sup> Monday in January	Martin Luther King Day

Last Monday in May	National Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
Fourth Friday in November	Friday following Thanksgiving
December 24	Christmas Eve
December 25	Christmas Day
*Employee Choice	Floating Holiday

\*Must have advance approval of Supervisor.

The Mayor and Council may designate other days as holidays at their discretion.

In the event a designated holiday falls on a Saturday, it shall be observed on the Friday immediately preceding, and if any such holiday falls on a Sunday, it shall be observed on the Monday immediately following the holiday.

To be eligible for holiday pay, it is required that regular full-time employees work or be on approved compensated annual or sick leave the last scheduled day before the holiday and the next scheduled day after the holiday when those days fall within the same pay period as the holiday.

When a holiday falls on an employee's regular workday, and that employee is on authorized annual or sick leave, the employee will receive holiday pay and will not have that workday charged against his/her leave record. When a holiday falls or is scheduled to be observed on an employee's normal day off, other than a Saturday or Sunday, that employee's shall observe the next closest scheduled work day as the holiday or they may be granted another day off at a future date in lieu of the holiday. The department director must approve the rescheduling of that day off.

In addition to the amount to which they are entitled as holiday pay, eligible employees who are required to be on duty on officially designated holidays shall be paid for the hours worked on the holiday at their regular rate of pay. Eligible employees may be given another day off during the same pay period or work cycle in lieu of the additional compensation described above upon approval by the Department Director. This does not include any actual hours worked over forty hours, which may qualify non-exempt employees for overtime compensation.

For non- exempt employees, time worked on a holiday in excess of their normal shift hours shall be compensated at one and one-half times their regular rate of pay. Eligible employees will be compensated for work on a holiday without regard to approved paid leave that they take during the same pay period.

Permanent part time employees or seasonal part-time employees may be paid for holidays.



### **4.3 ATTENDANCE, ABSENTEEISM, AND TARDINESS**

Department Directors shall be responsible for the attendance of all persons in their departments. Complete attendance records shall be maintained on forms and in accordance with procedures issued by the Personnel Officer.

Being on the job is crucial to the successful operation of the City. Employees who have over three (3) periods of absence, without medical documentation, or in excess of 40 hours absence during a 6-month period may face disciplinary action up to and including termination. A period of absence is defined as consecutive work days away from the job due to sickness or unscheduled personal business, i.e. three consecutive days absence due to illness would be one (1) period of absence. Sick leave utilized in compliance with the provision of the Family and Medical Leave Act will not be counted toward the sick leave standard.

Employees who have over three (3) tardy occurrences in a 6-month period may face disciplinary action up to and including termination. An employee is tardy when he/she:

- Fails to report for work at the assigned/scheduled work time.
- Leaves work prior to the end of an assigned/scheduled work time without prior approval.
- Takes an extended meal or break period without approval.

### **4.4 USE OF CITY VEHICLES AND EQUIPMENT**

The City's vehicles, equipment, and supplies shall be used only for official City business and not for personal purposes. An employee shall return all equipment, tools, supplies, vehicles, and other property of the City in good condition to their supervisor prior to termination.

City officials and all employees operating City vehicles shall comply with the following guidelines at all times:

1. Be at least 18 years of age.
2. Possess and maintain a valid Georgia driver's license for the class of vehicle to be driven.
3. Abide by the Georgia Safety Belt Law and other departmental restrictions as specified by the Department Director
4. Understand that all traffic violations received while operating a City vehicle are the responsibility of the driver and not the City.
5. Understand that City vehicles are to be used for official City business only; personal errands are not allowed while operating a City vehicle.

6. Lock the vehicle at all times when it is not in use.
7. Ensure records of maintenance and service are properly completed and maintained.
8. Do not alter, repair, or in any way change, add to, or remove any parts of accessories of any City-owned or leased vehicles without the permission of the Department Director.
9. Notify the City as soon as possible if a City vehicle is involved in an accident either on a public street or on private property.
10. Keep the vehicle well maintained, as stipulated in the vehicle maintenance schedule.
11. Ensure that only authorized personnel operate and/or ride in such vehicles.
12. Do not use tobacco products of any kind, including, but not limited to, cigarettes, e-cigarettes, cigars, or pipes inside a City-Owned vehicle.
13. The use of alcohol or illegal drugs is strictly prohibited while operating city vehicles or equipment.
14. The use of a personal or company-supplied cell phone or electronic device is strictly prohibited while operating city vehicles or equipment, except in accordance with State laws regarding hands-free use of such devices.

#### **4.5 TRAVEL AND PERSONAL MILEAGE REIMBURSEMENT**

The city is responsible for fostering and promoting in-service training for elected and appointed officials, and employees for the purpose of improving the city's quality of service. The provisions below provide an overview of the city's travel policy. Public officials and employees should consult the city's Travel Policy for additional information on the administrative requirements and procedures for work-related travel.

1. Advance registrations and accommodations shall be paid by the city, directly to the hotel/motel vendor by the City Financial Officer.
2. All valid expenses (hotel/motel balance, gas, tourist class air travel, conference fees and registrations, parking, and per diem meals) incurred by Mayor and City Council, city employees, or other designated persons only while traveling on city-approved business shall be reimbursed upon presentation of the receipt(s) and/or bill(s) to the City Financial Officer within 10 days of return.
3. City employees and other designated persons shall be reimbursed for official/City use of personal vehicles at the per mile rate established by the United States Internal Revenue Code, as amended.

4. Per Diem meal allowance shall not exceed the amount listed in the federal rate schedule as determined by the Government Services Administration.

## **4.6 INTERNET USAGE POLICY**

The City of Snellville provides access to the vast information resources of the Internet to help you do your job and stay well informed. The facilities that provide access represent a considerable commitment of resources for telecommunications, networking, software, storage and technology. This Internet Usage Policy is designed to help you understand our expectations for the use of those resources in the particular conditions of the Internet, and to help you use those resources wisely.

While the City has set forth explicit requirements for Internet usage below, the following describes our Internet usage philosophy.

First and foremost, the Internet is a business tool, provided to you at significant cost. That means the City expects you to use your Internet access for business-related purposes, i.e., to communicate with customers and suppliers, to research relevant topics and obtain useful business information (except as outlined below). The City insists that you conduct yourself honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others, just as you would in any other dealings with the citizens of this City. To be absolutely clear on this point, all existing City of Snellville policies apply to your conduct on the Internet, especially (but not exclusively) those that deal with intellectual property protection, privacy, misuse of City of Snellville resources, sexual harassment, information and data security, and confidentiality.

Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the City of Snellville and expose the City to significant legal liabilities. Electronic media such as chat rooms, newsgroups and e-mail on the Internet give each individual Internet user an immense and unprecedented ability to propagate messages. Because of that power, one must take special care to maintain the clarity, consistency and integrity of the City of Snellville's image and posture. Anything any one employee writes in the course of acting for the City of Snellville could be taken as representing the City of Snellville.

While the direct connection to the Internet offers a wealth of potential benefits, it can also open the door to some significant risks to City data and systems if one does not follow appropriate security discipline. As presented in greater detail below, that may mean preventing machines with sensitive data or applications from connecting to the Internet entirely, or it may mean that certain users must be prevented from using certain Internet features like file transfers. The overriding principle is that security is to be everyone's first concern. Individual employees will be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts.

*“City of Snellville”* includes all departments our affiliates, subsidiaries, and branches.

*“Document”* covers just about any kind of file that can be read on a computer screen as if it were a printed page, including the so-called HTML files read in an Internet browser, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools.

*“Graphics”* includes photographs, pictures, animations, movies or drawings.

*“Display”* includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

## **DETAILED INTERNET POLICY PROVISIONS**

### **A) General**

1. The City of Snellville has software and systems in place that monitor and record all Internet usage. Our security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks. The City reserves the right to monitor usage at any time. No employee should have any expectation of privacy as to his or her Internet usage. Our designated supervisors will review Internet activity and analyze usage patterns, and they may choose to publicize this data to assure that City of Snellville Internet resources are devoted to maintaining the highest levels of productivity.
2. The City of Snellville reserves the right to inspect any and all files stored in private areas of the City network in order to assure compliance with policy.
3. The display of any kind of sexually explicit image or document on any City of Snellville system is a direct violation of our policy on sexual harassment. In addition, sexually explicit material shall not be archived, stored, distributed, edited or recorded using our network or computing resources.
4. The City of Snellville uses independently supplied software and data to identify inappropriate or sexually explicit Internet sites. The City will block access from within its networks to all such sites that are known. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. It is imperative that you immediately document the accidental connection to an inappropriate website and submit that documentation to your immediate supervisor. Failure to do so could result in adverse action taken against you.
5. The City of Snellville Internet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation, or the laws and

- regulations of the State of Georgia, or any state, city, province or other local jurisdiction in any material way. Use of any City of Snellville resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement agencies in the investigation and prosecution of criminal activity.
6. Any software or files downloaded via the Internet into the City of Snellville network become the property of the City of Snellville. Any such files or software may be used only in ways that are consistent with their licenses or copyrights and for legitimate business related purposes.
  7. No employee may use City of Snellville Internet facilities or computer resources to download or distribute illegally copied or pirated software or data.
  8. No employee may use the City of Snellville Internet facilities or computer resources to create or propagate any computer virus, worm, Trojan horse, or trapdoor program code.
  9. No employee may use the City of Snellville Internet facilities or computer resources to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
  10. Each employee using the City of Snellville Internet facilities or computer resources shall identify himself or herself honestly, accurately and completely (including their affiliation with the City of Snellville and their position title and function where requested) in any form of online communication or when setting up accounts on outside computer systems.
  11. Only those employees or officials who are authorized to speak to the media, to analysts or at public gatherings on behalf of the City of Snellville may speak/write in the name of the City of Snellville in any public online forum. Other employees may participate in online communication in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as an employee or agent of the City of Snellville, the employee must refrain from any political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the City of Snellville of any commercial product or service not sold or serviced by the City of Snellville. Only those managers and City of Snellville officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the City of Snellville may grant such authority to public online forum participants.
  12. The City of Snellville retains the copyright to any material posted to any forum, World Wide Web page by any employee in the course of his or her duties.
  13. Employees are reminded that all forms of online communication are public forums where it is inappropriate to reveal confidential City of Snellville information, customer data, trade secrets, and any other material covered by existing City of Snellville confidentiality policies and procedures. Employees releasing such confidential information via any online communication — whether or not the release is inadvertent — will be subject to the

- penalties provided in existing City of Snellville Personnel Policies and Procedures, as well as any applicable Federal, State or local laws.
14. Use of City of Snellville Internet access facilities or computer resources to commit infractions such as misuse of City of Snellville assets or resources, sexual harassment, unauthorized public speaking and misappropriation of intellectual property are also prohibited by general City policy and will be sanctioned under the relevant provisions of the City of Snellville Personnel Policies and Procedures handbook.
  15. Because a wide variety of materials may be considered offensive by colleagues, customers or suppliers, it is a violation of City of Snellville policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the City of Snellville's business activities.
  16. Employees personal use of the City of Snellville Internet access and other City provided or owned computer facilities for non-business related research or informational browsing shall only be permitted during meal times or other breaks, provided that all other usage policies are followed.
  17. Employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws of all jurisdiction in which the City of Snellville maintains a business presence, so that use of the Internet does not inadvertently violate any laws which might be enforceable against us.
  18. Employees granted Internet access shall not download or install any software that does not have a direct business use. Employees wishing to download appropriate software must obtain prior written authorization from their Department Director and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.
  19. Employees with Internet access may not use City of Snellville Internet facilities to download images or videos unless there is an express business-related use for the material.
  20. Employees with Internet access may not upload any software licensed to the City of Snellville or data owned or licensed by the City of Snellville without the express written authorization of the manager responsible for the software or data.

## **B) Technical**

1. User IDs and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource from the City of Snellville must keep that password confidential. The City of Snellville policy prohibits the sharing of user IDs or passwords obtained for access to Internet sites.

2. Employees should schedule communications-intensive operations such as large file transfers, video downloads, mass e-mailings and the like, for off-peak times.
3. Any file that is downloaded must be scanned for viruses before it is run or accessed.

### **C) Security**

1. The City of Snellville has installed an Internet firewall to assure the safety and security of the City of Snellville's networks. Any employee who attempts to disable, defeat or circumvent any City of Snellville security facility will be subject to immediate dismissal.
2. Files containing sensitive City of Snellville data, as defined by existing corporate data security policy, that are transferred in any way across the Internet must be encrypted.
3. Only those Internet services and functions with documented business purposes for the City of Snellville will be enabled at the Internet firewall.

### **D) Policy for the Use of Electronic Mail ("E-mail")**

#### **1. Purpose:**

The City of Snellville ("City") provides electronic mail to its employees for their use in performing their duties for the City. This material sets forth the City's policy for proper use of electronic mail ("e-mail") and addresses circumstances under which e-mail messages directed to one person may be accessed by other people within the City. This policy also states when e-mail messages may be disclosed to persons outside of the City.

Electronic mail is a local government record, and the purpose of this policy is to provide guidelines for the generation, access, and inspection of the public records generated and received by the City

#### **2. Background:**

*Benefits of E-mail.* E-mail provides the immediate and direct ability for individuals to communicate with each other and is therefore of great benefit to the City. The City provides E-mail to its employees and elected officials for the following purposes: (1) to improve the communication and overall relationship between the different departments within the City, thereby improving the effectiveness and efficiency of these departments and the services that they provide; (2) to improve the communication among and between the elected officials, the City administration, Department Heads, and City employees authorized to utilize the E-mail system; and (3) to facilitate effective and economical communication among and between the general public, residents of the City and the representatives of City.

#### **3. Definitions:**

*Archive:* To copy files into a long-term storage medium in order to retain for utilization backup.

*Copyright Infringement:* "Copyright," is the exclusive right of a person or a legal entity to reproduce, publish or sell a work (e.g., a picture, written article or a computer program) that it has

created. Copyright infringement may occur if, for example, an individual copies a computer program or other work without the author's permission. E-mail messages that have computer programs or artwork attached to them should be carefully analyzed to insure that no copyrights are violated by the use or other reproduction of the program or artwork.

*Distribution List:* A list of intended recipients of an e-mail communication.

*Electronic Mail ("e-mail"):* Communications within and among Microsoft Exchange, the City of Snellville Home Page, Windows Internet Mail, Microsoft Internet Explorer, etc.

*E-mail Records Master Copy:* The archived e-mail records maintained by the City of Snellville.

*Encryption:* The translation of data into a secret code.

*LAN:* A network (or group) of personal computers and related devices (e.g., printers) in a small area (such as an office) that are linked together by cable; that can directly communicate with other devices in the network, and that can share resources (e.g., directories and files). LAN Administrators are those individual(s) in charge of insuring that the LAN works properly.

*Network Server:* A computer that is dedicated to managing network traffic. Individual desktop computers rely on network servers for files, printers and software.

*WAN:* "WAN" is the acronym for Wide Area Network, which is a network (or group) of LAN's.

#### **4. Responsibilities:**

**Records Manager.** The designated records custodian for all standard public records generated by the City is the designated records custodian for public records generated by e-mail as well. It is the responsibility of the Records Manager to accommodate members of the public who request access to e-mail by scheduling a time for access and by providing instruction regarding the operation of the e-mail program. The public will be able to access and inspect public records generated through the e-mail system at a designated public access terminal. The Records Manager will create and maintain a record of those members of the public who access the system. The Records Manager will establish standards and procedures to ensure the integrity of the e-mail Records Master Copy. The Records Manager will also levy and collect charges for providing copies of records generated through the e-mail system to the public; however, the charges will not exceed that allowed by Georgia law.

**Data Management Administrator.** The Data Management Administrator will provide technical support for the Records Manager as needed and will update data from all departments on a weekly basis in order to keep the e-mail public access database current. The Data Management Administrator will also provide any licensure or updates to the program as needed.

**Departments Not on Networks.** All departments within the City Administration which are not on Wide Area Networks but generate information through e-mail shall provide updated data to the Data Management Administrator on a weekly basis.



**LAN Administrators.** LAN administrators shall assure their e-mail accounts are properly set up to archive e-mail. LAN administrators shall also install and maintain a warning notice on the Wide Area Network programmed to appear when users login; this notice will advise users that e-mail is a public record and that it should be used for official purposes only. This message shall be included in the login script, along with a built in pause and instructions for the user to hit any key to go into the e-mail program.

**Individuals Requesting Access to E-mail.** All searches will be made by the requestor. Any requestor claiming a qualified disability will be accommodated by the City in accordance with the requirements of the Americans with Disabilities Act.

**Mayor & Council Members.** The City's elected officials are prohibited from the following: a) using e-mail in such a manner that would result in a quorum of the Council contemporaneously reading and responding to e-mail messages from other council members; and b) using e-mail in any manner that would constitute a "meeting" under Georgia's Open Meetings law (O.C.G.A. 50-14-1(a)(2)).

#### **5. Ownership:**

E-mail messages generated and received at the City of Snellville are City property and may be retrieved from storage even though both the sender and receiver deleted them. These messages may be used in disciplinary proceedings. E-mail messages that are sent to or received from the City of Snellville but are stored on computer equipment that is not owned by the City are subject to retrieval and production via subpoena.

Department Directors/Supervisors have the authority to inspect the contents of any equipment, files, calendars or electronic mail of their subordinates in the normal course of their supervisory responsibilities. The Data Management Administrator shall have the authority to extract stored e-mail messages when requested to do so by authorized City personnel. Reasons for review and inspection include, but are not limited to, the following: system hardware or software problems; general system failure; regular system maintenance; a lawsuit threatened or asserted against the City; suspicion of a violation of City policies; suspicion of widespread or individualized inappropriate use of the e-mail system; receipt of a public records request; and/or a need to carry out task(s) or to provide service(s) when the responsible employee is otherwise unavailable.

#### **6. Statement of Policy:**

*General.* It is City policy that the e-mail system, like other City assets, is to be used exclusively for the benefit of the City. Use of the e-mail system to violate other City policies is prohibited and may lead to disciplinary action. All employees who use e-mail shall certify in writing that they have read and fully understand the content of this policy. Any and all opinions communicated using the e-mail system, whether express or implied, are those of the individual and do not necessarily express the opinions of the City or its administration and elected officials.

*Privacy.* City employees should be aware that others for a variety of valid reasons might read e-mail messages. Although this statement is true of many types of City correspondence, the nature

of e-mail can lead one to forget or disregard the fact that e-mail is not the private property of the sender or recipient even though passwords or encryption codes are used for security reasons.

*Personal Use.* City employees should be aware that if they use the e-mail system to transmit personal messages, such messages will be treated no differently than other transmissions and may be accessed, reviewed, copied, deleted, or disclosed by the City. Employees should not expect that a personal message will never be disclosed to or read by someone other than the intended recipient(s).

*Internet Access.* The City provides Internet access as a part of its E-mail system; however, City employees may only access the Internet for work-related purposes in the furtherance of their responsibilities on behalf of the City.

*Authorized Uses.* Supervisors or Department Heads may authorize the use of e-mail to send and receive messages and to subscribe to and obtain the services of recognized professional organizations and entities relating to the official duties of the City. All employees are authorized to use e-mail as they would any other official City communication tool. Communication by e-mail is encouraged when it is the most efficient and effective means of communication. The sender of e-mail messages retains the primary responsibility for ensuring that the intended receiver receives his or her communication.

*Uses Subject to Authorization.* The following uses require the written approval of the employee's Department Head and/or other members of the City administration:

- Use of hardware, software, and related computer equipment for the transmission and receipt of e-mail messages if such equipment is not the property of the City.
- Reading the electronic mail of another employee. However, the contents of an e-mail message may be inspected pursuant to section IV of this Policy.
- Encrypting any e-mail message unless specifically authorized to do so without depositing the encryption key with the LAN administrator or one's immediate supervisor prior to encrypting the message. If an employee is allowed to encrypt an e-mail message, this does not mean that the message is intended for personal communication, nor does it suggest that encrypted e-mail messages are the private property of the employee.

*Prohibited Uses.* The following actions are prohibited:

- Intercepting, eavesdropping, recording, or altering another person's e-mail message.
- Forwarding a message that you receive to another without the permission of the originator of the message.
- Adopting the identity of another person on any e-mail message, attempting to send electronic mail anonymously, or using another person's password.
- Composing an e-mail message which contains racial or sexual slurs or jokes or otherwise contains patently harassing, intimidating, abusive, or offensive material to or about others.
- E-mail messages are subject to all City policies governing sexual harassment and other forms of harassment as well as discrimination based on race, sex, or national origin.
- Using e-mail for any commercial, promotional, or business purpose, including the transmittal of personal messages offering to buy or sell goods or services.

- Using e-mail to create a personal social media account.
- Using e-mail to conduct unauthorized employee organization or association business.
- Using e-mail to conduct union business.
- Sending or receiving software in violation of copyright law.
- Using e-mail to communicate any message of a political, religious, obscene or derogatory nature.
- Using e-mail to conduct any type of illegal activity.

*Confidential Information.* Georgia law requires that all employees protect the integrity of any confidential information generated by or on behalf of the City as well as confidential information concerning others. Employees must exercise a greater degree of caution in transmitting confidential information through the e-mail system than with other modes of communication because of the ease and simplicity with which this information can be redistributed. Confidential information should never be transmitted or forwarded to other City employees who do not have a "need to know" the information. To reduce the chance that confidential information may inadvertently be sent to the wrong person, avoid the misuse of distribution lists by ensuring that any lists used are current prior to the transmission of information. Review each name on any list of recipients before transmission to ensure that all recipients have a need to know the information.

City employees should consult the appropriate Department Head, Supervisor, or, if necessary, legal counsel to answer any questions regarding the confidentiality of information. Types of information often considered confidential include, but are not limited to, the following:

- Information from an individual's personnel file
- Personal/family information about City employees, including home addresses and phone numbers
- Information relating to potential litigation, existing litigation, claims against the City, administrative hearings of a criminal or civil nature, or any judicial proceeding
- Information that, if released, would give a competitive advantage to one competitor or bidder over another
- Drafts or working papers involved in the preparation of proposed legislation
- Private correspondence of elected officials
- Trade secrets
- Commercial or financial information of outside businesses
- Information related to the regulation of financial institutions or securities
- Social Security numbers
- Photographs of police officers or other law enforcement officers
- Information the City obtains from businesses pertaining to environmental audits.

E-mail messages that contain confidential information should have a confidentiality legend in all capital letters at the top of the message in a form similar to the following:

**"THIS MESSAGE CONTAINS CONFIDENTIAL INFORMATION OF THE CITY OF SNELLVILLE. UNAUTHORIZED USE OR DISCLOSURE IS PROHIBITED."**

Since copies of e-mail messages may be placed on back-up or other systems out of the control of the City employee generating the message and/or may be accessed by information system personnel or others who do not need to know the information, all employees should remember that it may be inappropriate to communicate certain types of confidential information through the e-mail system. In addition, to minimize the inadvertent disclosure of confidential information, employees should not access their e-mail messages in the presence of others unless such messages have been reviewed to ensure that the information contained therein is not confidential. Messages should not remain visible on the monitor when a user is away from his or her computer. E-mail passwords should be routinely changed; however, all passwords must be reported to the City employee's immediate supervisor or the appropriate Department Head.

*Copyright Infringement.* The ability to attach a document to an e-mail message for distribution to others greatly enhances the risk of copyright infringement. A system user can be liable for the unauthorized copying and distribution of copyrighted material through the e-mail system. Accordingly, City employees and elected officials should not copy and distribute copyrighted material of a third party (such as software, database files, documentation, articles, graphics files and down-loaded information) without advance confirmation that the City has the right to copy or distribute such material. Any questions concerning copyrighted information should be directed to the City Administrator or, if necessary, the City Attorney.

*Messages to Legal Counsel.* All messages to and from the City Attorney or other legal counsel seeking or providing legal advice or otherwise pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions should be marked with the following legend in all capital letters at the top of the message:

**"CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION"**

In addition, in order to preserve the attorney-client privilege, messages to and from the City Attorney should never be sent to others via distribution lists, should never be forwarded to anyone else, and should never be retained on a network e-mail system. If it is necessary to retain a copy of an attorney-client privileged communication, it should be printed and placed in the appropriate file. Confidential communications between the City and its legal counsel should not be archived for disclosure to the public.

*Deletion of Messages.* The City strongly discourages the local storage of large numbers of e-mail messages. Retention of such messages utilizes a large amount of storage space within the network server and may also slow down performance of the system. In addition, because e-mail messages can contain confidential information, it is advisable to limit the number, distribution, and availability of such messages. If the message generated or received is a public record and should therefore be retained, employees should archive the message within a week of its receipt or generation. Once a month, the Data Management Administrator will determine which e-mail messages retained on the system may be deleted and will delete these messages.

*Reporting of Suspected Unauthorized Access.* All suspected intrusions into the e-mail system by unauthorized persons or City employees must be reported immediately to the appropriate

Department Head Supervisor, who will then ensure that information systems management is notified along with any other necessary persons.

*Miscellaneous Considerations.* E-mail is a valuable mode of communication and is provided by the City in order to improve its quality of service. However, employees should consider the following when determining whether a message is appropriate for e-mail transmission:

- Avoid generating an e-mail message about someone if you would not verbally make the same statement to this person or write a formal memo containing this statement.
- Avoid generating an e-mail message that may be perceived as ill considered, uninformed, or offensive.
- Avoid using the e-mail system if a more time or cost-effective communication tool is available (for instance, when a telephone conversation would be quicker and/or more efficient).
- Avoid using the e-mail system as a substitute for manager-subordinate face-to-face communications.
- Avoid using the e-mail system for personnel performance-related communications.

#### **7. Modification of this Policy:**

The City reserves the right to change this, e-mail policy at any time and will notify its employees of any material changes. City employees are responsible for reviewing and abiding by this policy and any modifications thereto.

#### **8. Violations of this policy:**

Violations of this policy will be evaluated on a case-by-case basis and may result in disciplinary action. All e-mail messages are subject to all state and federal laws and rules applicable to the use of the e-mail system. In addition, violations of this policy or misuse of the e-mail system that are of a criminal nature will be referred to the appropriate authorities for criminal prosecution.

### **E) Social Media Policy**

#### **1. Purpose:**

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of City of Snellville operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the City of Snellville's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

#### **2. Definitions:**

a) For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as MySpace®, Facebook®,

Twitter®, LinkedIn®, Google+®, YouTube®, Tumblr®, Snapchat®, TikTok®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.

b) For purposes of this policy, the term, “social media activity” is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

### **3. Scope of Policy:**

a) This policy applies to all employees of the City of Snellville without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.

b) This policy applies to all employees of the City of Snellville without regard to job title, position or rank. However, with the approval of the Chief of Police, the Police Department and any other department or affiliated agency of the City of Snellville having special or unique concerns pertaining to its employees’ social media activity may adopt and implement more restrictive SOP’s or other internal rules narrowly designed to address such concerns.

### **4. Prohibitions on Social Media Policy:**

a) All employees of the City of Snellville should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

b) Each employee of the City of Snellville who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the City of Snellville, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of the City of Snellville, bringing discredit to the City of Snellville, or interfering with or detrimental to the mission or function of the City of Snellville.

c) Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for City of Snellville programs.

d) While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this

policy, no employee may be required or otherwise compelled to engage in such activity with another employee.

e) No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the City of Snellville, any other current or former employee of the City of Snellville, or any applicant for employment with the City of Snellville.

**5. Limitations and Restrictions on Social Media Activity:**

a) Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the City of Snellville through social media and, except as otherwise authorized in advance by the City Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the City of Snellville. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the City of Snellville's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the City of Snellville.

b) Except as otherwise authorized in advance by the City Manager, if an employee's status as an employee of the City of Snellville is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the City of Snellville; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the City of Snellville if their status as City of Snellville employees is disclosed or revealed in connection therewith.

c) Except as otherwise authorized in advance by the City Manager, no employee may utilize City of Snellville computers or equipment for purposes of engaging in social media activity.

d) Except as otherwise authorized in advance by the City Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from City of Snellville computers or equipment.

e) To preserve the continuity of the City of Snellville's message, ensure accuracy, and avoid unnecessary confusion in the community, except as otherwise authorized in advance by the City Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of City of Snellville programs, projects, activities, initiatives, or events.

f) Exceptions to the above-stated limitations and restrictions may be authorized by the City Manager; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via

social media activity will be fully consistent with the letter and spirit of this and all other policies of the City, any internal SOP's or rules adopted by his/her department director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.

g) The City of Snellville reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other City of Snellville policies.

**6. Application to Other Policies:**

All personnel policies of the City of Snellville relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity.

**7. Duty to Report:**

All employees have an ongoing duty to report any violations of this policy by any other employee. The City of Snellville considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

**8. No expectation of Privacy in Social Media Activity:**

a) City of Snellville employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the City of Snellville's current Internet Usage Policy, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the City of Snellville, any of its departments, or its employees.

b) The City of Snellville reserves the right to inspect or monitor any social media activity engaged in by its employees using City of Snellville owned computers or other electronic equipment or devices. In accordance with state law, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the City that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other City of Snellville policy.

**9. Workplace and/or On-Duty Usage:**

Because it recognizes that social media is an emerging form of communication, the City of Snellville permits employees to engage in limited social media activity in the workplace and/or while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively



amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/on-duty social media activity, as appropriate.

**10. Corrective and/or Disciplinary Action; Other Potential Consequences:**

- a) Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the City of Snellville's disciplinary policies procedures.
  
- b) If an employee is sued in part due to his/her social media activity under circumstances where the City of Snellville would ordinarily provide a defense and/or indemnify the employee, the City of Snellville reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the City of Snellville.

**11. Interpretation and Application:**

- a) Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.
  
- b) Any employee unsure about the application of this policy to any particular social media activity should seek guidance from the Director for their respective Department before engaging in such activity.
  
- c) This policy is intended for internal use of the City of Snellville only and should not be construed as establishing a higher duty or standard of care for purposes of any third party civil claims against the City of Snellville and/or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the City of Snellville.

**12. Records Retention:**

Employees that engage in social media activities on the City's behalf and all City-sanctioned social media accounts shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored and retrieved to comply with these laws. Any content removed from a City social media site will be maintained in accordance with the Georgia Open Records Act.

**4.8 DRUG AND ALCOHOL FREE WORKPLACE**

The City of Snellville abides by the practices of the "Drug and Alcohol Free Workplace Act of 1988" that all employees of the City must adhere to. It is the City's intent to provide a working environment as free from the use of non-prescribed drugs and alcohol as reasonably possible. Given the potential risk of harm to employees and others if they are attempting to perform their duties while using drugs or alcohol, the City has adopted the following policy. Any employee who

feels he or she has developed an addiction to, dependence upon, or problem with alcohol or drugs is encouraged to seek assistance. Further, this policy is to provide compliance with the mandates of Federal Law including but not limited to the Omnibus Transportation Employee Testing Act of 1991. The following terms and phrases are defined below to help an employee recognize terms and conditions of the policy:

Applicant: defined as any person who makes application for public employment with the City of Snellville.

Recognized Drug Test: the collection and testing of bodily fluids administered in the same manner or the equivalent to that required by the "Mandatory Guidelines for Federal Workplace Drug Testing Program" (HHS Regulations 53 Fed. Regulations 11979 et. seq., as amended) or other valid professional procedures approved by the State of Georgia or the Federal Government.

Covered Substances: defined as alcoholic beverages of any kind, controlled and/or illegal drugs which include: marijuana as designated in O.C.G.A. 16-13-21 as amended; any controlled substance as defined in §(4) of O.C.G.A. 16-13-21 as amended; any dangerous drug as defined in O.C.G.A. 16-13-71, as amended; or any other controlled or dangerous substance that persons are prohibited from by law. Said term shall not include any drug when used pursuant to a lawful prescription or when used as otherwise authorized by state or federal law.

Prohibited Activities:

1. The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drug;
2. Being under the influence of alcohol, illegal drugs, or substances in any manner when on duty; whether or not consumed on City premises and whether or not consumed outside of or during working hours; this includes being impaired by lawfully prescribed drugs that have been abused; and any arrest(s) relating to such use;
3. \*\* An employee convicted of felony drug statute or driving under the influence of drugs and/or alcohol under Section 40-6-391 of the official Code of Georgia, or a conviction under a similar law in Georgia or of another state, must notify the City no later than five days after such conviction. For the purposes of this policy, a plea of nolo contendere or a sentence under a first offender statute shall constitute a conviction. Such a conviction may subject the employee to disciplinary action, up to and including dismissal; \*\*
4. Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off City premises;
5. An employee who engages in such conduct while on the City's premises, in City vehicles, while on duty, or in uniform, is engaged in misconduct and subject to disciplinary action, up to and including immediate dismissal.

## **A. General Testing**

The City reserves the right to test any employee at any time:

1. In conjunction with a scheduled physical examination or during pre-employment screening;
2. When there is reason to believe, in the opinion of the City, that an employee is under the influence of or impaired by alcohol or drugs (prescribed or non-prescribed) while on workplace premises, during working hours, or while on duty, or has reported to work under the influence of an illegal controlled substance.

It is an employee's responsibility when using legally (prescription) obtained drugs to notify his or her immediate supervisor of any and all symptoms, which may render him or her "unfit for duty". Job performance or attendance deficiencies resulting from abuse and/or inappropriate use shall be cause for disciplinary action.

## **B. Testing for Commercial Motor Vehicle Operators**

In accordance with the Omnibus Transportation Employee Testing Act of 1991, the City of Snellville has developed an addendum to its Drug and Alcohol policy covering all City employees who operate a commercial motor vehicle. (In the event that the above Act is amended, the policy is automatically amended to be consistent with any changes to the Act of federal regulations.) A commercial motor vehicle, as the term used in this policy, is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight of 26,000 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 or more pounds;
3. Is designed to transport sixteen (16) or more passengers, including the driver;
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulation.

To the extent an employee is an operator of a motor vehicle, the federal government has developed regulations for controlled substances and alcohol use and testing, as codified in the Code of Federal Regulations 49 C.F.R.382, et seq. and the appendices thereto, for such employees. For any City employees shall be tested for pre-employment testing, and follow-up testing in accordance with the methods and procedures described in the Code of Federal Regulations.

As to any other provision in this policy which conflicts with the Code of Federal Regulations in regards to the testing of an operator of a commercial motor vehicle; the provisions of the federal regulations will be adopted in place of any conflicting language as contained in this policy.

### **C. Termination and Disqualification from Employment**

The City recognizes that illegal drug and alcohol use and addiction are an unfortunate part of our society. The City therefore encourages any employee who believes he/she has a problem with drugs/alcohol to contact the City Personnel Officer or Designee to report the problem and the Personnel Director will keep on file resources that can help the employee.

Any employee with a drug or alcohol problem who voluntarily enters into a drug and/or alcohol treatment program will not automatically be terminated provided the employee meets and adheres to the conditions and terms of treatment outlined in the City's expanded Drug and Alcohol Policy (available upon request through the City's Personnel Director). However, the City of Snellville still reserves the right to terminate the employee, suspend without pay, or modify the employee's position based on the facts and circumstances of the case.

Any applicant for City employment who refuses to submit to an established test for the use of illegal drugs or who shows a positive result from such a test shall be disqualified from employment by the City. Such disqualification shall not be removed for a period of two years from the date that such test was administered or offered, whichever is later. The results of such test as to the person deemed disqualified as a result shall be confidential and shall not be a public record. (Code 1981, Section 45-20-111, enacted by Ga. L. 1990, p. 2046, Section 1.)

Nothing in this policy shall require the City to pay for any drug or alcohol abuse treatment program. Additionally, nothing in this policy will guarantee nor should be construed as a contract that the employee will be given the opportunity to participate in a treatment program and/or continue to be employed by or be reinstated as an employee of the City.

## **4.9 TOBACCO FREE WORKPLACE**

Employees are prohibited from using tobacco products or smoking materials in any form during work hours, when representing the City and within City property.

For purposes of this policy, "City Property" shall include all city-owned vehicles, buildings owned, leased, rented and areas maintained by the City, any grounds, parking lots, and construction of worksites under City of Snellville control.

The use of "tobacco products of smoking materials" refers to the lighting and smoking of cigarettes, cigars, pipes, and or other similar items such as electronic cigarettes and "vaping" devices, as well as the use of smokeless tobacco products.

## **4.10 STANDARDS OF ETHICAL CONDUCT**

It is policy of the City to expect all employees to comply with all Rules and Regulations, state statutes and federal regulations in the performance of their job duties. An employee who violates any of the Rules and Regulations shall be subject to disciplinary action.

Employees who may be in a position to influence actions and decisions regarding City administration shall refrain from relationships, which may adversely affect the exercise of their independent judgment in dealing with businesses, organizations and individuals conducting business with the City.

### **A. Nepotism**

When relatives work within the same department, potential conflicts of interest can arise. In order to prevent these conflicts, the City prohibits two (2) or more relatives to be employed within the same department. For this nepotism policy, "relatives" are defined as spouse, mother, father, step-parents, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, brother, brother-in-law, sister, sister-in-law, half-brother, half-sister, aunt, uncle, niece, nephew, grandchild, grandparent, grandparent of spouse. The definition also includes those of a foster or adoptive relationship.

Additionally, no Department Director, member of the Mayor and City Council, or City Manager shall appoint or employ any person who is a member of the immediate or extended family of such officer to any regular classified position in the City if such appointment or employment would cause a relative of such officer to come under the direct supervision of such officer.

Options:

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment to an available position of equivalent status/grade.
3. Resignation or dismissal from City service.

### **B. Non-Fraternization**

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved with a direct report employee, the manager should first resign from their position with the City.

Should two employees within the same department but not in a direct reporting relationship desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and work flow within the department. If in the judgment of the department director, the relationship between two employees within the department creates a negative effect on departmental operations, then one of the two will be asked to transfer or resign their position with the City.

By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches, dinners, or attendance at entertainment events) that are or should be an important part or extension of the working environment.

### **C. Gifts and Gratuities**

Employees shall not accept gifts, gratuities or loans from organizations, businesses, or individuals that conduct business with the City in which the employee may be involved. This policy does not apply to the acceptance of articles of negligible value, which are distributed generally to the public. This policy does not apply to an employee's personal business transactions such as obtaining personal loans from regular lending institutions.

## **4.11 OUTSIDE EMPLOYMENT**

Regular Full Time Employment with the City shall have precedence over other occupational interests of employees. All outside employment for wages, or commissions and all self-employment must be reported to and approved by an employee's department director and the Personnel Officer. This policy applies to all City employees and conflicting outside employment shall be grounds for dismissal.

City employees must adhere to the following concerning outside employment:

1. Such employment shall not interfere with the efficient performance of the employee's duties;
2. Such employment shall not involve a conflict of interest or conflict with the employee's duties;
3. Such employment shall not involve the performance of duties that the employee should perform as part of their employment with the City;
4. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either paid vacation leave, compensatory leave, or leave without pay.
5. Such employment shall not be conducted on City property at any time.

In order to assure that no employee will have a conflict of interest because of outside employment the City will require that the employee submit to his or her Department Director the following information about any outside employment.

- a) Name of Employer.
- b) Address of Employer.
- c) Normal hours worked.
- d) Expected length of employment.

The department director has the responsibility for assuring that the outside employment falls within the guidelines above. Copies of the outside employer information should be forwarded to the Personnel Officer for inclusion in the employee's personnel file.

## **4.12 RECORDS**

### **A. OPEN RECORDS**

It is the policy to the City to comply with the Georgia Public Records Law (O.C.G.A. § 50-18-70 et seq.). The City's Personnel Rules and Regulations, Classification and Pay Plans and City employee rosters shall be considered public records.

### **B. PERSONNEL RECORDS**

#### **1. Access**

A City employee may submit a written request to the Personnel Officer to examine his/her active and inactive personnel records. The Personnel Officer must honor that request within a reasonable period of time. Review of personnel records must be made during regular working hours in the presence of staff assigned to monitor such activity.

#### **2. Restricted Records**

Records involving performance evaluations, physical examinations, drug and other administered tests and additional records in connection with the appointment or hiring of city employees in the Classified Service shall **not** be open to the public. Records involving the suspension, firing or investigation of complaints shall not be open to the public for ten (10) days after presentation to the City or after the action is concluded or terminated.

All information from an employee's or job applicant's drug and alcohol test shall be confidential and only available to the department director, personnel officer, medical review officials, those employees of the City of Snellville who have a valid need to know, and those involved in any appeal process or litigation should it become necessary.

Disclosure of test results to any other person, agency, or organization shall be prohibited unless written authorization is obtained from the employee or job applicant.

Department directors shall have access to the City's personnel records provided that record confidentiality is not violated. Access to medical information and other confidential documents in an employee's inactive personnel files shall be made available only on a need-to-know basis.

### **C. Personnel Actions**

All personnel actions described in these Rules and Regulations shall be made on official city forms as designated by the Personnel Officer. All personnel forms and records shall be retained in the City's central personnel files and in individual employees' files. All personnel actions must be documented on the appropriate personnel forms and must be retained in the files cited above in order to be considered official city action. The retention of duplicative personnel files in each department is up to the discretion of each department director.

### **D. Preservation**

The Personnel Officer shall be the official custodian of all personnel records and shall be responsible for their safekeeping and retention prescribed by law.

Personnel records and files of persons appointed to positions in the City's Classified Service shall be kept as outlined in the Records Retention Policy. All such information shall be part of the permanent personnel file of persons appointed.

Personnel files for employees appointed to regular and temporary positions shall be separated into active and inactive files. An employee's active file shall contain all personnel records related to his/her employment status and job performance. An employee's inactive files shall contain records, which are designated by law to be confidential such as medical information and worker's compensation records. These records must be maintained separately from active files. The Personnel Officer shall be responsible for monitoring the usage and access of all records to ensure compliance with laws regarding record confidentiality.

Records pertaining to persons not appointed shall be retained for at least one (1) year after the position to which the applicant applied has been filled.

## **4.13 POLITICAL ACTIVITY POLICY**

No employee of the Classified Service of the City of Snellville shall be a candidate for or an officer of a political office with the City of Snellville during his/her employment with the City. City employees may not engage in any political campaign activities while on duty, while in the work place, while in uniform, or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party,



political candidate or organization while on duty. City employees may not use City funds, supplies or equipment for such purposes.

Nothing herein contained shall be construed to restrict the right of employees in Classified Service to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-working hours. However, City employees should not express their personal opinions, regarding City of Snellville elections while engaged in official city business.

## **5.1 WORKER'S COMPENSATION**

An employee who becomes injured while performing his/her job shall be covered by the provisions of the Georgia Worker's Compensation Act (O.C.G.A. §34-9-81). These provisions apply to both regular and temporary employees.

### **A. Filing a Claim**

If possible, an employee who becomes injured while performing his/her job must seek treatment or care from a doctor on the City's approved list of physicians for worker's compensation cases. The accident must be reported immediately, or as soon thereafter as possible, to the employee's immediate supervisor.

Failure to report the incident within thirty (30) days of injury may result in the loss of future benefits under the Georgia Worker's Compensation Act. The City shall file a worker's compensation claim on behalf of the employee to the State Board of Worker's Compensation.

### **B. First Seven (7) Days of Injury**

For claim-related absences during the first seven workdays after the incident, the employee must use available sick leave (or annual leave if sick leave balances are depleted) in order to be compensated by the City for those lost days. If the employee does not have accrued leave balances, then those days must be taken as leave without pay. A portion of that time may be paid later by the State if the claim meets certain conditions as determined by the State Board of Worker's Compensation. If the claim-related absence exceeds seven days then the employee may receive wage replacement benefits under the Georgia Worker's Compensation Act.

### **C. Wage Replacement Benefits**

If the claim results in absences over seven (7) workdays, the employee may be eligible to receive wage replacement benefits, which shall be determined by the State Board of Worker's Compensation. If worker's compensation payments are approved by the State Board, the employee may use accrued sick leave to receive income from the City to supplement the worker's compensation payments. Accrued annual leave may be used when sick leave hours have been depleted.

If adequate sick and annual leave has been accrued, the income that the employee will receive from the City, when added to the worker's compensation payments, shall total the regular net pay that the employee was receiving prior to the injury. The City's portion of these payments shall continue until the dollar value of the employee's accrued sick and annual leave is depleted or until the employee returns to work, whichever comes first. The employee will also continue to accrue sick leave and annual leave during this period in which the City is supplementing worker's compensation payments.

If the employee's leave balances are depleted prior to the employee returning to work, the City's portion of the wage payments will be discontinued. The employee may then request to be placed on a leave of absence without pay for temporary disability as prescribed in section 5.4.

#### **D. Returning to Work**

The employee is required to notify the City and the Workers' Compensation insurance carrier when he/she is able to return to work either on a full-time or part-time basis based on the recommendation of the treating doctor.

Upon returning to work, the City shall assign the employee to the same job or to a comparable job if allowed by the treating doctor. The City shall transfer the employee to another position, if necessary, when the treating doctor recommends light duty assignment, if such assignment is available. The Department Director shall determine the appropriate job assignment for the employee.

The employee may be entitled to reduced benefits from the State Board of Worker's Compensation if the employee's work schedule has been reduced or his/her job assignment has been changed if the injury results in a partial disability; such determination will be made by the State Board. Upon being released from partial disability, the City shall set the employee's pay rate at his/her rate prior to the injury.

## **5.2 SICK LEAVE**

Sick leave, unlike annual leave, is not owned by the employee. Sick leave with pay shall be granted to eligible employees for the following reasons:

- 1) Personal illness or injury;
- 2) Illness or injury of an employee's spouse, parent, son or daughter, including those of an in-law, step, adoptive or foster relationship;
- 3) Temporary disability for reasons such as maternity leave; convalescence from serious illness, injury or surgery;
- 4) Appointments of the employee or their immediate family with physicians, dentists, or other medical practitioners.

All regular and provisional full-time employees shall accrue paid sick leave. Temporary full-time; permanent part-time; and seasonal part time employees shall not be eligible to accrue sick leave. Sick leave shall be accrued while regular full-time employees are in a paid leave status. No employee on leave without pay shall be eligible to accrue paid sick leave.

**A. Sick leave Accrual Rates (Regular and provisional full-time employees)**

<u>Accrual Rate</u>	<u>Maximum Accumulation</u>
3.69 hours/ pay period (96 hours/year)	720 hours

An employee shall notify the supervisor or Department Director of his/her intention to use sick leave immediately if on duty or as soon thereafter as possible. Failure to do so may be cause for denial of sick leave with pay for the period of the absence. Sick leave shall not be charged in increments of less than one-quarter (1/4) hour or 15 minutes.

When an employee's available balance of sick leave hours has been depleted, any accrued annual leave will be used in place of sick leave.

**B. Unused Sick Leave**

At retirement or approved separation from the city, employees will be eligible to receive payment for twenty-five percent (25%) of their accrued sick leave to a maximum of one-hundred sixty (160) hours. Approved separation shall consist of a minimum of two (2) weeks' notice in writing, with the employee working throughout those two weeks. With written approval from the Department Director an employee may substitute accrued annual leave for a portion of their two (2) week notice.

**C. Doctor's Certificate**

Any sick leave granted in accordance with the reasons cited in this section may require the submittal of medical certification signed by a doctor substantiating that the employee is unable to report to work. A signed medical certification may be required if sick leave is taken for more than three (3) consecutive days, on a day immediately before or after a vacation day, holiday, or weekend day. Prior to returning to work, such certification may be required to verify that the employee is able to return to work. The Department Director shall determine when the certification is necessary.

**D. Excessive Absenteeism**

The habitual or patterned use of sick leave, or leave without pay, not supported by competent medical evidence or other proof of necessity is considered excessive absenteeism. Unsubstantiated absences in excess of the following rule of thumb may be an indication of excessive absenteeism (an incident is a single day or consecutive series of absences):

1. Two (2) incidents in three months.
2. Four (4) incidents in six months.
3. Six (6) incidents in one year.

The habitual or patterned use of sick leave, or leave without pay, and/or failure to call in when an illness is not supported by competent medical evidence or other proof of necessity is prohibited, and may result in disciplinary action including and up to termination.

## **E. Sick Leave Donation**

City of Snellville recognizes that employees may have a family or a personal medical crisis that causes a severe impact to them resulting in a need for additional time off in excess of their available sick/personal time. To address this need all eligible employees will be allowed to donate sick time from their unused balance to their co-workers in need in accordance with the policy outlined below. This policy is strictly voluntary.

### **1. Eligibility**

Employees who donate sick time must be employed with City of Snellville for a minimum of one (1) year.

### **2. Guidelines**

Employees who would like to make a request to receive donated sick time from their co-workers must have a situation that meets the following criteria:

- Family Health Related Emergency- Critical or catastrophic illness or injury of the employee or an immediate family member that poses a threat to life and/or requires inpatient or hospice health care. Immediate family member is defined as spouse, domestic partner, child, parent or other relationship in which the employee is the legal guardian or sole caretaker.

Employees will be required to request and be approved for FMLA in order to receive donated sick time.

Employees who donate sick time from their unused balance must adhere to the following requirements:

Donation minimum- 8 hours

Donation maximum- 16 hours

Note: Employees who donate time must have sufficient time in their balance and will not be permitted to exhaust their balances due to the fact that they may experience their own personal need for time off. Employees cannot borrow against future sick time to donate.

Employees who receive donated sick time may receive no more than 480 hours (12 weeks) within a rolling 12 month period.

Employees who are currently on an approved leave of absence cannot donate sick/personal time.

Employees whose pay is supplemented with donated sick leave will still be considered on leave of absence without pay. The employee will not accrue annual or sick leave and will not receive paid leave on holidays.

### **3. Procedure**

Employees who would like to make a request to receive donated sick time are required to complete a Request for Donation of Sick Time form which includes authorization to present their request to the employees of City of Snellville for the sole purpose of soliciting donations.

Employees who wish to donate sick time to a co-worker in need must complete a Request to Donated Sick Time form.

Requests for donations of sick time must be approved by Human Resources, the employee's immediate Supervisor and/or Department Director, and the City Manager.

All forms should be signed and approved by the Department Director and then returned to the Personnel Officer. The Personnel Officer will send the employee's donation request to all city employees.

If the recipient employee has available sick/personal time in their balance, this time will be used prior to any donated sick time.

Donated sick time may only be used for time off related to the approved request. Sick time donated that is in excess of the time off needed will be returned to the last donor on record.

## **5.3 FAMILY MEDICAL LEAVE ACT POLICY (FMLA)**

A leave of absence of up to twelve (12) weeks without pay during any twelve (12) month period will be granted to qualified employees for the following reasons:

- 1) Birth and care of child;
- 2) Placement of a child for adoption or foster care;
- 3) Care for the employee's spouse, child or parent with a serious health condition; and
- 4) The employee's own serious health condition, making the employee unable to work.

For purposes of determining the twelve (12) month period the City has designated a "rolling" twelve (12) month period measured backward *from* the date an employee uses any FMLA Leave.

The City will require proof that the employee's request for FMLA Leave qualifies under the act. Additionally, in the case of FMLA Leave due to the employee's own health condition the City will require a written release from the employee's doctor certifying that the employee is able to return to work.

To be qualified to request a FMLA Leave a regular full time employee must have worked for the City of Snellville for at least twelve (12) months and for at least 1,250 hours during the year preceding the start of the leave. Employees should provide thirty (30) days' notice to the City of the need for FMLA Leave if the event is foreseeable and as soon as practicable if the event is unforeseen.

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. FMLA Leave cannot be taken in increments of less than one (1) hour when leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the City agrees.

The City will require that employees substitute paid leave in the form of accrued sick or vacation for qualified FMLA leave. The paid leave time will run concurrently with the FMLA time. While an employee is on FMLA leave their benefits and service accrual will continue as if they were still working. An employee who returns to work at or before the end of the twelve (12) week FMLA leave period will be reinstated to their previous position or an equivalent position with equivalent pay, benefits and working conditions.

Should a regular full-time employee require more than the twelve weeks of unpaid leave they may request a Leave of Absence without pay under section 5.3. Any leave of absence without pay (if approved) shall run concurrently with the FMLA Leave and will not exceed six (6) consecutive months without the approval of the City Manager. After FMLA Leave is exhausted the employee will be required to pay for all benefits that they have under any City plan, if they desire to continue coverage for the remainder of the Leave without Pay. Sick Leave and Annual Leave shall not accrue while on Leave of Absence without Pay.

Should an employee fail to return to work from an approved FMLA Leave period, they will be required to reimburse the City for the cost of the benefits provided during the FMLA Leave time. If they are unable to return to work because of the continuation, recurrence or onset of their own or a family member's serious health condition then the City will require medical certification of this condition.

## **5.4 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Snellville's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Snellville's group rates, plus an administrative fee established by the City. Certain deadlines and application requirements will apply. Employees may consult the Personnel Officer if they wish to apply for COBRA benefits.

## **5.5 LEAVE OF ABSENCE WITHOUT PAY**

A leave of absence without pay may be granted by the Department Director with the approval of the City Manager to any regular full-time employee requesting such a leave for a period not to exceed six (6) consecutive months. A leave of absence for a period in excess of six (6) consecutive months must be approved by the City Manager and the City Council.

Approval of a leave of absence shall be determined by giving due consideration to the length of the requested leave of absence, the impact of such leave on the organization and the Department's plans to continue the work performed by that employee in his/her absence.

An employee on leave without pay shall not accrue annual leave or sick leave and shall not receive paid leave on holidays. Upon returning to work, the anniversary date of the employee on leave without pay shall be adjusted such that the time away from work shall not be credited as service time.

An employee whose pay is supplemented with donated sick leave will still be considered on leave of absence without pay. The employee will not accrue annual or sick leave and will not receive paid leave on holidays. (Donated sick leave)

At the end of the approved leave of absence, the employee shall return to the same position or to another position in the same or comparable classification with the same pay rate held prior to the leave of absence.

## **5.6 ADMINISTRATIVE LEAVE**

An employee may be placed on administrative leave with pay at the discretion of the Department Director and approval of the City Manager when such action is deemed to be in the best interest of the City. In some cases, the purposes of Administrative Leave are to provide an investigatory opportunity or to relieve an employee of his/her duties. It may be with pay for a maximum of 14 calendar days.

## **5.7 ANNUAL LEAVE**

Paid annual leave is provided for the purpose of allowing regular full-time employees time off from their work for vacation purposes or for necessary time to attend to personal business, which cannot be conducted during off-duty hours.

### **A. Eligibility and Accrual**

All regular full-time employees in the City's Classified Service shall be eligible to accrue paid

annual leave. Temporary full-time, permanent part-time and seasonal part time employees shall not be entitled to accrue paid annual leave. Annual leave shall not be accrued while regular full-time employees are on leave without pay.

A new or reappointed employee is not eligible to accrue or use annual leave during the first six months of his/her provisional period. Upon the successful completion of the first six months of the provisional period, annual leave shall be credited in a "lump sum" amount to his/her leave record as described below. The employee may utilize that annual leave balance after it has been credited to his/her account upon approval of the department director.

Annual leave with pay shall accrue in lump-sum amounts to regular full-time employees on their employment anniversary date in the following rates based on completion of service for the specified time periods shown below:

<u>Length of Service From Hire Date</u>	<u>Annual Leave Awarded</u>
6 months	40 hours (cannot be carried over)
1 - 5 Years	80 hours
6 - 12 Years	120 hours
13-18 Years	160 hours
18+ Years	200 hours

A maximum of 40 hours of accrued annual leave may be rolled over from one twelve (12) month period to the next. Any accrued annual leave in excess of 40 hours will be forfeited at the end of that twelve (12) month period.

Employees shall be responsible for submitting in writing on the prescribed form their requests to use annual leave to their supervisors or department directors. Such requests must be approved prior to annual leave being used.

Annual leave may be used only to the extent of an employee's available accumulation. Annual leave shall not be used in increments of less than one-quarter hour (15 minutes). Additionally, a regular full-time employee shall be paid for all unused accumulated annual leave to their credit at their current rate of pay as of the effective date of separation (up to the maximum allowed).



## **5.8 FUNERAL LEAVE**

A maximum of three (3) work days of paid funeral leave may be taken in the event of a death in an employee's immediate family. The Department Director may approve a longer absence for extenuating circumstances but additional time, over three (3) work days, must be charged to the employee's accrued sick leave, annual leave or leave without pay. Immediate family includes the spouse, parent, son, daughter, sister, brother, grandchild, and grandparent of an employee. It also includes any of these persons of a step, in-law, and foster or adoptive relationship to the employee. Employees will be required to furnish proof; such as an obituary, that the deceased is a member of his/her immediate family.

## **5.9 COURT LEAVE**

Any regular or provisional employee who is subpoenaed by any federal, state or local court to serve as a juror or witness on a workday shall be entitled to paid leave, without loss of time and without effect of performance rating during this time. Such leave shall be granted only for court cases which neither the employee nor his/her family has a personal interest. The employee must endorse juror pay or other fees over to the City that they receive from the Court. Temporary full-time, permanent part time and seasonal part-time employees shall be eligible for leave of absence without pay for court leave.

Leave for court attendance when the case involves personal litigation or matters of interest to the employee or his/her family, shall be charged to annual leave or leave of absence without pay.

## **5.10 MILITARY LEAVE**

### **A. Required Training**

Any regular or provisional full-time employee who is a member of the National Guard or an organized military reserve corps of the United States, and who may be called for required training, will be allowed a leave of absence, with pay, for up to eighteen (18) days in one calendar year. Leave extending beyond this time will be paid according to federal and/or state law; unless granted by the recommendation of the Department Director and the approval of the City Manager.

### **B. Reemployment Rights**

Regular or provisional full-time employees who leave employment with the City to perform active duty for military service with the United States are entitled to reemployment rights with the City in accordance with USERRA laws governing reemployment rights. Such employees are entitled to reinstatement if:

- a) They ensure that the City receives advance written or verbal notice of their service.

- b) They have five years or less of cumulative service in the uniformed services while with the City.
- c) They return to work or apply for reemployment in a timely manner after completion of service and
- d) They have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Upon return, they are eligible for appointment to the same position or to a similar position, which was held prior to the active duty assignment. They are protected from discharge, except for cause, for one year after reemployment and are reinstated with the same seniority, status and pay they would have received if they had not been inducted into military service.

### **Military leave-Declared Emergency**

In the event that an employee is called to active military duty due to a state or national emergency, regular or provisional full-time employees shall be placed on leave of absence for a period of up to thirty (30) workdays in any one continuous period of active duty service. The city will pay the difference between the employee's regular weekly salary and their military pay if the military pay is less than their current salary received during this 30 day period. If grant funds are appropriated from the federal or state government to offset the salary expense, the City may extend this benefit for a period greater than 30 days, so long as such funds are available.

## **5.11 RETIREMENT BENEFITS**

The City of Snellville provides a 401a Defined Contribution Plan for regular full time employees. Employees become eligible on the first of the month following the completion of one (1) full year of employment. The city will contribute six percent (6%) of participant's base pay every pay period to their account. The vesting schedule is as follows:

<u>Length of Service</u>	<u>Vested Benefit</u>
3 years employment	50%
5 years employment	100%

Employees have the ability to pick investment options from an array of mutual funds and also have the ability to make changes and view their retirement account balance through the Internet.

## **6.1 SEPARATIONS**

For the purpose of these Personnel Rules and Regulations, separations from positions in the City's Classified Service shall be designated as: a *resignation*, a *constructive resignation*, a *reduction in force* or a *dismissal*.

Upon separation of an employee from a position, the employee's Department Director shall submit

documentation regarding the employee's work performance during the last period of employment with the City. The information regarding the separation of the employee and all other required documents shall be submitted to the Personnel Officer to complete the employee's records. The Personnel Officer will conduct an exit interview with all employees separated from the City's service.

An employee shall be separated with prejudice if the evaluation report indicates that the employee performed unsatisfactorily in the position from which he/she is separating.

#### **A. Resignations**

A resignation is a voluntary separation of an employee from employment with the City. Two weeks (14 calendar days) shall be the standard period of notification that an employee shall provide the City regarding their resignation. The Department Director shall immediately notify the City Manager and the Personnel Officer of the employee's resignation.

#### **B. Constructive Resignation**

Any employee, without valid reason, who fails to report to work for three (3) consecutive workdays without authorized leave, may be separated from the City's service and shall be reported as a constructive resignation.

#### **C. Reduction in Force**

The City Manager may effectuate a reduction in force due to a budgetary crisis or other material change in duties or organization on the basis of seniority, performance ratings, and individual qualifications.

#### **D. Dismissals**

A dismissal is an involuntary separation of an employee from the City's Classified Service. An employee may be dismissed for disciplinary reasons when disciplinary measures culminating up to the dismissal that were taken against the employee have been ineffective. In other circumstances, an employee may also be dismissed immediately from the work place for serious offenses and violations of City policy that warrants the most severe disciplinary measure, dismissal. A dismissal must be made in accordance with procedures in Section 6.3.

#### **E. Retirement**

Employees applying for regular or early retirement must apply no more than six (6) months prior to their expected effective date of retirement.

## **6.2 DISCIPLINARY ACTION**

A Department Director is responsible for the proper and efficient operation of his/her department and for enforcing City policies and regulations. It is the responsibility of all employees to observe adopted policies and regulations. All employees who violate adopted policies and regulations will be subject to disciplinary action.

The Department Director is authorized to take disciplinary action against employees who violate established policies. Any adverse action taken must be based on cause supported by sufficient evidence and must be consistent with City policies and regulations.

### **A. Reasons for Disciplinary Action**

Employees may be disciplined for the violation of the City's standard of ethical conduct found in section 4.8 of these Rules and Regulations or for violation of any of the specific actions listed below. Any of these infractions are sufficient grounds for disciplinary action up to and including dismissal.

These violations serve as guidelines for employees although they are not necessarily exclusive. The City retains the right to administer disciplinary action for offenses not specifically reflected in these Personnel Rules and Regulations.

Employee actions that may warrant disciplinary action include:

1. Willful neglect to perform at an acceptable level of competence as determined by the Department Director;
2. Disregard for violations of City ordinances, departmental policies and regulations, including safety rules;
3. Willful misuse, misappropriation, negligence or destruction of any City property, vehicle or equipment including the use of such items for personal use or gain;
4. Excessive tardiness or absence from duty without prior approval;
5. Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a supervisor, or any other acts of insubordination;
6. The unauthorized consumption of alcoholic beverages on City property, in a City vehicle, while in City uniform, or on City time;
7. The abuse or misuse of prescription or nonprescription drugs, other forms of medication, or any mind-altering substance;
8. The unlawful manufacture, dispensation, distribution, possession or use of controlled

- substances;
9. Any violation of the City's Drug-Free or Tobacco Free Workplace policies;
  10. Willfully giving false information to City officials, City employees or the general public;
  11. Falsification of a job application or other City records;
  12. Violation of privileged information or its use for private gain;
  13. Any conduct, on or off duty, that reflects unfavorably on the City as an employer;
  14. Refusal to be examined by a City-authorized and licensed doctor when so directed in accordance with these Personnel Rules and Regulations;
  15. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage, or for other improper reasons;
  16. Discourteous behavior to the general public or to other City employees;
  17. Conviction of a crime;
  18. Any commission of any act which would constitute a crime had the individual been convicted of committing said act by a competent court of jurisdiction;
  19. Failure to answer any questions before any local, state or federal judicial or administrative tribunal, or appeals board;
  20. Possession of firearms or other dangerous weapons or articles by non-police personnel while on duty;
  21. Harassment of other City employees or the general public;
  22. Organization and/or participation in prohibited political activity or in a work strike against the City;
  23. Sleeping while on duty;
  24. Allowing one's self to be in a position or circumstance which inhibits one's ability to properly and professionally perform one's job duties;
  25. Inefficiency in the performance of one's duties;
  26. Any action that is detrimental to the City or its operations.

## **B. Types of Disciplinary Action**

Disciplinary action can be taken against an employee in the form of a written reprimand and/or an adverse action. The four types of adverse actions are suspension without pay, disciplinary salary reduction, disciplinary demotion, and dismissal.

These types of disciplinary action are defined as follows:

### **1. Written Reprimand**

The written reprimand is a formal means of communicating in writing to an employee a violation of City policy and/or procedures. The supervisor or Department Director shall prepare the written reprimand. It shall be presented to the employee in a private meeting.

The employee shall sign the written reprimand. It shall be included in the employee's personnel file. The employee shall have the opportunity to submit a response in writing for inclusion in his/her personnel file.

### **2. Adverse Action**

This is disciplinary action taken by a Department Director, for cause, that results in a suspension without pay, a disciplinary salary reduction, a disciplinary demotion or a dismissal.

The decision regarding the adverse action to be taken shall be based on the nature of the violation committed by the employee and other related issues as determined by the Department Director. The four types of adverse action are defined as follows:

#### **a. Suspension without Pay**

An employee may be suspended without pay for violating these Personnel Rules and Regulations. An employee may be suspended for up to thirty (30) workdays in one (1) calendar year. The duration of a suspension shall depend upon the nature of the offense.

#### **b. Disciplinary Salary Reduction**

An employee's salary may be reduced up to five percent (5%), for disciplinary purposes. This does not constitute a reduction in salary range.

#### **c. Disciplinary Demotion**

An employee may be demoted to a vacant position of a lower classification for disciplinary reasons if the employee is qualified to perform the work of the lower position. This shall entail a reduction in salary as outlined in section 3.2.

**d. Dismissal**

An employee may be involuntarily separated from employment with the City for disciplinary reasons. Dismissal procedures outlined in section 6.3 shall be followed for dismissals.

## **6.3 ADVERSE ACTION PROCEDURE – REGULAR FULL TIME EMPLOYEES**

### **A. All Adverse Actions (Except Suspension without Pay and Dismissal) Regular Full time Employees**

#### **Step One: Written Notification**

The Department Director shall provide the employee with a written notification of the adverse action to be taken at least five (5) workdays prior to the proposed effective date of the action. The notification will contain the following information:

1. The reason(s) for the proposed adverse action;
2. Information outlining the dates and nature of the problem or behavior that precipitated the adverse action decision;
3. The effective date of the proposed adverse action;
4. The date the employee should return to work (if applicable);
5. A statement informing the employee that he/she may submit a written response to the City within three (3) workdays of receiving the notification of the adverse action; and
6. A warning informing the employee that failure to respond to the City will result in a waiver of all further appeal rights associated with this adverse action.

#### **Step Two: Employee Response**

The employee may submit a written response to the City Personnel Officer within three (3) workdays of receiving the notice of adverse action. An interpreter may accompany an

employee who is disabled if necessary.

**Step Three: Notice of Final Action**

After considering the employee's response, the Personnel Officer shall give the employee a written notice of the final action on the adverse action to be taken. The notice shall contain a statement informing the employee of his/her right to appeal the action. This notice must be presented to the employee within two (2) workdays prior to the effective date of the final action.

**1. Postponing Notice of Final Action**

The City may postpone the deadline for providing a notice of final action to the employee if he/she responded to the initial written notification and the City decides that further investigation is needed. If this is to occur, the effective date of the final decision on the adverse action will be postponed for the same number of days.

**B. Adverse Action Procedure – Suspension without Pay**

**Step One: Notification**

The Department Director shall provide the employee with a written notification of the decision of suspension without pay. The notification shall contain the following information:

1. The reason(s) for the suspension;
2. Information outlining the dates and nature of the problem or behavior that precipitated the decision to suspend the employee;
3. The effective date of the suspension;
4. The date the employee should return to work;
5. A statement informing the employee that he/she may submit a written response to the City within three (3) workdays of receiving the notification of the suspension;

**Step Two: Employee Response**

If the suspension is three (3) workdays/shifts or less, then the employee may submit a written response to the Personnel Officer to refute or add information pertaining to the suspension. The written response will become a part of the employee's personnel file.

If the suspension is greater than three (3) workdays/shifts, then the employee may respond in writing to the Personnel Officer within 24 hours of the effective date to appeal the



suspension. An interpreter may accompany an employee who is disabled if necessary.

**Step Three: Notice of Final Action**

The Personnel Officer or his or her designee shall make a determination as to whether the employee has successfully refuted the suspension and will notify the employee of that decision within 24 hours after receiving the written appeal.

**C. Emergency Action**

A Department Director may take immediate disciplinary action against a regular employee under emergency situations. The immediate action will be to place the employee on leave without pay until an investigation of the incident can be conducted. Such leave beyond ten (10) work days shall require the approval of the Personnel Officer.

If it is determined that disciplinary action is warranted, the disciplinary action procedures in section 6.2 shall be followed. If the employee is unable to communicate or respond, the employee will be placed on leave without pay until it is determined that the employee cannot return to work or until the employee can respond. Examples of emergency situations include but are not limited to: *commission of a crime, injurious or dangerous behavior, or damage to or destruction of public property.*

**D. Adverse Action Procedures-Dismissal  
Regular Full Time Employees**

**Step One: Notification**

The Department Director shall provide the employee with a written notification of the decision of dismissal. The notification shall contain the following information:

6. The reason(s) for the action;
7. The effective date of the dismissal; and
8. A statement informing the employee of the opportunity to request a name-clearing hearing in person with the Personnel Officer within 24 hours before or after the dismissal is effective.

**Step Two: Employee Response**

The employee may respond in writing or in person to the proposed dismissal decision to the Personnel Officer in a name-clearing hearing before the dismissal is effective. An interpreter may accompany an employee who is disabled if necessary.

**Step Three: Name-Clearing Hearing**

The name-clearing hearing is an opportunity for the employee's name to be cleared and for the employee to refute the proposed dismissal to the Personnel Officer.

The name-clearing hearing must take place before the dismissal is effective.

**Step Four: Notice of Final Action**

The Personnel Officer shall make a determination as to whether the employee has successfully refuted the proposed dismissal and will notify the employee of that decision within two (2) workdays after the hearing.

**6.4 ADVERSE ACTION PROCEDURES – PROVISIONAL EMPLOYEES**

**Step One: Notification**

The Department Director shall give the employee written notification of the proposed adverse action. The notification shall contain the following information:

1. The reason(s) for the proposed adverse action;
2. The effective date of the proposed action;
3. A statement informing the employee of the opportunity to request a name-clearing hearing in person with the Personnel Officer within 24 hours before or after the adverse action is effective.

**Step Two: Employee Response**

The provisional employee may respond to the proposed adverse action by requesting a name-clearing hearing before the Personnel Officer

**Step Three: Name-Clearing Hearing**

The name-clearing hearing is an opportunity for the provisional employee's name to be cleared and for the employee to refute the charges and proposed adverse action to the Personnel Officer. The name-clearing hearing must be held before the adverse action is effective.

**Step Four: Notice of Final Action**

The Personnel Officer shall make a determination as to whether the provisional employee

has successfully refuted the charges and the proposed adverse action and will notify the employee of the decision within two (2) workdays after the hearing. In the case of dismissal, there will be no obligation to reinstate the employee if all charges are successfully refuted.

## **7.1 GRIEVANCE PROCEDURE**

The grievance procedure is a formal communications process for hearing a grievable complaint or dispute by an employee regarding his/her employment. The purpose of the employee grievance procedure is to provide an orderly and just process for hearing grievable claims.

Grievance claims may only be submitted by regular and provisional full time employees; except for those relating to unlawful discrimination as defined in Section 2.3 that may be submitted by any employee of the City.

The objective of the grievance process is to reach a fair and equitable decision as early as possible. It is therefore important for the employee and the immediate supervisor to strive to resolve a grievance quickly so that the employee does not have to continue with the grievance process and take his/her grievance further.

### **A. Grievable Claims**

A grievance may be filed that relates to the following employment issues:

1. Complaints that the employee's employment or productivity has been adversely affected by unfair treatment;
2. Complaints of unsafe or unhealthy working conditions;
3. Erroneous or capricious application or interpretation of Personnel Rules and Regulations and other City policies; or,
4. Complaints of unlawful discrimination.

### **B. Non-Grievable Issues**

The following issues or areas are not grievable:

1. Issues that are pending or have been concluded by other administrative or judicial procedures.
2. Work assignments, which do not result in a demotion or salary reduction (such as reclassifications or transfers).

3. Changes in work assignment and staffing to comply with:
  - i. operating budget allocations;
  - ii. legislative mandates by the State or Federal Governments;
  - iii. court orders or other legal requirements; and
  - iv. restructuring of city department(s) and function(s)
4. The content or rating of a performance evaluation except when the employee can show that he/she suffered disparate adverse affect from the evaluation.
5. The selection of an individual to fill a position through appointment, promotion, or transfer except when the employee can show adverse affect because of unlawful discrimination.
6. Disciplinary actions involving reprimands or adverse actions.
7. Any matter, which is not within the jurisdiction or control of the City.
8. Internal security practices established by the Department Director, Personnel Officer or City Manager.
9. Decisions and practices or adopted resolutions and policies which are not job or work related and which do not violate these Personnel Rules and Regulations.

### **C. Filing a Claim**

An employee may file a written grievance with his/her immediate supervisor within five (5) workdays after the occurrence of the event being grieved, or within five (5) workdays after becoming aware of the event. The written grievance must specifically state the issue being grieved and the employee's desired resolution to that grievance.

There are three (3) steps to the grievance procedure. In filing a grievance, the employee must start at the first step and file the grievance at each sequential step in the order shown below, if the grievance has not been resolved in the previous step. If the employee's immediate supervisor is the Department Director, then the grievance process will start at Step 2. An interpreter may accompany an employee who is disabled when it is necessary at any step in the grievance process.

#### **Step 1: Immediate Supervisor**

If the claim is grievable according to these Personnel Rules and Regulations, then the immediate supervisor must hold the first hearing within ten (10) workdays after the grievance is filed. The immediate supervisor must notify the employee, in writing, of the decision regarding the grievance within five (5) workdays after the first hearing.

#### **Step 2: Department Director**

If the employee's immediate supervisor is the Department Director, the employee

must initially file the grievance with the Department Director. The process outlined in Step 1 must be followed in this situation.

If the grievance was initially filed with the immediate supervisor in Step 1 and it was not resolved to the employee's satisfaction the employee may file the grievance with the Department Director. The grievance must be filed in writing to the Department Director within five (5) workdays after receiving the initial decision of the immediate supervisor. The Department Director must hold the second hearing within ten (10) days of receiving the employee's written grievance. The Department Director must notify the employee of the decision regarding the grievance within five (5) workdays after the second hearing.

### **Step 3: Hearing Officer**

If the employee's grievance has not been resolved, then the employee can submit his/her written grievance to the City's designated hearing officer, usually the Personnel Officer and request a third hearing. This request must be made within five (5) workdays of receiving the decision from the Department Director.

The hearing officer is designated by the City Manager and is usually the Personnel Officer. The hearing officer must hold the third hearing within ten (10) workdays of receiving the written grievance from the employee.

The hearing officer will preside over the hearing and obtain pertinent facts about the grievance and hear information regarding the circumstances relevant to the grievance. The hearing officer shall allow the employee to make a presentation and shall ask questions of all parties present. The employee shall be self-represented, but may bring witnesses to testify at the hearing. Both the employee and the hearing officer may question the witnesses.

After the hearing, the hearing officer shall review the grievance, evidence and requested resolution and will make a determination regarding the claim. The hearing officer shall issue a written decision to the employee within five workdays of the third hearing. The decision of the hearing officer shall be the final decision in the grievance process.

### **Posting Requirement**

Grievance procedures shall be available to all employees and easily accessible to each department.

## **7.2 ANTI-RETALIATION POLICY**

Anyone who, in good faith, reports, makes a complaint, raises a concern, provides information or is otherwise associated with any investigation regarding conduct which he or she reasonably

believes to be in violation of these policies, rules or applicable laws may not be subjected to retaliation. Anyone who believes she or he has been the target of retaliation for reporting, making a complaint, raising a concern, providing information, cooperating in, or otherwise being associated with, an investigation regarding alleged conduct in violation of these policies, rules or applicable laws should immediately contact the Personnel Officer. Any person found to have engaged in retaliation in violation of this Policy will be subject to disciplinary action under this Policy.

## **8.1 APPEALS POLICY**

An appeal is a request by a regular, full-time employee for a review of a final adverse action decision made by the City against that employee. The appeals process is the last review process for adverse action decisions. Provisional employees may not appeal adverse action decisions.

### **A. Appeals Board**

The Personnel Advisory Board shall hear all employee appeals. The Personnel Advisory Board's decision shall be subject to ratification by the City Manager.

### **B. Eligibility**

Only final adverse actions as defined in Section 6.3 that are taken against regular full-time employees are eligible to be appealed. An employee may not file an appeal for a grievance or any other action affecting the employee's position with the City.

Dismissals may be appealed to the Personnel Advisory Board:

### **C. Filing**

An employee must file an appeal in writing to the Personnel Officer within ten (10) calendar days of receiving the final notification of the adverse action. The Personnel Officer shall determine if the appeal is eligible and properly filed.

The appeal must contain:

1. A statement describing what is being appealed; and
2. A request for a hearing before the Personnel Advisory Board.

### **D. Appeal Hearing**

The hearing process is intended to be less formal than a court hearing, but orderly. The hearing will be presided over by the Chairperson or in his/her absence, the Vice-Chairperson of the Personnel Advisory Board.

The duty of the Board is to:

1. Compile evidence based on verbal statements, records and other written documents provided at the hearing.
2. Make a decision based on the hearing evidence (the decision must be determined by a majority of the entire Board). If a majority of the Board is unable to agree, then the appeal is denied.
3. Issue a decision to the City Manager.

### **E. Scheduling of Hearing**

If the appeal meets the criteria cited above, the Personnel Officer shall schedule the appeal hearing before the Personnel Advisory Board. The hearing must be held within ten (10) workdays of the date in which the appeal was filed.

### **F. Representation**

Both the employee and the City shall have the right to represent themselves, or to be represented by an attorney or another representative at the appeal hearing.

### **G. The Decision**

The Personnel Advisory Board shall submit its decision to the City Manager within five (5) workdays after the hearing. The City Manager shall consider that decision and shall issue a final decision to the employee within ten (10) workdays after receiving the Board's decision. The decision of the City Manager shall be final.

## **9.1 DEFINITIONS**

For the purposes of these Personnel Rules and Regulations, the following words and phrases shall have the respective meanings ascribed to them in this section:

**Adverse Action** - Disciplinary action taken against a provisional or regular employee, for cause, that results in a disciplinary suspension without pay, a disciplinary salary reduction, a disciplinary demotion or a dismissal.

**Annual Leave** - Paid leave accrued by regular full-time employees to provide time off from work for vacation purposes or to attend to personal business.

**Appeal** - A request by a regular full time employee for a review of a final adverse action decision made by the City against that employee.

**Applicant** - Any person who has filed an application for employment with the City in accordance with the provisions of these policies.

**Board** - Members of the Personnel Advisory Board who serve as advisors to the City Manager in the administration of personnel matters and hear appeals and certain grievances as prescribed in these Rules and Regulations.

**Chairperson** - The person elected by the Personnel Advisory Board members to chair the activities of the Board.

**Cell Phone** - A portable device including a cellular telephone, push to talk, laptop, netbook or similar device.

**Cell Phone Use** - includes receiving or placing personal calls, text messaging, surfing the internet, receiving or responding to e-mail, checking for phone messages, or any other purposes.

**City Manager** - The person appointed by the Mayor and Council to oversee the daily operations of the City and act as Chief Administrative Officer.

**Classified Service** - Provisional and regular full-time employees serving in positions now existing or hereafter established in the City of Snellville's Classification Plan.

**Demotion** - The movement of a regular full-time employee or a new employee during their provisional period to a position with a lower classification which is one that has a maximum salary in the salary range that is less than that of the previous classification held by the employee.

**Dismissal** - An involuntary separation of an employee from employment with the City.

**Exempt Employee** - An employee in a position that is designated (according to the Fair Labor Standards Act) to be ineligible for overtime pay.

**Full-time Employee** - An employee in a position with a normally scheduled work week of forty (40) hours.

**Grievance** - A complaint made by a provisional or regular employee alleging that the employee's employment or productivity has been adversely affected by unfair treatment, unsafe or unhealthy working conditions, erroneous or capricious application of the City's policies or procedures, or unlawful discrimination.

**Hearing Officer** - The person, usually the Personnel Officer, designated by the City Manager to preside over the third hearing of the grievance process, to review the grievance, evidence and requested resolution, and to make a determination regarding the claim.

**Illegal Drugs** - Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing or selling or otherwise



transferring, including, but not limited to marijuana, cocaine or other drugs listed as controlled substances under the Control Substance Act, 21 U.S.C. Section 812 and/or Chapter 13 of Title 16 of the Official Code of Georgia Annotated. Further, for the purpose of this policy, any drug not herein defined, as a legal drug shall be an illegal drug, which includes legal drugs being abused.

**Immediate Family** - Includes the spouse, parent, son, daughter, sister, brother, and grandparent of an employee. Also includes any of these persons of a step, in-law, and foster or adoptive relationship to the employee.

**Legal Drugs** – Drugs and medication prescribed under the state or federal law as well as over the counter drugs, which have been legally obtained and are being used for the purpose for which they are intended or manufactured.

**Mayor** - The chief executive officer of the City of Snellville, or designated representative.

**Name-Clearing Hearing** - A hearing in which a provisional or regular employee has the opportunity to clear his/her name and to refute the charges and the adverse action proposed against the employee.

**Open Competitive Vacancy** - A City position wherein announcement of a vacancy and acceptance of applications is solicited from every segment of the community to compete.

**Pay and Classification Plans** - Plans that include the listing of class specifications, designated salary ranges and the pay plan for all positions in the City's Classified Service.

**Performance Evaluation** - A written appraisal of an individual employee's job performance based on an evaluation conducted by the employee's immediate Supervisor.

**Period of Absence** - A period of consecutive days away from work place due to illness or personal business.

**Permanent Part Time Employee** – Employees whose work an average of thirty (30) hours per week or less in a scheduled work cycle for 52 weeks each year. A person appointed to such a position shall not be eligible for the rights, privileges and benefits conferred through these Personnel Rules and Regulations to other City employees.

**Provisional period** – A six (6) month period of time in which a new employee or a promoted employee is being evaluated on his/her work performance in the new position.

**Promotion** - The advancement of a regular full-time employee to a vacant position with a higher classification which is one that has a maximum salary in the salary range that is greater than that of the previous classification held by the employee.

**Promotional Competitive Vacancy** - A City position vacancy in which an announcement of a vacancy and acceptance of applications is confined to regular full-time employees of the City of

Snellville.

**Reappointed Employee** - A person who has been previously employed by the City in a regular, full-time position and who reapplies for employment with the City and is appointed again to a regular, full-time position. Unless otherwise stated, all conditions of employment for reappointed employees shall follow those of new employees.

**Reclassification** - The changing of a position's class specification based on substantial changes in duties, responsibilities, and functions of a position; salary advancement may or may not result from this change.

**Regular Full-time Appointment** - An appointment to a full-time position in which the employee is given regular status after satisfactorily completing the provisional period. The attainment of regular status shall afford the employee all of the rights and privileges contained in these Personnel Rules and Regulations.

**Sick Leave** - Paid leave accrued by regular and provisional full-time employees to provide time off from work for bona fide illness or injury, temporary disability, and other medically related necessities for the employee or for the employee's spouse, parent or child, including those of an in-law, adoptive, step or foster relationship.

**Temporary Full-time Appointment** - An appointment to a full-time position for a limited duration of time. A person appointed to such a position shall not be eligible for the rights, privileges and benefits conferred through these Personnel Rules and Regulations to other City employee

**Temporary seasonal part-time Appointment** - Temporary Seasonal part-time position where the work schedule of the position is dependent on the seasonal nature of the duties to be performed and could average up to 40 hours per week in a scheduled work cycle for the season's duration; i.e. Pool Operations and Summer Day Camp. A person appointed to such a position shall not be eligible for the rights, privileges and benefits conferred through these Personnel Rules and Regulations to other City employees.

**Transfer** - The lateral movement of a regular full-time employee or new employee during their provisional period to another position in the same classification or in a different classification with the same salary range of the employee's former position.

**Written Reprimand**- A formal means of communicating a violation of city policy and/or procedures to an employee in writing.

The City of Snellville  
2342 Oak Road  
Snellville, Georgia 30078  
(770) 985-3500 • FAX (770) 985-3525



# AGENDA

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PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, SEPTEMBER 12, 2022

Publication Date: September 8, 2022

TIME: 7:30 p.m.  
DATE: September 12, 2022  
PLACE: Council Chambers

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE TO THE FLAG
- IV. CEREMONIAL MATTERS
  - a) PRO 2022-13 - Snellville Lions Club 70th Celebration Month
  - b) PRO 2022-14 – Paint Gwinnett Pink
- V. MINUTES  
Approve the Minutes of the August 22, 2022 Meetings
- VI. INVITED GUESTS  
None
- VII. COMMITTEE / DEPARTMENT REPORTS
- VIII. APPROVAL OF THE AGENDA
- IX. PUBLIC HEARING
  - a) 2<sup>nd</sup> Reading - RZ 22-04 LUP 22-04 – Consideration and Action on Applications by CKK Development Services LLC (applicant) and Larry Garner (property owner) Requesting: a) to Amend the Official Zoning Map for the City of Snellville, Georgia from BG (General Business) District to R-TH (Townhome Residential) District; b) to Amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Commercial Retail to Medium-Density Residential; c) and Request for Variances from the Small Residential Building Standards; Minimum Building Setbacks, and Sidewalk and Planter Strip Requirements for

a 27-Unit/Lot Townhome Development on a 3.43± Acre Site Located Adjacent to the Olde Hickory Village Subdivision, 2045-2055-2065-2075 E. Main Street, Snellville, Georgia (Tax Parcels 5059 248, 5059 485, 5059 486, and 5059 487)

- X. **CONSENT AGENDA** (Please see \*Note)
- XI. **OLD BUSINESS**
- XII. **NEW BUSINESS**
  - a) Consideration and Action on Approval of the Intergovernmental Agreement with Gwinnett County for the Pinehurst Road Utility and Roadway Improvements [Bender]
- XIII. **COUNCIL REPORTS**
- XIV. **MAYOR'S REPORT**
- XV. **PUBLIC COMMENTS**
  - Section 2-53  
Each member of the public who wishes to address the Mayor and City Council in public session must submit their name, address and the topic (be as specific as possible) of their comments to the City Clerk prior to making such comments. Individuals will be allotted five minutes to make their comments and such comments must be limited to the chosen topic. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with our adopted rules of decorum.
  - Decorum  
You must conduct yourself in a professional and respectful manner. All remarks should be directed to the Chairman and not to individual Council Members, staff or citizens in attendance. Personal remarks are inappropriate.
- XVI. **EXECUTIVE SESSION**

An Executive Session may be called:

  - To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
  - To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
  - Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

REGULAR BUSINESS & PUBLIC HEARING OF MAYOR AND COUNCIL  
MONDAY, SEPTEMBER 12, 2022  
PAGE THREE

**XVII. ADJOURNMENT**

**\*Note: Items on the Consent Agenda may be read by title only. Upon the request of any Council Member, any item may be removed from the Consent Agenda and placed on the Regular Agenda prior to the adoption of the Regular Agenda. The Consent Agenda, or the remainder thereof omitting the challenged items, shall be adopted by unanimous consent.**

CITY OF SNELLVILLE  
MEETINGS AND LOCAL EVENTS  
SEPTEMBER 12, 2022

September 12

Council Meeting

Monday, September 12, 2022

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall

September 13

Board of Appeals Meeting - Canceled

Tuesday, September 13, 2022

7:30 pm Meeting - Council Chambers, City Hall

September 15

Joint Meeting of DAS & URA

Thursday, September 15, 2022

4:00 pm Meeting – City Hall Room 259, Second Floor

September 17

Snellville Farmers' Market

Saturday, September 17, 2022

8:30 am to 12:30 pm

Towne Green

September 18

Broadcast of 09/12/22 Council Meeting

Sunday, September 18, 2022

Watch the broadcast of the 09/12/2022 Council Meeting on Comcast Channel 25 at 6:30 pm

September 21

DDA Meeting

Wednesday, September 21, 2022

4:00 pm Meeting – City Hall Room 259, Second Floor

September 24

Snellville Farmers' Market

Saturday, September 24, 2022

8:30 am to 12:30 pm

Towne Green

September 24

Live on the Lawn Concert-Uptown Funk-Bruno Mars Tribute

Saturday, September 24, 2022

6:00 pm to 9:00 pm

Towne Green

September 26

Council Meeting

Monday, September 26, 2022

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall



CITY OF SNELLVILLE

# Proclamation

PRO 2022-13

Snellville Lions Club 70th Celebration

WHEREAS, on September 18, 2022, the Snellville Lions Club will celebrate its 70th anniversary of affiliation with Lion Clubs International; founded in 1917; it is the world’s largest humanitarian service club organization with 1.4 million members in 47,000 clubs in more than 200 countries and geographical areas; and

WHEREAS: The Motto of Lions Club International is “We Serve” and the Snellville Lions Club is a valuable service club in the community; their members volunteer their time aiding those in need; and

WHEREAS, the Snellville Lions Club accepted and has met, and will continue to meet the challenge of: (1) Lions Club International founder, Melvin Jones, to work to improve our communities; (2) Helen Keller, to become the “Knights of the Blind” to aid the blind and visually impaired; and (3) Lions Club International Leadership, to provide screenings for sight, hearing and diabetes control and preventions; and

WHEREAS, the Snellville Lions Club has had numerous members serve in Lions State, District and Multiple District Leadership positions over the years; and

WHEREAS, The Snellville Lions Club has supported various charitable causes including LCI, Georgia Lions Lighthouse Foundation, Georgia Lions Camp, Leader Dog, Learning Ally, Various Senior Facilities, Camp Dove, Public Safety Night, Canine Companion, South Gwinnett Co-op, Camp Kudzu, White Cane Program, Middle School Dictionary Program, Cop Car, Mobility Worldwide, Christmas Tree Program, Children’s Hospital Care Packages and Pajamas, Environmental Projects, Park Bench at City Hall, High School Scholarships, also Various Community Welfare Programs.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Barbara Bender, Mayor of the City of Snellville, Where Everybody’s PROUD to be Somebody, do hereby join with City Council and the Citizens of Snellville in recognition of the Snellville Lions Club, do hereby proclaim the month of September as “Snellville Lions Club 70<sup>th</sup> Celebration Month”

Proclaimed this 12<sup>th</sup> day of September 2022.



ATTEST:

\_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Tod Warner, Council Member





## CITY OF SNELLVILLE

# Proclamation

### PRO 2022-14 PAINT GWINNETT PINK

**WHEREAS,** every year, too many Gwinnett residents are diagnosed with cancer, and

**WHEREAS,** Breast Cancer is the most common form of cancer in women and second only to lung cancer in cancer deaths; and

**WHEREAS,** one out of nine women will develop breast cancer in their lifetimes; and

**WHEREAS,** recent research has shown that women who follow annual recommended breast screening guidelines can reduce the chance of dying of breast cancer; and

**WHEREAS,** Paint Gwinnett Pink is a signature fundraising event of Northside-Gwinnett and Northside-Duluth in which every dollar stays in Gwinnett County, and

**WHEREAS,** tomosynthesis 3D mammography is cutting edge image technology that allows healthcare professionals greater visibility of breast structures and possible cancers with 15% fewer false alarms and

**WHEREAS,** the Paint Gwinnett Pink, a 5K run and walk, is a celebration of cancer survivors, a memorial to those lost to cancer, and hope for the future of Gwinnett residents.

**THEREFORE,** I, Barbara Bender, Mayor of the City of Snellville, Georgia, Where Everybody is PROUD to be Somebody, do hereby join with our City Council and the citizens of Snellville to proclaim the month of October Paint Gwinnett Pink month and encourage all Gwinnett residents and businesses to sponsor, to participate or to learn how each can make a difference in the lives of those facing breast cancer in Gwinnett County.

**Proclaimed this 12<sup>th</sup> day September 2022.**



*ATTEST:*

\_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Tod Warner, Council Member





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## **Agenda Item Summary**

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** September 12, 2022

**CASE NO.:** #RZ 22-04 LUP 22-04

**STATUS:** Case Continuation

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Applications requesting to amend the Future Land Use Map and Official Zoning Map, and request for variances from the Small Residential Building Standards and Streetscape Requirements of the Unified Development Ordinance for a 27-unit/lot single-family (attached) townhome development on a 3.43± acre tract adjacent to the Olde Hickory Village subdivision at the intersection of Hickory Station Drive and U.S. Highway 78 (E. Main Street).

**Financial Impact:** Site Development and Building Permit Fees; Real Property Taxes; and Stormwater Utility Fees

**Planning Department Recommendation:** Approval with Conditions

**Planning Commission Meeting Date and Recommendation:** May 24, 2022 (Approval with Conditions)

**Mayor and Council Meetings:** June 13, 2022 (1<sup>st</sup> Reading)  
July 11, 2022 (2<sup>nd</sup> Reading – Table to Aug 22<sup>nd</sup>)  
August 22, 2022 (Public Hearing – Table to Sept 12<sup>th</sup>)

**Action Requested:** Consideration and Action

**Draft Ordinances:** Attached

**Case Documents (website link):**

- [Letter of Intent \(4-7-2022\)](#)
- [#RZ 22-04 Application \(4-7-2022\)](#)
- [#LUP 22-04 Application \(4-7-2022\)](#)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2022-11**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 3.43± ACRE TRACT OF LAND LOCATED IN LAND LOT 59 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2045-2055-2065-2075 E. MAIN STREET, SNELLVILLE, GEORGIA; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 22-04

**PROPERTY OWNER:** Larry Garner  
Loganville, Georgia 30052

**LOCATION:** 2045-2055-2065-2075 E. Main Street,  
Snellville, Georgia 30078

**TAX PARCELS:** R5059 248; R5059 485; R5059 486; and  
R5059 487

**APPLICANT/CONTACT:** Andy Lunsford  
CKK Development Services, LLC  
Lawrenceville, Georgia 30046  
678-314-0466 or [Andy@ckkdev.com](mailto:Andy@ckkdev.com)

**DEVELOPMENT/PROJECT:** 27-Unit Single-Family (Attached)  
Townhome Development

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 3.43± acre tract of undeveloped land

located at the intersection of U.S. Highway 78 (E. Main Street) and Hickory Station Drive, 2045-2055-2065-2075 E. Main Street, Snellville, Georgia (Tax Parcels 5059 248; 5059 485; 5059 486; and 5059 487) for a 27-unit single-family (detached) townhome development; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from the Small Residential Building Standards of Article 1 Chapter 200 and the Required Streetscapes of Article 1 Chapter 400 of the Snellville Unified Development Ordinance; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to repeal conditions of zoning and approved variances from the 12-14-2015 Mayor and Council approved rezoning for case no. RZ 15-06 (Ordinance No. 2015-17); and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** The Official Zoning Map for the City of Snellville, Georgia for the 3.43± acre tract of land described and shown on the boundary survey “C.K.K. Development 2045, 2055, 2065 & 3075 East Main Street”, sealed and dated 3-16-2022 (stamped received 4-7-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from BG (General Business) District to R-TH (Townhome Residential) District.

**Section 2.** All variances and conditions that are applicable to the 3.43± acre property and previously approved on 12-14-2015 by the Mayor and Council for rezoning

case #RZ 15-06 (Ordinance No. 2015-17) are hereby repealed and instead, this action is subject to the attachment of the following approved variances (1-4) and new conditions (1-10):

VARIANCES:

1. Variance from UDO Sec. 201-3.3.E.1. (Small Residential Building Standards) to allow the combined area of the front building façade area to exceed more than 40% for windows and doors.
2. Variance from UDO Sec. 201-3.3.E.2. (Small Residential Building Standards) to not require a front porch or stoop.
3. Variance from UDO Table 401-4.2. (Streetscapes Required) to allow the existing 5-foot wide sidewalk and 2-foot wide planter strip to remain 'as-is' within the E. Main Street public right-of-way.
4. Variance from UDO Sec. 202-6.6. (Dimensional Standards) to reduce the 50 feet minimum site setback (along streets) to 40 feet where abutting U.S. Highway 78.

CONDITIONS:

1. The property shall be developed in accordance with the rezoning site plan entitled "C.K.K. Development", dated 6-5-2022 (stamped received 7-6-2022) in Exhibit "B", a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the rezoning site plan, as determined by the Director of Planning and Development and the City Manager will require Mayor and Council approval.
2. A Home Owner's Association shall be established for the continual maintenance of open space; landscaping; walls, columns and fencing; signage; mailbox kiosk; and parking areas.
3. The development and townhome units are to be deed restricted to at least 90% owner-occupied fee-simple single-family ownership while the remaining 10% of the townhome units may be used as non-owner occupied (rental) units. This condition must be incorporated into the Home Owner's Association documents prior to the release of any certificates of occupancy.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.
5. An access and maintenance easement shall be established and granted to the Olde Hickory Village Homeowner's Association for the 600± feet of existing solid brick

wall and columns located along the northern property line. The wall and columns to remain in its place 'as-is' and protected during construction.

6. An access and maintenance easement shall be established and granted to the Olde Hickory Village Homeowner's Association for the existing solid brick Olde Hickory Village subdivision sign located at the southwestern corner of the property. The sign to remain in its place 'as-is' and protected during construction.
7. The existing 5-foot wide sidewalk and 2-foot wide planter strip where adjacent to U.S. Highway 78 (E. Main Street) shall continue easterly to the property line where abutting Parcel 5059 233.
8. All project access improvements or modifications made within the Hickory Station Drive right-of-way shall be reviewed and approved by the City Engineer and completed at the sole cost and expense of the developer.
9. All townhome driveways shall be a minimum of twenty-two feet (22') in length, measured from the front of the garage door to the leading edge of the sidewalk (edge closest to dwelling), and shall be wide enough to accommodate the parking of two vehicles.
10. Unless approved as a concurrent variance at time of zoning approval, variances are to be considered by the Snellville Board of Zoning Appeals, unless authority is granted by the UDO to the Director of Planning and Development for Administrative Variance consideration and approval.

**Section 3.** The changes in zoning classification are to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy

between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

**Section 4.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent

allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of Snellville, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 8.** This Ordinance was adopted on August \_\_\_\_\_, 2022. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_\_ day of August, 2022.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Cristy Lenski, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Tod Warner, Council Member

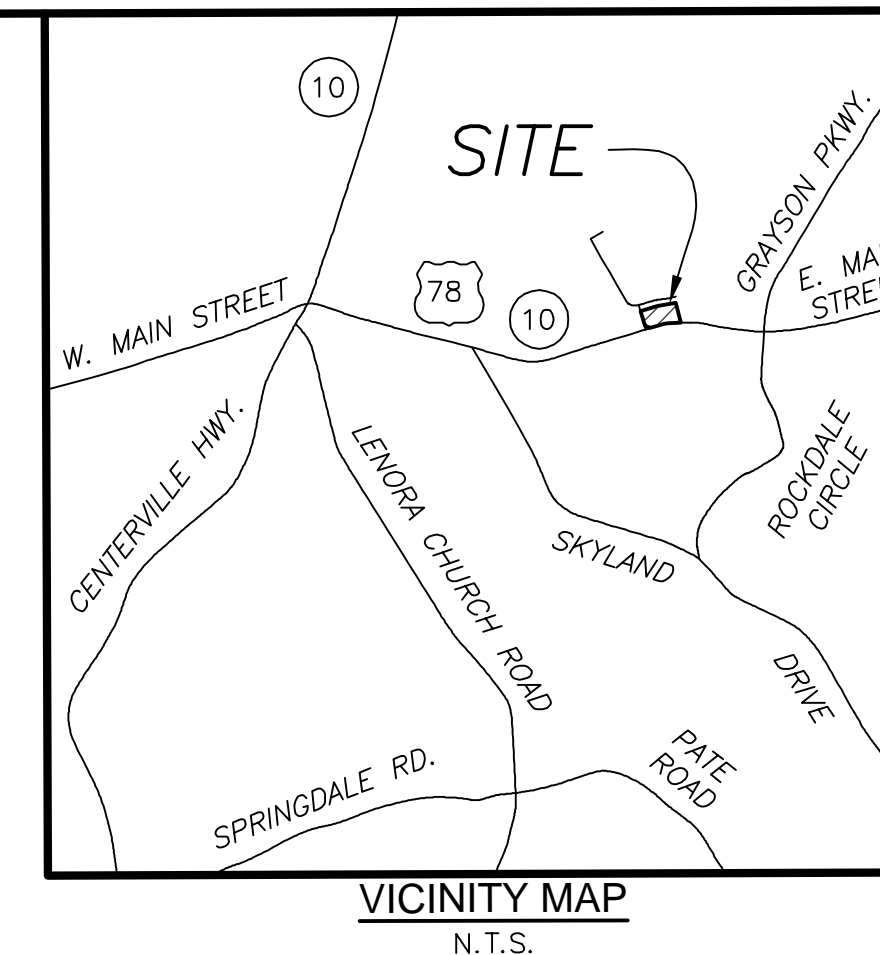
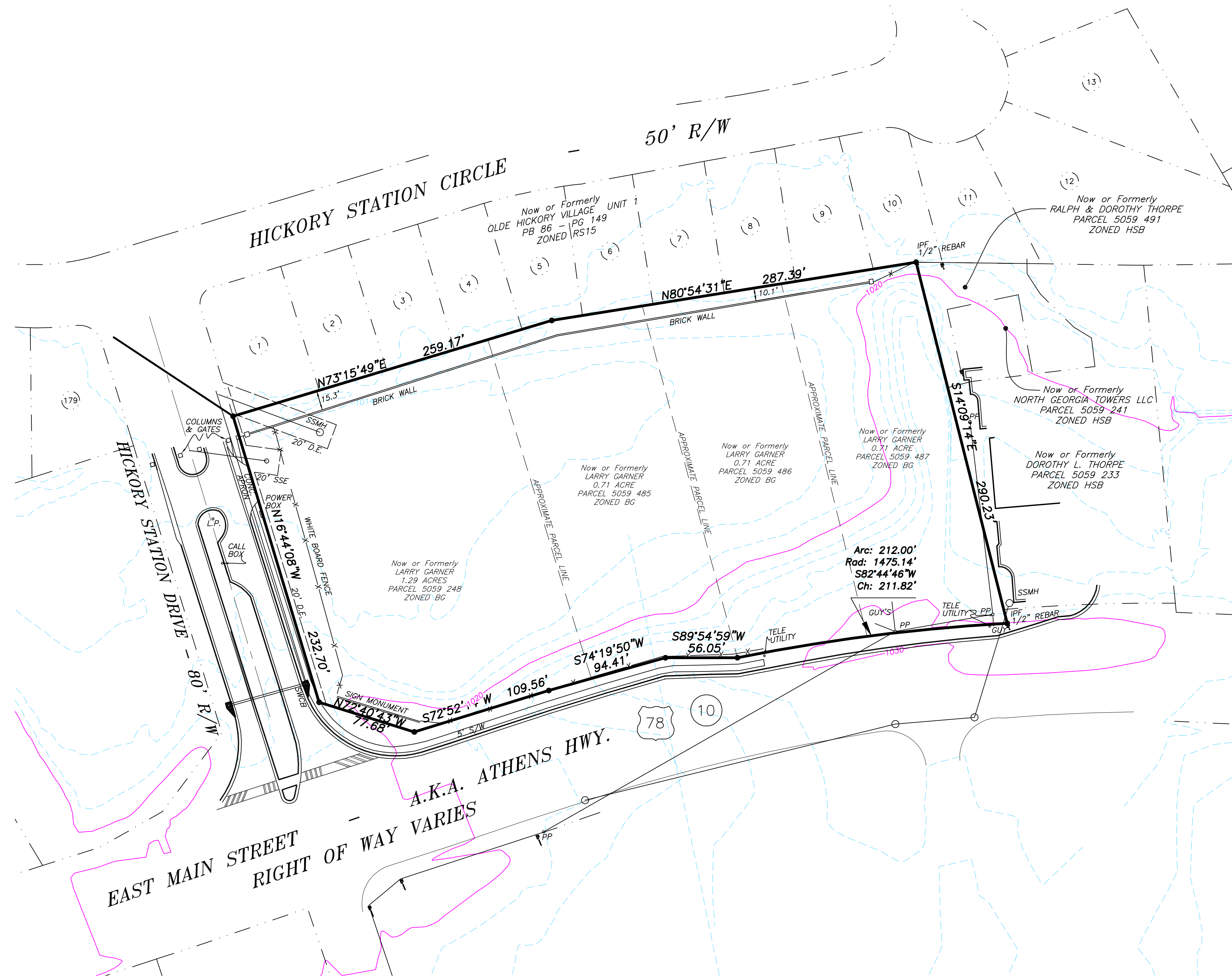
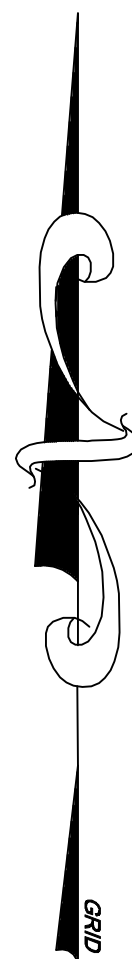


EXHIBIT "A"

TOTAL AREA: 3.43 ACRES

**LEGEND :**

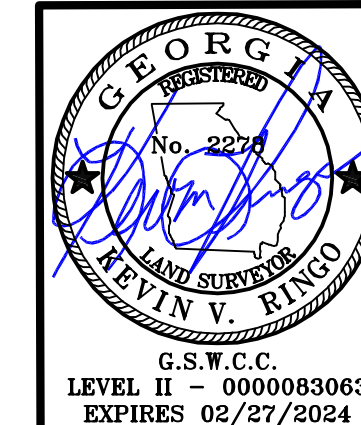
- POB POINT OF BEGINNING
- LLI LAND LOT LINE
- R/W RIGHT OF WAY
- N/F NOW OR FORMERLY
- CTF CRIMP TOP FOUND
- RBF REBAR FOUND
- OTF OPEN TOP FOUND
- RBS REBAR SET
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- DIP DUCTILE IRON PIPE
- PVC POLYVINYLCHLORIDE PIPE
- SWCB SINGLE WING CATCH BASIN
- DWCB DOUBLE WING CATCH BASIN
- CI CURB INLET
- DI DROP INLET
- OCS OUTLET CONTROL SYSTEM
- JB JUNCTION BOX
- FES FLARED END SECTION
- HW HEAD WALL
- WI WIER INLET
- SSMH SANITARY SEWER MANHOLE
- CO CLEAN OUT
- INV INVERT
- OHP- OVERHEAD POWER LINE
- OTL- OVERHEAD TELEPHONE LINE
- UT- UNDERGROUND TELEPHONE LINE
- EO ELECTRIC OUTLET
- UP UTILITY POLE
- UGP UNDERGROUND POWER LINE
- GW GUIDE WIRE
- PP POWER POLE
- L/P LIGHT POLE
- C/I/T CABLE/INTERNET/TELEPHONE
- FH FIRE HYDRANT
- WL WATER LINE
- WM WATER METER
- WV WATER VALVE
- VM VAVLE MARKER
- SI SIGN POST
- BL BUILDING LINE
- CL CENTERLINE
- EP EDGE OF PAVEMENT
- SP SAMPLING POINT
- MP MONITORING POINT
- WETLANDS
- SL STREET LIGHT



THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

03-16-22  
DATE

KEVIN V. RINGO - PLS. NO. 2278



**RINGO**  
**ABERNATHY**  
**& ASSOCIATES**  
 CONSULTANTS  
 SURVEYORS  
 ENGINEERS  
 PLANNERS  
 174 DACULA ROAD - DACULA, GA. 30019  
 Phone (770) 962-8456

COUNTY/CITY:	GWINNETT/SNELLVILLE
LAND LOT(S)/DISTRICT:	59/5th
PARCEL(S):	248, 485, 486 & 487
DATE:	03/15/2022
SCALE:	1" = 50'
JOB NO.:	21099

**BOUNDARY SURVEY FOR:**  
**C.K.K. DEVELOPMENT**  
 2045, 2055, 2065 & 2075 EAST MAIN STREET

**SURVEY NOTATION:**  
 THIS SURVEY WAS RUN USING A GEOMAX ZOOM 90 ROBATIC TOTAL STATION EDM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 61,106 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

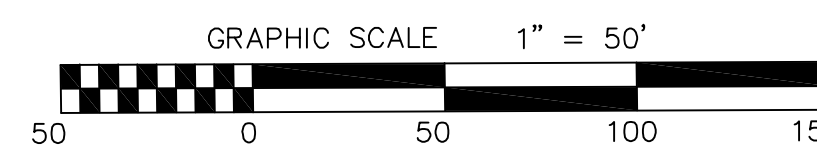
THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 885,582 FEET.

**REFERENCE MATERIAL:**  
 FINAL PLAT OF OLD HICKORY VILLAGE, PHASE 1, PREPARED BY MAYES, SUDDERTH & ETHEREGGE, INC. DATED 08-29-00 AND RECORDED IN PLAT BOOK 89, PAGE 271  
 FINAL PLAT FOR DOTTIE THORPE, PREPARED BY SCI DEVELOPMENT SERVICES DATED 12-16-16 AND RECORDED IN PLAT BOOK 138, PAGE 275.



KNOW WHAT'S BELOW. CALL BEFORE YOU DIG  
 IF YOU DIG GEORGIA ... CALL FIRST!

THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, VARIOUS GOVERNMENTAL AGENCIES, AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR ENGINEER MAKE NO CLAIM TO THE COMPLETENESS OF THIS INFORMATION. THE SIZE, LOCATION, OR ADDITIONAL UTILITIES MAY BE UNCOVERED UPON EXCAVATION. PRIOR TO BEGINNING ANY EARTH DISTURBING ACTIVITIES, THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTIFIED.



REVISIONS	NO.	DATE

SHEET  
**1**  
 1 OF 1

EXHIBIT "B"



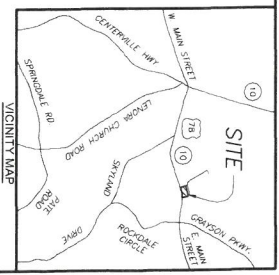
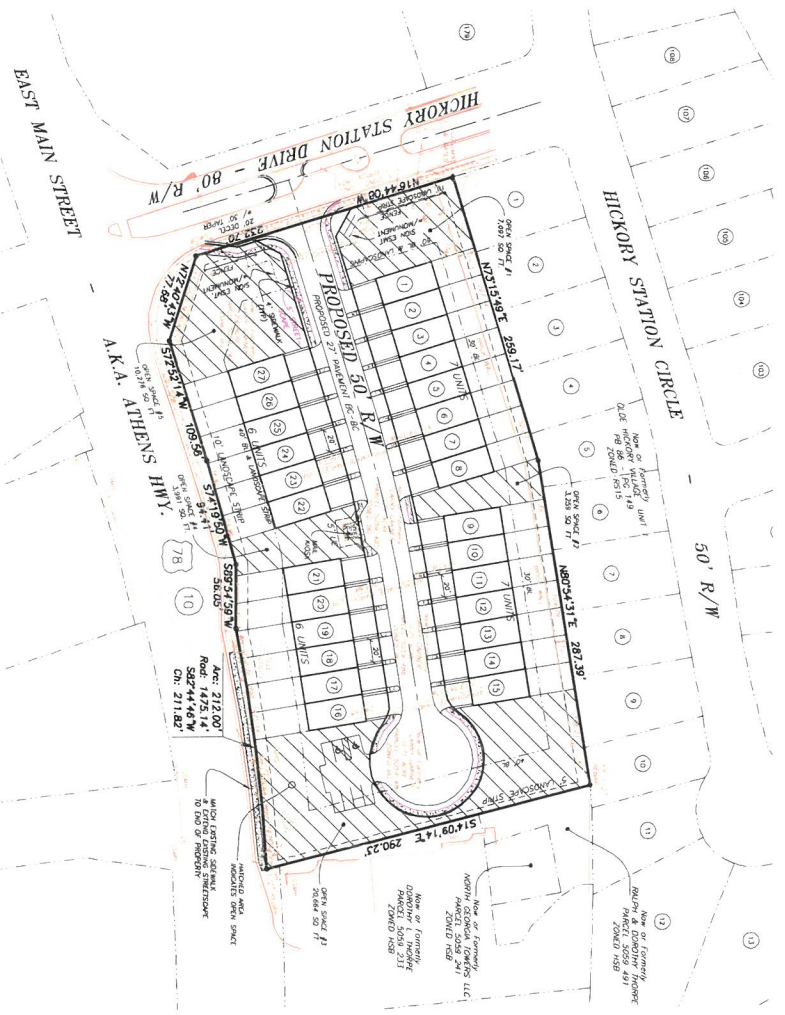
TOTAL AREA: 3.43 ACRES

NOTE:  
DETENTION TO BE PROVIDED IN THE EXISTING  
DETENTION POND FOR OLDE HICKORY S/D.

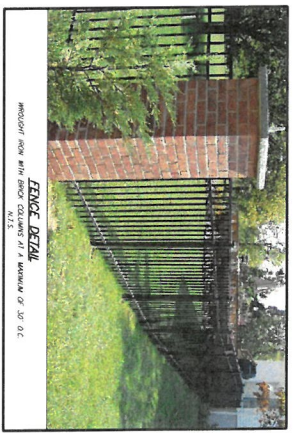
**LEGEND:**

- 1. PROPERTY LINE
- 2. EXISTING PROPERTY
- 3. PROPOSED PROPERTY
- 4. LOT CENTERLINE
- 5. EASEMENT
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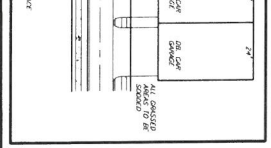
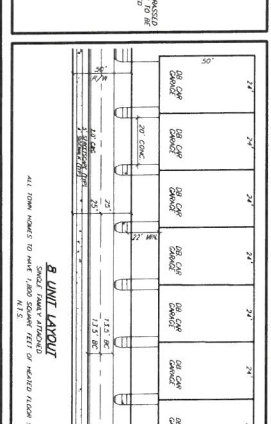
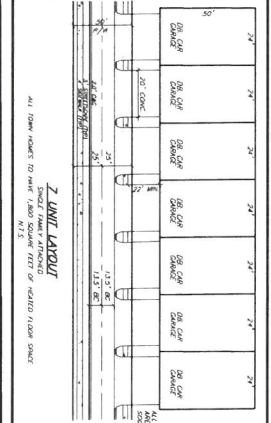
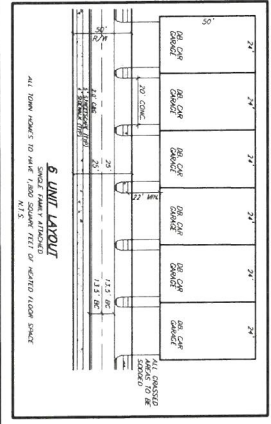
- GENERAL NOTES:**
1. PROPERTY IS LOCATED AT 2045, 2055, 2065 & 2075 EAST MAIN STREET.
  2. EXISTING PROPERTY ZONING IS R-1.
  3. EXISTING PROPERTY ZONING IS R-1.
  4. PROPERTY INCLUDES PARCELS 5059 246, 5059 405, 5059 406 & 5059 407.
  5. ZONING IS R-1.
  6. ACCESS DRIVEWAY 7.5' WIDE PER ACRES.
  7. MANHOLE OVERLAP SIZE ALL TOWNS HOMES SHALL HAVE 1,200 GALLON CAPACITY.
  8. SEWER LINE SHALL BE 18" DIA. PER SHELTERVILLE CODES.
  9. SEWER LINE SHALL BE 18" DIA. PER SHELTERVILLE CODES.
  10. SEWER LINE SHALL BE 18" DIA. PER SHELTERVILLE CODES.
  11. SEWER LINE SHALL BE 18" DIA. PER SHELTERVILLE CODES.
  12. ALL UTILITIES TO BE LOCATED UNDERGROUND.
  13. ALL UTILITIES TO BE LOCATED UNDERGROUND.
  14. ALL UTILITIES TO BE LOCATED UNDERGROUND.
  15. THERE IS NO T-1000 PLUM ON THIS PROPERTY FOR SCENE VIEWS.
  16. ALL UTILITIES TO BE LOCATED UNDERGROUND.
  17. ALL UTILITIES TO BE LOCATED UNDERGROUND.
  18. BUILDING LAYOUT SUBJECT TO CHANGE DURING DESIGN PHASE OF PROJECT.
  19. STREET PAVING SPACES REQUIRED: 7' (1 PER 4 UNITS (2))
  20. OPEN SPACES PROVIDED: 7' x 1.00 ACRES (0.0016 AC) OR SITE IS OPEN SPACE.
  21. ALL TOWNS HOMES TO BE PROVIDED IN THE EXISTING DETENTION POND FOR OLDE HICKORY S/D.
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  50. ALL TOWNS HOMES TO BE PROVIDED IN THE EXISTING DETENTION POND FOR OLDE HICKORY S/D.



**RECEIVED**  
JUL - 6 2022  
BY \_\_\_\_\_



**FENCE DETAIL**  
SHOWING HOW BRICK PILLARS AT A MAXIMUM OF 30' O.C.



REVISIONS NO. DATE  
REZONING PLAN FOR:  
**C.K.K. DEVELOPMENT**  
2045, 2055, 2065 & 2075 EAST MAIN STREET

COUNTY/CITY: GWINNETT/SHELLEYVILLE  
LAND LOT(S)/DISTRICT: 59/5th  
PARCEL(S): 248, 485, 486 & 487  
DATE: 06/05/2022  
SCALE: 1" = 50'  
JOB NO.: 21099

**RINGO ABERNATHY & ASSOCIATES**  
CONSULTANTS SURVEYORS ENGINEERS PLANNERS  
174 DACULA ROAD - DACULA, GA 30019  
Phone (770) 962-6456



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2022-12**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 3.43± ACRE TRACT OF LAND LOCATED IN LAND LOT 59 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA; 2045-2055-2065-2075 E. MAIN STREET, SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 22-04

**PROPERTY OWNER:** Larry Garner  
Loganville, Georgia 30052

**LOCATION:** 2045-2055-2065-2075 E. Main Street,  
Snellville, Georgia 30078

**TAX PARCELS:** R5059 248; R5059 485; R5059 486; and  
R5059 487

**APPLICANT/CONTACT:** Andy Lunsford  
CKK Development Services, LLC  
Lawrenceville, Georgia 30046  
678-314-0466 or [Andy@ckkdev.com](mailto:Andy@ckkdev.com)

**DEVELOPMENT/PROJECT:** 27-Unit Single-Family (Attached)  
Townhome Development

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend the 2040 Comprehensive Plan Future Land Use Map as it applies to the 3.43± acre tract of undeveloped land located at the intersection of U.S. Highway 78 (E. Main Street) and Hickory Station Drive, 2045-2055-2065-2075 E. Main Street, Snellville, Georgia (Tax Parcels 5059 248; 5059 485; 5059 486; and 5059 487) for a 27-unit single-family (detached) townhome development; and,

**WHEREAS**, the subject undeveloped property is located on the western boundary of the Highway 78 East Character Area of the Snellville 2040 Comprehensive Plan Future Development Map; and,

**WHEREAS**, the Medium-Density Residential future land use category is a *Considered* future land use category for the R-TH (Townhome Residential) zoning district; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** The future land use designation of the 3.43± acre tract of land described and shown on the boundary survey “C.K.K. Development 2045, 2055, 2065 & 3075 East Main Street”, sealed and dated 3-16-2022 (stamped received 4-7-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from Commercial Retail to Medium-Density Residential.

This change in the future land use is to be noted on the City of Snellville 2040 Comprehensive Plan Future Land Use Map, as previously amended and as approved by the

Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The future land use map shall also be amended with an editorial note specifying the date this Snellville Land Use Plan Amendment was approved by the Mayor and Council and specifying the parcel(s) affected by this Ordinance. Until the change is indicated on the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council, this Ordinance shall govern over the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** Penalties in effect for violations of the Unified Development Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on August \_\_\_\_\_, 2022. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]



**ORDAINED** this \_\_\_\_\_ day of August, 2022.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Solange Destang, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Gretchen Schulz, Council Member

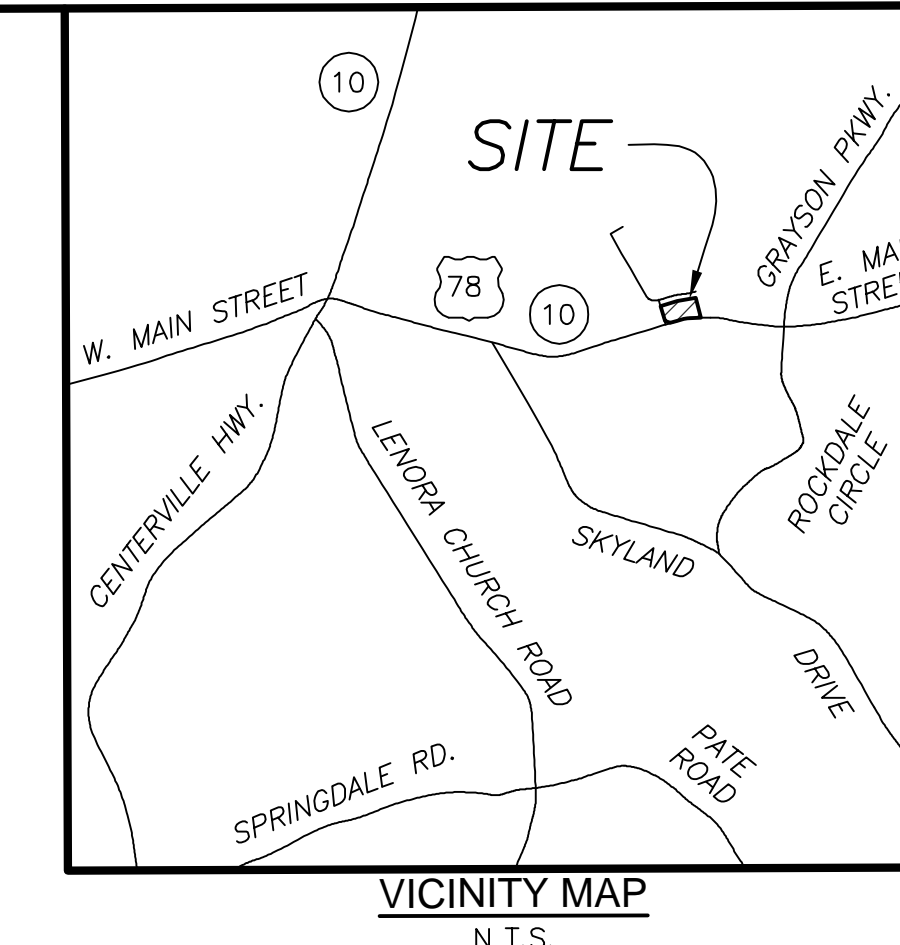
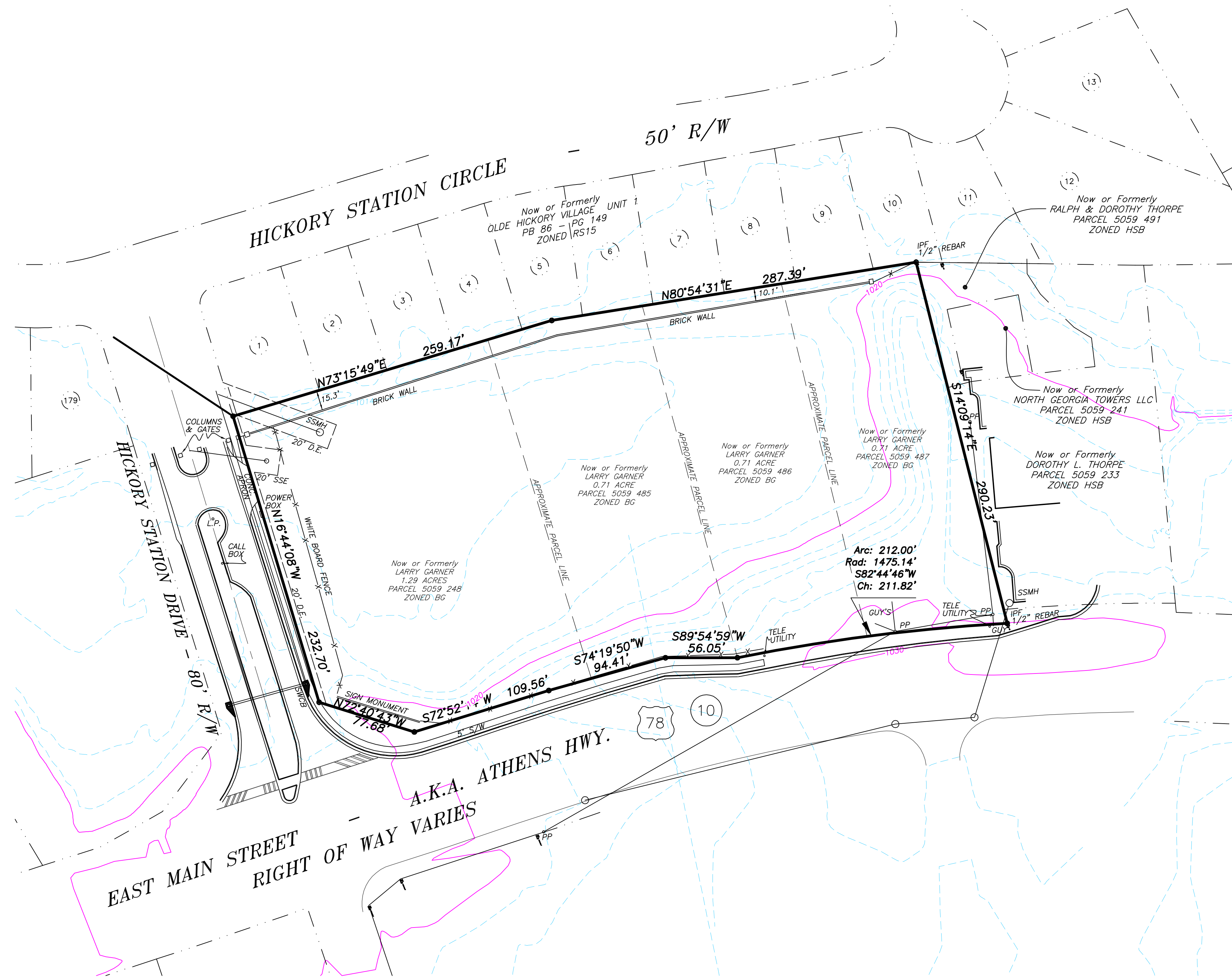
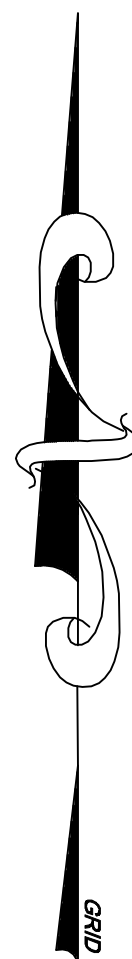
\_\_\_\_\_  
Tod Warner, Council Member

EXHIBIT "A"

TOTAL AREA: 3.43 ACRES

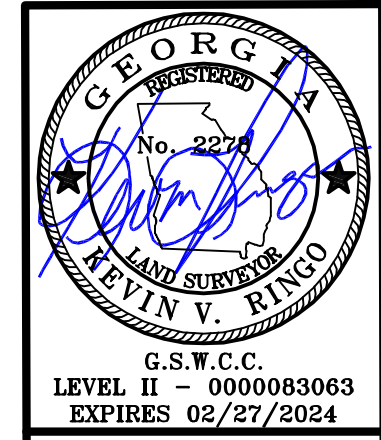
**LEGEND :**

POB	POINT OF BEGINNING
LL	LAND LOT LINE
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY
CTF	CRIMP TOP FOUND
RBF	REBAR FOUND
OTF	OPEN TOP FOUND
RBS	REBAR SET
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYLCHLORIDE PIPE
SWCB	SINGLE WING CATCH BASIN
DWCB	DOUBLE WING CATCH BASIN
CI	CURB INLET
DI	DROP INLET
OCS	OUTLET CONTROL SYSTEM
JB	JUNCTION BOX
FES	FLARED END SECTION
HW	HEAD WALL
WI	WIER INLET
SSMH	SANITARY SEWER MANHOLE
CO	CLEAN OUT
INV	INVERT
-OHP-	OVERHEAD POWER LINE
-OTL-	OVERHEAD TELEPHONE LINE
-UT-	UNDERGROUND TELEPHONE LINE
EO	ELECTRIC OUTLET
UP	UTILITY POLE
-P-	UNDERGROUND POWER LINE
GW	GUIDE WIRE
PP	POWER POLE
L/P	LIGHT POLE
C/I/T	CABLE/INTERNET/TELEPHONE
FH	FIRE HYDRANT
W	WATER LINE
WM	WATER METER
WV	WATER VALVE
VM	VALE MARKER
SI	SIGN POST
BL	BUILDING LINE
CL	CENTERLINE
EP	EDGE OF PAVEMENT
SP	SAMPLING POINT
MP	MONITORING POINT
*	WETLANDS
SL	STREET LIGHT



THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

*Kevin V. Ringo* 03-16-22  
 KEVIN V. RINGO - PLS. NO. 2278 DATE



**RINGO**  
**ABERNATHY**  
**& ASSOCIATES**  
 CONSULTANTS  
 SURVEYORS  
 ENGINEERS  
 PLANNERS  
 174 DACULA ROAD - DACULA, GA. 30019  
 Phone (770) 962-8456

COUNTY/CITY:	GWINNETT/SNELLVILLE
LAND LOT(S)/DISTRICT:	59/5th
PARCEL(S):	248, 485, 486 & 487
DATE:	03/15/2022
SCALE:	1" = 50'
JOB NO.:	21099

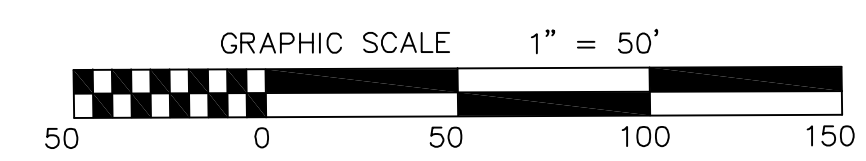
BOUNDARY SURVEY FOR:  
**C.K.K. DEVELOPMENT**  
 2045, 2055, 2065 & 2075 EAST MAIN STREET

**SURVEY NOTATION:**  
 THIS SURVEY WAS RUN USING A GEOMAX ZOOM 90 ROBATIC TOTAL STATION EDM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 61,106 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.  
 THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 885,582 FEET.



KNOW WHAT'S BELOW. CALL BEFORE YOU DIG  
 IF YOU DIG GEORGIA ... CALL FIRST!  
 THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, VARIOUS GOVERNMENTAL AGENCIES, AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR ENGINEER MAKE NO CLAIM TO THE COMPLETENESS OF THIS INFORMATION. THE SIZE, LOCATION, OR ADDITIONAL UTILITIES MAY BE UNCOVERED UPON EXCAVATION. PRIOR TO BEGINNING ANY EARTH DISTURBING ACTIVITIES, THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTIFIED.

**REFERENCE MATERIAL:**  
 FINAL PLAT OF OLD HICKORY VILLAGE, PHASE 1, PREPARED BY MAYES, SUDDERTH & ETHEREGGE, INC. DATED 08-29-00 AND RECORDED IN PLAT BOOK 89, PAGE 271  
 FINAL PLAT FOR DOTTIE THORPE, PREPARED BY SCI DEVELOPMENT SERVICES DATED 12-16-16 AND RECORDED IN PLAT BOOK 138, PAGE 275.



REVISIONS	NO.	DATE

SHEET  
**1**  
 1 OF 1

3.43± Acre Property at 2045-2075 E. Main Street, Snellville, Georgia  
Case #RZ 22-04 LUP 22-04  
September 12, 2022  
Page... 2

- Application Supplemental Documents (4-7-2022)
- 3-16-2022 Boundary Survey (4-7-2022)
- 3-16-2022 Rezoning Site Plan (4-7-2022)
- Exterior Building Elevations (4-7-2022)
- May 24 2022 Planning Department Case Summary & Analysis (5-11-2022)
- *Official* May 24, 2022 Planning Commission Regular Meeting Minutes (6-29-2022)
- May 24 2022 Planning Commission Case Report (6-1-2022)
- Jun 13 2022 Planning Department Case Summary & Analysis with Planning Commission Report (6-1-2022)
- Jul 11 2022 Planning Department Case Summary & Analysis with Planning Commission Report (6-20-2022)
- 6-5-2022 Revised Rezoning Site Plan (7-6-2022)
- Aug 22 2022 Planning Department Case Summary & Analysis with Planning Commission Report (8-15-2022)

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
GWINNETT COUNTY, GWINNETT COUNTY WATER AND SEWERAGE  
AUTHORITY AND THE CITY OF SNELLVILLE FOR  
IMPLEMENTATION OF THE PINEHURST ROAD WATER  
IMPROVEMENT PROJECT**

STATE OF GEORGIA

CITY OF SNELLVILLE

COUNTY OF GWINNETT

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is made and entered into on the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between GWINNETT COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its duly elected Board of Commissioners (hereinafter referred to as "Gwinnett County"), the GWINNETT COUNTY WATER & SEWERAGE AUTHORITY, a body corporate and politic and a political subdivision of the State of Georgia, acting by and through its duly appointed governing authority (hereinafter referred to as the “WSA”), and the CITY OF SNELLVILLE, GEORGIA, a municipal corporation of the State of Georgia, acting by and through its duly elected Mayor and Council (hereinafter referred to as "Snellville"). Gwinnett County and the WSA are collectively and sometimes individually referred to herein as “Gwinnett”. Gwinnett County, the WSA and Snellville may be referred to herein collectively as the “Parties” or individually as a “Party”.

## RECITALS

WHEREAS, Gwinnett County operates and maintains the water facilities and appurtenances owned by the WSA to provide water and sewer services to the public for compensation within Gwinnett County, including the municipal limits of the City of Snellville; and

WHEREAS, Gwinnett has a planned water main improvement project known as the Pinehurst Water Main Replacement project (hereinafter the “Water Project”) the limits of which are depicted in Exhibit “A” attached hereto; and

WHEREAS, the Water Project involves the replacement of 12,500 linear feet of 6-inch PVC watermain with 8-inch ductile iron watermain under pavement of multiple streets off of Pinehurst Road; and

WHEREAS, the Water Project includes water main improvements and roadway restoration along Valley Creek Circle and Ridgewood Way; and

WHEREAS, it has been determined that the existing roadway sub-base is below standard for Valley Creek Circle and Ridgewood Way; and

WHEREAS, Snellville desires to partner with Gwinnett for the implementation of the Water Project to improve the roadway sub-base for Valley Creek Circle and Ridgewood Way also depicted in Exhibit “A”; and

WHEREAS, the Parties desire to partner and work together in good faith for the implementation of the Water Project.

## **TERMS AND CONDITIONS**

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, terms, and agreements contained herein and for other good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed by and among the Parties as follows:

### **1. Recitals.**

The above Recitals are true, correct and form a material part of this Agreement.

### **2. Term of Agreement and Termination.**

The term of this Agreement shall begin on the day and date hereinabove written and shall extend thereafter for a period of fifty (50) years.

### **3. Obligations of Gwinnett.**

- a) Gwinnett shall replace the road sub-base for approximately four thousand five hundred (4,500) linear feet of the entire street area of Valley Creek Circle and Ridgewood Way included in the Water Project, the limits of which are depicted in Exhibit "A".
- b) Gwinnett County shall bid, award a contract to a contractor, and administer the contract to completion for the implementation of the Water Project.

### **4. Obligations of Snellville.**

- a) Snellville shall pay to Gwinnett the bid amount for roadway base and asphalt replacement beyond what is needed for replacement of the water mains along Valley Creek Circle and Ridgewood Way currently estimated as follows:

The amount of One Hundred Twelve Thousand and Five Hundred Dollars (\$112,500.00) for 2,250 Tons of GAB roadway sub-base and the amount of Fifty-Eight Thousand Dollars (\$58,000.00) for 500 Tons of Asphalt for a total payment of One Hundred Seventy Thousand and Five Hundred Dollars (\$170,500.00) within thirty (30) days of completion of the Water Project currently scheduled for the end of 2023.

Actual bid pricing may differ from the estimate and project completion shall be defined as final payment to the contractor and issuance of close-out paperwork.



Snellville's contribution shall be limited to Two Hundred Thousand Dollars (\$200,000.00).

**5. Reservation of Rights.**

Gwinnett reserves the right to utilize all real estate rights acquired for the Water Project for any and all purposes not inconsistent with the property rights herein obtained.

**6. Remedies.**

- a) In the event of a breach or attempted or threatened breach of the provisions of this instrument, the Parties agree that the remedies at law available to enforce this instrument are inadequate, and therefore, the provisions of this instrument may be enforced by a mandatory or prohibitory injunction or decree of specific performance upon the application of the Party which is enforcing the provision.
- b) The remedies herein are in addition to and not in lieu of any other remedies available under applicable law.

**7. Entire Agreement.**

This Agreement constitutes the entire agreement between Snellville and Gwinnett County and the WSA with respect to the subject matter hereof and supersedes all prior agreements, understandings, discussions, negotiations, and undertakings, whether written or oral, and there are no inducements, representations, warranties or understandings that do not appear within the terms and provisions of this Agreement.

**8. Severability.**

It is understood and agreed by and between the Parties that if any condition or provision contained in this Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other such condition or provision herein contained, provided, however, that invalidity of any such condition or provision does not materially prejudice either Gwinnett County, the WSA or Snellville with respect to its respective rights and obligations contained in the remaining valid conditions or provisions of this Agreement.

**9. Successors and Assigns.**

The provisions of this Agreement shall bind and inure to the benefit of the Parties and their respective representatives, successors, and permitted assigns.



**10. Evidence.**

The Parties agree that if Gwinnett County or the WSA is sued in subsequent litigation concerning the Water Project, including, but not limited to, the acquisition of easements or other property interests or the construction of any of the subject facilities and appurtenances, this Agreement may be introduced into evidence.

**11. Attorneys' Fees.**

Each Party shall bear its own costs, expenses and claims to attorneys' fees incurred or arising out of this Agreement or the Water Project.

**12. Controlling Law, Venue.**

This Agreement was made and shall be performed in Gwinnett County, Georgia, and shall be construed and interpreted under the laws of the State of Georgia. Venue to enforce this Agreement shall be solely in the Superior Court of Gwinnett County, Georgia, and all defenses to venue are waived.

**13. Further Assurances.**

The Parties will sign any additional papers, documents and other assurances, and take all acts that are reasonably necessary to carry out the intent of this Agreement.

**14. Construction.**

This Agreement has been jointly negotiated and drafted. This Agreement shall be construed as a whole according to its fair meaning. The language of this Agreement shall not be constructed for or against any Party.

**15. Legal Advice.**

In entering into this Agreement, the Parties acknowledge that their legal rights are affected by this Agreement and that they have sought and obtained the legal advice of their attorneys. Each Party has made such an investigation of the law and the facts pertaining to this Agreement and of all other matter pertaining thereto as it or they deem necessary. They further represent that the terms of this Agreement have been completely read by them and that all terms are fully understood and voluntarily accepted by them.

**16. Amendment of Agreement.**

Only a writing signed by each of the Parties may modify this Agreement.

**17. Authority.**

The signature of a representative of any Party to this Agreement is a warranty that the representative has authority to sign this Agreement and to bind any and all principals to the terms and conditions hereof.

**18. Headings.**

The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the terms and conditions contained herein or the rights granted hereby.

**19. Time.**

Time is of the essence with respect to all duties and obligations set forth in this Agreement.

**20. Notice.**

- (a) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to Snellville at its address set forth below:

City of Snellville  
City Manager  
2342 Oak Road  
Snellville, Georgia 30078  
(770) 476-3434

- (b) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to Gwinnett County at its address set forth below:

Gwinnett County Administrator  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, Georgia 30046

With a copy to:

Gwinnett County Attorney  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, Georgia 30046

- (c) Any notice, request, direction, consent, approval, or other communication required or permitted under this Agreement must be in writing and provided to the WSA at its address set forth below:

Chairman  
Gwinnett County Water and Sewerage Authority  
684 Winder Highway  
Lawrenceville, Georgia 30045

With a copy to:

Director  
Department of Water Resources  
684 Winder Highway  
Lawrenceville, Georgia 30045

- (d) Notice via email is acceptable only as an additional method of notice to either regular or certified mail, statutory overnight mail, or hand-delivery.

IN WITNESS WHEREOF, the parties hereto, acting by and through their duly authorized officials, have caused this Agreement to be executed in two counterparts, each to be considered as an original, by their authorized representative the day and date herein above written.

CITY OF SNELLVILLE, GEORGIA

By: \_\_\_\_\_  
Barbara Bender, Mayor

Signed, sealed and delivered in the  
presence of:

ATTEST:

\_\_\_\_\_  
Unofficial witness

\_\_\_\_\_  
City Clerk

(City Seal)

Signed, sealed and delivered in the presence of:

GWINNETT COUNTY, GEORGIA

\_\_\_\_\_  
Unofficial witness

\_\_\_\_\_  
Nicole L. Hendrickson  
CHAIRWOMAN  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Notary Public

ATTEST:

[Notarial seal]

\_\_\_\_\_  
County Clerk

Approved as to Form:

(County Seal)

\_\_\_\_\_  
Senior Assistant County Attorney

GWINNETT COUNTY WATER &  
SEWERAGE AUTHORITY

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Secretary

Signed, sealed and delivered in the  
presence of:

NOTARY:

\_\_\_\_\_  
Unofficial witness



\_\_\_\_\_  
[Notarial seal]

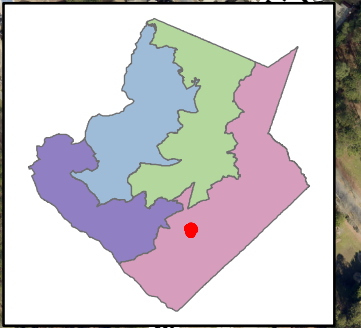
Approved as to Form:

\_\_\_\_\_  
Attorney





 Gwinnett Water Main Replacement Project  
 Road Restoration



**EXHIBIT A—Gwinnett County / City of Snellville Intergovernmental Agreement for Cost-Sharing on Road Restoration**



Gwinnett County GIS