



BOC Meeting Date
11/18/2009

Requesting Agency
Fulton County Personnel Department

Commission Districts Affected
N/A

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)
Request approval to revise Personnel Regulation 800-6 – Reduction in Force

Requirement for Board Action (Cite specific Board policy, statute or code requirement)
The Fulton County Civil Service Act of 1982 (Section 3, Paragraph 1 – Powers, duties, and responsibilities of the Personnel Board) and Personnel Regulation PR-100-2 (Amendments) requires that any additions, rescissions and amendments to the Personnel Regulations be approved by the County Manager and Board of Commissioners.

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)
 Yes No Provide support services that enable the timely, cost-effective, and equitable delivery of programs and products to Fulton County citizens

Summary & Background (First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)
The Civil Service Act of 1982 (Section 3, Paragraph 1 – Powers, duties, and responsibilities of the Personnel Board) requires that the Personnel Board "...devise, publish, and amend or rescind detailed implementing personnel regulations as necessary to accomplish the purposes and intent of this Act, subject to approval by the county manager and board of commissioners..." Personnel Regulation PR-100-2 (Amendments) provides that "future additions, rescissions and amendments to these regulations shall also have the force and effect of law, upon approval by the Personnel Board, County Manager and the Board of Commissioners."
In order to clarify Fulton County's role with regard to a reduction in force (RIF), it is recommended that **Personnel Regulation 800 – 6 – Reduction in Force** be amended to indicate that the County "...will make a reasonable effort to place employees considered for a RIF into an appropriate vacant position based upon experience and training..." A recommended revision of PR-800-6 has been reviewed by the County Attorney's Office, and it is opined that the language "reasonable effort" appropriately defines the basic responsibility that Fulton County should adopt when employees are being considered for a RIF. A "reasonable effort" is not a guarantee of placement for employees subject to a RIF, but allows decision-makers to fill County-wide vacancies internally with employees possessing transferable skills. Upon final approval by the Board of Commissioners, the amended regulation will be effective upon the date of adoption.

Fiscal Impact / Funding Source (Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)
Funds for printing the amended regulation are available in the Personnel Department's approved 2009 budget.

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)
Exhibit #1 – Personnel Regulation 800 - 6 – Reduction in Force (proposed amendment)

Source of Additional Information (Type Name, Title, Agency and Phone)

Agency Director Approval		County Manager's Approval
Typed Name and Title Paris O. Brown, Interim Personnel Director	Phone 404-613-0920	
Signature 	Date November 4, 2009	

PR - 800 - 6 - Reduction in Force.***(1) General**

(a) A reduction in force occurs when Fulton County is obligated to separate one or more employees because of lack of work, lack of funds, a reduction in operational needs or re-organization;

(b) A reduction in force may not be used for the purpose of dismissing or demoting permanent status employees whose job performance is unacceptable. The progressive discipline process and adverse action procedures should be applied when problems of unacceptable performance arise. A reduction in force shall not be used to intentionally alter the racial or sexual composition of a department or classification.

(c) Prior to initiating a reduction in force, the County will consider using other means, such as hiring freezes, reduction through attrition, reduced workweeks or other methods to lessen the negative impact of such action.

**** (d)** The County will make a reasonable effort to place an employee that is being considered for Reduction in Force into an appropriate vacant position based upon experience and training.

(e) This section shall apply to all permanent employees within the classified and unclassified service.

(2) Process

(a) It shall be the responsibility of the Personnel Director, upon recommendation of the Appointing Authority and as consistent with this Regulation, to define the department, function, division, classification, agency, or any other logical grouping, within which the mechanics of the reduction in force are to apply.

(b) Within each defined grouping as set forth in subsection (a) above, each affected class will be treated separately, and the Personnel Director shall make every reasonable effort to place employees who have been declared excess or surplus to the needs of any department because of a reduction in force. If placement of such employees is impossible and layoffs become mandatory, then such employees shall be laid off in the following descending order of priority:

- (i) Layoff of non-permanent employees.**
- (ii) Layoff of permanent employees with the least amount of County-wide seniority.**
- (iii) If seniority dates of permanent employees are identical, then layoff in order of relative efficiency, to be determined by written performance evaluations and appraisal covering a minimum period of twelve (12) months or longer.**
- (iv) Veterans shall not be given preference over non-veterans for retention purposes.**

(3) Notice

The Personnel Director, at least twenty-one (21) calendar days prior to the date of separation, shall notify in writing any permanent employees scheduled to be laid off.

(4) Re-Employment Rights

(a) Employees separated as a result of a reduction in force will have re-employment rights, based on their seniority, to any vacant, classified position for which they qualify, providing it does not exceed the pay grade in which they had permanent status at the time of the reduction in force. In addition, employees who are separated as a result of a reduction in force shall be placed on a Recall Register, as defined by Personnel Regulation 500-1(2), Categories of Registers. Employees who are separated from County employment as a result of a reduction in force are given first consideration for future vacancies.

(b) Employees will retain their rights for a three-year period or until the employees refuses to accept a position offered in accordance with this section, whichever occurs first.

(c) Salary rates for rehires shall be implemented consistent with Personnel Regulation 300-13, Salary Rates for Rehires.

*** Revised by Personnel Board and Board of Commissioners effective January 12, 2006.**

****Revised by Personnel Board and Board of Commissioners effective November 18, 2009.**
