

CHAPTER 5

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ARTICLE I

Chatham County Employee's Retirement Plan Ordinance

§5-101 Establishment of the Plan. The revised Chatham County Employees' Retirement Plan (hereinafter referred to as the "Plan") is hereby established subject to the provisions hereof, for the primary purpose of providing retirement and disability income security to the employees of the County who are or shall be covered hereunder. (Amended October 6, 1995).

EDITOR'S NOTE: The Plan was adopted by the Commission on August 4, 1972, by a motion or resolution. The Board of Commissioners adopted the Plan by Ordinance on June 15, 1979.

§5-102 Definitions. As used herein:

1. County shall mean Chatham County, Georgia.
2. Employer shall mean Chatham County, Georgia.
3. Employee shall mean any person who, on or after July 1, 1972, is employed by the County as a full time employee. For purposes of this plan, an elected official who meets the requirements of a full time employee shall be considered an employee.
4. General Employee shall mean any person who, on or after July 1, 1972, is employed by the County as a full time employee in a job other than as a peace officer.
5. Peace Officer Employee shall mean any person who becomes employed by the County on or after July 1, 1980, as a full time employee of the Chatham County Police Department in a position which required the person to be certified by the Georgia Mandate Training Council. Active employees of the Chatham County Police Department who were employed on or before July 1, 1980, in positions requiring them to be certified by the Georgia Mandate Training Council shall also be classified as Peace Officers for pension purposes. Active employees employed on or before July 1, 1980, in a position which for pension purposes classified them as Peace Officers, but who will not longer by this definition be considered Peace Officers under the plan shall make an election under §5-105, Special 1980 Retirement Option for Employees Classified as Peace Officers Prior to July 1, 1980, hereof.
6. Full Time Employee shall mean an employee who is normally scheduled to work thirty-two (32) or more hours per week.

7. Current Employee shall mean any person who on June 30, 1972, was employed by the County as a full time employee.
8. New Employee shall mean any person who, on or after July 1, 1972, shall be employed by the County as a full time employee.
9. Plan shall mean the Chatham County Employees Retirement Plan.
10. Participant shall mean an employee who is participating in the Plan under the provisions of §5-105 hereof.
11. Effective Date shall mean July 1, 1972.
12. Anniversary Date shall mean July 1, 1973, and each July 1, thereafter.
13. Plan Year shall mean the twelve (12) month period between successive anniversary dates. The initial Plan Year is the twelve (12) month period between the effective date and the first anniversary date.
14. Continuous Service shall mean the sum of the years and months of uninterrupted service an employee shall have with the County from his most recent date of employment or election therewith.
15. Credited Service shall mean a participant's total continuous service from date of last employment or election including both past service credit, if any, and future service credit.
16. Basic Annual Earnings shall mean basic annual compensation exclusive of overtime pay, longevity pay, special payments (e.g., extra payments made in lieu of taking a vacation, and payments made under this Plan (Amended August 14, 1987)).
17. Basic Monthly Earning shall mean basic monthly compensation exclusive to overtime pay, longevity pay, special payments (e.g., extra payments made in lieu of taking a vacation) and payments made under this Plan. (Amended August 14, 1987)
18. Final Pay and Final Average Earnings shall mean the average of the five (5) consecutive years of highest basic annual earnings in the ten (10) years immediately preceding retirement.
19. Credited Interest shall mean interest paid, when applicable, on contributions returned to an employee. The rate of credited interest shall be set by the Pension Board.

20. Retirement Board and Board shall mean the Pension Board as provided in Section 5-104 hereof.
21. Words written in the "singular" shall include the "plural," words in the "plural" shall include the "singular," words of the masculine gender shall include the feminine gender and words of the feminine gender shall include the masculine gender unless the context shall clearly and absolutely indicate a restrictive meaning.
22. Elected Official is one who (a) is elected by the people of Chatham County, Georgia, or a portion of said people, in a Special Election, General Primary or a General Election; (b) whose salary is paid in part or in full by Chatham County; (c) is serving as such when such official elects to participate in said plan. Such persons shall be considered "full time" and "current employees" wherever said words are used in said plan."

§5-103 Application of the Plan Provisions. The provisions of the Chatham County Employee's Retirement Plan shall apply to all regular, full time employees of the County, as defined in Section 5-102 hereof, including general employees and peace officers of the County. For purposes of this plan, elected officials who meet the criteria for a full time employee, as defined in Section 5-102 hereof, shall be considered a Chatham County employee.

§5-104 Administration of the Plan.

1. Pension Board. The Plan shall be administered by a Pension Board consisting of seven members as follows:
 - a. The County Manager
 - b. The Human Resources Director of the County
 - c. The Finance Director of the County
 - d. A Commissioner of the County selected by the Chairman of the Board of County Commissioners.
 - e. Two County employees, below department head level, elected by the members of the system. (Amended March 27, 1998)
 - f. A Citizen at large selected by the Board of County Commissioners.

- g. Two County retirees elected by retiree members of the system. (Amended March 27, 1998)
- 2. Term of Pension Board Members. The County Manager, the Human Resources Director of the County and the Finance Director shall serve as permanent members of the Board. The County Commission member shall serve during his term of office. The other members shall serve a four year term.
- 3. Powers of the Board. The Board shall have such powers as are necessary for the proper administration of the Plan including, but not limited to, the following:
 - a. To prescribe procedures to be followed by Participants in filing applications for benefits and for the furnishing of evidence necessary to establish employees right to such benefits;
 - b. To make determinations as to the rights of any Participant applying for or receiving retirement benefits, and to afford any such individual dissatisfied with any such determination the right of a hearing thereon;
 - c. To develop procedures for the establishment of Credited Service of Participants, and after affording Participants an opportunity to make objection with respect thereto, to establish such service conclusively in advance of retirement;
 - d. To select a Plan consultant and actuary;
 - e. To receive periodic (not more often than once a year) actuarial valuations of the Plan;
 - f. To select a funding media of the Plan, to select an investment advisor, to delegate the responsibility for investment of fund assets to a bank, an insurance company or an investment advisor or to select any combination of these funding media and/or investment facilities and services;
 - g. To obtain from the County, the institution used as the funding media of the Plan, the Plan consultant and actuary, the investment advisor and from the Participants such information as shall be necessary for the proper administration of the Plan; and,
 - h. To periodically set an interest rate for credited interest, as defined in Section 5-102 hereof, on a

uniform basis which precludes discrimination between Participants.

4. Meetings of the Board. To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Board at least five members. Decisions of the Board shall be by a majority of the votes cast and shall be binding. The Board will meet as often as necessary to conduct the business of the Board, but not less often than quarterly. (Amended June 25, 1999)
5. Entitlement to Professional Assistance. The Board and any member thereof shall be entitled to rely upon the correctness of any information furnished by the institution used as the funding media of the Plan, the Plan consultant and actuary, the investment advisor, the County Attorney and/or any attorney who may from time to time be retained by the Board. Neither the Board nor any of its members, nor the County nor any official or other representative of the County shall be liable because of any act or failure to act on the part of the Board or any of its members, to any person whatsoever; except that nothing therein shall be deemed to relieve any such individual from liability for his own fraud or bad faith.
6. Pension Administrator. The Board will, subject to the prior approval of the County Commissioners, appoint a Pension Administrator whose duties will be to maintain an office for implementation of procedures, policies and decisions.
7. Evaluation of Investment Performance. From time to time, but no less often than annually, the Pension Board will evaluate the performance of the investment institution and determine whether or not to retain the services of the investment institution or to secure the services of a different investment institution.
8. Coordination of Board with Other Administrations. Compatible with equitable principles and to the extent that sound actuarial and accounting principles permit, the Board may coordinate its activities in the administration of the Plan with the administrative activities of the governing board or boards of any other Pension Plan or Group Insurance Plan established or to be established for employees of the County or the employees of any other political subdivision, to the extent permitted by law, to such extent and upon such terms as may be deemed necessary or desirable by the Board, including but not limited to the use of common offices, personnel, professional advisors, records, beneficiary designation, notices, supplies and equipment.

9. Pension Fund. The County Commissioners shall create a Pension Fund and the County shall contribute to this Fund on a monthly basis. Employees will make regular contributions to the Fund. The County and employee contributions shall be as provided in Section 5-106 hereof.

§5-105 Eligibility to Participate.

1. Current Employees. Current employees, as defined in Section 5-102 hereof, who are not elected officials, shall have the option to participate in the Plan or not to participate in the Plan. A current employee who elects to join the Plan will become a participant as of the effective date of the Plan and start making contributions, as provided in Section 5-104 hereof, during the month of August, 1972.
2. New Employees. New employees, as defined in Section 5-102 hereof, shall become Participants in the Plan on the first day of the month coincident with or next following the date on which they have completed six (6) months of continuous full time employment except as provided under subsections 3, 4, 5 and 6 of this Section.

For the purposes of Section 5-107 hereof, credited service for new employees will start as of the date of hire.

3. Elected Officials.
 - a. Qualification for Membership in Said Retirement Plan:
 - (1) All elected officials as defined in Section 5-102 who are members of said plan as of the date of this amendment shall continue as members.
 - (2) All elected officials as defined in Section 5-102 who are currently holding office but are not members of said Plan shall have the option to participate in said Plan within six months from the date of this Amendment, provided that within thirty (30) days after notification by the Plan's Administrator of the sums due for past service contributions and interest compounded at the rate of interest realized by the Pension Fund during said period, payment is made by such official from the date of taking office or August 1, 1972, whichever comes last, to the date of being placed on the active roles. Said official shall then be accordingly credited with the past service. Any such elected official who has had a break in service and so elects to participate shall be re-

instated as to "credited service" as provided in Section 5-107, 4 without regard to the four (4) year limitation therein stated.

- (3) Future elected officials shall be eligible as defined in Section 5-102 and shall be entitled to reinstatement of credited service if they become, again eligible and elect to participate within four (4) years and one (1) month of termination of service and otherwise comply with Section 5-107, 4 of said Plan as amended.

4. Absence on Initial Eligibility Date. Anything herein to the contrary notwithstanding, any employee who, on the date he becomes eligible to participate hereunder, is absent from his work because of an injury or disease sustained in the course of his employment with the County with respect to which he received Worker's Compensation benefits, and/or authorized leave of absence, shall be allowed to become a Participant hereunder upon his return to full time employment with the County without regard to the date thereof. Further, any employee of the County who shall at any time have met the service requirements of Section 5-105, 1 and 2, but shall, prior to being offered the opportunity of participating hereunder, have interrupted his service with the County for the purpose of serving a term of active duty in the Armed Forces of the United States, shall be allowed to become a Participant hereunder without regard to the date thereof, upon his return to employment with the County within three (3) months of the time he first becomes eligible for discharge from said Armed Forces.
5. Special 1980 Retirement Option for Employees Classified as Peace Officers Prior to July 1, 1980. Active employees employed on or before July 1, 1980, by the County as full time employees in a position which for pension purposes classified them as Peace Officers shall choose either Option 1 or 2 listed below for which they are eligible with respect to credited service and normal retirement date. Each employee eligible to choose one of the following options shall indicate his choice in writing to the Personnel Director within the 60 days immediately preceding July 1, 1980, on a form supplied for that purpose. Any employee not making a valid option election shall conclusively be deemed to have chosen Option 2.

Option (1) Credited service on and after July 1, 1980, shall be accumulated as a general employee under this plan.

Option (2) Credited service on and after July 1, 1980, shall be accumulated as a Peace Officer under this plan.

6. Optional Election to Participate.

1. New employees holding certain positions as named in sub-paragraph b shall have the option to participate or not to participate in the plan. Upon making the election not to participate, the employee shall be refunded his contributions to the fund and he shall be refunded this contribution with interest subsequent to making contributions to the plan for a period of twelve (12) months or more. The option to not participate may be exercised at any time, however, once exercised that employee may not re-enter the plan while continuing to hold the named position. If an employee who has elected not to participate subsequently becomes employed in a position not named in sub-paragraph b the employee shall again become a participant of the plan as provided for under subsection 2 of this Article.

2. New employees which hold the following positions are subject to sub-paragraph (1) of this section:

- a. County Manager
- b. Chief Appraiser

§5-106 Contributions to the Plan.

1. Employee Contributions. Participating employees shall contribute, on a regular basis, two-and-one-half percent (2½%) of their basic monthly earnings as defined in Section 5-102,17, hereof. Initial dates for employee's contributions will be those as provided in Section 5-105 hereof.

2. County Contributions. The County shall contribute, on a monthly basis, a sum equal to one-twelfth (1/12) of the net actuarial cost of the Plan for the then current Plan year. For purposes of this paragraph, the term net actuarial cost for a Plan year shall mean the amount necessary, in addition to anticipated employee contributions, to provide the benefits stipulated herein.

The initial monthly contribution by the County will be made during the month of July, 1972.

§5-107 Crediting of Service.

1. Past Service. Each employee who become a Participate as of the effective date shall receive past service credit equal to the number of years and months of his continuous, full time service with the County prior to the Effective date.
2. Future Service. Commencing with the Effective Date, a Participant shall receive future service credit equal to the number of years and months of his continuous participation in the Plan. No future service credits will be given for any period of time during which a Participant shall fail for any reason to make contributions to the Plan after he has become a Participant.
3. Break in Service. An interruption of continuous, full time service with the County of more than three (3) months shall constitute a break in service whereby a Participant shall lose his Credited Service hereunder, except:
 - a. An employee who is absent from his work because of an injury or disease sustained in the course of his employment with the County with respect to which he received Workmen's Compensation benefits shall not be considered to have a break in service.
 - b. An employee who interrupts his service with the County for the purpose of serving a term of active duty in the Armed Forces of the United States and who returns to employment with the County within three (3) months of the time he first becomes eligible for discharge from said Armed Forces shall not be considered to have had a break in service.
 - c. Authorized leave of absence with or without pay not to exceed twelve (12) months.

Anything herein to the contrary notwithstanding, no Credited Service will be given for any period of interruption of service even though under sub-sections a, b, and c of this subsection 3, it shall not constitute a break in service.
4. Reinstatement of Credited Service. In the event an employee shall have, after the Effective Date, an interruption of his continuous service which shall constitute a break in service and in the event he shall be re-employed by the County as a full time employee within four years of the date of his termination of employment with the County, said employee may have his Credited Service hereunder reinstated by reimbursing the Pension Fund in an amount equal to the contributions he had made to the Pension Fund plus, if applicable, interest to

the date of his termination of employment (if said contributions plus, if applicable, interest were paid to him upon his termination of employment) plus interest thereon from his date of termination of employment to the date of his re-employment compounded at the rate of interest realized by the Pension Fund for the period during which he was not a Participant hereunder.

5. Periods of Less Than a Full Year. In computing a Participant's total Credited Service hereunder, periods of less than a full year shall be totaled and reflected as the appropriate fractional part of a twelve (12) month period.
6. Certain Persons Transferred from the City of Savannah to the County. Prior to the Effective Date of the Plan, certain persons were transferred from employment with the City of Savannah to employment with the County at the request of both administrations. For these certain persons only, Credited Service shall start with their last date of hire by the City of Savannah prior to their transfer subject to the provision that they have been in continuous, full time employment with the County from the date of their transfer to the Effective Date of the Plan.

§5-108 Benefits.

1. Participating Peace Officer Employees.
 - a. Normal Retirement. Normal retirement shall mean for the purposes of section 5-108 the age as designated herein below that an employee may retire and receive the benefits as set forth in the retirement plan provided, however, normal retirement shall not be construed to be the age at which an employee must retire. (Amended July 25, 1986)
 - (1) Normal Retirement Date. The normal retirement date for a peace officer employee shall be the first day of the month coincident with or next following the date the Participant attains the age of fifty-five (55) or completes 25 years of Credited Service. (Amended June 25, 1999)
 - (2) Normal Retirement Benefit. The Participant, upon retirement at age fifty-five (55) or upon completion of 25 years of Credited Service, shall receive a monthly benefit based on the following benefit formula: 2% of final average earnings for each of the first 30 years of Credited Service and 1% of final average earnings for the excess of 30

years of Credited Service. The payment shall commence on the first day of the month coincident with or next following his attainment of age fifty-five (55) or completion of 25 years of Credited Service and shall be payable on the first day of each month thereafter during the lifetime of the Participant with a minimum of sixty (60) payments to the Participant or his beneficiary. (Amended June 25, 1999)

b. Early Retirement

(1) Early Retirement Date. The early retirement date for a peace officer employee shall be the first day of any month following the attainment of age fifty (50) and completion of at least fifteen (15) years of Credited Service.

(2) Early Retirement Benefit. The Participant, upon retirement on his early retirement date, shall receive an immediate monthly early retirement benefit under which payment shall commence on the early retirement date of the Participant and shall be payable on the first day of each month thereafter during the lifetime of the Participant with a minimum of sixty (60) monthly payments to the Participant or his beneficiary. The annual retirement benefit for early retirement shall be determined in accordance with subsection 1, a (2) of this Section 5-108 provided, however, that the annual retirement benefit thus determined shall be reduced by five-tenths of one percent (.5 of 1%) for each month by which the Participant's early retirement date precedes his normal retirement date.

c. Survivor's Benefit. In the event a Participant should die as a result of an accident or illness incurred in the performance of his duties as an employee, there shall be payable to his spouse a monthly Survivor's Benefit equal to fifty percent (50%) of his then current salary (at date of death) to a maximum annual benefit of \$3,600. Said monthly Survivor's Benefits shall commence with the first day of the month following the death of the Participant and shall cease with the last monthly payment immediately preceding the death of the surviving spouse, provided however, that should the Participant in addition to being survived by his spouse, be survived by a minor child or children, said monthly Survivor's Benefit shall cease with the last monthly payment

immediately preceding the death of the surviving spouse, the death of the last surviving minor child or the attainment of age 18 of the last surviving minor child, whichever shall first occur. In the event that the Participant should not be survived by his spouse and should, on the date of his death, leave surviving minor children, the monthly Survivor's Benefits shall be paid to the guardian of said minor children commencing with the first day of the month following the death of the Participant and shall cease with the last monthly payment immediately preceding the death or attainment of age 18, whichever shall first occur, of the last surviving minor child.

2. Participating General Employees.

a. Normal Retirement. Normal retirement shall mean for the purposes of Section 5-108 the age as designated herein below that an employee may retire and receive the benefits as set forth in the retirement plan provided, however, normal retirement shall not be construed to be the age at which an employee must retire. (Amended July 25, 1986)

(1) Normal Retirement Date. The normal retirement date for a general employee shall be the first day of the month coincident with or next following the date the Participant attains the age of sixty-two (62) or completes twenty-five (25) years of Credited Service. (Amended June 25, 1999)

(2) Normal Retirement Benefit. The Participant, upon retirement at age sixty-two (62) or upon completion of twenty-five (25) years of Credited Service shall receive a monthly benefit based on the following benefit formula: 2% of final average earnings for each of the first 30 years of Credited Service and 1% of final average earnings for the excess of 30 years of Credited Service. The payments shall commence on the first day of the month coincident with or next following his attainment of age sixty-two (62) or upon completion of 25 years of service and shall be payable on the first day of each month thereafter during the lifetime of the Participant with a minimum of sixty (60) payments to the Participant or his beneficiary. (Amended June 25, 1999)

b. Early Retirement

- (1) Early Retirement Date. The early retirement date for a general employee shall be the first day of any month following the attainment of age fifty-five (55) and the completion of at least ten (10) years of Credited Service.
- (2) Early Retirement Benefit. The Participant, upon retirement on his early retirement date, shall receive an immediate monthly early retirement benefit under which payment shall commence on the early retirement date of the Participant and shall be payable on the first day of each month thereafter during the lifetime of the Participant with a minimum of sixty (60) monthly payments to the Participant or his beneficiary. The annual retirement benefit for early retirement shall be determined in accordance with subsection 2, a(2) of Section 5-108 provided, however, that the annual retirement benefit thus determined shall be reduced by five-tenths of one percent (.5 of 1%) for each month by which the Participant's early retirement date precedes his normal retirement date.
- (3) Early Retirement Benefit - 25 Years of Service. The Participant, upon early retirement date, may have the option to receive the determined annual retirement benefit. The annual retirement benefit thus determined shall be reduced by one-quarter of one percent (.25 of 1%) for each month by which the Participant's early retirement date precedes the completion of thirty (30) years of Credited Service. (Amended May 22, 1998)

3. All Participating Employees. The following benefits apply to both peace officers and general employees alike.

- a. All participating employees may remain in the active employ of the County beyond their normal retirement date. The delayed retirement date for such employees shall be the first day of any month coincident with or next following the day of which employment with the County has ceased after the normal retirement date. A participant may remain in the active employ of the County beyond his normal retirement date upon annually meeting all of the conditions listed below.
 - (1) The employee must submit to a physical and/or psychological examination by a physician selected by the County if so required by the Department Head

and/or the County Manager which examination shall be at the County's expense.

- (2) The results of the physical and/or psychological examination must conclusively show that the employee is capable of performing the duties of his employment without endangering the health, safety and welfare of himself or others.
- (3) An employees employment beyond his normal retirement date shall be allowed on a year to year basis.
- (4) An employee will not be allowed to remain in the active employ of the County for a period to exceed five years beyond his normal retirement date in the case of participating general employees and for a period to exceed fifteen years beyond his normal retirement date in the case of peace officers.
- (5) The employee shall retire from the County on the first day of the month coincident with or next following the end of the last agreed period which shall be known as the delayed retirement date.
- (6) The County Manager must approve the delayed retirement date. (Amended July 25, 1986)

b. Delayed Retirement Benefit. The Participant, upon retirement on his Delayed Retirement Date, shall receive a monthly retirement benefit which shall be an amount computed and payable in the same manner as a Normal Retirement Benefit in accordance with Section 5-108, 1,a(2) for peace officers and under Section 5-108, 2,a(2) for general employees but based on the Participant's average earnings and credited service as of his Delayed Retirement Date.

c. Benefits At Age 70½

- (1) Commencement. Effective July 1, 1987, and notwithstanding any other provision of this Plan, a Participant who continues in the active employ of the County beyond his normal retirement date shall receive a monthly benefit as of the first day of the month coincident with or next following the date he attains age 70½, regardless of his continued employment. Such benefit shall be computed and payable in the same manner as a benefit described in Section 5-108, 3, a(2), but

shall be based on the Participant's average earnings and credited services as of the benefit commencement date.

- (2) Benefit Upon Subsequent Retirement. As of the first day of the month coincident with or next following his retirement after age 70½, the Participant shall receive a monthly benefit computed and payable in the same manner as a benefit described in Section 5-108, 3,a(2), based on his average earnings and credited service as of his actual retirement date. Such benefit shall be offset by the actuarial equivalent of all payments made under the Plan prior to his retirement. For purposes of this paragraph, actuarial equivalence shall be determined using the same basis set forth in Section 5-108, 3, j. (Amended August 14, 1987)

d. Non-Occupational Disability Retirement

- (1) Non-Occupational Disability Retirement Date. A Participant becoming totally and permanently disabled, as defined in Section 5-108,3,e, due to a non-occupational accident or sickness after completing five (5) or more years of Credited Service shall be eligible to retire on a non-occupational disability pension with benefits commencing immediately. (Amended May 22, 1998)
- (2) Non-Occupational Disability Retirement Benefit. A Participant upon retirement on his Non-Occupational Disability Date shall receive a monthly retirement benefit under which payment shall commence on his Non-Occupational Disability Retirement Date and shall be payable on the first day of each month thereafter during his lifetime and continuation of disability. The amount of each monthly Disability Retirement Benefit shall be based upon his completed years of credited service and shall be determined in accordance with Section 5-108,1,a(2) for peace officers and under Section 5-108,2,a(2) for general employees without reduction for retirement prior to the Normal Retirement Date.

- e. Definition of Total and Permanent Disability. A Participant shall be deemed totally disabled if, on the basis of medical evidence satisfactory to the Board and certification by the Social Security Administration, he has been found to be totally and permanently unable, as a result of bodily injury or disease, to engage in any

future employment whatsoever. The Board shall be the sole and final judge of total and permanent disability and of the entitlement to either an occupational disability pension or a non-occupational disability pension hereunder. The Board shall require evidence in the form of a doctor's report of the findings of a physical examination and certification by the Social Security Administration that the Participant is permanently and totally disabled. (Amended May 22, 1998)

f. Termination of Disability Benefits. Except for the provisions of Section 5-108,1,c, disability benefits shall terminate when the disability retiree ceases to qualify for Social Security disability income benefits or upon his death, whichever first occurs. The Board, from time to time, may also require the disability retiree to submit to an examination by a physician(s) selected by the Board in order to determine the continuance of his disability.

g. Death Benefits.

(1) Prior to Retirement.

(a) When Not Eligible to Retire. If a Participant dies prior to the earliest date on which he could retire under the early retirement provisions, his beneficiary shall receive a lump sum benefit equal to the Participant's contribution plus, if applicable, credited interest.

(b) When Eligible to Retire. If a Participant dies subsequent to the earliest date on which he could retire under either the early retirement or normal retirement provision and prior to actually retiring, the Participant's beneficiary shall receive sixty (60) monthly payments the amount of which shall be equal to the benefit the Participant would have received had he retired on the day preceding his death. Such benefits shall be in lieu of the return of the employee's contributions plus, if applicable, interest as herein provided except in such case as said contributions plus interest should be greater than the total benefits which would have been paid over a sixty (60) month period. In no event may the beneficiary receive both a lump sum of the Participant's contributions plus if

applicable, interest and the sixty (60) months of benefits described herein.

- (2) After Retirement. Normal and early retirement benefits hereunder are guaranteed for a minimum of sixty (60) monthly benefits. Therefore, should a Participant retire with a normal or early retirement benefit and die prior to having received sixty (60) monthly payments, the balance of the sixty (60) monthly benefit payments shall be paid to his beneficiary.
- (3) Payment of Death Benefits. Death benefits, if any, shall be paid on due proof of the death of the Participant or retired Participant and the identity of the beneficiary.

h. Vesting.

- (1) Termination Prior to Ten (10) Years of Credited Service. In the event a Participant shall terminate his employment prior to his making contributions to the Plan for a period of twelve (12) months and prior to the completion of ten (10) years of credited service, the Participant's contributions to the Fund shall be refunded to him. In the event he shall terminate his employment subsequent to his making contributions to the Plan for a period of twelve (12) months or more but prior to ten (10) years of credited service, his contributions shall be refunded. (Amended July 25, 1986)
- (2) Termination after Ten (10) Years of Credited Service. In the event a Participant should terminate his employment with the County subsequent to the completion of ten (10) or more years of credited service and should he elect not to withdraw his contributions plus, if applicable, interest, he shall be entitled, upon reaching his normal retirement age, fifty-five (55) for peace officers and sixty-five (65) for general employees, to receive a deferred retirement income commencing on the first day of the month following his attainment of the normal retirement age, said deferred retirement income shall be equal to the benefit he had accrued to the date of such termination of employment. (Amended July 25, 1986)
- (3) Forfeitures under Certain Circumstances.

- (a) Anything herein to the contrary notwithstanding, a terminated employee who qualifies for a vested deferred benefit under this Section 5-108, but who elects to receive a return of his contributions plus, if applicable, interest, as herein provided, shall forfeit his vested rights hereunder. In no event shall a terminating Participant be allowed to receive a return of contributions plus, if applicable, interest and remain entitled to a vested benefit hereunder.
- (b) Anything herein to the contrary notwithstanding, an employee who is either voluntarily or involuntarily terminated and who qualifies for a vested defined benefit under Section 5-108 shall forfeit his vested rights hereunder if the employee is found or pleads guilty to theft, sabotage, embezzlement, fraud or any other crime against the property of employer; or is guilty of any other malfeasance, nonfeasance or defalcation while discharging his duties as an employee of employer as determined in the absolute discretion of the Board. (Amended March 25, 1983)
- (c) Optional Benefits. In lieu of the normal or early retirement benefits provided hereunder, a Participant may elect to convert to one of five actuarially equivalent optional forms of retirement benefits herein set forth. Actuarial equivalence shall be determined using the 1984 Unisex Pension Mortality Table and an interest rate of 7.5% per annum. An election of an optional benefit form shall be made by the Participant in writing to the Board no less than six (6) months prior to his normal, early or deferred retirement date or, with respect to employees who, on the Effective Date, shall be within six (6) months of retirement, within sixty (60) days of the Effective Date. (Amended July 25, 1986)
- (1) Contingent Annuitant Option. A Participant who will become eligible for normal or early retirement may elect to take a reduced monthly retirement benefit with a continuation upon his death after retirement of one hundred percent (100%), sixty-six and two-thirds percent (66 $\frac{2}{3}$ %), or fifty percent

(50%) of said reduced monthly benefit to that person he might name as his Contingent Annuitant, with said continuation of income being for the life of said Contingent Annuitant. In the event said Contingent Annuitant shall predecease the Participant prior to his retirement, this election shall be null and void. However, once the Participant retires with a Contingent Annuitant Option in effect, the reduction shall be effective even though said Contingent Annuitant shall predecease the retired Participant. In the event a Participant desires to revoke his previous election and/or to designate a new Contingent Annuitant, it shall be necessary for him to furnish evidence acceptable to the Pension Board of the insurability of both himself, his previously designated Contingent Annuitant and his proposed Contingent Annuitant. In no event shall election of a Contingent Annuitant Option be allowed when the proposed Contingent Annuitant is, except in the case of the spouse of the Participant, thirty (30) or more years younger than the Participant.

- (2) Ten (10) Years Certain and Life Option. A Participant who will become eligible for normal or early retirement may elect to receive a reduced monthly retirement income with said reduced income being guaranteed to him for a minimum of ten (10) years. This reduced monthly benefit shall be payable for the life of said retire Participant provided that in the event of his death within the one hundred twenty (120) months of his actual retirement date the balance of the one hundred twenty (120) months benefit payments shall be paid to that beneficiary he shall have designated. In event said beneficiary shall predecease said Participant and in the event of said retired Participant's death within one hundred twenty (120) months of his actual retirement date, the balance of the one hundred twenty (120) months payments shall be paid in accordance with Section 5-108, 3,j.
- (3) Social Security Option. A Participant who will become eligible for early retirement or, in the case of a peace officer, for normal retirement may elect to have his benefits increased from his actual retirement date until that date on which he commences to receive Social Security retirement benefits with the monthly benefits, being so as to,

as nearly as is possible, produce a level monthly retirement income over his total years of retirement from the standpoint of the dual retirement benefits payable from this Plan and Social Security.

(4) Life Annuity. A Participant who will become eligible for normal or early retirement may elect to receive an increased monthly retirement income with said increased income being guaranteed to him for life but with all pension benefits ceasing with his death.

(5) Lump Sum. A Participant who will become eligible for normal or early retirement may elect to reduce his monthly retirement income by up to ten percent (10%) of said monthly income in return for the payment to him of a lump sum of money at the time his monthly pension is first payable. Said benefit reduction must be by an even dollar amount which does not exceed ten percent (10%) of the monthly benefits otherwise payable and it must not result in a lump sum payment of less than two hundred and fifty dollars (\$250) nor more than two thousand five hundred dollars (\$2,500). The lump sum payable shall be based on the Participant's age on the effective date of his retirement and the amount shall be determined in accordance with appropriate actuarial tables applied on a uniform basis.

j. Designation of Beneficiary. Each Participant shall have the right to designate a beneficiary and to change such beneficiary from time to time. However, the responsibility for the naming of a beneficiary shall rest solely with the Participant, and in the event that he shall fail to name a beneficiary or if the beneficiary so designated shall fail to survive the Participant, the benefit payable under Section 5-108,3,g, shall be paid to the person in or divided among the persons in, the first of the following classes of preferential beneficiaries in which there shall be any person surviving said Participant.

- (1) The Participant's Spouse
- (2) The Participant's Children
- (3) The Participant's parents
- (4) The Participant's brothers and sisters
- (5) The Participant's other blood relatives
- (6) The Participant's executors or administrators

- k. When Participant is Ineligible to Receive Benefits. No Participant shall receive any benefits from this Plan while receiving any remuneration for services rendered to Chatham County unless they are under contractual agreement with the County Commission. (Amended August 21, 1981)
- l. Retired Participant Shall Receive Only One Plan Benefit. Anything herein to the contrary notwithstanding, a retired Participant shall receive no more than one type of the Plan benefits provided for in this Article VIII.
- m. A Participant May Receive Benefits as a Beneficiary. The provisions of subsections r and e of this Section 5-108, 3 shall not prevent a Participant, whether retired or not, from receiving benefits as the beneficiary of a deceased Participant.
- n. Payment Dates for Retirement Benefits Due Under the Plan. Anything herein to the contrary notwithstanding, the payment dates for retirement benefits due under the Plan are as follows:
 - (1) Retirement benefits due to the month of July, 1972, shall be paid as soon as practical but, in no event, later than August 15, 1972.
 - (2) Retirement benefits due for the month of August, 1972, shall be paid as soon as practical but, in no event, later than August 31, 1972.
 - (3) Retirement benefits due in any month subsequent to August, 1972, shall be paid in accordance with the provisions of this Section 5-108.

§5-109 Non-Alienation of Benefits.

- 1. Death and Incapacity of Retiree. In the event of the death of the retired Participant or in the event the Board shall find that he is unable to care for his affairs because of illness or accident, any retirement benefits due may, unless claim shall have been made therefor by a duly appointed legal representative, be paid to the spouse, a child, a parent or other blood relative, or to any person deemed by the Board to have incurred expense for such retired Participant, and any such payment so made shall be a complete discharge of the liabilities of the Plan therefor.
- 2. Assignment of Benefits. Assignment, pledge or other encumbrance of any benefit payable under the Plan shall not

be permitted or recognized under any circumstances, nor shall benefits be subject to attachment or legal process for debts of retired or terminated Participants, or death beneficiaries, and upon notice of such assignment or attachment of any kind, the benefit shall terminate and shall be applied by the Board, as it may deem proper, for the benefit of such person, his spouse, children or other dependents, or any of them.

Except, however, this provision shall not apply to the extent a Participant is indebted to the Plan or Employer for any reason. In the event such an indebtedness exists, at the time a distribution is to be made under the provisions of the plan to Participant or for his benefit, such proportion of the amount to be distributed as shall equal such indebtedness shall be withheld by the Board in a case of indebtedness to the Plan or paid to the Employer in the case of indebtedness to the Employer. Said amount to apply against or discharge said indebtedness. Prior to making such a payment, however, the Participant or beneficiary must be given written notice by the Board that such indebtedness is to be deducted and withheld from a distribution. If the Participant or beneficiary does not agree that the indebtedness is a valid claim, he shall be entitled to request a review as to the validity of the claim by submitting a written request for such a review to the Board within fifteen (15) days of his notification.

§5-110 Amendment and Duration of the Plan.

1. Permanency of Plan. It is the intent of the County that this Plan shall be permanent, but is necessarily reserves the right to terminate the Plan at any time it deems appropriate or necessary.
2. Amendment of Plan. The County reserves the right to amend the Plan from time to time as it deems appropriate provided, however, that in no event shall the Plan be amended in a manner which would serve to reduce or in any way modify benefits accrued, with respect to any Participant, prior to the effective date of such amendment.

§5-111 Termination of the Plan.

1. Allocation of Funds. In the event of the discontinuance of the Plan, the assets of the Plan, after providing for expenses, shall be allocated by the Board, to the extent they shall be sufficient, for the purpose of paying retirement benefits (the amount of which shall be computed on the basis of credited service to the date of discontinuance of the

Plan) in the order of preference noted below. The allocation of funds for each group in order of precedence shall be in an equal manner for all Participants, pro-rata in case funds are insufficient for a given group on the basis of benefit.

- a. To provide the retirement benefits to Participants who shall have retired under the Plan prior to its discontinuance, without reference to the order of retirement; and to provide for death benefits for those eligible therefor in this group.
- b. To provide immediate normal retirement benefits to eligible general employees age sixty-five (65) or older and eligible peace officers age fifty-five (55) or older on the date of discontinuance of the Plan, without reference to the order in which they shall have attained normal retirement age, and to provide for death benefits for those eligible therefor in this group.
- c. To provide disability retirement benefits to Participants who shall have applied for such benefits prior to the date of discontinuance of the Plan and who are determined to be eligible for such benefits under the applicable provisions of the Plan prior to such date of discontinuance, without reference to the order in which they filed application or met eligibility requirements and to provide survivor benefits for those eligible therefor in this group.
- d. To provide normal retirement benefits upon attainment of normal retirement age to general employees ages sixty (60) or older but less than sixty-five (65) and to peace officers ages fifty (50) or older but less than fifty-five (55) on the date of discontinuance of the Plan, without reference to the order in which they shall reach normal retirement age, and to provide death benefits for those eligible therefor in this group.
- e. To provide normal retirement benefits upon attainment of normal retirement age to general employees ages fifty (50) or older but less than sixty (60) and to peace officers age forty-five (45) or older but less than fifty (50) on the date of discontinuance of the Plan, without reference to the order in which they reach normal retirement age.
- f. To provide normal retirement benefits upon attainment of normal retirement age to general employees below the age of fifty (50) and to peace officers below the age of forty-five (45) on the date of discontinuance of the

Plan, without reference to the order in which they reach normal retirement age.

2. Terminated - Vested Participants. Terminated Participants with vested rights under the Plan shall be included in the allocation specified in Section 5-111, 1 in their appropriate categories except that, within each category, non-terminated Participants and retired Participants shall have precedence in the distribution of benefits. The Board and the County shall make reasonable effort to locate said terminated Participants. If at the end of one (1) year from the date of discontinuance of the Plan any such terminated Participants have not been located, their rights shall stand forfeit and the distribution as provided above shall thereupon take place.
3. Funding of Benefits to be Provided. Such allocation shall be accomplished through the purchase of annuity contracts, provided however, that the Board, upon finding that this is not practicable or desirable under the circumstances in the case of some or all of the groups listed in Section 5-111, 1 may, with the unanimous consent of all of its members, provide for allocation of a part or all of the assets of the Plan as cash payments of equivalent actuarial value to any or all of such groups, provided however, that no change shall be affected in the order of precedence and basis for allocation herein established.
4. Restriction of Benefits for Twenty-Five (25) Highest Paid. Anything herein to the contrary notwithstanding:
 - a. If the Employer contributions under this Plan are used for the benefit of an Employee who is among the Twenty-five (25) highest paid Employees of the County at the time the Plan is established, and whose anticipated annual Pension under the Plan exceeds \$15,000, then, upon the occurrence of the conditions described in paragraph b of this Section 5-111, 4 the County's contributions which are used for the benefit of any such Employee shall be restricted in accordance with the provisions of paragraph c of this Section 5-111, 4.
 - b. The restrictions described in paragraph c of this Section 5-111, 4 become applicable if:
 - (1) This Plan is terminated within ten (10) years after its establishment; or
 - (2) The benefits of an Employee described in paragraph a of this Section 5-111, 4 become payable within

ten (10) years after the establishment of the Plan;
or,

- (3) The benefits of an Employee described in paragraph a of this Section 5-111, 4 become payable after the Plan has been in effect for ten (10) years and the full current costs of the Plan for the first ten (10) years have not been funded.

In the case of an Employee described in (2) of this paragraph b, the restrictions will remain applicable until the Plan has been in effect for ten (10) years, but if at that time the full current costs have been funded, the restrictions shall no longer apply to the benefits payable to such an Employee. In the case of an Employee described in (2) and (3) of this paragraph, if at the end of the first ten (10) years and full current costs are not met, the restrictions shall continue to apply until the full current costs are funded for the first time.

- c. The County contributions which may be used for the benefit of an Employee described in paragraph a of this Section 5-111, 4 shall not exceed the greater of \$20,000 or 20% of the first \$50,000 of the annual compensation of such Employee multiplied by the number of years between the date of the establishment of the Plan and,

- (1) The date of the termination of the Plan, or,
- (2) In the case of an Employee described in paragraph b, (2) of this Section 5-111, 4 the date of the benefit of such Employee becomes payable, if before the date of termination of the Plan, or,
- (3) In the case of an Employee described in paragraph b, (3) of this Section 5-111, 4 the date of the failure to meet the full current costs of the Plan.

However, if the full current costs of the Plan have not been met on the date described in (1) or (2) of this paragraph c, whichever is applicable, then the date of the failure to meet such full current costs shall be substituted for the date referred to in (1) or (2) of this paragraph c. For purposes of determining the contributions which may be used for the benefit of an Employee when (2) of this paragraph c applies, the number of years taken into account shall be recomputed for each year if the

full current costs of the Plan are met for such year.

- d. For the purposes of this Section, the County contributions for which, at a given time, may be used for the benefits of an Employee include any unallocated funds which would be used for his benefits if the Plan were then terminated or the Employee were then to withdraw from the Plan, as well as all contributions allocated up to that time exclusively for his benefits.
 - e. The provisions of this Section shall apply to a former or retired Employee of the County, as well as to an Employee still in employment.
5. Modification of Restrictions with Respect to Retired Employees. The restrictions contained in Section 5-111, 4 may be exceeded for the purpose of making current retirement income benefit payments to retired Employees who would otherwise be subject to such restrictions, if:
- a. The County contributions which may be used for any such Employee in accordance with the restrictions contained in Section 5-111, 4 are applied either (1) to provide level amounts of annuity in the basic form of benefits provided for under the Plan for such Employee at retirement (or, if he has already retired, beginning immediately), or (2) to provide level amounts of annuity in an optional form of benefit provided under the Plan if the level amount of annuity under such optional form of benefit is not greater than the level amount of annuity under the basic form of benefit provided under the Plan;
 - b. The annuity thus provided is supplemented, to the extent necessary to provide the full retirement income benefits in the basic form called for under the Plan by current payments to such Employee as such benefits come due; and,
 - c. Such supplemental payments are made at time only if the full current costs of the Plan have been met, or the aggregate of such supplemental payments for all such Employees does not exceed the aggregate County contributions already made under the Plan in the year then current.
6. Distribution on Cancellation of Restricted Benefits. If the Plan is terminated within ten (10) years after the establishment thereof, any amount available by the

cancellation of restricted benefits shall be distributed to Participants not subject to the limitations of Section D in the manner determined in accordance with Section 5-111, 1.

7. Inconsistency of Provisions. The terms of Section 5-111, 4 and Section 5-111, 5 hereof shall prevail over any other items of this Plan which may be inconsistent therewith.
8. Reversion of Assets to County. In no event, whether upon termination of the Plan or otherwise shall any part of the assets of this Plan, other than such part as may be necessary to pay the expenses of the Plan, be used for or diverted to any purpose or purposes other than the exclusive use of the Participants covered by the Plan and their beneficiaries.

ARTICLE II

Section deleted in its entirety by new Personnel Ordinance,
Article V, 01/12/90.

ARTICLE III

Defense of Claims and Judgments Against County Employees

§5-301 Definitions: For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively assigned to them by this Section:

1. Commission means the Chatham County Commissioners, the governing authority of Chatham County, Georgia.
2. Claim includes all claims presented against an employee prior to institution of a proceeding.
3. Employee means the members of the governing body of Chatham County, employees of Chatham County, elected or appointed County officers and their appointees and employees, including appointed members of County Commissions, Councils, Authorities and Boards, past, present, and future.
4. Proceeding includes any matter of civil nature in or before any court or agency of this State or of any other state or of the United States.

§5-302 Defense of Employees. Whenever any claim is made or proceeding is brought against an employee, either against him asserting personal liability for damages arising out of the performance of his duties or in any way connected therewith, whether based on negligence, violation of contract rights or violation of civil, constitutional, common law or other statutory rights, whether federal, state, or local, Chatham County shall, upon his written request, provide for his defense unless otherwise limited by this section shall not apply unless the employee provides a notice in writing of any claim or proceeding to the Chairman of the Chatham County Commission within thirty (30) days after the employee has notice of a claim and/or within five (5) days after the employee has been served with process or summons in a proceeding initiated against him.

§5-303 Grounds for Refusal of Defenses.

1. The County shall refuse to provide for the defense of a claim or proceeding brought against an employee if it determines that:
 - a. The act of omission did not arise out of and in the course of his employment; or

- b. The employee acted or failed to act because of actual or intentional misconduct, fraud, corruption or malice; or
 - c. Defense of the claim or proceeding by the County would create a conflict of interest between the County and the employee; or
 - d. The proceeding is criminal; or
 - e. Provision of a defense against the claim or proceeding would not be in the best interest of the County; or
 - f. The employee acts or fails to act as a result of, or at a time when, his own self-indulgence substantially impaired his judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under influence of drugs while on the job); or
 - g. The employee acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to advice of the County Attorney; or
 - h. The employee acts or fails to act in such manner as to constitute a criminal act (as, for example, misappropriation of property or funds).
2. Nothing contained herein shall be construed to prohibit the County from providing a defense against a claim or proceeding where there is a conflict of interest between one employee or group of employees of the County as compared with another employee or group of employees.
3. The determination required by subsection (1) of this section shall be made by the Chairman of the Board of Commissioners of Chatham County. An appeal may be made by said employee to the Chatham County Board of Commissioners in the event of a denial by said Chairman.
4. Upon approval of the defense of a claim or proceeding against an employee, the Chairman shall refer the matter to the County Attorney for disposition. However, in the event two or more employees or groups of employees are involved, and the interest of one employee or group of employees conflicts with the interest of another employee or group of employees, then and in such event, the Board shall specify which employee or group of employees shall be represented by the County Attorney and shall authorize other employees or groups of employees to employ counsel at the expense of the County; provided, however, that the selection and compensation of

such other counsel shall be subject to the prior approval by the Commission.

§5-304 Payment of Judgments and Settlement of Claims.

Notwithstanding the foregoing, payment of judgments and claims shall be limited as follows:

1. No sum will be paid under the provisions of this Section for punitive or exemplary damages.
2. No sum shall be paid under the provisions of this Section unless the claimant unconditionally releases the employee and the County from any and all claims, causes of action, or judgments arising out of the subject claim or proceeding.
3. There is excluded further from the operation of this Section any claim or proceeding as to which insurance is provided by Chatham County. (Amended October 26, 1990)

§5-305 Construction. Nothing herein contained shall be deemed to constitute any waiver by Chatham County of the governmental immunity afforded it under the Constitution and laws of the State of Georgia. Nothing contained herein shall be interpreted in any way to reduce or eliminate the rights of any employee of the County against any other party.

§5-306 Effective Date.

1. This Ordinance will be effective immediately upon its passage and approval.
2. The provisions of this Ordinance shall include all pending claims. (Amended October 26, 1990)

ARTICLE IV

County Officers

§5-401 Age of Public Officers. Notwithstanding the provisions of any ordinance to the contrary and pursuant to Georgia Laws 1976, p. 464, persons who are citizens of this State and who are otherwise qualified and upon having attained 18 years of age shall be eligible to hold the following County public officers to wit:

1. Clerk of the Superior Court;
2. Sheriff of the Superior Court;
3. Tax Commissioner of Chatham County;
4. County Surveyor;
5. County Coroner;
6. County Commissioner;
7. President, Board of Education;
8. Member, Board of Education;
9. Election Board Member;
10. Clerk of State Court of Chatham County;
11. Sheriff of State Court of Chatham County; and,
12. Democratic Executive Committee. (No. 593, 5/20/77, Sec. 1)

§5-402 Officers Covered by Worker's Compensation. All elected officials of Chatham County shall be and are hereby included within the coverage of Worker's Compensation as provided by Section 34-9-1 and 34-9-6, O.C.G.A. (No. 607, 9/1/78)

ARTICLE V

PERSONNEL ORDINANCE

§5-501 Statutory Authorization. This Personnel Ordinance is established under the authority of the Georgia Constitution, Article 9, Section I, paragraph IV, Sections 36-1-21 and the County's Enabling Act, Georgia Laws of 1984, Vol. II, pp. 5050-5076, as amended.

§5-502 Purpose and Scope. The purpose of this Ordinance is to articulate policies which shall provide for the fair and equitable treatment of all employed by Chatham County or who make application for employment with Chatham County. The purpose of the Ordinance is also to establish a personnel system which shall recruit, select, develop and maintain an effective and responsible work force for Chatham County.

§5-503 The Personnel Organization.

1. County Board of Commissioners. The County Board of Commissioners shall be responsible for approving personnel policies and for making and confirming appointments when so specified by law.
2. County Manager. The County Manager shall be responsible to the Board of Commissioners for the general administration of the personnel program. The County Manager shall appoint, suspend, and remove those county officers and employees under his direction and control, except for those who are elected by the people of Chatham County or whose appointment is otherwise provided for. The County Manager shall make appointments, dismissals, and suspensions in accordance with Federal and State law, this Ordinance and any other applicable rules, regulations, ordinances or policies of Chatham County. In addition the County Manager will:
 - a. Recommend to the Commissioners revisions to the Personnel Ordinance for approval;
 - b. Prepare and recommend to the Commissioners revisions to the pay plan for approval;
 - c. Determine administrative, professional and managerial positions to be excluded from entitlement to overtime compensation, in accordance with the Fair Labor Standards Act as amended;
 - d. Establish and maintain a roster of all persons in the county service, setting forth each officer and employee,

class title of position, salary, and changes in class title and status, and such other data as may be deemed desirable or useful;

- e. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of qualified applicants to meet the needs of the County;
 - f. Develop and coordinate training and educational programs for County employees;
 - g. Investigate periodically the operation and effect of the personnel provisions of this Ordinance;
 - h. Prepare, implement, and revise as necessary, personnel procedures consistent with the policies of the Commission;
 - i. Develop administrative procedures and rules necessary to carry out the provision of this Ordinance;
 - j. Perform such other duties as may be assigned by the Commission which are consistent with the purpose and scope of this Ordinance;
 - k. Supervise the operation of equal employment opportunity programs.
3. Human Resources Director. The Human Resources Director shall assist in the preparation and maintenance of the position classification plan and the pay plan and perform such other duties in connection with this Ordinance and the personnel program as the County Manager shall require, such as:
- a. Apply, interpret, and carry out the policies and the procedures of this Ordinance as directed by the County Manager in accordance with the purpose and scope of this Ordinance and the Personnel Procedures Manual;
 - b. Establish and maintain records of all employees in the County service, in which there shall be set forth for each employee class title, pay or status and other relevant employment data;
 - c. Foster and develop programs for the improvement of employee effectiveness;
 - d. Encourage and exercise leadership in the development and effective personnel administration within the various

County departments and make available the facilities of the Human Resources Department staff to this purpose;

- e. Investigate from time to time the operation and effect of this Ordinance and of policies made and procedures implemented thereunder and report findings and recommendations to the County Manager and other County officials;
 - f. Make such reports to the County Manager and other County officials regarding the personnel functions considered desirable and appropriate or as may be requested by the Manager or other County officials.
4. The Human Resources Management Function. The purpose of the Human Resources Management function, a staff service, is to implement the objectives of the personnel program. The Human Resources Department staff provides several program services such as recruitment and selection, classification and pay, employee benefits administration, performance evaluation, equal employment opportunity, employee/employer relations, training and development, position management, and employee assistance. Support services provided are maintenance of employee records, position control, personnel policy and procedures issuance system, and monitoring of all personnel transactions for compliance with established policies and procedures and applicable laws.
5. Personnel Records. It shall be the policy of Chatham County to ensure that personnel files are maintained in such a way as to comply with State and Federal laws. Personnel files maintained by the County are subject to inspection and may be disclosed only as provided by applicable law and in accordance with County procedure.
- a. All matters dealing with personnel shall be routed through the Human Resources Director who shall maintain a complete system of personnel files and records.
 - b. No public official may destroy, sell, loan or otherwise dispose of any public record except as provided for in local, State or other applicable laws.
6. Employees Affected. The provisions of this Ordinance shall be applicable to all employees except as provided below:
- a. Exempted from this Ordinance as "employee," except in designated benefit sections where specifically included, are members of the Board of Commissioners, County Manager, Clerk to the Board, elected officials,

constitutional officers, and County officials appointed by the Board of County Commissioners and/or other governing boards. Exempt from employee benefit sections entirely is the County Attorney.

- b. Seasonal and temporary employees designated by the Board of County Commissioners will be exempt from Section IX (Appeals Process and Grievance Procedure).

Seasonal and temporary employees are also exempt from Section VI of this Ordinance (Employee Benefits) except that they are eligible for Worker's Compensation, Civil Leave, Administrative Leave and Social Security, and that seasonal employees are eligible for holidays.

- 7. County Officials. The Powers of Chatham County officials to appoint, dismiss, discipline, compensate and otherwise affect the terms and conditions of employment are set forth in State and local law. County officials are empowered to conduct personnel transactions by the following means:

- a. County officials appointed to their positions by the Board of County Commissioners, other governing bodies, or elected officials empowered by State law are:

Assessor
Regional Library Director
Voter Registrar (Board of Registrars)
Juvenile Court Judge

- b. County officials elected by the citizens of Chatham County and empowered by State law are:

Sheriff
Tax Commissioner
Superior Court Clerk
Superior Court Judges
Probate Court Judge
Chief Magistrate Court Judge
State Court Judges
District Attorney

- c. County officials appointed by the Board of County Commissioners:

County Attorney
Clerk of the County Commission
County Manager (the powers and responsibility of the County Manager are further defined in §5-503(2) of this Ordinance.)

County officials are further guided and regulated by Federal and State employment and wage and hour laws.

The employees of the County officials listed above shall be included under the provisions of this Ordinance as County employees upon the request of the appropriate County official. These County officials shall have input in the development and administration of programs and services affecting personnel matters in their respective departments.

8. Personnel Advisory Board. The County Commissioners, other County officials, and employees shall elect/appoint an Advisory Personnel Board to conduct hearings on employee appeals involving promotions, demotions, suspensions, dismissals and charges of discrimination. The Personnel Board will make determinations on employee appeals and forward its recommendations to the County Manager or other appropriate County officials, who will make final determinations. Personnel Board determinations on employee appeals in the departments of officials not under the direction of the County Manager shall be forwarded to the appropriate County official with a copy sent to the County Manager.
 - a. The Personnel Board shall consist of three (3) members. One member shall be appointed by the Chatham County Board of Commissioners, one by the other County officials (as defined in §5-503(7) of this Ordinance), and one shall be elected by the Chatham County employees. Each member shall serve a term of two (2) years and may be reappointed by the Commission, County Officials, and employees. A member of the Personnel Board may be removed before the end of the term by the appropriate appointing body; however, the member must be given a written statement of the reasons for removal and the opportunity to respond in a public hearing. A vacancy in an unexpired term shall be filled by the appropriate appointing body by appointment for the remainder of the term.
 - b. Each member of the Personnel Board shall be a resident of Chatham County, and no County employee or officer shall be eligible to serve on the Personnel Board. At least one member of the Personnel Board shall have had experience in public or private management or personnel administration. Members of the Personnel Board shall serve without compensation, except that they shall be paid a standard per diem for expenses incurred on Personnel Board business.
 - c. The Personnel Board at its first meeting following the beginning of a new term will elect one of its members as

chairman, who shall be responsible for calling and presiding at all meetings.

- d. The Human Resources Director shall serve ex officio as secretary to the Personnel Board and shall be responsible for maintaining records of Personnel Board proceedings, determinations, and recommendations.
- e. The Personnel Board shall determine its operating procedures by a written resolution of the Personnel Board with concurrence from the Board of Commissioners.

9. Employee Quality Control Groups. The regular employees of Chatham County will elect members of three Employee Quality Control Groups whose purpose it shall be to advise the Human Resources Department on employee benefits, personnel policies and procedures, and on general suggestions for improving organizational operations and effectiveness.

- a. Each Quality Control Group shall consist of 7 to 9 members. All 3 Quality Control Groups together shall include one member from each major department. Members shall be elected by the regular employees of Chatham County. Each member will serve a term of two years. A vacancy in an unexpired term shall be filled by the electoral process.
- b. Each member shall represent the interest of all employees.
- c. Each Quality Control Group in their first meeting following the beginning of a new term will elect a chairman who shall be responsible for calling and presiding at all meetings. Each group shall also elect a secretary to keep the minutes.
- d. Each Quality Control Group shall report to the County Manager through the Human Resources Director.
- e. All employees of Chatham County shall have access to the Quality Control Groups to provide input and suggestions and to present issues.

§5-504 Recruitment and Employment

1. Equal Employment Opportunity/Affirmative Action. It shall be the policy of Chatham County to select, develop and promote employees based on the individual's ability and job performance. It has been, and shall continue to be, the policy of Chatham County to provide Equal Employment

Opportunity to all people in all aspects of employer/employee relations without discrimination because of race, color, religion, creed, sex, national origin, age or physical handicap. This policy affects decisions including but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer, and other privileges of employment. It is the policy of the County to ensure equality of opportunity through special programs of Affirmative Action. It is further the policy of the County to comply with the letter and spirit of applicable local, State and Federal statutes concerning Equal Employment Opportunity and Affirmative Action.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, salary increase, or any other aspect of personnel administration because of race, creed, color, sex, age, national origin, religion, mental or physical handicap, or any other factor not related to requirements of the position is hereby prohibited.

2. Recruitment and Selection. Chatham County is an Equal Opportunity/Affirmative Action employer. It is the policy of Chatham County to ensure that recruitment and selection for all regular positions is centralized and/or coordinated through the Human Resources Department to guarantee Equal Employment Opportunity to all persons without regard to race, creed, color, sex, national origin, age, religion, mental or physical handicap, labor affiliation or any other factors not related to qualifications for the position. In accordance with the law, the County has adopted an Equal Opportunity/Affirmative Action Plan governing minorities, women and the handicapped.
 - a. It is the policy of the County not to practice or permit discrimination in employment on the basis of age. Any applicant may be considered for appointment as a regular employee that is age 18 or older, unless otherwise designated.
 - b. It is the policy of the County to ensure that all vacancies are posted and processed in accordance with County procedure, thereby providing opportunities for upward mobility and/or lateral movement for regular employees within the County's organizational structure.
 - c. When a current employee applying for a vacant position possesses the best qualifications of all applicants, the employee shall be appointed to that position. However,

if the County would continue under-representation by automatically promoting or transferring the current employee without considering other applicants, then the County must carefully consider the qualifications of other applicants in filling this position.

- d. It is the policy of the County to employ according to job related qualifications. It is the policy of Chatham County to use all appropriate means to attract qualified candidates for employment, and to make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education, and experience, knowledge and skills, character, physical fitness, and other qualities required for positions in the service of the County.
 - e. It is the policy of Chatham County to advertise job vacancies widely in order to reach as many qualified candidates as possible, except when promotion from within is targeted. The County shall not endorse or subscribe to the services of any "for profit" employment agency or organization. Referrals from "for profit" employment organizations will not be accepted.
3. Probationary Period. All new employees appointed to regular positions under competitive service shall serve a probationary period. Other employees may be placed in probationary status as outlined in the Chatham County Personnel Procedures.
 4. Transfer/Promotion/Employee Development System. Decisions relating to transfers, promotions, and employee development shall be based on the overall performance and demonstrated ability of the employee. An evaluation shall be the basis for affecting development decisions regarding the employee as an individual. Efforts should be devoted to improving effectiveness of employees, assessing training needs, and planning training opportunities.
 5. Limitation of Employment of Relatives.
 - a. At no time shall any applicant be considered for employment in a department where his/her immediate relative would supervise or affect the terms and conditions of employment. "Immediate relative" shall include: spouse, parents, siblings, children, grandchildren, grandparents or spouse of any of these; or any other relative whom it can be demonstrated is a member of the individual's household. This policy applies to promotion, demotion, and transfer into

another department or into another line of supervision where a relative would have influence over the employee's terms and conditions of employment. This policy also applies to reinstatement and employment of full or part-time regular, seasonal, and temporary employees.

- b. This policy shall not be applied retroactively. No action shall be taken concerning those members of the same family employed at the time of adoption of this policy and procedure.

§5-505 Working Conditions.

1. Outside/Dual Employment. The work of the County shall take precedence over other occupational interests of employees. Other employment shall not be so demanding in time and energy that the employee is unable to maintain an acceptable level of performance in the County's service.
2. Solicitation. Solicitation of County employees during work hours shall be prohibited except as outlined in the Administrative Procedures Manual for Chatham County.
3. Political Activity. All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law.

An employee may participate in all political activity not specifically restricted by law, including candidacy for office in nonpartisan elections and candidacy for political party office. However, no employee shall:

- a. use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- b. directly or indirectly coerce, attempt to command or advise any other employee of the governmental unit to pay, lend or contribute anything of value to a political party, committee, organization, agency or person for political purposes;
- c. be a candidate for elective public office or in a partisan election while on active pay status (except an incumbent candidate for the office of Tax Commissioner, Clerk of Superior Court, Judge, Coroner, Sheriff or District Attorney).

- d. be required as a duty of office or as condition of employment, promotion, or tenure of office, to contribute funds for political or partisan purposes;
 - e. post, or cause to be posted, signs, notices, or other materials related to any national, State or local political party or candidate, in or on property owned, leased, or used by the County in the conduct of its official business;
 - f. wear or display badges, buttons, or other emblems related to a national, State or local political party or candidate while on duty or during the performance of services for the County; or
 - g. use any supplies or equipment of the governmental unit for political purposes.
4. Gifts and Gratuities. Employees and County officials are expressly prohibited from accepting gifts, gratuities, loans, or anything of more than nominal value, whether in the form of service or promise from organizations, business concerns, or individuals while on official business of the County. Nominal value means less than twenty-five dollars.
5. Safety, Conduct and Performance. It is the policy of Chatham County to provide safe, healthful working conditions. All operations shall be conducted as safely and as efficiently as possible. County employees and officials shall practice supply economy, energy conservation, security of County equipment and property, and all safety procedures outlined in the Chatham County Safety Manual, the Chatham County Personnel Procedures, Administrative Procedures Manual for Chatham County and in any departmental safety guidelines.
- a. Employees shall be watchful for unsafe conditions and unsafe practices in the work place; such items should be reported to the supervisor immediately.
 - b. Chatham County shall provide and employees shall use prescribed safety equipment to protect themselves and fellow employees and to safeguard County equipment and property. In designated areas, employees shall wear safety glasses, shields, gloves and ear protection.
 - c. Employees shall not be permitted to report to work while under the influence of alcohol, illegal drugs, or prescription or non-prescription drugs that impair mobility, judgment, or safe job performance.

- d. The possession or consumption of illegal, controlled drugs or alcohol during work hours is prohibited. Violations shall result in dismissal and the penalties specified by law.
 - e. Unauthorized possession of firearms or any other deadly weapons is prohibited on County property. Violations shall result in dismissal.
 - f. Clothing shall conform to safety requirements and codes.
 - g. The purchase of alcoholic beverages during work hours, while in a County vehicle, or while in County uniform shall be prohibited.
6. Sexual Harassment. It is the policy of Chatham County to maintain a working environment free of sexual harassment and intimidation.
- a. In this Ordinance, sexual harassment is defined as:
 - (1) Unwelcome or unwanted sexual advances;
 - (2) Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status;
 - (3) Creating a work environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.
 - b. Sexual harassment of employees by supervisors, other employees or clients and customers is prohibited. Sexual harassment is an insidious practice. It demeans individuals being treated in such a manner. It creates unacceptable stress for the entire organization. Significant costs are involved. Morale is adversely affected and work effectiveness declines. Complaints of sexual harassment shall be investigated in accordance with the Chatham County Personnel Procedures.
 - c. Sexual harassment by employees constitutes failure of personal conduct and is subject to formal warnings and suspension. More serious forms of harassment may result in immediate discharge.

7. Drug-Free Work Place. It shall be the policy of Chatham County that its work place shall be drug-free in compliance with the Drug-free Work Place Act of 1988 (PL 100-690, Title V. Subtitle D.).

It is the policy of Chatham County that no employee shall engage in the unlawful manufacture, distribution, dispensing, possession, or the use of a controlled substance in the work place of Chatham County. Controlled substances are those described in Schedules I through V., GA. Code Sections 16-13-25 through 16-13-29.

The purpose of this policy is to avoid the dangers of drugs in the work place. Another purpose is to advise employees of available sources of counseling, rehabilitation, and employee assistance.

Each employee is instructed to notify the County Manager, County Official, of Human Resources Director within five days of any criminal drug statute conviction for a violation in the work place. Any employee violating the terms of this Ordinance is subject to disciplinary action or discharge as prescribed in the Chatham County Personnel Procedures. Employees found to be abusing drugs (including alcohol), but not convicted of any drug statute violation, may be subject to progressive discipline and required to satisfactorily participate in a rehabilitation program approved for such purpose at the employee's expense.

§5-506 Employee Benefits.

1. Workers Compensation Leave. When an employee or County official is injured in the course of performing duties related to the job, benefits are available under the Georgia Worker's Compensation Act. These benefits are available to all seasonal, temporary and regular County employees.

It shall be the policy of Chatham County to place such an injured employee on sick leave for the first seven (7) days the employee is unable to work as a result of the injury. Should the injury require the employee to be absent from work for more than 28 days, sick leave used the first seven (7) days will be credited to the employee's sick leave balance. If the injured employee has no sick leave, he/she will be placed on leave without pay for the first seven (7) days. Should the injury require the employee to be away from the job for more than 28 days, Worker's Compensation payments will be made retroactive to the date of injury.

2. Social Security. Chatham County shall comply with the Federal Social Security Laws by matching its employees and County officials deductions with equal payments to the system.
3. Administrative Leave. County Government must remain accessible to the citizens. Many critical functions must be staffed regardless of weather conditions. However, when severe storms cause extremely hazardous driving conditions, County operations shall be modified in accordance with the instructions of the County Manager or other appropriate County official.

During periods of hazardous weather conditions, Administrative Leave shall be granted for officially delayed openings and/or early closings in accordance with the Chatham County Personnel Procedures. Administrative Leave may also be granted in other situations as outlined in the Personnel Procedures.

4. Holidays. It shall be the policy of Chatham County to grant compensation for absence on certain days proclaimed by the Board of Commissioners as holidays.
5. Vacation Leave. It shall be the policy of Chatham County to provide paid vacation leave to employees and County officials (excluding elected officials, the Juvenile Court Judge, and the County Attorney) in accordance with the Chatham County Personnel Procedures.
6. Sick Leave. It shall be the policy of Chatham County to grant paid leave for illness or health maintenance in accordance with the Chatham County Personnel Procedures. Sick leave is a privilege granted by the Board of County Commissioners; it is not a right which an employee may demand. Sick leave shall not be abused. It is to be used as insurance for salary continuation in the event an employee or County official (except elected officials, Juvenile Court Judge, and the County Attorney) is sick and absent from the work place.
7. Other Leave. It shall be the policy of Chatham County to provide civil leave, funeral leave, military leave, maternity and paternity leave, in accordance with the Chatham County Personnel Procedures.
8. Health Insurance. It is the Policy of Chatham County to provide its full-time regular and part-time regular employees and County officials with group health insurance with the

option that an employee or County official may include the spouse and all dependent children.

9. Unemployment Insurance. Chatham County shall provide Unemployment Insurance for its employees and non-elected County officials (except Juvenile Court Judge and the County Attorney). Georgia State Unemployment Compensation funds are financed in part by employer contributions. Chatham County pays the required premium for financial protection in the event the employee should become unemployed. Unemployment compensation shall be administered in accordance with applicable laws.
10. Retirement. It is the policy of Chatham County to provide a retirement plan for full-time regular and part-time regular employees and County officials as outlined in the Pension Plan Ordinance of Chatham County.
11. Educational Benefits. It shall be the policy of Chatham County to encourage employees and non-elected officials to further their education and training. Educational benefits and incentives shall be provided to regular employees under the guidelines of the Chatham County Personnel Procedures.
12. Credit Union. Chatham County shall provide the opportunity for employees and County officials to participate in the Georgia Telco Credit Union. The Credit Union is a cooperative savings and loan institution, organized to promote thrift among its members and to provide a source of credit for worthwhile purposes at the least possible cost.
13. Deferred Compensation. The County shall offer all employees and County officials the opportunity to participate in a Deferred Compensation Plan. Advantages of participation in the Deferred Compensation Plan shall be communicated to all County employees.
14. Employee Recognition. It shall be the policy of Chatham County to show appreciation to its employees and County officials for continuous and dedicated service. The County Manager, with the assistance of the other County officials may propose to the Commission appropriate programs for public recognition of outstanding performance and service to Chatham County.

§5-507 Classification and Pay Plan.

1. Pay Plan. It shall be the policy of Chatham County to maintain a fair and equitable pay plan. Pay rates shall be adjusted annually, or more frequently as needed, and shall be

based upon competitive market rates, job duties and other job-related factors. The pay plan shall be administered and maintained in accordance with applicable laws, the County's Equal Opportunity/Affirmative Action Plan, and the Chatham County Personnel Procedures.

2. Classification Plan. It shall be the policy of Chatham County to assign each position to a class of work with a descriptive title. Each class shall contain positions charged with the performance of similar work requiring similar education, training, and/or experience. The Plan shall be administered in accordance with applicable laws, the County's Equal Opportunity/Affirmative Action Plan, and the Chatham County Personnel Procedures.
3. Merit Increase. Funds shall be recommended by the County Manager and other County officials and approved by the Board of Commissioners annually for the purpose of providing salary increases to employees in recognition for meeting established standards and for performing above established standards.

The County shall maintain an active Employee Performance Appraisal Program and all merit increases awarded shall be in accordance with the program.

§5-508 Employee Performance Appraisal Program. The County Manager shall prepare a system for evaluating the work performance of all employees and the Assessor, Regional Library Director, Voter Registrar, Clerk of County Commission and County Manager. The performance review provides a natural approach to discussion between an employee and supervisor in which frank and open discussion can be held concerning performance strength and weaknesses, how well performance standards are being met and how the employee and supervisor can work together to improve performance. The supervisor and employee together should plan goals for the coming year and methods for goal accomplishment. The performance evaluation may also be used in determining salary increments, as a factor in determining order of layoffs, as a basis for training, promotion, transfer or dismissal, and for such other purposes as set forth in the Chatham County Personnel Procedures.

§5-509 The Appeals Process and the Grievance Procedure. It is the policy of Chatham County to attempt with all due speed to resolve grievances on an individual employee basis. Any employee shall be afforded the opportunity to pursue resolution of a problem or grievance without fear of reprisal in accordance with the Personnel Procedures. Grievances involving alleged discriminatory actions may be handled in

accordance with Personnel Procedures or as specified in the Equal Employment Opportunity and Affirmative Action policies. A separate appeals process is available for complaints of Sexual Harassment. All processes are outlined in the Chatham County Personnel Procedures.

§5-510 Separation and Disciplinary Action.

1. Separation. When conditions such as employee needs, economic stress, physical infirmity, retirement, death, or punitive action warrant, steps to separate the employee from County service shall be recommended by the department head for approval by the County Manager, other County official and/or Board of County Commissioners, as necessary. These steps shall be implemented fairly and objectively and in accordance with applicable laws and the Chatham County Personnel Procedures.

2. Disciplinary Action, Suspension, and Dismissal. It shall be the intent of Chatham County Government in establishing this policy to provide County employees a fair, clear and useful tool for correcting and improving performance problems, as well as to provide a process to assist management in handling instances of unacceptable personal conduct.

Any employee, regardless of occupation, position or profession may be warned, demoted, suspended or dismissed for just cause. The degree and type of action taken shall be based upon the sound and considered judgment of the appropriate authority in accordance with the provisions of the Chatham County Personnel Procedures.

3. Exit Interview. Each terminating regular employee shall be requested to participate in an Exit Interview conducted by the Human Resources Department and/or other County official. Such interviews provide the departing employee with needed information and also provide management with insight into reasons for employee turnover and means toward improving employee commitment and motivation.

§5-511 Departmental Operating Procedures. Departmental Managers and other County officials may develop operating procedures which include more detailed provisions for personnel administration and other operations. Such procedures shall be reviewed by the Human Resources Department staff. Such procedures shall not duplicate or conflict with policies or procedures set by the Board of Commissioners in this Ordinance, the Personnel Procedures Manual, or other policies and procedures set forth by the Commission.

§5-512 Representation on Pension Board. Two employees shall be elected by the employees of Chatham County to represent all employees on the Pension Board.

§5-513 Penalties for Violation. An individual violating any of the provisions of this Ordinance shall be subject to suspension and/or dismissal and any penalties specified by law. Section 7-1005 of the Code of Chatham County, Georgia as amended on 7/8/88, and Sections 2-107 and 2-108 of the Code of Chatham County, Georgia, to be adopted in 1989 or thereafter shall not apply.

§5-514 Repeal of Conflicting Ordinances or Resolutions. This Ordinance hereby repeals prior Civil Service Ordinances, Rules and Regulations. All related policies, resolutions, regulations, attachments or amendments in conflict with the provisions of this Ordinance are also hereby repealed.

§5-515 Conflict with Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in, or under any other statute, covenant, or ordinance, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, covenant, ordinance, are more restrictive standards than those of this Ordinance, the provisions of said statute, etc., shall govern.

§5-516 Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

§5-517 Effective Date. This policy shall become effective on November 15, 1989. Amendments thereto shall remain effective until amended by the Board. Provisions of this Ordinance are not retroactive.

ARTICLE VI

Other Post-Employment Benefit Obligations

§5-601 Establishment of the Trust. The County shall enter into an agreement with the Pension Board for the establishment of a trust, and the administration thereof, for the purpose of securing the funding of other post-employment benefit obligations, in accordance with section 115 of the United States Internal Revenue Code, and section 47-20-19(h) and section 47-20-10.1 of the Official Code of Georgia Annotated, as enacted in Senate Bill 156, permitting the advance funding of other post-employment benefits as defined in Statements 43 and 45 of the Government Accounting Standards Board.
(Amended March 7, 2008)

§5-602 Effective Date. This ordinance shall be effective On March 7, 2008. (Amended March 7, 2008)