

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2015– 239

AN ORDINANCE TO AMEND THE CLAYTON COUNTY CIVIL SERVICE RULES AND REGULATIONS, AS AMENDED, SPECIFICALLY TO DELETE RULE 8.110 APPENDIX B “PROMOTIONAL PROCEDURES FOR SWORN FIRE PERSONNEL” AND TO INSERT IN LIEU THEREOF NEW LANGUAGE AS PROVIDED HEREIN; TO REPEAL ANY AND ALL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners adopted certain Civil Services Rules and Regulations; and

WHEREAS, the Board of Commissioners, with the approval of the Clayton County Civil Service Board, desires to amend said Rules and Regulations with regards to “Promotional Procedures for Sworn Fire Personnel”.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED

Section 1. Clayton County Civil Service Rule 8.110 Appendix B “Promotional Procedures for Sworn Fire Personnel” is hereby deleted in its entirety and inserted in lieu thereof language to read as follows:

“FIRE & EMERGENCY SERVICES PROMOTIONAL PROCEDURES

Added

2/14/12 Deleted in its entirety and New Rule added on February 14, 2012.

SECTION 1-1. ADMINISTRATIVE RESPONSIBILITY.

Except as may otherwise be provided herein, the Director of Human Resources for Clayton County, Georgia, shall have administrative responsibility for all matters relating to the promotional procedures for the Clayton County Fire & Emergency Services Department (CCFES).

SECTION 1-2. DEFINITIONS.

1. Applicant: Employees who assert they are eligible for promotion to the rank of Sergeant, Lieutenant, Captain, Battalion Chief, Deputy Chief or Assistant Chief.
2. Candidate: Any candidate whose name appears on the promotional roster established for the rank for which he/she is competing.
3. Fire Chief: The Chief Executive Officer within the Clayton County, Georgia, Fire Department or his/her designee.
4. Eligible: Any applicant certified in writing by the Human Resources Director to participate in the applicable promotional procedure.
5. Clayton County: The governing body of Clayton County, Georgia unless the reading of these two words clearly indicates some other meaning.
6. Human Resources Department: The Human Resources Department of Clayton County, Georgia or any successor organizational unit.
7. Human Resources Director: The Chief Executive Officer of the Clayton County Human Resources Department, or any successor title or his or her designee.

8. Fire Department: The Fire Department of Clayton County, Georgia to include all sworn and non-sworn positions from entry level through that of Fire Chief. Abbreviated as CCFES in this procedure.

9. Promotional Cycle: The sequence of activities which begins with the Human Resources Director's announcement of the schedule of activities for a competitive process for promotion to a specific rank, and which culminates with the establishment of a promotional roster.

10. Promotional Roster: The listing of candidates eligible to be promoted to a particular position after promotion process for a particular position has been administered.

SECTION 1-3. GENERAL PROVISIONS.

1. Separate eligibility requirements, promotional procedures, promotional rosters, selection procedures and other provisions relating to the ranks of Sergeant, Lieutenant, Captain, Battalion Chief, Deputy Chief and Assistant Chief are specified herein.

2. The promotional ranks of Sergeant, Lieutenant, and Captain shall have separate promotional rosters. Each of these rosters shall have a life or duration of twelve (12) months from the date of publication by the Director of Human Resources and shall be refreshed annually thereafter.

3. The ranks of Battalion Chief, Deputy Chief, and Assistant Chief shall have a selection roster with a continuous life and new names shall be added to it as candidates satisfy the eligibility requirements.

4. For the purposes of determining eligibility, completion of CCFES Fire Officer I, II, or III, shall mean completing all of the required objectives with a minimum overall class average of 70%.

5. Access to the Civil Service system is an expressed employee right and nothing contained within the provisions of these promotional guidelines and rules is intended to preclude an employee from the exercise thereof (adapted from section 11.101 of the Civil Service Rules and Regulations).

6. Nothing contained heretofore, herein, and hereafter vests any right nor recognizes any prior right to promotions through any particular system, established roster, or otherwise and such expectations are specifically disavowed.

SECTION 1-4. ELIGIBILITY FOR PROMOTIONS.

1. For Promotion to Sergeant.

a) Length of Service. To be eligible to participate in the promotional procedure for Sergeant, the employee shall hold the position of Firefighter and shall have a minimum of thirty-six (36) months of continuous, active service with CCFES subject to applicable leave laws.

b) Length of Service Calculation. An employee who meets the length of service requirement, subject to applicable leave laws, on the day the announcement of the opening of the promotional process is made by the Director of Human Resources shall be deemed to have met the length of service requirement.

c) Probation Period. In accordance with Civil Service Rules and Regulations, employees promoted to the rank of Sergeant shall serve a one (1) year probationary period.

d) Prerequisites. To be eligible to participate in the promotional procedure for Fire Sergeant, the employee shall 1) be a State of Georgia certified Firefighter; 2) be a certified relief driver as defined in the CCFES Pumping Procedures Manual; 3) Complete CCFES Fire Officer I; 4) be certified as a State of Georgia EMT or Paramedic and 5) meet the length of service requirement in section 1-4¶1(a).

2. For Promotion to Lieutenant.

a) Length of Service. To be eligible to participate in the promotional procedure for Lieutenant, the employee must hold the rank of Sergeant and have satisfactorily completed twelve (12) months of continuous, active service as a Sergeant with CCFES subject to applicable leave laws.

b) Length of Service Calculation. An employee who meets the length of service requirement, subject to applicable leave laws, on the day the announcement of the opening of the promotional process is made by the Director of Human Resources shall be deemed to have met the length of service requirement.

c) Probation Period. In accordance to Civil Service Rules and Regulations, employees promoted to the rank of Lieutenant shall serve a one (1) year probationary period.

d) Prerequisites. To be eligible to participate in the promotional procedure for Lieutenant, the employee shall 1) be a State of Georgia certified Firefighter; 2) be a certified relief driver as defined in the CCFES Pumping Procedures Manual; 3) Complete CCFES Fire Officer I; 4) be certified as a State of Georgia EMT or Paramedic and 5) meet the length of service requirement in section 1-4¶2(a).

3. For Promotion to Captain.

a) Length of Service. To be eligible to participate in the promotional procedure for Captain, the employee must hold the rank of Lieutenant and have satisfactorily completed twelve (12) months of continuous, active service as a Lieutenant with CCFES subject to applicable leave laws.

b) Length of Service Calculation. An employee who meets the length of service requirement, subject to applicable leave laws, on the day the announcement of the opening

of the promotional process is made by the Director of Human Resources shall be deemed to have met the length of service requirement.

c) Probation Period. All employees promoted to the rank of Captain shall serve a one (1) year probationary period.

d) Prerequisites. To be eligible to participate in the promotional procedure for Fire Captain, the employee shall 1) be a State of Georgia certified Firefighter; 2) be a certified relief driver as defined in the CCFES Pumping Procedures Manual; 3) Complete CCFES Fire Officer II; 4) be certified as a State of Georgia EMT or Paramedic and 5) meet the length of service requirement in section 1-4 ¶3(a).

4. For Promotion to Battalion Chief.

a) Length of Service.

Option 1:

To be eligible for selection to Battalion Chief from Captain, the employee must have satisfactorily completed twelve (12) months of continuous service as a Captain with CCFES subject to applicable leave laws; or,

Option 2:

To be eligible for selection to Battalion Chief from Lieutenant, the employee must have satisfactorily completed sixty (60) months of continuous service as a Lieutenant with CCFES subject to applicable leave laws.

b) Length of Service Calculation. The Director of Human Resources is the final authority for determination of length of service. The rank of Battalion Chief shall have a selection roster with a continuous life and new names shall be added to it as candidates

satisfy the eligibility requirements. Once an employee has met the prerequisites for the rank of Captain as listed in section 1-4 ¶3(d)1-4, or for the rank of Lieutenant as listed in section 1-4 ¶2(d)1-4 coupled with the length of service requirement in section 1-4 ¶4(a)2, he or she is automatically placed on the eligibility roster for Battalion Chief.

c) Probation Period. All employees promoted to the rank of Battalion Chief shall serve a one (1) year probationary period.

5. For Promotion To Deputy Chief and Assistant Chief.

a) Length of Service. To be eligible for selection to Deputy Chief or Assistant Chief the employee must hold the rank of Captain or Battalion Chief and have satisfactorily completed twelve (12) months of continuous service as a Captain or Battalion Chief with CCFES subject to applicable leave laws.

b) Length of Service Calculation. The Director of Human Resources is the final authority for determination of length of service. The rank of Deputy Chief and Assistant Chief shall have a selection roster with a continuous life and new names shall be added to it as candidates satisfy the eligibility requirements. Once an employee has met the prerequisites for the rank of Captain or Battalion Chief as listed in section 1-4 ¶3 or ¶4 and has completed CCFES Fire Officer III, he or she is automatically placed on the eligibility roster for Deputy Chief and Assistant Chief.

c) Probation Period. All employees promoted to the rank of Deputy Chief or Assistant Chief shall serve a one (1) year probationary period.

SECTION 1-5. PROMOTIONAL PROCEDURE FOR SERGEANT.

1. Eligibility List: Upon request of the Fire Chief, the Human Resources Director shall, within 45 days, publish a preliminary eligibility roster of all candidates meeting the prerequisites contained in section 1-4 ¶ 1(a-d). Candidates listed on the preliminary roster

shall have ten (10) calendar days to notify the Fire Chief of their wish not to be included on the certified promotional roster. At the end of the ten (10) calendar day period, the Human Resources Director shall certify in writing the list of those eligible for promotion. The certified promotional list shall have a continuous life from the date of certification by the Human Resources Director and shall be updated every twelve months thereafter. Any candidates voluntarily removing themselves from the promotional roster may re-apply, in writing, to the Fire Chief no later than thirty (30) days before the next renewal date.

2. Selection from the List: The Fire Chief shall select from the certified promotion list any candidate for promotion who, in the Chief's discretion, meets the needs of the Department. In making this selection, the Fire Chief shall consider, among other factors, the candidate's: (1) education; (2) on-the-job performance; (3) training, including a candidate's demonstrated willingness to acquire additional training which will help him/her in the job for which he/she is being considered; (4) disciplinary record; (5) leadership and supervisory abilities and leadership and supervisory potential; (6) ability to interact with the public and co-workers; and (7) experience (which does not necessarily equate to seniority).

3. None of these factors are controlling. A candidate's poor record under one factor may outweigh outstanding performance in all other areas of the job. Furthermore, selection of candidates is contingent upon the needs of the department. A candidate with a special set of skills may receive a promotion if those skills are particularly needed, even when other candidates may appear to be more qualified according to the preceding factors.

SECTION 1-6. PROMOTIONAL PROCEDURE FOR LIEUTENANT.

1. Eligibility List: Upon request of the Fire Chief, the Human Resources Director shall, within 45 days, publish a preliminary eligibility roster of all candidates meeting the prerequisites contained in section 1-4 ¶ 1(a-d). Candidates listed on the preliminary roster

shall have ten (10) calendar days to notify the Fire Chief of their wish not to be included on the certified promotional roster. At the end of the ten (10) calendar day period, the Human Resources Director shall certify in writing the list of those eligible for promotion. The certified promotional list shall have a continuous life from the date of certification by the Human Resources Director and shall be updated every twelve months thereafter. Any candidates voluntarily removing themselves from the promotional roster may re-apply, in writing, to the Fire Chief no later than thirty (30) days before the next renewal date.

2. Selection from the List: The Fire Chief shall select from the certified promotion list any candidate for promotion who, in the Chief's discretion, meets the needs of the Department. In making this selection, the Fire Chief shall consider, among other factors, the candidate's: (1) education; (2) on-the-job performance; (3) training, including a candidate's demonstrated willingness to acquire additional training which will help him/her in the job for which he/she is being considered; (4) disciplinary record; (5) leadership and supervisory abilities and leadership and supervisory potential; (6) ability to interact with the public and co-workers; and (7) experience (which does not necessarily equate to seniority).

3. None of these factors are controlling. A candidate's poor record under one factor may outweigh outstanding performance in all other areas of the job. Furthermore, selection of candidates is contingent upon the needs of the department. A candidate with a special set of skills may receive a promotion if those skills are particularly needed, even when other candidates may appear to be more qualified according to the preceding factors.

SECTION 1-7. PROMOTIONAL PROCEDURE FOR CAPTAIN.

1. Eligibility List: Upon request of the Fire Chief, the Human Resources Director shall, within 45 days, publish a preliminary eligibility roster of all candidates meeting the prerequisites contained in section 1-4 ¶ 1(a-d). Candidates listed on the preliminary roster

shall have ten (10) calendar days to notify the Fire Chief of their wish not to be included on the certified promotional roster. At the end of the ten (10) calendar day period, the Human Resources Director shall certify in writing the list of those eligible for promotion. The certified promotional list shall have a continuous life from the date of certification by the Human Resources Director and shall be updated every twelve months thereafter. Any candidates voluntarily removing themselves from the promotional roster may re-apply, in writing, to the Fire Chief no later than thirty (30) days before the next renewal date.

2. Selection from the List: The Fire Chief shall select from the certified promotion list any candidate for promotion who, in the Chief's discretion, meets the needs of the Department. In making this selection, the Fire Chief shall consider, among other factors, the candidate's: (1) education; (2) on-the-job performance; (3) training, including a candidate's demonstrated willingness to acquire additional training which will help him/her in the job for which he/she is being considered; (4) disciplinary record; (5) leadership and supervisory abilities and leadership and supervisory potential; (6) ability to interact with the public and co-workers; and (7) experience (which does not necessarily equate to seniority).

3. None of these factors are controlling. A candidate's poor record under one factor may outweigh outstanding performance in all other areas of the job. Furthermore, selection of candidates is contingent upon the needs of the department. A candidate with a special set of skills may receive a promotion if those skills are particularly needed, even when other candidates may appear to be more qualified according to the preceding factors.

SECTION 1-8. PROMOTIONAL PROCEDURES FOR BATTALION CHIEF, DEPUTY CHIEF AND ASSISTANT CHIEF.

1. The Fire Chief or his/her designee(s) shall conduct interviews with all persons eligible for selection. The Fire Chief shall select from among all candidates who have been

interviewed. A candidate who has been interviewed within the previous twenty-four (24) months need not be interviewed again prior to the Chief making a selection.

2. The Fire Chief shall consider in making the selection (1) education; (2) on-the-job performance; (3) training, including a candidate's demonstrated willingness to acquire additional training which will help him/her in the job for which he/she is being considered; (4) disciplinary record; (5) leadership and supervisory abilities and leadership and supervisory potential; (6) ability to interact with the public and co-workers; and (7) experience (which does not necessarily equate to seniority).

3. None of these factors are controlling. A candidate's poor record under one factor may outweigh outstanding performance in all other areas of the job. Furthermore, selection of candidates is contingent upon the needs of the department. A candidate with a special set of skills may receive a promotion if those skills are particularly needed, even when other candidates may appear to be more qualified according to the preceding factors.

SECTION 1-9. EFFECT OF DISCIPLINARY ACTION.

Any employee who has been suspended for seventy-two (72) hours or more in the twenty-four (24) months prior to the announcement of the promotional process, or prior to the refresh date of any promotional roster shall be ineligible to participate in that promotional process and removed from the promotional roster.

SECTION 1-10. REVIEW OF PROCEDURES.

Within twenty-four (24) months from the date that this document is adopted by the Board of Commissioners, the Director of Human Resources and the Fire Chief will review these procedures and make any suggestions for changes to the Civil Service Board and the Board of Commissioners. The procedures adopted in this document shall remain in effect until

such time that the Civil Service Board and the Board of Commissioners approves a new set of procedures.”

Section 2. All Ordinances, Resolutions, Rules and Regulations, or parts thereof which conflict with this Ordinance are hereby repealed.

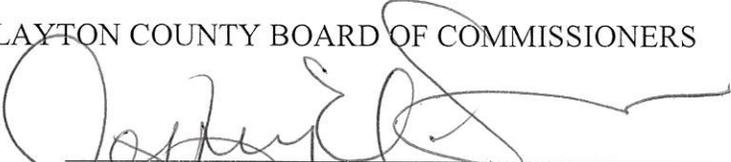
Section 3. It is declared to be the intention of the Board of Commissioners that all sections and paragraphs of this Ordinance are or were, upon their enactment, believed to be fully valid, enforceable and constitutional. To the greatest extent allowed by law, each and every paragraph herein is severable from the other. In the event that any portion of this Ordinance shall be declared invalid, unconstitutional or otherwise unenforceable by valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that the remaining portions of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. This Ordinance shall be effective on the date of its approval by the Board of Commissioners.

{Signatures on following page}

SO ORDAINED, this the 15th day of September, 2015.

CLAYTON COUNTY BOARD OF COMMISSIONERS



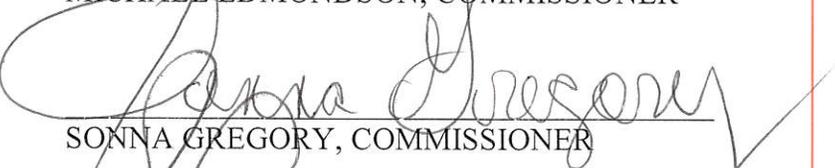
JEFFREY E. TURNER, CHAIRMAN



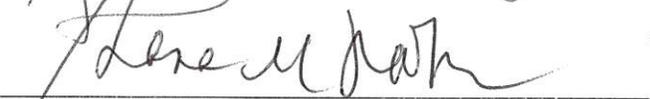
GAIL B. HAMBRICK, VICE CHAIRMAN



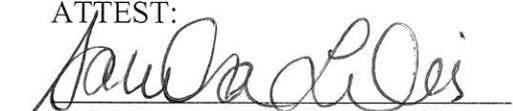
MICHAEL EDMONDSON, COMMISSIONER



SONNA GREGORY, COMMISSIONER



SHANA M. ROOKS, COMMISSIONER

ATTEST:


SANDRA T. DAVIS, CLERK