

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1951 SESSION**

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1951 SESSION**

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Sequential Number: 475

Short Title: FULTON COUNTY-ATLANTA PLAN OF IMPROVEMENT -- TRANSFER OF EMPLOYEES.

Law Number: No. 349

Origin: (Senate Bill No. 135).

Full Title: An Act to define certain rights of employees of Fulton County and the City of Atlanta who are affected by laws discontinuing or curtailing certain functions of said county and city and increasing certain functions and activities thereof; to provide that certain employees of said county or city who are discharged by the discontinuance or curtailment of certain departments will be immediately placed on the payroll of the other government; to list certain departments that will or may be affected; to provide that no transferred employee shall suffer a decrease in salary; to provide for establishing salary scales; to provide that employment by one government shall in certain instances be

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credited as employment by the other government; to provide that transferred employees shall automatically become entitled to the retirement and civil service benefits of employees in the department to which they are transferred; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same as follows;

Section 1. Definitions. These terms, when used in this Act, shall have the following definitions unless a different meaning clearly appears from the context:

[Sidenote: Definitions.]

- (a) "Plan of improvement" shall mean the plan of improvement for the governments of Fulton County and the City of Atlanta as recommended by the Local Government Commission, which was created by Act of the General Assembly, Laws of 1949, beginning at page 921, relating to a study and plan or plans for improving such local governments and providing greater efficiency and economy therein.

[Sidenote: "Plan of improvement."]

- (b) "Department" shall include a department, commission, school district, board, or other agency by whatever name called.
[Sidenote: "Department".]
- (c) "Transferred employee" shall mean any employee of a department, as defined herein, which is discontinued or the functions of which are curtailed as contemplated in this Act and who has elected to become an employee of the receiving government or joint board.
[Sidenote: "Transferred employee."]
- (d) "Corresponding department" shall mean the department, as defined herein, of the receiving government or a joint board which takes over the discontinued or curtailed functions of the transferring government.
[Sidenote: "Corresponding department."]
- (e) "Transferring government" shall mean government (Fulton County or the City of Atlanta) whose department

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is discontinued or curtailed as contemplated in this act.

[Sidenote: "Transferring government."]

- (f) "Receiving government" shall mean the government (Fulton County or the City of Atlanta) maintaining the corresponding department, as defined herein, and shall include a joint board.
[Sidenote: "Receiving government."]
- (g) "Joint board" shall mean the joint Atlanta-Fulton County Planning Board, or the Atlanta-Fulton County Board of Zoning Appeals, or both.
[Sidenote: "Joint board."]
- (h) "Transfer" with respect to an employee whose rights are defined in this Act shall mean the process by which he or she becomes employed in the corresponding department of the receiving government after the discontinuance or curtailment of the department in which he or she was previously employed by the transferring government.
[Sidenote: "Transfer."]

Section 2. The purpose of this Act is to define certain rights of the employees of Fulton County and the City of Atlanta who are affected by changes in the powers, functions, activities or authority of said county or city resulting from or connected with putting into effect the plan of improvement for the governments of Fulton County and the City of Atlanta.

[Sidenote: Purpose of act.]

Section 3. Said plan of improvement and this Act contemplates that certain departments of said county and city will be either discontinued or their functions and activities curtailed and that the employment of all or a portion of the personnel thereof by said government will be terminated at the time said departments are discontinued or their functions and activities curtailed. Said plan and this Act further contemplates that the employees of either of said governments who are described in Section 4 of this Act and whose employment is thus terminated shall have the right

to enter the employment of the other said government or a joint board without any lapse or hiatus in their employment on the terms provided herein.

[Sidenote: Right to employment in corresponding department.]

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Section 4. All persons who are full-time, permanent employees in a department of the transferring government at the time said department is discontinued or curtailed and have served continuously as full-time, permanent employees with said transferring government from and after a date prior to September 1, 1950, shall, if they so elect, be immediately and automatically placed on the payroll of the receiving government as of the date of said discontinuance or curtailment. The terms of this section shall apply only to those positions of employment which are abolished in the "transferring government".

[Sidenote: What employees covered.]

Section 5. Incumbent employees, when meeting minimum qualifications of the respective personnel systems shall, without further examination, be placed on the register for filling any positions which become vacant after the transfer. Such employees shall remain on the register for the customary period provided by the general regulations of the personnel system of the receiving government.

[Sidenote: Personnel register.]

Section 6. No transferred employee shall suffer a decrease in salary as a result of being transferred as contemplated by this Act. If both governments have adopted uniform pay and classification plans by January 1, 1952, or by the date of discontinuance or curtailment of any department, all transferred employees of any such department, or as many of them whose positions of employment are abolished in the transferring government as elect to become employed in the receiving government, shall be blanketed in as follows: (a) where the existing pay rate of a position held by an employee prior to transfer is below the minimum rate of the class to which the position has been allocated by the receiving government, the rate shall be raised to such minimum; (b) where the existing rate of a position is the same as one of the rates of the class to which it has been allocated, the rate shall remain unchanged; (c) where the existing rate falls between two of the rates of the class, it shall be raised to the higher of the two; and (d) where the existing rate is higher than the maximum rate of the class, the employee shall continue to receive the existing rate; provided,

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however, that such rate shall go no higher during his incumbency of the position, and that upon his or her vacating the position the rate shall be set according to the pay scale established for the position. If the governments have not adopted uniform pay and classification plans by January 1, 1952, or by the date of discontinuance or curtailment of any department, each government shall adopt the above principles in integrating transferred employees of such department into their

respective systems. If no such uniform pay and classification scales have been adopted, the rates and scales of pay to be used in carrying out the provisions of this section as to all of the employees affected by this Act shall be those in effect on September 1, 1950. Uniform pay increases granted prior to February 1, 1951 by the transferring or the receiving governments shall be effective as to transferred employees. The receiving government shall use the higher rate of pay for any classification throughout the division of the receiving government concerned.
[Sidenote: Pay rates.]

Section 7. All employees included under Section 4 above, shall be assigned by the receiving government to a position of employment similar to that occupied by the employee in the transferring government. After being so assigned, all such employees shall be subject to the same civil service laws and regulations and be entitled to the same rights and privileges as employees of said corresponding department of the receiving government with the closest corresponding job classification. For any purpose involving seniority or requiring computation of the period of employment, the employment of any such employee by the transferring government shall be given the same effect as employment by the receiving government.
[Sidenote: Civil service status.]

Section 8. Nothing in this Act shall affect the existing power of department heads or other duly authorized officers to dismiss employees for inefficiency, incompetency, or other grounds set forth in existing laws and regulations.

Section 9. If any provisions of this Act shall be held

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unconstitutional, it is the intention of the General Assembly that the remaining provisions shall nevertheless remain in full force and effect.
[Sidenote: If part unconstitutional.]

Section 10. All laws or parts of laws in conflict herewith are hereby repealed.

Section 11. A copy of notice of intention to apply for this local legislation and an affidavit showing the publication of such notice as required by law are attached hereto and made a part of this bill, and it is hereby declared that all the requirements of the Constitution of the State of Georgia of 1945 relating to publication of notice of intention to apply for the passage of this local legislation have been complied with for the enactment of this law.

Approval Date: Approved February 21, 1951.