

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1943 [VOLUME 1]**

**PART II.--LOCAL AND SPECIAL LAWS
TITLE II. COUNTIES AND COUNTY MATTERS.**

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Sequential Number: 338

Short Title: FULTON CIVIL SERVICE BOARD.

Law Number: No. 314.

Full Title: An Act to create a Civil Service Board in Fulton County, to Provide for the appointment and removal of the members of said Board and their qualifications, term of office and salaries; to Prescribe the duties of the Civil Service Board; to Provide to what employees the provisions of this Act shall be applicable; to Provide for the classification and qualification of employees; to Provide for a minimum, intermediate, and maximum salary schedule for classified employees; to Provide for the holding of examinations under the provisions of this Act; to Provide for probationary period of employment; to Provide how and in what manner and for what reason employees may be demoted, suspended or discharged; to Provide for trials of employees charged with the violation of Civil Service rules or the provisions of this Act; to Provide a uniform procedure for handling the personnel affairs of such county; to Provide for promotions, suspensions, reduction and removal of county employees; to Provide for the Certification of payrolls, the administering of oaths, the keeping of records and furnishing of information in connection with the uniform procedure herein prescribed; to Prohibit county employees coming under the provisions of this Act from doing certain things in violation thereof; to Provide for the method whereby employees under the unclassified service may come under the classified service; to Provide a penalty for all persons violating the provisions of this Act; to Provide for a Secretary to the Board and define his powers and duties and prescribe a salary for such secretary; to Provide for removals in the interest of economy; to Establish re-employment lists and provide for leaves of absence and vacation; to Provide leave for county employees in military

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service; to Fix the responsibility for the conduct of the affairs of County Government; to Provide for the bonding of employees under classified services; to Provide that the provisions of this Act are separable in the event a portion thereof is declared unconstitutional; to Provide for the repeal of conflicting laws; and for other purposes, so as to provide a complete merit system for employees of Fulton County.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of same, that a Civil Service System is hereby created in Fulton County, as follows:
[Sidenote: System created.]

- Section 1. Index to Civil Service Act.
- Section 2. Definitions.
- Section 3. Appointment, Removal, Compensation and Duties of the Fulton County Civil Service Board.
- Section 4. Appointment, Removal, Compensation and Duties of the Secretary, Fulton County Civil Service Board.
- Section 5. Unclassified Service and Classified Service.
- Section 6. Status of Incumbents.
- Section 7. Method of Filling Vacancies.
- Section 8. Certification and Appointment.
- Section 9. Temporary and Provisional Appointment.
- Section 10. Examinations.
- Section 11. Ratings and Eligibility.
- Section 12. Promotions.
- Section 13. Re-employment.

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- Section 14. Transfers.
- Section 15. Demotions.
- Section 16. Suspensions.
- Section 17. Lay-offs.
- Section 18. Removals.
- Section 19. Appeals.
- Section 20. Political Activity.
- Section 21. Residence.
- Section 22. Dismissal for Violation.
- Section 23. Penalties.
- Section 24. Oaths.
- Section 25. Bonds of Employees.
- Section 26. Constitutionality.
- Section 27. Effective Date.
- Section 28. General Repeals.

Section 2. Definitions. The following terms, when used in this Act, shall have the following meanings unless the context clearly requires otherwise:
[Sidenote: Words defined.]

- (1) "Classified Service" means all offices and positions of trust and employment in the service of Fulton County except those placed in the unclassified service by this Act, and those covered by other Civil Service Acts enacted heretofore. "Classified Service" shall not include office employees of the Police, Fire, and Education Departments who are covered by the Civil Service rules of their departments. "Classified Service" shall include the employees of the County Department of Public Welfare and Health

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only in the event that the terms and conditions specified in Section 5 (II) hereinafter are made operative.

- (2) "Board" means the Fulton County Civil Service Board.
- (3) "Secretary" means the Secretary of the Fulton County Civil Service Board.
- (4) "Appointing Authority" means the officer, commissions, boards, or bodies having the power of appointment, employment or election to, or removal from subordinate positions in any office, department, commission, board of institution; or any person or group of persons having the power by virtue of the constitution, statute, or lawfully delegated authority to make appointments or employments to the position in the Fulton County Employment Service.
- (5) "County Commissioners" means Commissioners of Roads and Revenue of Fulton County.
- (6) "Position" means any office or place of employment in the service of Fulton County, Georgia.
- (7) "Classified Employees" means any employee holding a position in the Classified Service.
- (8) "Public Hearings" means an opportunity given after public notice of at least five days for any person or persons to appear and be heard on the matter involved.

Section 3. Appointment, Removal, Compensation and Duties of the Civil Service Board. (1) There is hereby created and established the Fulton County Civil Service Board which shall consist of three members of known sympathy to the merit system who shall have been residents of Fulton County for two years or more. The initial members of the Fulton County Civil Service Board shall be as follows:

[Sidenote: Board created.]

George A. Giese -- for term ending December 31, 1944.

[Sidenote: Members.]

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Herman Steinichen -- for term ending December 31, 1946.

G. Frank Garrison -- for term ending December 31, 1948.

Thereafter all appointments for the Civil Service Board shall be as follows: The Chairman of the Fulton County Commission of Roads and Revenue shall nominate the members of the Board subject to confirmation by a majority vote of the County Commission at its next regular meeting after said nominations are made. Such nomination shall be announced by publication in the official organ of the county at least one week before said meeting of the County Commission. All appointments shall be for a term of six years, and the members shall serve until their successors have been appointed and qualified. The members shall annually elect one of their members as Chairman of the Board and one member as Vice-Chairman. Two members of the Board shall constitute a quorum for the transaction of business. Vacancies in the office of said Civil Service Board created by death, resignation or otherwise shall be filled by nomination of the Chairman and confirmation by the Board of County Commissioners after publication as provided for regular appointments herein and such appointment shall be for the unexpired term. No member of the Board shall hold any other lucrative office or employment under the United States Government, the State of Georgia, or any political subdivision thereof, except the office of Notary Public or in the military forces.

[Sidenote: Appointments.]

(2) A member of the Board may only be removed for cause after charges have been filed with the County Commission. Such charges must be filed in writing and a copy furnished the member sought to be removed, the member shall be entitled to a public hearing before the County Commissioners, and removal shall be accomplished only after

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such hearing and a majority vote of the entire Board of the County Commissioners.

[Sidenote: Removal.]

(3) The members of the Board shall be paid at the rate of ten dollars (\$10.00) per diem for the time actually devoted to the business of the Board, but no member shall be paid for more than thirty-six days of service for the first year after the effective date of this Act, and thereafter not more than twenty-four days of service in any one year.

[Sidenote: Per diem.]

(4) The Board shall keep its office and shall hold its meetings in the Fulton County Court House, and all of said meetings shall be open to the public. The Board shall hold regular meetings at least once monthly, and as often in addition thereto as the Board may provide.

(5) It shall be the duty of all officers having charge of public buildings of Fulton County to allow the reasonable use of space and room therein, and to heat and light for the holding of any examinations or investigations provided for by this Act in all proper ways to facilitate the work of the Board. It shall be the duty of the Board as a body:

- (a) After a public hearing and proper investigation during which the County Commissioners, Appointing Authorities, and the Classified Employees shall be afforded every opportunity to be heard to adopt, rescind, and amend rules and regulations for the administration of this Act; to set up a classification plan for all positions covered by this Act, together with a minimum, intermediate, and maximum salary schedule for such positions, which when adopted by a majority vote of the County Commissioners, it shall be the duty of all Appointing Authorities and other employees of Fulton County to which these rules, regulations, classifications, plans, salary schedule, and any modifications thereof may relate to assist in all proper ways in carrying them into effect. The prevailing wage rate shall be the basic minimum salary schedule for skilled mechanics,

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holding positions in the Classified Service under this Act. Notice of the contents of such rules, regulations, classification plan, salary schedule and any modifications thereof shall be given to all appointing authorities affected thereby, and shall be printed for public distribution.

[Sidenote: Duties.]

- (b) To hear and determine appeals and complaints respecting the administrative work of the Secretary, filed with the Board by any appointing authority or classified employee and such other matters as may be referred to the Board by the Secretary.
- (c) To make such investigations as may be requested by the County Commissioners where general Fulton County employees are affected, or on its own motion and to report thereon.
- (d) To keep minutes of its own meetings and such other records as the Board may deem necessary.
- (e) To examine and approve or modify the annual report prepared by the Secretary and submit such report to the County Commissioners on or before the first day of December of each year transmitting therewith any suggestions it may approve for the more effectual accomplishment of the purpose of this Act, and to supervise generally the work of the Secretary in the administration of the provisions of this Act. Such report shall be made available to any interested groups.

Section 4. Appointment, Removal, Compensation and Duties of the Secretary. (1) The Board shall appoint a Secretary. Such a Secretary shall have been a resident of Fulton County for one year or more and shall be a person competent, trained, and experienced in the field of personnel administration and thoroughly in sympathy with the application of merit and sound business principles in the administration of personnel.

[Sidenote: Secretary -- duties.]

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(f) To require the attendance of witnesses and the production of books, papers, public records and other documentary evidence pertinent to any investigation in connection with the administration of the provisions of this Act.

(g) To make an annual written report to the Board.

(h) To perform any other lawful act required to carry into effect the purposes and spirit of this Act.

Section 5. Unclassified Service and Classified Service. (1) The Unclassified Service shall consist of the following:

[Sidenote: Unclassified. Service.]

(a) Officers elected by the people and persons appointed to fill vacancies in such elective offices.

(1) Provided in the offices of the Clerk of the Superior Court, Tax Receiver, Tax Collector, Sheriff and Ordinary, if the Chief Deputy in any of said offices should elect not to be a candidate in the succeeding election, he shall revert to his former status in the classified service.

(b) Members of the Board or special commissions appointed by the County Commissioners for special purposes, who serve without compensation.

(c) The clerk of the Board of County Commissioners.

(d) Persons temporarily appointed or designated to make or conduct special inquiry, investigation, or examination where such appointment or designation is certified by the Board to be for employment which should not be performed by persons in the classified service.

(e) Election officials.

(f) Heads of Departments elected or appointed by the County Commissioners and/or by the Judges of the Superior Court.

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(g) The Marshall of the Civil Court of Fulton County and the Clerk of said Court.

(h) Officers and employees in the Department of Police, Fire and Education having their own Civil Service or Tenure Rules.

(i) Seasonal employees whose employment does not exceed three months in any one year.

(j) Superintendents and Assistant Superintendents under the Board of Education, and other persons elected by said Board of Education for definite terms; librarians employed through the Board of Education; clerks in schools, and nurses, maids, and employees in cafeterias in schools.

(k) Board of Tax Assessors, Board of Health, Board of Inspection Steam Fitters, Board of Public Welfare, and Jury Commissioners.

(l) All employees of the Solicitor General's office.

(m) Assistant Solicitors General, also Assistant Solicitors of the Criminal Court of Fulton County.

(m) Personal Secretary of any Judge of the Superior, Criminal, Juvenile, or Civil Court of Fulton County and the official court reporters thereof.

(o) All employees of the Fulton County Department of Public Works.

Provided further that the employees of any Department of Fulton County under the unclassified service may come under the classified service and be governed by all of the provisions of this Act and the rules and regulations of the Civil Service Board created herein at any time in the future that the majority of the employees of said department shall sign a petition requesting to be so classified and file the same with the Secretary of the Board. Said Department

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shall be deemed to be in the classified service from the date of the filing of said petition with the Secretary and all employees of said department shall automatically come under the provisions of this Act as if they had been originally in the classified service as provided herein.

(2) The Classified Service shall include all other public officers and employees in the employ of Fulton County now or hereafter employed, including deputies and employees in the office of the Clerk of the Superior Court, Sheriff, Tax Collector, Tax Receiver, Ordinary, Treasurer, Civil Court of Fulton County, Criminal Court of Fulton County, Tax Assessors, Juvenile Court, Adult Probation Office, employees of the Sanitary Department, and others not placed in the unclassified service. After the effective date of this Act, all appointments, employments, removals, promotions, demotions, transfers, lay-offs, re-instatements, suspensions, leaves of absence without pay, and changes in grade or title in the classified service shall be made and permitted only as prescribed in this Act, and not otherwise.

[Sidenote: Classified service.]

Employees of the County Departments of Public Welfare and Health shall be included under the County Civil Service System as set up herein, provided the State Merit System Council for the Welfare and Health Departments shall examine the rules and regulations of the Fulton County system in so far as they are applicable to the County Departments of Public Welfare and Health and certify that such rules conform to the State Welfare and Health Departments' Merit System

and the rules and regulations promulgated thereunder and provided further that said rules and regulations in so far as they affect the County Welfare and Health Departments shall be in conformity with the minimum standards of the Federal Social Security Act.

Provided further that the Board shall be authorized to

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enter cooperative agreements with other Federal, State, and municipal merit systems to permit use of registers and that the acquiring of status by individuals under any such system which has comparable standards to the one established herein shall as a result of agreement, give status under this or such other system.

Section 6. Status of Incumbents. Any person holding a permanent position in the classified service of Fulton County other than those already under separate civil service rules as herein defined on the effective date of this Act, and any person who as of January 1, 1943 had been an employee of Fulton County for at least six months immediately preceding the effective date of this Act, shall continue to hold such position subject to the provisions of this Act and shall be deemed to be qualified for such employment and shall be entitled to receive a regular permanent appointment in accordance with the provisions of this Act provided that he shall file with the Civil Service Board within ninety (90) days after the effective date hereof a written certificate which shall include a complete history of his employment record on forms which shall be prescribed by the Board. Provided, however, that in the event the Fulton County Welfare Department and Health Department shall be covered under this system only those employees of the Welfare and Health Departments who, at the time of said covering under this system, have already received a permanent position under the State Merit System shall be entitled to a permanent position without further examination under the Fulton County system.

[Sidenote: Status.]

Any person entering the service of the United States and covered by the Soldiers and Sailors' Relief Act of Congress shall be conclusively presumed to have been on furlough or leave of absence during his period of service in the armed forces of the United States and shall be restored to his or

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her former or comparable position without loss of seniority, provided:

[Sidenote: Leave of absence.]

- (a) He does not voluntarily extend his period of training and service beyond the expiration of his term during the present emergency.
- (b) He is still physically and mentally qualified to perform the duties of such position.
- (c) He makes application for re-employment within six months after his honorable discharge from the armed forces of the United States.

Provided further that all employees of Fulton County coming under the provisions of the classified service who have entered the service of the United States Government as specified herein and who at the time of their entrance had been regular employees of Fulton County for a period of at least six months prior to entering said service, shall be deemed as regular employees coming under the classified service as provided in this Act and shall be entitled to all benefits provided hereby.

This provision shall not apply to employees who voluntarily re-enlist at the expiration of the present emergency.

Section 7. Methods of Filling Vacancies. Vacancies in the classified service shall be filled either by regular appointment, temporary appointment, re-employment, promotion, transfer, or demotion. The Secretary may advise with the appointing authorities as to which of these methods should be employed in each instance, but the decision shall rest with the appointing authority, provided, that temporary appointments may be made only in accordance with the provisions of this Act. The appointing authority shall fill vacancies in the classified service by promotion as far as deemed practical.

[Sidenote: Vacancies.]

Section 8. Certification and Appointment. Whenever a vacancy is to be filled by regular appointment, the appointing authority shall submit to the Secretary a statement of the duties of the position and a request that the Secretary certify to him the names of persons eligible for appointment to the position. The Secretary shall immediately certify to the appointing authority the names of the three persons standing highest on the register of such a class in which the position is established and if more than one vacancy is to be filled, the name of one additional person eligible for each additional vacancy, or all the names on the register if there be less than three. If it should prove impossible to locate any of the persons so certified or should it become known to the Secretary that any person is not willing to accept the position, the appointing authority may request that additional names be certified until three persons eligible and available for appointment have been certified, if there be as many as three on the register. The appointing authority shall then appoint one of the persons so certified to the position, except that, in the event he has less than three persons from which to make his selection, he may choose from the remaining certified names or may elect to make a temporary appointment of some other person. In the event that there does not exist any eligible register which the Secretary deems to be appropriate for the class in which the position is established, the Secretary shall proceed to prepare such an eligible register as soon as possible after the receipt of the request of the appointing authority that eligibles be certified. Whenever an eligible has been certified to, and rejected by, appointing authorities three times, the Secretary, after investigation, may with the approval of the Board remove the name of such person from the eligible register. All regular appointments to the classified service covered by this Act shall be for a probationary period of not exceeding six months, but the Secretary and

the appointing authority may extend such probationary period to one year, except in the case of employees of the County Departments of Public Welfare and Health whose probationary appointments shall in no event exceed six months. If during this probationary period, the conduct or capacity of the probationer has not been satisfactory to the appointing authority, the probationer and the Secretary shall be notified in writing that he will not receive permanent appointment, otherwise retention in the service longer than for the probationary period of any employee shall constitute permanent appointment.

[Sidenote: Appointments.]

Section 9. Temporary and Provisional Employment. Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the Secretary. If such nominee is found by the Secretary to have had experience and training which appears to qualify him for the position, he may be temporarily appointed to such vacancy but only until an appropriate eligible register can be established and an appointment made therefrom, provided that the Secretary with the approval of the Board may approve provisional appointment to fill a technical or professional position which requires specialized knowledge or training and which cannot be filled from the eligible register. Successive temporary appointments for more than six months at a time shall not be made except with the approval of the Board, and then only in the interest of good service; provided, however, that no person shall be given a temporary or provisional appointment unless that person shall be found to have at least sufficient minimum qualifications to qualify to take the examination for the position to which he is provisionally appointed.

[Sidenote: Temporary appointments.]

Section 10. Examinations. Each eligible register shall consist of a list of all persons who have shown they possess the qualifications and have passed the tests which entitle

them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared. The tests may take into consideration elements of character, education, aptitude, experience, knowledge, skill, personality, physical fitness, and other pertinent matters and may be written or oral or may be in the form of actual demonstration of fitness as the Secretary, with the approval of the Board, may determine. Such test shall be competitive, practical, free and open to all persons, citizens of Fulton County, who may be lawfully appointed to any position in the class to which they are held, with such limitations as to age, health, habits, character, and other qualifications as may be considered desirable and specified in the public announcement of the test. The Secretary shall establish or create examination committees from qualified persons to assist him in giving tests. Public notice of time, place, and general scope of every test shall be given.

[Sidenote: Tests.]

Section 11. Rating and Eligibility. (a) The Secretary shall appoint and supervise any necessary employees and incur necessary expenses for the administration of this Act within the limits of the appropriation to be provided by the County Commissioners. Provided, further, such appropriation shall be adequate for the proper administration of this Act.

(b) The County Commissioners shall provide adequate quarters for the Board and the Secretary to administer the provisions of this Act.

(2) All employees of the Board shall be in the Classified Service established under this Act and shall be employed in accordance therewith.

(3) The Secretary shall take the oath of office prescribed for the County Commissioners and give bond in the penal sum to be fixed by the County Commissioners, for his faithful performance.

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(4) The Secretary shall hold his office during good behavior and may be removed only for cause after a public hearing by the Board.

(5) The Secretary shall be paid a salary of Forty-Two Hundred Dollars (\$4,200.00) per annum. [Sidenote: Salary.]

(6) It shall be his duty:

- (a) To attend meetings of the Board, to act as its Secretary and to record its official actions.
[Sidenote: Duties of Secy.]
- (b) To prepare, recommend, and administer the civil service system, the rules, regulations, classification plan and salary schedule for the proper administration and execution of this Act. The rules and regulations as adopted by the Board, and approved by the County Commissioners, shall govern the examination procedure, formulation of registers of eligibles, certification of persons qualified for appointment to the classified service, administration of appointments, transfers, demotions, promotions, suspensions, lay-offs, re-employments, resignations, leaves of absence without pay, dismissals, and other matters pertaining to the proper administration of this Act.
- (c) To establish and maintain a roster of all officers and employees in the employ of Fulton County who are covered by this Act, showing for each such person the date of appointment, the title of position or positions held, the initial rate of compensation and all changes thereof, and such other data as deemed desirable and pertinent.
- (d) To check all payrolls or other compensation for personnel service in the classified service periodically, at such times as the Secretary, or the Board, may deem consistent for the proper administration of this Act.
- (e) To recommend to the Board and the County Commissioners proper classification of new positions created in

the Fulton County Employment Service covered by this Act, according to duties and responsibilities.

Examination papers shall be rated on the scale of one hundred, and the subjects therein shall be given such relative weights as may be prescribed. In rating these papers, no person shall willfully or corruptly make any false mark, grade, estimate or report on the examination or proper standing of any person examined under this Act, or willfully or corruptly make any false representation concerning the persons examined, or willfully or corruptly furnish to any one special or secret information for the purpose of improving or injuring the chances of appointment or promotion of any person examined. All competitors rated seventy or more shall be eligible for appointment, and their names shall be placed on the proper register according to their attained ratings. The term of eligibility shall be one year, commencing with the date on which the name of eligible is entered on the register. This term may be extended in the discretion of the Secretary for all those on any register when conditions of good administration render it inexpedient to hold a new examination.

[Sidenote: Rating.]

Section 12. Promotions. Promotions of employees to positions having a different and higher classification covered by this Act shall be made only according to merit and fitness, which, so far as practicable, shall be ascertained by competitive examinations. Such examinations shall be conducted by the Secretary at the request of the appointing authority.

Section 13. Re-employment. (1) Whenever any employee in the classified service, who has been performing his duties in a satisfactory manner as shown by the records of the department or other agency in which he has been employed, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to

report for duty when a position is open, or has resigned in good standing and with the consent of the Secretary and the head of the department or other agency under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the Secretary shall cause the name of such employee to be placed on the re-employment list within three years thereafter when vacancies in the class occur. The order in which names shall be placed on the re-employment list for any class shall be in the order according to dates of application for re-employment. No person shall be reinstated or have his name restored to a re-employment list unless such resignation is withdrawn within three years after it has been presented and accepted.

All employees under the classified service who may hereafter enter the service of the United States as specified herein shall upon being honorably discharged therefrom be eligible for re-

employment under the classified service as provided in this Act and shall be restored to their former positions, provided, however, they file application with the Board within six months from date of such discharge.

[Sidenote: Armed Service.]

This provision shall not apply to employees who voluntarily re-enlist in the service of the United States at the expiration of the present emergency.

(2) When a vacancy exists which the appointing authority has decided to fill by re-employment, the appointing authority shall submit to the Secretary in such form as may be prescribed by the Board a request that the Secretary certify to him the names of persons eligible for re-employment in the class in which the vacant position is established. The Secretary shall immediately certify to the appointing authority the names of persons on appropriate registers.

Section 14. Transfers. An appointing authority may, at any time, transfer any classified employee under his jurisdiction

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from one position to another in the same classification, provided that the Secretary has authorized the transfer of the employee from one department to another and has received approval from both appointing authorities concerned. In every such case the appointing authority shall give written notice of this action to the Secretary. No transfer shall be made to a competitive position in the classified service above the lowest grade, unless the appointing authority shall certify to the Secretary, who shall make proper investigation therewith, that the position involved cannot be adequately filled by promotion from the personnel in the respective department.

Section 15. Demotions. An appointing authority may in accordance with the rules and regulations established by the Board, demote for cause a classified employee under his jurisdiction from a position in one class to a position in a lower class, but only after the employee and the Secretary have been notified in writing of such contemplated action. Any employee so demoted shall have the right to appeal his demotion to the Board. The Board can then approve his demotion or re-instate him to his former position if, in its opinion, the demotion is not justified.

[Sidenote: Appeals.]

Section 16. Suspensions. An appointing authority may in accordance with the rules and regulations established by the Board, upon giving written notice to an employee and the Secretary, suspend for cause a classified employee for disciplinary purposes without pay for a period not to exceed thirty (30) days in any twelve months' period.

Section 17. Lay-off and Leave of Absence Without Pay. An appointing authority may lay off a classified employee whenever he deems it requisite due to unusual condition or shortage or

stoppage of work or funds. In every case of this kind, the appointing authority shall, before the effective date thereof, give written notice of his contemplated action

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to the employee involved and to the Secretary. Any person who has been appointed to a position in the classified service, or who shall have attained a Civil Service status under the provisions of this Act, other than a temporary or provisional appointee, and who has been laid off for the reasons stated in this section of the Act, shall have his name placed on an appropriate re-employment register. Leave of absence for a period not to exceed six consecutive months may be granted to any employee without pay upon request of the employee when approved by the appointing authority.

Any leave of absence for a period in excess of six consecutive months as provided herein shall be obtained only with the approval of the Board.

Section 18. Removal. Any appointing authority may dismiss a subordinate in the classified service for cause, upon filing with the Board copy of written notice furnished the employee to be removed, setting forth in detail the reasons for such action, before the effective date of such removal, The dismissed employee shall have an opportunity to answer the charges in writing within ten (10) days, and to file with the Board affidavits in support of such answer. All papers filed in the case shall be subject to inspection by the persons affected. Such action of the appointing authority shall be final, except the Board may re-instate an officer or employee so removed in case it appears after proper hearing that the removal was made for personal, political, or religious reasons and not justified. The Board, may, after proper investigation of the circumstances surrounding the dismissal and the fairness thereof, approve the transfer or re-employment of the employee involved either to the same position, if approved by the appointing authority, or to a lower position as the Board may direct. Provided, however, the Board within thirty (30) days from any action removing, demoting, suspending or accepting the resignation of any officer or employee may on its own motion,

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or on the motion of any party, reopen the case and vacate, modify or revise its former order so as to lessen, but not increase, the penalty imposed, but after the end of such thirty (30) days, the Board shall not have any authority to reopen such case for any cause.

[Sidenote: Dismissals.]

Section 19. Appeals. Whenever the Secretary refuses to examine an applicant or after examination to certify an eligible, as provided in this Act, then the Secretary, if requested by the person so effected, shall give to him a full and explicit statement of the exact cause for such refusal to examine or certify as the case may be. The person so rejected may ask for a review of the case by the Board, which shall be granted, and said Board by a majority vote, shall have

power to render a final decision in writing to the person asking for the review. Such decision of the Board shall be binding on all concerned.

Section 20. Political Activity and Recommendations. In applying the provisions of this Act or in doing any of the things hereby provided, no person whatsoever shall give any consideration to political or religious affiliations. No person holding a position in the classified service shall directly or indirectly solicit or receive in any manner or be concerned with soliciting or receiving any assistance or subscriptions or contributions for any political purpose, or participate in any form of political activity whatsoever, other than to express privately his views as a citizen and to cast his vote in any election. No recommendations for any person who applies for office or position in the classified service, or for examination under the provisions of this Act, except as to character, and in the case of former employees as to ability, shall be considered by the Board, the Secretary of the appointing authority, in giving any examination, appointment, promotion, or reinstatement under the Act.

Section 21. Residence. Positions in the classified service

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shall be filled by citizens of Fulton County who have been residents of Fulton County for at least two years immediately preceding the date of examination. In the discretion of the Board, residence requirements may be waived only for technical and professional positions for which qualified applicants who are residents of Fulton County cannot be obtained. Removal of residence outside of Fulton County shall be grounds for removal unless permission to remove residence is granted for just cause by the Board and approved by the County Commissioners.

Section 22. Dismissal for Violation. Any person in the classified service violating any provision of this Act may be dismissed from the classified service but shall be entitled to a written copy of the charges and an opportunity to a fair hearing before the Board prior to said dismissal.

Section 23. Penalties. Any person who shall willfully or corruptly violate any of the provisions of this Act shall be guilty of a misdemeanor, and shall on conviction thereof be punished as for a misdemeanor prescribed by the laws of Georgia, and if such convicted person be in the classified service, he shall be dismissed therefrom and shall not be eligible for re-employment, reinstatement, or re-appointment for a period of three years, from date of such conviction. [Sidenote: Misdemeanor.]

Section 24. Oaths. The Board and all employees in the classified service shall take an oath of office as prescribed by law for their respective positions. The Board and Secretary are authorized to administer oaths.

Section 25. Bonds of Employees Under Classified Service. (1) Any employee under classified service who is employed in any department under the control and office of an elected officer who is or may be responsible for the acts of such employee as a deputy, may be required as a condition of his employment to give bond with good security in an

amount satisfactory to the head of such department, conditioned to indemnify such officer or head against loss by reason of the conduct of such employee or deputy, or because of any error made by any employee or deputy in the performance of his or her duties as an employee or deputy. The premium of said bond shall be paid by the treasurer of Fulton County.

(2) Should the amount of bond required be deemed by the Board arbitrary, unreasonable or oppressive, and appeal shall lie to the Superior Court which shall have the authority to set the amount of such bond.

[Sidenote: Appeal to Superior Court.]

(3) The Board shall have the right in its discretion to require bonds of employees other than those specified in the preceding sections, where the duties of such employee make a bond necessary or desirable but his provision shall not forbid the County Commission or other authority coming under County Government to require any employee handling funds or performing duties of trust to post bonds.

[Sidenote: Bonds in other cases.]

Section 26. Constitutionality. Should any section or provision of this Act be held unconstitutional or invalid, such section or provision shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional.

[Sidenote: Invalid parts.]

Section 27. Effective Date. This Act shall take effect June 1, 1943.

[Sidenote: Effective date.]

Section 28. General Repeal. All acts and parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

Approval Date: Approved March 15, 1943.