

RESOLUTION 14-082

RESOLUTION AMENDING SECTION 12.02 OF THE MORGAN COUNTY POLICIES & PROCEDURES HANDBOOK

BE IT RESOLVED by the Morgan County Commission that, effective immediately, Section 12.02 of the Morgan County Policies & Procedures Handbook be amended so as to read as follows:

12.02 Personnel Review Board

In the event the employee files a timely notice of appeal to the Personnel Review Board, the Personnel Review Board shall commence a hearing on the appeal within thirty (30) calendar days after the receipt of the notice of appeal. Notice of the hearing will be given by posting and forwarding to news media notice of the hearing in the same manner as notices of special meetings of the County Commission are posted and forwarded no later than five (5) days prior to the date the hearing is to commence. At the hearing, the appellant shall be entitled to appear personally; to produce evidence; to have counsel of his/her choice at his/her expense; and to have a public hearing, except that in cases where there are issues relating to the general reputation and character, physical condition, professional competence, mental health or job performance of an individual (except job performance of an individual who is required to file a Statement of Economic Interest), the Personnel Review Board may decide to conduct its hearing in executive session with reference to such issues and to deliberate and discuss the evidence presented at the hearing in executive session. At the conclusion of the Personnel Review Board's deliberation and discussion, the Personnel Review Board shall reconvene its open meeting to vote on the case and to schedule an additional hearing where the Board will supplement its decision by adopting a written statement of facts, findings and recommendation to the appointing authority to be prepared by the Board's counsel or other designee. The Board shall have the authority to continue the hearing from time to time as may be necessary or appropriate.

When the Board finds that the action appealed has been the result of or motivated by race, color, national origin, sex, age, religion, disability or any other impermissible criteria prohibited by applicable state or federal law, the Board's findings and recommendations shall be final and the employee shall be reinstated to the employee's position and the employee shall receive payment of any lost salary or wages as a result of the voided action. In all other cases, the Board's recommendation shall be advisory only, and the action taken by the appointing authority shall be final and conclusive.

Provision will be made to compensate Personnel Review Board members for expenses incurred in carrying out their duties.

The Personnel Review Board is limited to those powers stated in these policies.

Immediately upon service of any order of suspension or dismissal, the employee shall stand relieved of all duties of the employee's office, and shall not resume these duties until the expiration of any suspension or until reinstatement from suspension or dismissal. Immediately upon service of any order of demotion in rank or reduction in compensation, the employee shall assume the rank or rate of compensation to which the employee is demoted or reduced.

- The following guidelines of due process are provided for use in the administration of the County Progressive Disciplinary Program: Disciplinary, Suspension, Termination, Demotions
- Submit a written request for appeal within five (5) calendar days of action taken
- Personnel Review Board will commence a hearing within thirty (30) calendar days
- Personnel Review Board presents report to County Commission or Sheriff, if employee is Sheriff's employee. The action by Commission or Sheriff shall be final and conclusive.