

**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 reinstated 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 subparagraph 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 Participant 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** Legal Responsibilities and Obligations. In addition to the provisions set forth in this Ordinance, all persons subject to this Ordinance are further subject to federal, state, and local laws that govern the employment relationship.

**§5-503** Purpose and Scope. The purpose of this Ordinance is to provide for the promulgation of policies that establish and maintain a system of personnel administration for County employees and maintain an effective and responsible workforce for Chatham County.

**§5-504** The Personnel Organization.

1. County Board of Commissioners. The County Board of Commissioners shall be responsible for adopting and amending the Personnel Ordinance and for making and confirming appointments when so specified by law. The Board of Commissioners shall be responsible for approving personnel policies that increase the County's budget, including allocation of new positions and material changes to the County's benefits program.
2. County Manager. The County Manager is responsible to the Board of Commissioners for the effective direction and supervision of County government functions under his or her authority. Accordingly, the County Manager shall appoint a Human Resources Director to guide the administration of all human resource functions and activities, including the promulgation of comprehensive personnel policies, procedures and guidelines for the County's personnel system.
3. Human Resources Director. The Human Resources Director is employed as a County department head and is responsible for overall administration of the County's personnel program. This responsibility includes the ability to apply, interpret, and administer the provisions of this Ordinance. In coordination with the County Manager, the Human Resources Director will develop comprehensive personnel policies, procedures and guidelines for the County's personnel system. Such policies, procedures, and guidelines may include any and all areas of

personnel administration necessary to comply with federal, state, and local laws and ordinances; to facilitate the selection and hiring of employees; to implement a job classification and pay plan for compensation of employees; to develop a fair and equitable system related to workplace conflicts, discipline, and termination of employees; to provide employee benefits; to establish rules and guidelines related to workplace expectations, safety and conduct; and all other personnel matters deemed appropriate for the effective operation of County government. The Human Resources Director is the custodian of Personnel Records maintained on County employees, and is responsible for the proper administration and maintenance of the record-keeping system in accordance with applicable laws and County policies and procedures.

4. 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.

5. County Officials.

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

Chief Appraiser  
Elections Supervisor  
Voter Registrar  
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 Commission

County Manager (the powers and responsibility of the County Manager are further defined in Section IV.2.0 of this Ordinance.)

The County Manager, Clerk of Commission, and County Attorney shall be subject to the provisions of the Enabling Act.

6. Employees Affected. The provisions of this Ordinance shall be applicable to all employees except as provided below:

a. The following personnel are not deemed "employees" under this Ordinance or under the provisions of the personnel policies promulgated by the County Manager.

Members of the Board of Commissioners  
County Manager  
County Attorney  
Clerk of Commission  
Elected Officials  
Constitutional Officers  
County Officials appointed by the Board of County Commissioners, County Manager, and/or other governing boards.

b. The personnel exempted from this Ordinance may be included on the same basis as employees in designated benefits programs as specified in applicable benefits plan documents or the personnel policies promulgated by the County Manager.

c. The County Officials that made an irrevocable election to include their employees in the Personnel Ordinance that was adopted by the Board of Commissioners on January 12, 1990, are subject to this Personnel Ordinance as amended. The employees of such County Officials are subject to the provisions of this Ordinance and the personnel policies, procedures, and guidelines promulgated by the County Manager.

**§5-505** Equal Employment Opportunity. 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, sexual orientation, gender identity, national origin, age, or physical or mental disability.

**§5-506** Discipline and Due Process.

1. Progressive Discipline and Dismissal.
  - a. It shall be the intent of Chatham County Government to provide County employees a fair process for correcting and improving performance and conduct problems, and to provide employees with reasonable due process in the administration of discipline and discharge decisions.
  - b. Personnel policies and procedures promulgated by the County Manager, as authorized by this Ordinance, shall provide fair, consistent, and appropriate rules for administering progressive discipline and for making disciplinary and discharge decisions affecting County employees.
  - c. The personnel policy shall afford employees due process by providing a mechanism for employees to appeal disciplinary and discharge decisions to a neutral party or parties, who are appointed and authorized to conduct hearings and render a decision or recommendation based on their findings.

**§5-507 Political Activity.**

1. 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 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.

**§5-508 Gifts and Gratuities.** Employees and County Officials are expressly prohibited from accepting gifts, favors, gratuities, loans, or anything of more than nominal value from organizations, business concerns, or individuals while in the performance of the employee's or County Official's official duties. Nominal value means less than one hundred dollars.

**§5-509 Amendment of Conflicting Ordinances or Resolutions.** This Ordinance hereby amends 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 amended.

**§5-510 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, or ordinance are more restrictive standards than those of this Ordinance, the provisions of said statute, etc., shall govern.

**§5-511 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.

**§5-512 Effective Date.** This Ordinance shall become effective on January 1, 2021. 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)