

Resolution of the Newton County Board of Commissioners

**Amendments to Conduct of Appeal Hearing Procedures
Newton County Employee Personnel Policy Applicable to
All Employees Hired Prior to May 1, 2006**

WHEREAS, the Board of Commissioners adopted the Newton County Employee Personnel Policy (“Policy”) on April 18, 2006 to be applicable to all employees hired prior to May 1, 2006;

WHEREAS, said Policy provides that the Board of Commissioners may make changes to the Policy upon 30 days written notice to employees;

WHEREAS, the resolution adopting the Policy provides that the Board of Commissioners may modify and update the Policy in the future, as needed, after conferring with all participating officers;

WHEREAS, the Board of Commissioners desires to make changes to the Policy to amend and restate the hearing procedures set forth in Paragraph 10.604 of the Policy, titled “Conduct of the Appeal Hearing”; and

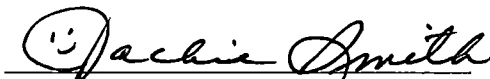
WHEREAS, the Board of Commissioners is providing its employees with required notice and conferred with participating officers;

NOW THEREFORE, BE IT RESOLVED that the Policy is revised, effective March 23, 2018, as shown on Exhibit “A”, attached hereto and incorporated herein by reference.

SO RESOLVED, this 20th day of February, 2018.

Newton County Board of Commissioners

By: 
Marcello Banes, Chairman

Attest: 
Jackie Smith, County Clerk

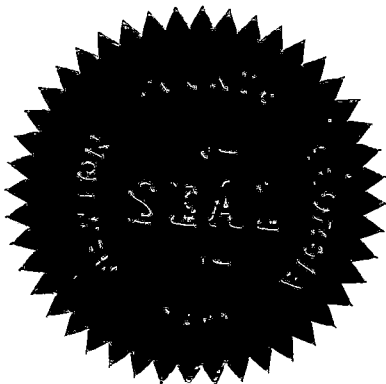


Exhibit "A"**SECTION TEN****Par. 10.604 Conduct of the Appeal Hearing**

- (a) The employee will be entitled to present his or her own testimony, and any tangible evidence, including documents, in support of the appeal. Upon the reasonable request of the employee, other witnesses whose testimony is believed necessary will be allowed to attend the hearing at the reasonable discretion of the Hearing Official. The employee may examine and/or cross-examine the witnesses in attendance. The employee will be permitted to make any arguments on his or her behalf in support of the appeal. The employee will have the right to legal representation at his or her expense for the hearing, and will be given a reasonable amount of time to present his or her appeal. The burden will be on the employee or former employee (i.e., the appellant) to establish the inappropriateness of the discipline, as further described below in subsection (e).
- (b) The Hearing Official may also request the presence of any person whom the Hearing Official deems necessary or appropriate to attend the hearing or provide testimony at the hearing. Upon the presentation of all evidence, the Hearing Official will deliberate upon the record of evidence developed and issue its written decision within a reasonable period of time upon the close of the proceeding. The decision shall be final.
- (c) The Hearing Official is interested in the fair treatment of employees, with proper recognition and concern for the efficient and effective operation the local government services provides to the citizens of Newton County. The Hearing Official will exhibit mature reasoning, prudent stewardship of public funds, evidence of good judgment, and impartial and non-political performance of these duties.
- (d) The Hearing Official has final authority within Newton County Government to hear grievance cases brought by appellants who exercise their right to appeal adverse actions described in paragraph 10.500. The Hearing Official will determine if management's decision is supported by the evidence, lies within the lawful discretion of management, and is consistent with Newton County past practice and recognized general management procedure, based on facts, circumstances, and the employee's previous record.
- (e) In reviewing appeals cases, the Hearing Official will be guided by the following criteria. It will be the burden of the appellant to establish by a preponderance of the evidence that the adverse action in question:
 - (1) does not substantially comply with sound management principles and is not consistent with the policies and procedures of Newton County;
 - (2) that the factual basis upon which the adverse action was taken is not true and correct or was substantially inaccurate in all relevant and material aspects;
 - (3) that the adverse action is not reasonable, given the severity of the offense.
- (f) In reviewing the action taken by management, the Hearing Official will confirm or rescind the adverse action in question. He or she is not authorized to substitute an alternative form of discipline. The Hearing Official may reverse decisions made by management if he or she

finds the appellant has met his or her burden of proving any of the criteria for review set out in the previous subsection. The Hearing Official may provide management with supplementary observations, comments, and recommendations regarding alternative levels of discipline for consideration by management.

- (g) All hearings will be public hearings, with notice of the hearing available to all members of the general public. Meetings, admissibility of information, and rules of evidence may be informal as compared to formal judicial proceedings. The Hearing Official will have the ability to compel attendance of witnesses.
- (h) All testimony before the Hearing Official will be rendered under oath or affirmation, by oral testimony and with the right of cross examination. All decisions made by the Hearing Official will be entered into the minutes of the Hearing Official meeting which will be open to inspection by the public during regular office hours.