

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

HEARING TYPE

BUSINESS AGENDA / MINUTES

ACTION TYPE
Ordinance

MEETING DATE: April 9th 2019

SUBJECT: Amendment to the Code of DeKalb County, Georgia, Chapter 20, Article I, Section 20-4 relating to merit exempt positions.

DEPARTMENT: Juvenile Court

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

PAGES: 4

INFORMATION CONTACT: Colet Odenigbo
Court Administrator

PHONE NUMBER: 404-294-2757

PURPOSE:

To amend Chapter 20, Article I, Section 20-4 of the Code of DeKalb County to designate positions in Juvenile Court as exempt from the DeKalb County Merit System.

NEED/IMPACT:

The DeKalb Juvenile Court provides a public service in adjudicating cases under its purview. Currently, per the Code of DeKalb County, Juvenile Court judges are merit exempt. Designating positions that staff the court as merit exempt facilitates the court's objectives of providing the most effective and efficient service delivery, while fostering individual accountability. This action applies to all positions in Juvenile Court.

RECOMMENDATION(S):

Adopt the proposed ordinance and designate all positions in DeKalb Juvenile Court as merit exempt, with the understanding that: (a) any individual who accepts placement in one of those merit-exempt positions in the future will be an at-will and merit-exempt employee, but this ordinance will not cause an immediate loss of merit status for any incumbent employee as to his/her current position; (b) a current Juvenile Court employee who later transitions from merit to merit-exempt status because he/she accepts a different position made merit-exempt by this ordinance will be eligible for a One-Time Hearing under the One-Time Hearing Policy dated September 7, 2012; and (c) the Juvenile Court Judges will be guided by applicable principles of ethics in the treatment of Juvenile Court employees, including those who may become eligible for a One-Time Hearing under the Human Resources Department's One-Time Hearing Policy dated September 7, 2012.

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 20, ARTICLE I, SECTION 20-4, TO DESIGNATE JUVENILE COURT POSITIONS AS MERIT-EXEMPT, AND FOR OTHER PURPOSES.

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's health, safety, and general welfare;

WHEREAS, the DeKalb County Juvenile Court is charged with providing the citizens of DeKalb and the public with fair and impartial justice, and safeguarding the constitutional rights of all who appear in court;

WHEREAS, the Juvenile Court is challenged to meet the needs of the public in a timely, efficient, courteous and fiscally responsible manner;

WHEREAS, having all Juvenile Court positions in merit-exempt status will facilitate the objectives of providing the most effective and efficient service delivery, while fostering individual accountability;

WHEREAS, all DeKalb County courts, with the exception of Juvenile Court, are merit exempt;

WHEREAS, a review of comparable jurisdictions within the metro-Atlanta area indicates that similar courts maintain an "unclassified" or merit-exempt status for most positions;

WHEREAS, the Chief Judge of Juvenile Court has requested that all Juvenile Court positions be designated as merit-exempt, so that any individual who accepts placement in those positions in the future will be an at-will and merit-exempt employee;

WHEREAS, this action will not cause an immediate loss of merit status for any incumbent Juvenile Court employee as to his/her current position, and the future merit or merit-exempt status of incumbent Juvenile Court employees will be determined in accordance with applicable laws, policies, and practices; and

WHEREAS, an employee working in Juvenile Court as of the effective date of this ordinance who later transitions from merit-protected to merit-exempt status upon accepting a position in Juvenile Court that becomes merit-exempt because of this ordinance may be eligible for a One-Time Hearing under the terms and conditions of the Human Resources Department's One-Time Hearing Policy, in connection with his/her merit-exempt, at-will employment;

WHEREAS, the Juvenile Court Judges will be guided by applicable principles of ethics in treatment of Juvenile Court employees, including those who may become eligible for a One-Time Hearing under the One-Time Hearing Policy dated September 7, 2012.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 20, Article I, Section 20-4 of the Code of DeKalb County, as Revised 1988, be and the same is hereby amended as follows:

PART I. ENACTMENT

By deleting subsection 20-4(2)(d) in its entirety and substituting in lieu thereof the following new subsection 2(d) in section 20-4:

- d. Juvenile court judges and employees of the juvenile court office.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2019.

JEFF RADAR,
Presiding Officer
Board of Commissioners
DeKalb County, GEORGIA

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2019.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, GEORGIA

ATTEST:

BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

Vincent Crawford, Chief Judge
DeKalb County Juvenile Court

Viviane Ernstes
Interim County Attorney
DeKalb County, Georgia

Benita Ransom
Human Resources and Merit System Director
DeKalb County, Georgia