

1 **A RESOLUTION TO ADOPT A PERSONNEL POLICY, ESTABLISHING LIMITATIONS**
2 **ON COUNTY EMPLOYEES SEEKING AN ELECTED OFFICE ON THE GOVERNING**
3 **AUTHORITY OF FULTON COUNTY; AND FOR OTHER PURPOSES.**

4
5 **WHEREAS**, the right to run for elected office is important but not a fundamental
6 constitutional right; and

7 **WHEREAS**, Fulton County has compelling interests in avoiding conflicts of
8 interest, preserving the integrity of and public confidence in its governing body, and
9 ensuring that private political activity does not interfere with or create the appearance of
10 interference with Fulton County operations; and

11 **WHEREAS**, the Board of Commissioners is the governing authority of Fulton
12 County; and

13 **WHEREAS**, Fulton County employees are employed pursuant to rules adopted by
14 the Board of Commissioners; and

15 **WHEREAS**, Fulton County employees often have access to privileged and
16 confidential information by virtue of their employment; and

17 **WHEREAS**, Fulton County employees are responsible for executing their duties in
18 a neutral, non-partisan and impartial manner on behalf of the County; and

19 **WHEREAS**, Fulton County employees occupy positions of fidelity and public trust;
20 and

21 **WHEREAS**, a properly functioning government necessitates that its staff
22 discharge their duties without the influence of personal political interests; and

23 **WHEREAS**, due to the nature of Fulton County employment as described herein,
24 the Board of Commissioners finds it necessary to adopt reasonable limitations on political

1 activity to avoid the potential for unfair advantage, conflict of interest, impropriety, or
2 appearance of the same; and

3 **WHEREAS**, the Board of Commissioners further finds that a conflict of interest is
4 created when a Fulton County employee runs for election as a Fulton County
5 Commissioner; and

6 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners
7 has exclusive jurisdiction and control over the exercise of such other powers as are
8 granted by law, or are indispensable to their jurisdiction over county matters and county
9 finances; and

10 **WHEREAS**, pursuant to Fulton County Code § 34-70(b)(1), personnel policies are
11 subject to approval of the Board of Commissioners.

12 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of
13 Fulton County hereby adopts the personnel policy attached hereto, requiring employees
14 of Fulton County who seek election to its governing authority as a Fulton County
15 Commissioner to resign from their position.

16 **BE IT FURTHER RESOLVED**, that the Chief Human Resources Officer is directed
17 to number the policy hereby adopted in accordance with the numbering scheme for Fulton
18 County Personnel Policies and Procedures.

19 **BE IT FINALLY RESOLVED**, that this Policy shall become effective immediately
20 upon the adoption of this Resolution, and that all resolutions and parts of resolutions in
21 conflict with this Resolution are hereby repealed to the extent of the conflict.

22 **SO PASSED AND ADOPTED**, this 16th day of March, 2022.

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FULTON COUNTY BOARD OF

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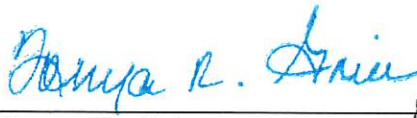
COMMISSIONERS

SPONSORED BY:


Liz Hausmann, Vice-Chair
District 1


Natalie Hall
District 4

ATTEST:


Tonya R. Grier
Clerk to the Commission



APPROVED AS TO FORM:


Y. Soo Jo
County Attorney

BOARD OF COMMISSIONERS OF FULTON COUNTY



STATE OF GEORGIA
COUNTY OF FULTON

CERTIFICATION

I, Tonya Grier, the undersigned Clerk to the Board of Commissioners of Fulton County, do hereby certify and declare that the attached is a true and correct copy of of the Minutes for Item #16-0956, which includes the Fulton County Personnel Policy number 319-16, approved at the October 19, 2016 BOARD OF COMMISSIONERS RECESS MEETING.

This 18th day of March, 2022

A handwritten signature in blue ink that reads "Tonya R. Grier". The signature is written in a cursive style and is positioned above a horizontal line.

Tonya Grier, Clerk to the Commission
Fulton County Board of Commissioners

[FULTON COUNTY SEAL]





PERSONNEL POLICY

SUBJECT: NO SOLICITATION OR DISTRIBUTION OF LITERATURE

DATE: January 1, 2017

Number: 319-16

I. Statement of the Policy

This Policy is intended to ensure that only official County business is transacted in the County's work areas during employee work hours. In accordance with applicable law and except where prohibited by applicable law, Fulton County has established rules applicable to all employees and nonemployees that govern solicitation, distribution of written, solicitation material and access to Fulton County property.

II. No Abrogation or Abridgement or Rights

Nothing in this Policy abrogates or abridges the right of any employee to express his or her political opinions, vote, seek elected office, hold elected office or otherwise participate in politics outside of working time. However, Fulton County has a compelling interest in protecting its integrity, protecting its employees from political interference, preserving public confidence in government, and maintaining the efficiency of its employees. Therefore, Fulton County reserves the right to meet with any employee seeking or holding elected office so that the parties can mutually assess and address any potential or actual conflicts of interest.

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



PERSONNEL PROCEDURE

SUBJECT: NO SOLICITATION OR DISTRIBUTION OF LITERATURE

DATE: January 1, 2017

Number: 319-16

I. Definitions

As used in this Policy and accompanying Procedure, "solicitation" shall include any undertaking by an individual, group or organization to promote the sale or use of a particular product or service, or a request for a contribution to or support for an individual or organization.

As used in this Policy and accompanying Procedure, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for Fulton County; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for Fulton County.

II. Guidelines

In accordance with applicable law and except where prohibited by law, Fulton County has established the following rules applicable to all employees and nonemployees that govern solicitation, distribution of written, solicitation material and access to Fulton County property:

- Employees may engage in solicitation activities, including political activities, only during nonworking times. No employee may engage in solicitation during his or her working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed solicitation material, including political literature, only in non-work areas, including the employee break room and parking lot, during nonworking times. No employee may distribute or circulate any written or printed solicitation material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed;

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



PERSONNEL POLICY

SUBJECT: Limitations on Seeking Elected Office

DATE: March 16, 2022

Number: ###-22

I. Statement of Policy

It is the policy of Fulton County to recognize and encourage employees' freedom of expression and association as well as the rights of employees to seek and hold public offices. Fulton County also recognizes that it has a compelling interest in preserving the integrity of and public confidence in its governing body, ensuring that private political activity does not interfere with or create the appearance of interference with Fulton County operations, and avoiding conflicts of interest and the appearance of conflicts of interest.

The Board of Commissioners is the governing authority of Fulton County. County employees are employed pursuant to rules adopted by the Board, are responsible for executing their duties in a neutral, non-partisan and impartial manner on behalf of the County, and often have access to privileged and confidential information. Due to the role of County employees and because they occupy positions of fidelity and public trust, Fulton County finds it necessary to adopt reasonable limitations on political activity in order to serve the objectives of maintaining impartiality and non-partisanship in the execution of employee duties and to avoid the potential for unfair advantage, conflicts of interest, impropriety, or appearance of the same.

II. Limitations on Candidacy for Office

Notwithstanding the No Solicitation or Distribution of Literature Personnel Policy (319-16), Fulton County employees who seek election to the governing authority as a Fulton County Commissioner must resign from their position.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

III. Establishment and Implementation of Procedure

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".