

1 **A RESOLUTION AUTHORIZING THE FULTON COUNTY SHERIFF TO OFFER**
2 **ABOVE THE MINIMUM SALARIES; AUTHORIZING A COST OF LIVING**
3 **ADJUSTMENT FOR CERTAIN EMPLOYEES OF THE FULTON COUNTY**
4 **SHERIFF; CONFIRMING THE FULTON COUNTY SHERIFF’S AUTHORITY TO**
5 **PAY OVERTIME PAY AS EARNED; DIRECTING AN AMENDMENT TO THE**
6 **OVERTIME PAY AND COMPENSATORY TIME PERSONNEL POLICY (108-**
7 **16); AUTHORIZING INCREASED OVERTIME PAY; AND FOR OTHER**
8 **PURPOSES.**

9
10 **WHEREAS**, the Fulton County Sheriff has requested that the Board of
11 Commissioners consider multiple compensation initiatives to ease the challenges and
12 obstacles in hiring and retaining employees; and

13 **WHEREAS**, despite the Board of Commissioners previously implementing a cost
14 of living adjustment (“COLA”) in 2022, the Fulton County Sheriff has continued to face
15 difficulties in retaining employees; and

16 **WHEREAS**, pursuant to the Fair Labor Standards Act (“FLSA”), the Fulton
17 County Overtime and Compensatory Time Personnel Policy (108-16) currently provides
18 that overtime pay, when paid, will be paid at one and one-half (1.5) an employee’s
19 regular hourly rate; and

20 **WHEREAS**, pursuant to the FLSA, Fulton County lawfully exercises the option to
21 provide compensatory time in lieu of paying overtime as it is earned; and

22 **WHEREAS**, according to the Fulton County Sheriff, providing compensatory time
23 in lieu of paying overtime as it is earned is not the prevailing practice for law
24 enforcement in competing jurisdictions and has exacerbated challenges in hiring and
25 retaining employees; and

26 **WHEREAS**, Fulton County’s Overtime and Compensatory Time Personnel
27 Procedure (108-16) provides that overtime pay may be offered for employees of elected
28 officials at the discretion of the applicable elected official; and

1 **WHEREAS**, the Fulton County Sheriff desires to pay his staff overtime pay as it
2 is earned instead offering compensatory time; and

3 **WHEREAS**, according to the Fulton County Sheriff, competing jurisdictions have
4 offered triple overtime pay, making it difficult for the Sheriff to hire and retain staff; and

5 **WHEREAS**, Fulton County personnel policies and budgetary constraints limit the
6 ability of the Fulton County Sheriff to unilaterally implement certain compensation
7 initiatives; and

8 **WHEREAS**, Fulton County desires to retain its workforce and not risk the loss of
9 valuable employees, especially in the areas of public safety and law enforcement, due
10 to compensation offerings in other counties; and

11 **WHEREAS**, unfilled public safety and law enforcement positions pose safety
12 risks, particularly at the Fulton County Jail; and

13 **WHEREAS**, the Board of Commissioners finds it necessary to implement
14 significant measures to facilitate attracting more candidates and retaining staff in the
15 Fulton County Sheriff's Office; and

16 **WHEREAS**, with the adoption of the 2023 budget, the Board of Commissioners
17 authorized funding for increased salaries for new and current deputies and detention
18 officers, a cost of living adjustment for certain employees of the Fulton County Sheriff,
19 overtime pay as earned in lieu of compensatory time for Fulton County Sheriff
20 employees, and double overtime pay only for employees in the deputy and detention
21 officer series.

22 **NOW, THEREFORE, BE IT RESOLVED**, effective February 1, 2023, the entry
23 salary offered to a deputy (Grade 17) may be at least \$60,000.00 per annum, an

1 amount within the current pay range, and the entry salaries offered for all higher
2 ranks/classifications within the deputy series (Grade 18 through Grade 32) may be
3 adjusted, where necessary, so that the pay spread between the lower and next higher
4 rank/classification is at least 5%.

5 **BE IT FURTHER RESOLVED**, effective February 1, 2023, the entry salary
6 offered to a detention officer (Grade 13) may be at least \$54,000.00 per annum, an
7 amount within the current pay range, and the entry salaries offered for all higher
8 ranks/classifications within the detention officer series (Grade 16 through Grade 26)
9 may be adjusted, where necessary, so that the pay spread between the lower and next
10 higher rank/classification is at least 5%.

11 **BE IT FURTHER RESOLVED**, effective February 1, 2023, the entry salary
12 offered to a crime suppression investigator (Grade 17) may be at least \$65,000.00 per
13 annum, an amount within the current pay range, and the entry salaries offered for all
14 higher ranks/classifications within the crime suppression investigator series (Grade 18)
15 may be adjusted, where necessary, so that the pay spread between the lower and next
16 higher rank/classification is at least 5%.

17 **BE IT FURTHER RESOLVED**, that salaries of existing employees in the deputy,
18 detention officer and crime suppression investigator series making less than the
19 applicable amounts above may be similarly raised if funding is identified in the 2023
20 budget.

21 **BE IT FURTHER RESOLVED**, that employees of the Fulton County Sheriff,
22 other than those in the deputy, detention officer and crime suppression investigator
23 series, shall receive a COLA of 5% effective February 1, 2023.

1 **BE IT FURTHER RESOLVED**, grant funds, to the extent available, shall be used
2 to pay the COLA for eligible employees of the Fulton County Sheriff in grant funded
3 positions.

4 **BE IT FURTHER RESOLVED**, the Finance Director is authorized to use funds in
5 the 2023 general fund budget to implement the COLA, including covering the cost of the
6 COLA for eligible employees of the Fulton County Sheriff in grant funded positions after
7 available grant funds have been exhausted.

8 **BE IT FURTHER RESOLVED**, that the COLA shall apply to the personal staff of
9 the Fulton County Sheriff unless he opts out of the COLA in writing for his personal
10 staff.

11 **BE IT FURTHER RESOLVED**, that this Resolution is an exception to the general
12 personnel rules regarding the method for offering higher than minimum salaries and
13 raising the salaries for existing employees and is specifically for the staff in the Sheriff's
14 Office in the manner prescribed herein.

15 **BE IT FURTHER RESOLVED**, that for as long as funding is available in the 2023
16 budget, going forward, the Sheriff may exercise the option under the Overtime and
17 Compensatory Time Personnel Procedure (108-16) to pay his staff overtime pay as it is
18 earned instead of accruing compensatory leave.

19 **BE IT FURTHER RESOLVED**, that the Overtime and Compensatory Time
20 Personnel Policy (108-16) shall be revised to allow overtime pay and compensatory
21 leave above the minimum rate of 1.5 provided by the FLSA when so approved by the
22 Board of Commissioners.

1 **BE IT FURTHER RESOLVED**, effective February 1, 2023 through December 19,
2 2023, unless a different authorization end date is adopted by the Board of
3 Commissioners, the Sheriff shall be authorized to implement overtime at a rate of up to
4 two (2) times the employee's regular hourly rate for employees in the deputy, detention
5 officer and crime suppression investigator series.

6 **BE IT FINALLY RESOLVED**, that this Resolution will take effect upon its
7 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
8 are hereby repealed to the extent of such conflict.

9 **PASSED AND ADOPTED**, this ____ day of _____, 2023.

10 **FULTON COUNTY BOARD OF**
11 **COMMISSIONERS**

12 By: _____
13 BOC Member Name, Title
14 District #
15

16 **ATTEST:**

APPROVED AS TO FORM:

18 _____
19 Tonya Grier,
20 Clerk to Commission

Y. Soo Jo
County Attorney