

1 A RESOLUTION AUTHORIZING THE FULTON COUNTY SHERIFF TO OFFER
2 ABOVE THE MINIMUM SALARIES; AUTHORIZING A 5 PERCENT PAY RATE
3 INCREASE FOR CERTAIN EMPLOYEES OF THE FULTON COUNTY
4 SHERIFF; DIRECTING AN AMENDMENT TO THE OVERTIME PAY AND
5 COMPENSATORY TIME PERSONNEL POLICY (108-16); AUTHORIZING
6 INCREASED OVERTIME PAY; AND FOR OTHER PURPOSES.
7

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

11 WHEREAS, despite the Board of Commissioners previously implementing a cost
12 of living adjustment ("COLA") in 2022, the Fulton County Sheriff has continued to face
13 difficulties in retaining employees; and

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

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

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

24 WHEREAS, Fulton County's Overtime and Compensatory Time Personnel
25 Procedure (108-16) provides that overtime pay may be offered for employees of elected
26 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;

16 **WHEREAS**, Fulton County's Positions and Compensation Personnel Procedure
17 (324-16) provides for general pay rate increases upon approval by the Board of
18 Commissioners; and

19 **WHEREAS**, Fulton County's Overtime and Compensatory Time Personnel
20 Procedure (108-16) requires a department head to obtain approval from the Board of
21 Commissioners to offer additional pay for exempt employees ("exempt overtime") at a
22 rate above one time the exempt employee's regular hourly rate; and

1 **WHEREAS**, with the adoption of the 2023 budget, the Board of Commissioners
2 authorized funding for increased salaries for new and current deputies and detention
3 officers, pay rate adjustment for certain employees of the Fulton County Sheriff,
4 overtime pay as earned in lieu of compensatory time for Fulton County Sheriff
5 employees, and double overtime pay for employees in the crime suppression
6 investigator, deputy and detention officer series; and

7 **WHEREAS**, the Sheriff has indicated he has sufficient resources in his budget to
8 implement the compensation initiatives outlined herein.

9 **NOW, THEREFORE, BE IT RESOLVED**, effective March 1, 2023 with funds
10 allocated to the Sheriff's budget, the entry salary offered to a deputy (Grade 17) may be
11 at least \$60,000.00 per annum, an amount within the current pay range, and the entry
12 salaries offered for all higher ranks/classifications within the deputy series (Grade 18
13 through Grade 32) shall be adjusted as needed to ensure that the pay spread between
14 the lower and next higher rank/classification is at least 5%.

15 **BE IT FURTHER RESOLVED**, effective March 1, 2023 with funds allocated to
16 the Sheriff's budget, the entry salary offered to a detention officer (Grade 13) may be at
17 least \$54,000.00 per annum, an amount within the current pay range, and the entry
18 salaries offered for all higher ranks/classifications within the detention officer series
19 (Grade 16 through Grade 26) shall be adjusted as needed to ensure that the pay spread
20 between the lower and next higher rank/classification is at least 5%.

21 **BE IT FURTHER RESOLVED**, effective March 1, 2023 with funds allocated to
22 the Sheriff's budget, the entry salary offered to a crime suppression investigator (Grade
23 17) may be at least \$65,000.00 per annum, an amount within the current pay range, and

1 the entry salaries offered for all higher ranks/classifications within the crime suppression
2 investigator series (Grade 18) shall be adjusted as needed to ensure that the pay
3 spread between the lower and next higher rank/classification is at least 5%.

4 **BE IT FURTHER RESOLVED**, that salaries of existing employees in the deputy,
5 detention officer and crime suppression investigator series making less than the
6 applicable amounts above may be similarly raised from funds allocated to the Sheriff's
7 budget.

8 **BE IT FURTHER RESOLVED**, that employees of the Fulton County Sheriff,
9 other than those in the deputy, detention officer and crime suppression investigator
10 series, shall receive a 5% base pay rate increase effective March 1, 2023 from funds
11 allocated to the Sheriff's budget.

12 **BE IT FURTHER RESOLVED**, grant funds, to the extent available, shall be used
13 to pay the base pay rate increase for eligible employees of the Fulton County Sheriff in
14 grant funded positions.

15 **BE IT FURTHER RESOLVED**, the Finance Director is authorized to use general
16 funds allocated to the Sheriff's budget to cover the cost of the base pay rate increase for
17 eligible grant funded employees of the Fulton County Sheriff after available grant funds
18 have been exhausted.

19 **BE IT FURTHER RESOLVED**, that the base pay rate increase shall apply to the
20 personal staff of the Fulton County Sheriff unless he opts out of the base pay rate
21 increase in writing for his personal staff.

22 **BE IT FURTHER RESOLVED**, that this Resolution is an exception to the general
23 personnel rules regarding the method for offering higher than minimum salaries and

1 raising the salaries for existing employees and is specifically for the staff in the Sheriff's
2 Office in the manner prescribed herein.

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

7 **BE IT FURTHER RESOLVED**, effective March 1, 2023 through December 19,
8 2023, unless a different authorization end date is adopted by the Board of
9 Commissioners, the Sheriff shall be authorized to implement the following overtime
10 rates for hours worked over the established applicable work week or work period: (a) up
11 to two (2) times the employee's regular hourly rate for non-exempt and exempt
12 employees in the deputy, detention officer and crime suppression investigator series,
13 and (b) up to one and one half (1.5) times the employee's regular hourly rate for exempt
14 employees not in the deputy, detention officer and crime suppression investigator
15 series.

16 **BE IT FURTHER RESOLVED**, that exempt Fulton County Sheriff employees
17 must utilize the County's timekeeping system for accurate and timely calculation and
18 payment of the additional pay for hours worked over the established work week.

19 **BE IT FURTHER RESOLVED**, that each of the compensation initiatives
20 authorized by this Resolution are subject to availability of funds allocated to the Sheriff's
21 budget and, when necessary, the Sheriff shall identify a funding source (recurring or
22 non-recurring as applicable) from within his budget to implement the compensation
23 initiatives outlined herein.

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

4 **PASSED AND ADOPTED**, this 15th day of February, 2023.

5 **FULTON COUNTY BOARD OF**
6 **COMMISSIONERS**

7 By: _____

8 Robert L. Pitts, Chairman



11 **ATTEST:**

12 **APPROVED AS TO FORM:**

13 Tonya R. Grier
14 Tonya Grier,
15 Clerk to Commission

16 Y. Soo Jo
17 Y. Soo Jo
18 County Attorney

19 [https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/Persnl/Resolutions/2023/2.15.23 Resolution - Sheriff Staff Compensation 5 pct increase and OT \(Draft 2.14-3\).doc](https://fc0365.sharepoint.com/sites/CountyAttorney/CALegislation/Persnl/Resolutions/2023/2.15.23 Resolution - Sheriff Staff Compensation 5 pct increase and OT (Draft 2.14-3).doc)