

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORD2022-033

AN ORDINANCE TO AMEND TITLE 1, ADMINISTRATION, CHAPTER 6, MUNICIPAL EMPLOYEES, OF THE CODE OF ORDINANCES, CITY OF SOUTH FULTON, GA TO ADD SECTION 1-6011 TEMPORARY EMPLOYMENT SERVICES AND FOR OTHER LAWFUL PURPOSES.

(Sponsored by Councilmembers Williams, Willis, Sebastian, Reeves)

WHEREAS, pursuant to City Charter Section 3.10 (b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City; and

WHEREAS, the City Council acknowledges that a portion of its staffing requirements that is critical may be met through the use of agency temporary workers and contractors; and

WHEREAS, the City desires to amend its code of ordinances through this Ordinance to provide guidelines and regulations for the use of temporary employment services.

THE CITY COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1. The Code of Ordinances, City of South Fulton, Georgia, Title 1, Administration, Chapter 6, Municipal Employees, is hereby amended to add the following:

TITLE 1 – ADMINISTRATION

Chapter 6 – Municipal Employees

1-6011. TEMPORARY EMPLOYMENT SERVICES.

1-6011.1 Purpose; applicability

The purpose of this section is to ensure that uniformed guidelines are followed in the hiring of temporary employees and contractors. This section is applicable to temporary staff and contractors to fill vacant non-elective staff positions.

1-6011.2 Definitions

“Temporary Staff” is an individual who provides a service to the City through a staffing firm that administers the individual’s pay, benefits, employment taxes, and IRS reporting.

“Independent Contractor” is an individual who meets the United States Department of Labor and Internal Revenue Service (IRS) Independent Contractor Tests.

“Critical hire” shall be considered a position that the city must fill in order to maintain citizen/life safety, and to successfully meet required financial and/or operational compliance standards that puts the city’s financial standing and credit rating at risk. A critical hire is not the same as an important hire. The city has many positions that are important to operational success but would not be considered critical. Important positions shall not be approved for critical hire.

1-6011.3 Use of temporary staff

The use of temporary agencies and contract employees to fill vacant non-elective staff positions shall be limited to only those positions that have been identified as being a critical hire by a resolution of the city council. Temporary and/or contract employees hired through the critical hire process shall be term limited to a maximum of 120 days.

1-6011.4 Procedures for hiring

All critical hires must be procured through a contract resulting from a formal procurement. The human resource (HR) department is responsible for identifying and reviewing staffing vendor relationship by utilizing the city’s procurement process. All contractual agreements must be procured and negotiated in advance of placement of temporary staff or contractors. Payment of services rendered by temporary and contract staff may only be paid directly to a third-party agency whose primary purpose is to provide temporary and contract workers.

The HR department is responsible for the overall management of the selection and hiring processes related to critical hires including, but not limited to, ensuring that the appropriate pre-employment screenings are conducted by the staffing firm in accordance with city employment practices.

Departments requesting to fill non-elective staff positions through the critical hire process shall complete a critical hire request form providing a compelling case for the critical nature of the position, along with the appropriate supporting documentation and data regarding the risk to citizen/life safety and/or the city’s ability to meet compliance standards in order to protect its financial standing and/or credit rating.

Departments shall submit to the city manager for approval all requests to complete a critical hire for non-elective staff positions that meet the critical hire criteria for approval. Upon approval by the city manager, s/he shall subsequently submit to the city council for city council approval the need for a critical hire.

1-6011.5 Approval of critical hires by City Council

The city council shall review the documentation submitted by the city manager, and upon determination of need, the city council shall by majority vote approve a resolution authorizing the use of a temporary agency and/or contract to fill the critical hire vacancy. In the event that the city council determines that the need for a critical hire does not exist, and that the position can be filled using the regular employee recruitment process, the position shall remain unfilled until such time as a suitable candidate is identified and hired through the regular City employee recruitment process.

1-6011.6 Discipline and Termination of critical hires

Disciplinary actions will be handled by the HR department and the temporary agency representative. The release of all critical hires must be coordinated through the HR department directly with the agency.

Section 2. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 5. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 6. The effective date of this Ordinance shall be the date of adoption unless provided otherwise by the City Charter or state and federal law.

[signatures and voting tabulations appear on the following page]

The foregoing ORDINANCE No. 2022-033, adopted on September 27, 2022 was offered by Councilmember Williams, who moved its approval. The motion was seconded by Councilmember Reeves, and being put to a vote, the result was as follows:

	AYE	NAY
khalid kamau, Mayor	_____	_____
Carmalitha Gumbs	_____X_____	_____
Catherine Foster Rowell	_____	_____X_____
Helen Zenobia Willis	_____X_____	_____
Jacey Sebastian	_____X_____	_____
Corey Reeves, Mayor Pro Tem	_____X_____	_____
Natasha Williams	_____X_____	_____
Vacant	_____	_____

First Read: August 23, 2022
 Second Read: September 27, 2022

THIS ORDINANCE adopted this 27th day of September 2022.

CITY OF SOUTH FULTON, GEORGIA

 khalid kamau, MAYOR

ATTEST:

 COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:

 9/29/22

 VINCENT D. HYMAN, CITY ATTORNEY