



RULES OF THE STATE PERSONNEL BOARD

478-1-.05 Policy Guidelines

(1) Introduction:

All Rules adopted by the State Personnel Board must follow the guidelines outlined in this rule and must also comply with applicable federal, state, and local laws and regulations, including those that govern the use of federal funds received by an Agency.

(2) Amending Rules:

Any employee may submit a petition to the Agency in writing, requesting amendment(s) to these Rules. The State Personnel Board will consider proposed amendment(s) on written record only and will adopt them only at public hearings. The State Personnel Board has established the following procedures to ensure that interested parties and/or their representative have an opportunity to comment on the proposed amendment(s) and attend the related public hearing. When deemed appropriate, the Agency should submit a proposed amendment to the State Personnel Board.

(a) At Least 45 Days in Advance of the Public Hearing the State Personnel Board must prepare, post and distribute a notice containing:

1. An exact copy of the proposed amendment(s);
2. A citation to the authority that permits the proposed amendment(s);
3. Any corresponding rule (if the proposed amendment(s) relate to existing policies);
4. The date by which all written comments must be submitted to the State Personnel Board; and
5. The date, time, and place of the public hearing at which adoption of the proposed amendment(s) will be considered.

(i) The notice must be posted in compliance with O.C.G.A. 45-20-3.1 and the Open Meetings Act (O.C.G.A. 50-14-1 et. seq.), and provided to each member of the Government Oversight Committee of the Senate and the Governmental Affairs Committee of the House of Representatives.

(b) At Least 15 Days in Advance of the Public Hearing the written comment period must close, to allow the State Personnel Board an opportunity to consider all written comments received prior to the public hearing.

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(3) Exceptions to General Procedure:

With justifiable cause, the State Personnel Board may suspend the provisions of 478-1-.5(2) to adopt Rule amendment(s) immediately and without waiting for comment from legislative committees or the public provided the Board adopts a resolution declaring the existence of an emergency and provides the reason(s) the rule amendment(s) must be adopted on an emergency basis. Any amendment adopted in this manner may be in effect for no more than 120 days after its adoption. An identical proposed rule amendment may subsequently be adopted under the general procedure outlined above.

- (4)** The Board authorizes the Commissioner to proceed directly into the public commentary period for administrative changes to these Rules without preapproval from the Board. For purposes of this provision, administrative changes are defined as grammar, spelling, or typographical errors, format changes, and corrections to cross-references.

(5) Approval by the Governor and Filing with the Secretary of State:

Modifications to the Rules adopted by the State Personnel Board are not effective until approved by the Governor. Upon such approval by the Governor, the Commissioner must immediately file an original and two (2) copies of the rule amendment(s) in the Office of the Secretary of State. The filing must include a citation to the authority that allowed the proposed amendment(s) and must specify the affected rule.

(6) Pilot Programs:

The State Personnel Board may institute pilot programs to assess the potential impact of proposed rule amendments on employees and administration. Pilot programs may be administered on a trial basis for no more than two (2) years, are not required to be in full compliance with other provisions of these Rules, and may be made applicable only to specified agencies. Proposals for pilot programs must be submitted to the State Personnel Board and must include:

- (a) A statement of purpose and intent describing the reasons for establishing the program;
- (b) The proposed duration of the program;
- (c) The method(s) for determining the impact of the program on employees, the budget, and delivery of services;

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- (d) The measures to be used to evaluate the success of the program;
- (e) The mechanism for resolving employee problems and complaints;
- (f) A list of each rule, policy and procedure with which the program would not comply;
- (g) Possible impediments to successful implementation of the program and proposed solutions; and
- (h) Method(s) for compiling and reporting results to affected employees and the State Personnel Board and the frequency of such reporting.

A final report of the pilot program must be submitted to the Commissioner prior to the expiration of the program.

(7) Rule Violations:

The State Personnel Board has established rules, policies, and procedures to ensure that operations are conducted in a consistent, quality manner and that employees can serve the public effectively. Employees are expected to comply fully with these policies and procedures. When an employee violates a rule, policy, or procedure, the employee's Agency, and the Department of Administrative Services, if appropriate, should consider the circumstances under which the violation occurred and take appropriate action. Appropriate action may result in discipline, up to and including termination of employment, and/or ineligibility for future employment with the Agency and/or State. Employees are responsible for reporting suspected violations of policies to the Commissioner.

Authority:

O.C.G.A. Secs. 45-20-3, 45-20-3.1, 45-20-4.