

**AN ORDINANCE  
BY COUNCILMEMBER ALEX WAN  
AS SUBSTITUTED (9-14-16) AND AMENDED (#2) (6-29-16) (9-14-16)  
BY FINANCE/EXECUTIVE COMMITTEE  
AS SUBSTITUTED (#2) BY ATLANTA CITY COUNCIL (9-19-16)**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES  
SECTION 114-379, AND FOR OTHER PURPOSES.**

**WHEREAS**, City of Atlanta Code Section 114-379 governs layoffs and reductions in force (RIF) and provides for certain procedures when implementing a RIF; and

**WHEREAS**, the current procedures set forth in Section 114-279 allow for a reduction in the size of the City's workforce without a mechanism to optimize the quality and efficiency of the resulting workforce; and

**WHEREAS**, it is in the best interest of the public and the citizens of the City of Atlanta to minimize waste and conserve public funds by maintaining a streamlined and high performing workforce; and

**WHEREAS**, the aforementioned public interest is served by amending Section 114-379 to provide a RIF process designed to enhance the City's organization, performance, and function by adjusting its workforce based on skill set needs and appropriate staffing levels as a result of re-organization or implementation of new technology; and

**WHEREAS**, the current ordinance does not allow for the flexibility to utilize the RIF process for reasons other than budgetary concerns;

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS,  
AS FOLLOWS:**

**SECTION 1:** That Section 114-379 of the City of Atlanta Code of Ordinances be amended to read as follows:

Sec. 114-379. - Layoff or reduction in force

(a) This section shall apply to regular employees within the classified service.

(b) A reduction in force (RIF) occurs when an agency is obliged to demote, separate or furlough one or more employees because of lack of work, shortage of funds, reorganization, changes in service priorities or technology, or budgetary concerns requiring adjustments to the workforce based on skill set



needs and appropriate staffing levels. The cause of reduction in force may come from legislative action or from decisions of the head of the agency or some official who has been authorized to make such decisions.

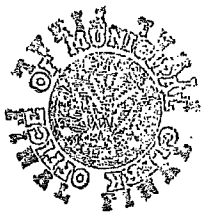
(c) Reduction in force may not be used for the purpose of dismissing or demoting regular status employees whose job performance is not acceptable. The progressive discipline process and adverse action procedures, as set forth in City of Atlanta Code of Ordinances 114-526 *et seq.*, should be applied when performance problems arise. A RIF shall not be used for the purpose of altering the racial or sexual composition of a department or classification.

(d) If a RIF is solely based on shortage of funds or budgetary concerns, the mayor should consider using other means prior to initiating a RIF, such as hiring freezes, reduction through attrition, furloughs without pay, reduced workweeks, reassignments or other methods to lessen the negative impact of such an action.

(e) It shall be the responsibility of the commissioner of human resources, upon recommendation of the appointing authority, to define the area within which the mechanics of the RIF are to apply. This area shall normally be City wide, department wide, or officewide. A more expanded or restricted area may be established when it is determined to be more practical.

(f) The appointing authority, with the power to appoint and remove subordinate employees as defined in City of Atlanta Code of Ordinances Section 114-76, based on specific procedures established by the commissioner of human resources, will be responsible for developing a departmental RIF plan in keeping with this section. This departmental plan must be approved by the commissioner of human resources prior to implementation.

(g) Determination of the positions/employees to be included in a RIF shall be made in a manner that maximizes services provided while maintaining the efficient use of available public funds. Accordingly, RIF determinations shall be based upon a totality of factors including but not limited to employee job performance history, business needs of the City or the affected department, feasibility of consolidating duties from one or more positions into a single position, elimination of unnecessary or redundant services, and identification of new service priorities. The appointing authority and commissioner of human resources shall apply their best business judgment in implementing a RIF so that the resulting workforce is an appropriate size and composition to address current operational needs and to promote the public interest in the effective management of City government.



(h) All individuals within each affected class will compete for the remaining positions in that class based on retention points. Individuals not selected to be retained in the remaining positions will be placed in a RIF pool in priority order based on retention points. Retention points will be determined pursuant to City of Atlanta Administrative Policies and Procedures, and seniority and performance evaluations will be the deciding factors.

(i) The commissioner of human resources, at least 14 calendar days prior to the date of separation or demotion, shall notify in writing any regular employees scheduled to be demoted or laid off.

(j) Employees in the classified service shall have the right to appeal to the civil service board a failure to follow procedure in the administration of the RIF, but shall not have the right to appeal the reason for this reduction.

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

SEP 19 2016  
SEP 28, 2016

2016-31 (16-0-1375)  
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