

1 HB160
2 125772-2
3 By Representative Robinson (O) (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 03-MAR-11

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to provide that, after
14 the effective date of this act, persons in certain specified
15 positions in county government shall be engaged and employed
16 at-will, and shall serve at pleasure as unclassified employees
17 not subject to the merit system otherwise applicable with
18 respect to employees of the county generally; to authorize the
19 determination of the compensation of such persons serving as
20 unclassified employees; to provide that any unclassified
21 employee shall, in respect of dismissal or for any other
22 grievance, have no right of appeal to the Personnel Board of
23 Jefferson County and no property interest in his or her
24 position of employment as an unclassified employee of the
25 county; to provide for and restrict in certain events the
26 return of an unclassified employee to the county's classified
27 service; to provide that a person's conversion from employment

1 in the classified service of the county to an unclassified
2 position shall be a condition of employment for appointment
3 made after the effective date of such county employee to an
4 unclassified position; to provide that persons not previously
5 employees of the county at the time of their appointment to
6 unclassified positions as provided for in the act shall become
7 unclassified employees of the county; and to provide that
8 persons employed as unclassified employees shall be eligible
9 for county employee benefits, including, but not limited to,
10 retirement benefits, as shall otherwise be provided for county
11 employees.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall apply only to Jefferson
14 County.

15 Section 2. (a) Notwithstanding any law to the
16 contrary, persons holding any of the following positions in
17 the employment of Jefferson County shall be employed at-will
18 as unclassified employees and are not subject to the county
19 merit system:

20 (1) Any attorney in the office of the county
21 attorney.

22 (2) The chief financial officer of the county.

23 (3) County department and agency heads and their
24 chief deputies.

25 (4) Any person employed in the county unclassified
26 executive service.

1 (b) The Personnel Board of Jefferson County may
2 designate or create positions in the county unclassified
3 executive service upon recommendation or request of the county
4 commission.

5 (c) A person employed in an unclassified position
6 listed in subdivisions (1) to (4), inclusive, of subsection
7 (a) shall serve at the pleasure of the applicable appointing
8 authority, who shall set the rate of compensation of the
9 unclassified employee, with the subsequent approval of a
10 majority of the county commission at a commission meeting. A
11 person employed in an unclassified position shall have no
12 rights of appeal under the enabling act of the Personnel Board
13 of Jefferson County, Act 248 of the Alabama Legislature of
14 1945, p. 376, as amended, and no property interest in an
15 unclassified position.

16 (d) In the event that an employee in the classified
17 service is appointed to and accepts an unclassified position
18 listed in subdivisions (1) to (4), inclusive, of subsection
19 (a), such employee may return to the classified service
20 following any termination without cause from the unclassified
21 appointment, at the same job classification from which such
22 employee was appointed, provided that such a vacant position
23 exists.

24 (e) For purposes of subsection (d), "cause" includes
25 any of the following reasons:

26 (1) The employee was at the time of his or her
27 appointment or has since become ineligible to be employed by

1 the county because the employee failed to meet the minimum
2 job-related qualifications for his or her position.

3 (2) Malfeasance, misfeasance, or nonfeasance in
4 employment.

5 (3) Conviction of a felony crime or of a misdemeanor
6 involving moral turpitude.

7 (4) Failure to perform his or her duties as provided
8 by this act in an honorable, competent, and reasonably
9 efficient manner.

10 (5) He or she becomes morally, physically, or
11 mentally unfit to act on behalf of the county.

12 (f) No person employed in the classified service as
13 a department or agency head or chief deputy before the
14 effective date of this act shall be converted to an
15 unclassified employee described in subdivisions (1) to (4),
16 inclusive, of subsection (a), unless the person voluntarily
17 elects the conversion with the approval of the personnel board
18 and the appointing authority. Notwithstanding the foregoing, a
19 conversion to an unclassified employee status shall be a
20 condition of employment for any appointment to an unclassified
21 position listed in subdivisions (1) to (4), inclusive, of
22 subsection (a) made on or after the effective date of this
23 act. Any noncounty employee appointed to an unclassified
24 position listed in subdivisions (1) to (4), inclusive, of
25 subsection (a) on or after the effective date of this act, by
26 virtue of the appointment, shall be an unclassified nonmerit
27 system employee of Jefferson County.

1 (g) A person employed in an unclassified position
2 listed in subdivisions (1) to (4), inclusive, of subsection
3 (a) may receive the same benefits, including, but not limited
4 to, retirement benefits, as are available to classified county
5 employees unless that person elects in writing to forfeit his
6 or her participation.

7 Section 3. All laws or parts of laws which conflict
8 with this act are repealed.

9 Section 4. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.