

1 HB675
2 169811-4
3 By Representatives McMillan, Baker, Shiver, Davis, Faust and
4 Jackson (N & P)
5 RFD: Baldwin County Legislation
6 First Read: 19-MAY-15

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ENROLLED, An Act,

Relating to Baldwin County; to amend Section 45-2-120.08, Code of Alabama 1975, relating to the personnel merit system for county employees; to delete the requirement that appeals from the Personnel Appeals Board to the circuit court be conducted de novo.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-2-120.08, Code of Alabama 1975, is amended to read as follows:

"§45-2-120.08.

"(a) There shall be established the Baldwin County Personnel Appeals Board. The board shall hear all appeals from final action as requested by an affected employee.

"(b) The Baldwin County Personnel Appeals Board shall be composed of five persons who are residents of the county. The members of the board shall be appointed as follows: Two members shall be appointed by the county commission, two members shall be selected by the classified employees using the procedure provided in this section. The fifth member shall be selected by the other four members of the board within 30 days after the four members of the board are selected and take office. In the event the four members of the board cannot agree on a fifth member within 30 days, then the fifth member shall be selected as follows: The members

1 appointed by the county commission shall nominate one person
2 and the members selected by the classified employees shall
3 nominate one person. From these two nominees, the fifth member
4 of the board shall be selected by lot.

5 "(c) (1) The personnel department shall notify all
6 classified employees that nominations for membership on the
7 board will be accepted for a period of 10 work days from that
8 date and instructing all interested classified employees to
9 submit nominations to the Personnel Director of Baldwin County
10 within that period. Nominations shall be limited to persons
11 who are classified employees of the county.

12 "(2) The personnel director shall compile a list of
13 the nominations and cause ballots to be prepared and
14 distributed to all classified employees and shall instruct all
15 classified employees of their right to vote for one name
16 contained on the list of nominees.

17 "(3) The employees shall be instructed to tender
18 their ballots in sealed envelopes to their supervisors within
19 five work days for submission to the personnel director who
20 shall make appropriate arrangements for their tabulation. Upon
21 tabulation of the ballots, the personnel director shall obtain
22 written certification executed by all the county employees who
23 assisted during the counting of the ballots and shall submit
24 the fully executed written certification to the Baldwin County
25 legislative delegation following each election. The

1 certification and ballots shall be retained by the personnel
2 director as public records for 12 months from the date of
3 certification of the results.

4 "(4) In the event that any one employee received a
5 majority of all votes cast, he or she shall be deemed elected
6 to serve on the board. In the event that no employee receives
7 a majority of all votes cast, then the names of the two
8 employees receiving the most votes on the initial ballot shall
9 be placed on a run-off ballot and voted upon by the employees
10 as set forth above. The employee then receiving the most votes
11 shall be deemed elected to membership on the board.

12 "(d) No person who holds elected office, is a
13 candidate for elected office, or receives a salary from the
14 county, except the classified employee board members, shall
15 serve on the board. An employee board member's term shall
16 immediately terminate upon occurrence of any one of the
17 foregoing conditions. A vacancy shall be filled in the same
18 manner as the original appointment of a board member as soon
19 as possible after a vacancy occurs. A board member shall be
20 eligible for reappointment to successive terms on the board.

21 "(e) Each member shall serve a three-year term with
22 the exception of the initial members of the board. The initial
23 members shall draw lots to determine two members who shall
24 serve a three-year term, two members who shall serve a
25 two-year term, and one member who shall serve a one-year term.

1 "(f) The board shall follow administrative
2 procedures adopted by the county commission to implement the
3 appeals process. The personnel department shall provide all
4 necessary clerical and administrative support for the board.
5 The board shall meet as needed. Each year, board members shall
6 select from among themselves a chairperson and secretary of
7 the board. Board members may be compensated as established
8 from time to time by the county commission.

9 "(g) All testimony shall be under oath and the board
10 has the power to subpoena witnesses and demand production of
11 relevant documents. The board has the authority to affirm,
12 revise, or amend any previous personnel decisions after a
13 hearing.

14 "(h) The board shall hear all appeals from the final
15 action of the department head with respect to disciplinary
16 action. From any adverse decision of the county commission,
17 the employee shall be entitled to, within seven work days,
18 appeal to the Circuit Court of Baldwin County for a nonjury
19 trial ~~de novo~~."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.

