

1 HB591
2 181163-2
3 By Representative McCampbell (N & P)
4 RFD: Local Legislation
5 First Read: 03-MAY-17

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8 SYNOPSIS: Under exiting law, certain Class 4
9 municipalities may elect to be subject to a
10 personnel system for municipal employment.

11 This bill would remove the prohibition that
12 a person who has been convicted of a felony or an
13 offense involving dishonesty or false statement
14 shall not be appointed to a municipal job.

15 This bill would provide that all persons
16 appointed to covered jobs, including promotions,
17 demotions, and transfers, shall be on a
18 probationary basis for a period from the beginning
19 of employment.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to certain Class 4 municipalities; to amend
26 Sections 11-44B-43 and 11-44B-44, Code of Alabama 1975, to
27 remove the prohibition that a person who has been convicted of

1 a felony or an offense involving dishonesty or false statement
2 shall not be appointed to a municipal job; and to provide that
3 all persons appointed to covered jobs, including promotions,
4 demotions, and transfers, shall be on a probationary basis for
5 a period from the beginning of employment.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 11-44B-43 and 11-44B-44, Code of
8 Alabama 1975, are amended to read as follows:

9 "§11-44B-43.

10 "(a) With the exception of promotions of
11 firefighters and police officers which shall be made by the
12 board, all vacancies for covered jobs shall be filled by the
13 appointing authority as provided herein.

14 "(b) The human resources department of the city
15 shall make and maintain sufficient lists of all persons
16 eligible and available for appointment to jobs as is necessary
17 for the city to operate efficiently as determined by the city
18 council. All appointments shall be made from such eligibility
19 lists. With the exception of police officers and firefighters,
20 no appointment or promotion shall be made from an eligibility
21 list which is more than 12 months old. The human resources
22 department shall conduct examinations to test the ability and
23 qualifications of applicants for all job classifications of
24 police officer, firefighter, telecommunicator, and any other
25 covered jobs for which it deems examinations or interviews are
26 appropriate. Examinations shall be competitive, open to all
27 qualified applicants, and subject to the limitations specified

1 by the human resources department or city council. The human
2 resources department shall notify applicants of the date and
3 time of the examinations. ~~No person shall be appointed to a~~
4 ~~job who has been convicted of a felony or an offense involving~~
5 ~~dishonesty or false statement.~~ Based upon an examination or
6 interviews, or both, by the appointing authority or their
7 designee, the human resources department shall develop a list
8 of eligible qualified applicants and the appointing authority
9 shall select the best qualified applicant to fill the vacancy
10 from the list. The appointing authority shall notify the human
11 resources director in writing of the selection. If the human
12 resources director is satisfied that the best qualified
13 applicant was selected, he or she shall extend a conditional
14 offer to the selected applicant pursuant to established city
15 policy. If the appointing authority is not the mayor and the
16 human resources director is not satisfied that the best
17 qualified applicant was selected, he or she shall meet with
18 the department head to review the department head's reasons
19 for the selection. After meeting with the department head, if
20 the human resources director remains unsatisfied that the best
21 qualified applicant was selected, then the matter shall be
22 referred to the mayor, who shall conduct a hearing with the
23 department head and the human resources director. At the
24 conclusion of the hearing, the mayor may endorse and direct
25 the selection of the applicant selected by the department head
26 or he or she may direct the selection of another applicant
27 from the eligibility list if he or she determines that the

1 best qualified applicant was not selected by the department
2 head for reasons inconsistent with the principles of this
3 article, city policy, or applicable state or federal law.

4 "(c) Promotions of firefighters and police officers,
5 excluding the initial appointment to the entry level of the
6 firefighter and police officer job classifications, shall be
7 made by the board in accordance with this article. The human
8 resources department shall develop a list of eligible
9 qualified applicants as provided in subsection (b) and the
10 board shall select the best qualified applicant to fill the
11 vacancy for promotion from the list and notify the human
12 resources director as provided in subsection (b). If the board
13 does not select an applicant to fill the vacancy for promotion
14 from the list within 90 calendar days from the date the list
15 was provided to the board, the human resources director of the
16 city shall provide the list to the mayor who shall select the
17 best qualified candidate from that list.

18 "§11-44B-44.

19 "All appointments to covered jobs, including
20 promotions, demotions, and transfers, shall be on a
21 probationary basis for a period of ~~one year from the date of~~
22 ~~appointment~~ from the beginning of employment. For those jobs
23 in which the individual is required to meet state minimum
24 standards, the probationary period shall conclude upon
25 fulfillment of the standards or the passage of one year,
26 whichever is later. During a covered employee's probationary
27 period, a department head may discharge a probationer under

1 his or her supervision by stating in writing the reasons to
2 the mayor. If the mayor disagrees with the discharge, he or
3 she, within five days of receipt of the written statement, may
4 notify the department head and the probationer of the time and
5 place of a hearing to be conducted in regard to the discharge.
6 Upon failure of the mayor to so notify within five business
7 days, the mayor shall be deemed to have consented to the
8 discharge. In the event that a hearing is scheduled, the
9 department head may suspend the probationer without pay
10 pending the hearing."

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