

1 HB85
2 196758-2
3 By Representatives Stringer, Simpson and Brown (C) (N & P)
4 RFD: Mobile County Legislation
5 First Read: 05-MAR-19

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Mobile County; to amend Section XI and
14 Section XV of Act 470, H. 952 of the 1939 Regular Session
15 (Acts 1939, p. 298), as amended, which creates and establishes
16 the countywide Civil Service System in Mobile County; to
17 provide for midrange pay for certain initial employees as law
18 enforcement officers and firefighter and a minimum number of
19 eligible persons for initial applicants for law enforcement
20 officer and firefighter positions.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section XI and Section XV of Act 470, H.
23 952 of the 1939 Regular Session (Acts 1939, p. 298), as
24 amended, are amended to read as follows:

25 Section XI. PAY PLAN: After consultation with
26 appointing authorities, or other officers, or both, the
27 director shall prepare and recommend to the board a pay plan

1 for all employees in the classified service. The pay plan
2 shall include, for each class of positions, a minimum and a
3 maximum rate not inconsistent with the rate or rates as may
4 otherwise in specific instances be fixed by law. In
5 establishing the rates, the director shall give consideration
6 to the experience in recruiting for positions in the
7 classified service, the prevailing rates of pay for the
8 services performed, and for comparable services in public and
9 private employment, living costs, maintenance or other
10 benefits received by employees, and the county's and cities'
11 financial condition and policies. The pay plan shall take
12 effect when approved by the board. Amendments thereto may be
13 made from time to time in the same manner or upon motion of
14 the board, or both.

15 "The budgeting authority for each Appointing
16 Authority may establish pay ranges, salary steps, and number
17 of steps for any given class provided that parity is continued
18 for public safety employees and that the ranges, salary steps,
19 and number of steps are not less than those established by the
20 Personnel Board.

21 "(1) ENTRY LEVEL EMPLOYEES. Each appointing
22 authority shall determine the rate to be paid initially for
23 each entry level employee. Each employee shall be paid
24 initially at the minimum rate set forth in the pay plan for
25 the class of positions in which the employee is employed.
26 However, for professional and technical classes of positions,
27 ~~other than public safety officers~~ including law enforcement

1 officers and firefighters, at the discretion of the appointing
2 authority, the employee may be paid at a rate up to, but not
3 in excess of, the midrange of the pay plan, including any
4 subsequent pay plan, established for the professional and
5 technical position. The subsequent raising or lowering of the
6 pay of an individual within the maximum and minimum rate shall
7 be done upon the request of the appointing authority with a
8 similar recommendation by the director, and the approval of
9 the governing body.

10 "(2) PROMOTIONAL EMPLOYEES. Upon a regular employee
11 being promoted to a higher position, the employee shall
12 receive not less than two steps, nor more than the maximum
13 rate established by the class, at the discretion of the
14 appointing authority. Notwithstanding the above, upon a
15 regular employee being promoted to a higher position within
16 the City of Mobile Fire Department, the employee shall receive
17 two steps.

18 "Section XV. APPOINTMENTS: Whenever a vacancy is to
19 be filled by an appointment, the appointing authority shall
20 submit to the director a statement of the position and, if
21 requested by the director, the duties of the position and
22 desired qualifications of the person to be appointed, with a
23 request that the director certify to the appointing authority
24 the names of the persons eligible for appointment to the
25 position. The director shall then certify to the appointing
26 authority the names of the top 10 eligible persons on the
27 appropriate register in alphabetical order and, if more than

1 one vacancy is to be filled, the name of one additional
2 eligible person for each additional vacancy, shall be added to
3 the certification in the order they appear on the register, or
4 if agreeable to the appointing authority, all the names on the
5 register if they are fewer than ~~ten~~ 10 eligible persons.

6 "However, for initial applicants for appointment as
7 law enforcement officers and firefighters, the director shall
8 certify to the appointing authority the names of the top ten
9 eligible persons on the appropriate register in alphabetical
10 order, and if more than one vacancy is to be filled, the names
11 of ~~ten~~ 10 additional eligible persons for each additional
12 vacancy shall be added to the certification in the order they
13 appear on the register, or if agreeable to the appointing
14 authority, all names on the register if there are less than
15 ~~ten~~ 10 eligible persons. Notwithstanding the above, no more
16 than 70 names of eligible persons, regardless of the number of
17 vacancies to be filled, shall be certified to the appointing
18 authority. Notwithstanding the above, all lists of applicants
19 and employees for promotion in the Mobile Police Department,
20 Mobile County Sheriff's office, and Mobile Fire Department
21 shall be in ranked order when delivered to the appointing
22 authority.

23 "Furthermore, the Mobile County Health Department,
24 after July 1, 2004, may hire and fire servants, agents,
25 employees, and officers at will employed in jobs not funded by
26 monies generated directly by the State of Alabama, the County
27 of Mobile, or incorporated municipalities therein.

1 "Where residence qualifications are prescribed by
2 the appointing authority, only those complying with residence
3 qualifications shall be certified. If it is impossible to
4 locate any of the eligible persons so certified, or should it
5 become known to the director that an eligible person is not
6 willing to accept the position, or there are less than the
7 above required number of eligible persons, the appointing
8 authority may request that additional names be certified until
9 the proper number of persons eligible and available for the
10 appointment have been certified. Within 30 days after the
11 names are certified, the appointing authority shall appoint
12 one eligible person who is certified to each vacancy which is
13 to be filled. In no event shall extensions be granted beyond
14 the 30 days unless approved by the Personnel Director. Should
15 the appointing authority fail to return the certification to
16 the director within 30 days, the certification shall be null
17 and void. In the event there are fewer than the authorized
18 number of eligible persons from which to make the selection,
19 the choice may be from the remaining names or a provisional
20 appointment may be made as provided by Section XIX. In the
21 event there is not an employment register which the director
22 deems appropriate for the class in which the position is
23 established, the director shall prepare a register within a
24 reasonable time after receipt of the request of the appointing
25 authority that eligible persons be certified. Whenever an
26 eligible person has been certified to and rejected by the
27 appointing authority three times, the director may remove the

1 name of the rejected person from the employment register. No
2 vacancy shall be filled except as provided in this act."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.