

1 HB375  
2 205972-1  
3 By Representative McCampbell  
4 RFD: County and Municipal Government  
5 First Read: 03-MAR-20

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

This bill would remove the prohibition that a person who has been convicted of a felony or an offense involving dishonesty or false statement may not be appointed to municipal employment.

This bill would provide that all persons appointed to covered jobs, including promotions, demotions, and transfers, would be on a probationary basis from the beginning of employment.

A BILL  
TO BE ENTITLED  
AN ACT

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

1 a felony or an offense involving dishonesty or false statement  
2 may not be appointed to municipal employment; and to provide  
3 that all persons appointed to covered jobs, including  
4 promotions, demotions, and transfers, would be on a  
5 probationary basis 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~~ his  
7 or her designee, the human resources department shall develop  
8 a list of eligible qualified applicants and the appointing  
9 authority shall select the best qualified applicant to fill  
10 the vacancy from the list. The appointing authority shall  
11 notify the human resources director in writing of the  
12 selection. If the human resources director is satisfied that  
13 the best qualified applicant was selected, he or she shall  
14 extend a conditional offer to the selected applicant pursuant  
15 to established city policy. If the appointing authority is not  
16 the mayor and the human resources director is not satisfied  
17 that the best qualified applicant was selected, he or she  
18 shall meet with the department head to review the department  
19 head's reasons for the selection. After meeting with the  
20 department head, if the human resources director remains  
21 unsatisfied that the best qualified applicant was selected,  
22 then the matter shall be referred to the mayor, who shall  
23 conduct a hearing with the department head and the human  
24 resources director. At the conclusion of the hearing, the  
25 mayor may endorse and direct the selection of the applicant  
26 selected by the department head or he or she may direct the  
27 selection of another applicant from the eligibility list if he

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

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

19 "§11-44B-44.

20 "All appointments to covered jobs, including  
21 promotions, demotions, and transfers, shall be on a  
22 probationary basis ~~for a period of one year from the date of~~  
23 ~~appointment~~ from the beginning of employment. For those jobs  
24 in which the individual is required to meet state minimum  
25 standards, the probationary period shall conclude upon  
26 fulfillment of the standards or the passage of one year,  
27 whichever is later. A leave of absence will stay the

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

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