

1 HB181  
2 208582-2  
3 By Representative Clarke (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 02-FEB-21  
6 PFD: 01/28/2021

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Mobile County; to amend Sections 5, 7, 8, 11, 22, 32, and 34 of Act 470, of the 1939 Regular Session (Acts 1939, p. 298), as amended, now appearing as Sections 45-49-120.04, 45-49-120.06, 45-49-120.07, 45-49-120.10, 45-49-120.21, 45-49-120.22, 45-49-120.31, and 45-49-120.33 of the Code of Alabama 1975, establishing the Mobile County civil service system and creating the Mobile County Personnel Board to provide for meetings of the supervisory committee; to provide for the advertisement of notices of the supervisory committee meetings; to provide for the qualifications of members of the personnel board; to provide for personnel board districts; to provide for the compensation of members of the personnel board; to provide for the hiring of disabled persons; to provide for the establishment of pay ranges; to provide for the establishment of pay for entry level

1 employees; to provide for the methods of dismissals of  
2 employees; to provide for legal services to the personnel  
3 board; and to provide for the personnel board to be a party in  
4 appeals to the circuit court.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 45-49-120.04, 45-49-120.06,  
7 45-49-120.07, 45-49-120.10, 45-49-120.21, 45-49-120.22,  
8 45-49-120.31, and 45-49-120.33 of the Code of Alabama 1975,  
9 are amended to read as follows:

10 "§45-49-120.04.

11 "(a) There is hereby established the Supervisory  
12 Committee of the Mobile County Personnel Board. The  
13 supervisory committee hereby created shall succeed to and  
14 exercise all the rights, powers, and authority, and shall  
15 perform all the duties and functions now vested in and  
16 required of the Citizen's Supervisory Committee created by Act  
17 470, 1939 Regular Session (Acts 1939, p. 298) and the  
18 Supervisory Committee of the Mobile County Personnel Board  
19 created by Act 167, 1955 Regular Session (Acts 1955, p. 431).

20 "(b) The Supervisory Committee of the Mobile County  
21 Personnel Board shall be composed of the following:

22 "(1) The persons holding each of the following  
23 elective offices in Mobile County, Alabama, namely, the  
24 presiding judge of the circuit court, the judge of probate,  
25 the revenue commissioner, the presiding judge of the District  
26 Court of Mobile County, the county license commissioner, the  
27 Chair of the Mobile County Commission, the Sheriff of Mobile

1 County, and the mayor of each of the incorporated towns and  
2 cities in Mobile County.

3 "(2) The following nonelected officials shall also  
4 be members of the supervisory committee: The president or  
5 other chief executive officer of the Mobile County Municipal  
6 Association; a representative elected by all of the  
7 professional law enforcement officers of Mobile County,  
8 including all members of the Mobile County Law Enforcement  
9 Association (MCLEA); a representative elected by all the  
10 professional firefighters of Mobile County; and a  
11 representative elected by the employees, other than the  
12 professional law enforcement officers and firefighters,  
13 employed under the Mobile County Merit System; each of whom  
14 shall be a bona fide resident and qualified elector of Mobile  
15 County. The representatives of the professional law  
16 enforcement officers of Mobile County, including all members  
17 of MCLEA, the professional firefighters of Mobile County, and  
18 the employees employed under the Mobile County Merit System,  
19 shall be elected at meetings called for that purpose by the  
20 chair of the committee, notice of which shall be given to the  
21 members of their representative class by publication once each  
22 day for three consecutive days preceding the meetings in a  
23 newspaper of general circulation, published in Mobile County.  
24 The notice of publication shall be signed by the chair of the  
25 committee, and shall state briefly the purpose of the meeting  
26 together with the date, time, and place of holding the  
27 meeting. All meetings shall be held at the Mobile County

1 Courthouse, or some other public meeting place designated by  
2 the chair of the committee. The chair or such other person as  
3 may be designated by the chair, shall preside at the meetings  
4 and Robert's Rules of Order shall be followed in the conduct  
5 of the meetings. The members of the committee so elected shall  
6 serve for four-year terms or until successors are elected and  
7 qualified. In the event of a vacancy, the vacancy shall be  
8 filled in the same manner as the initial members are elected,  
9 to complete the unexpired term. Only fulltime permanent  
10 employees in each representative class shall be eligible to  
11 vote at any election. The personnel department shall certify  
12 to the chair the names of all law enforcement officers,  
13 firefighters, and other employees eligible to vote at any  
14 election at least two days prior to the meeting or meetings  
15 called for that purpose.

16 "(c) Except as otherwise provided herein, each  
17 member of the committee shall be entitled to cast one vote on  
18 any matters considered at any regular or special meeting of  
19 the committee. In addition thereto, each jurisdiction in  
20 Mobile County under the control of the Mobile County Civil  
21 Service System, shall be entitled to cast one additional vote  
22 for each 400, or major fraction thereof, civil service  
23 employees occupying permanent positions as of December 31st of  
24 the year preceding any such meeting of the committee, the  
25 additional votes to be cast by the elected official designated  
26 in subdivision (1) of subsection (b) having appointing  
27 authority over such employees in the jurisdiction. All voting

1 of the committee shall be by roll call vote. Voting by proxy  
2 shall not be allowed.

3 "(d) The presiding judge of the Circuit Court of  
4 Mobile County shall be chair of the committee and shall be  
5 entitled to vote only in case of a tie. The chair shall pass  
6 upon the credentials and right of each person to sit thereon.  
7 In the event the presiding judge can not serve for any reason,  
8 or should decline to serve as chair, he or she shall appoint a  
9 sitting circuit judge as chair of the committee. The chair  
10 shall be the sole judge of the number of votes a member of the  
11 committee shall have as provided for in subsection (c). The  
12 chair shall call the first organizational meeting of the  
13 committee hereby created as soon as practicable after August  
14 23, 1976. In the call, the chair shall specify the date and  
15 hour of the meeting and designate the place thereof, and shall  
16 mail a copy thereof to each member of the committee. At its  
17 first meeting, the committee shall adopt rules, regulations,  
18 and modes of procedure as it deems expedient to enable it to  
19 dispatch its business in an orderly manner, and thereafter,  
20 from time to time, the committee may amend or rescind the  
21 rules, regulations, and modes of procedure or adopt additional  
22 ones. In addition to the organizational meeting hereby  
23 prescribed, the committee shall meet on the second Tuesday in  
24 June of each year, unless such day is a legal holiday, in  
25 which event the annual meeting of the committee shall be held  
26 on the day following the legal holiday. In addition to these  
27 meetings, the committee may hold special meetings on the call

1 of the chair or any seven members thereof. All meetings of the  
2 committee shall be held at the county courthouse or some other  
3 public place designated by the chair. Notice shall be given of  
4 all meetings and shall be signed by the person or persons  
5 calling the meeting and shall state briefly the purpose of the  
6 meeting, shall be mailed to each person registered as a member  
7 of the committee or known to be a member, and shall also be  
8 ~~published once each day for three consecutive days~~ advertised  
9 immediately preceding the meeting in any daily or online  
10 newspaper published in Mobile County. Notice of the annual  
11 meeting shall be given in like manner, but failure of any  
12 member to receive notice by mail of the meeting, either annual  
13 or special, shall not invalidate the meeting. At any regular  
14 or special meeting of the committee, a day may be set for the  
15 next meeting of the committee and in this event no further  
16 notice of the meeting shall be required. A majority of the  
17 persons then serving as members of the committee shall  
18 constitute a quorum for the transaction of business, but a  
19 less number may adjourn from time to time and compel the  
20 attendance of absent members in such manner and under such  
21 penalties as may be prescribed by rules and regulations of the  
22 committee. The committee shall serve without compensation.

23 "(e) At each meeting of the committee it shall make  
24 recommendations to the personnel board as it shall deem in the  
25 interest of the sound administration of this part in Mobile  
26 County and shall fill any existing vacancy on the board, and  
27 shall elect a successor to any member of the board whose term

1 will expire before the next annual meeting of the committee.  
2 The committee shall review the rules of the personnel board  
3 promulgated since the last annual meeting of the committee,  
4 and may, by a two-thirds vote of the entire committee, repeal  
5 any rule of the personnel board which it may deem not in the  
6 best interest of the sound administration of this part, but  
7 shall not have the power to amend any rule or to promulgate  
8 any new rule within the province of the personnel board to  
9 adopt according to this part. The word rule shall not be  
10 construed to mean orders, actions, or decisions of the  
11 personnel board made in the administration of this part.

12 "§45-49-120.06.

13 "(a) (1) The personnel board shall consist of five  
14 members designated respectively as Member 1, Member 2, Member  
15 3, Member 4, and Member 5, each of whom shall be over 19 years  
16 of age, of recognized good character and ability, a qualified  
17 elector of Mobile County, and shall not, when appointed nor  
18 for three years then next preceding the date of his or her  
19 appointment have held elective public office, nor have been a  
20 candidate for public office. ~~If any person actively solicits a~~  
21 ~~position on the board, the committee, for this reason, shall~~  
22 ~~refuse to consider his or her appointment.~~ After May 15, 2009,  
23 each member shall be a resident of his or her respective  
24 district, as hereinafter provided, at the time of his or her  
25 appointment and for the duration of his or her term; provided  
26 however, that those members in office on May 15, 2009, may  
27 serve out the remainder of their then unexpired term without



1 regard to their respective districts of residence. Members  
2 shall be appointed from the following districts:

3 "a. Member 1 shall be appointed from personnel board  
4 District 1, which shall include the part of Mobile County  
5 which is included in House District 96 and all of House  
6 District 102.

7 "b. Member 2 shall be appointed from personnel board  
8 District 2, which shall include all of House Districts 100 and  
9 101.

10 "c. Member 3 shall be appointed from personnel board  
11 District 3, which shall include all of House Districts 97 and  
12 103.

13 "d. Member 4 shall be appointed from personnel board  
14 District 4, which shall include all of House Districts 104 and  
15 105.

16 "e. Member 5 shall be appointed from personnel board  
17 District 5, which shall include all of House Districts 98 and  
18 99.

19 "(2) The members of the board serving on May 15,  
20 2009, shall serve out their respective terms and until their  
21 successors are appointed and qualified. Thereafter, all  
22 members shall be appointed for five-year terms. In the event  
23 of a vacancy on the board, occasioned by death, resignation,  
24 impeachment, or other cause, the vacancy shall be filled by  
25 the appointment of a qualified successor by the committee for  
26 the then unexpired term. Each member of the board shall  
27 receive an expense allowance of ~~six hundred dollars (\$600)~~

1 seven hundred dollars (\$700) per month and shall receive ~~sixty~~  
2 ~~dollars (\$60)~~ seventy-five dollars (\$75) per meeting for each  
3 meeting attended, and ~~sixty dollars (\$60)~~ seventy-five dollars  
4 (\$75) per day for attendance upon all trials and hearings by  
5 the board. The expense allowance and compensation shall be  
6 paid from the same funds as other expenses of the department  
7 are paid.

8 "(3) The board shall meet once a month on dates to  
9 be fixed by its rules and regulations and as often as shall be  
10 necessary for the orderly dispatch of its business.

11 "(b) It shall be the duty of the board as a body:

12 "(1) To select a personnel director as provided in  
13 Section 45-49-120.07.

14 "(2) After a public hearing or hearings to adopt and  
15 amend rules and regulations for the administration of this  
16 part.

17 "(3) After a public hearing or hearings to adopt,  
18 modify, or reject such classification and compensation plans  
19 for the classified service together with rules for their  
20 administration, as may be recommended by the director after a  
21 thorough survey by him or her of the personnel and department  
22 organizations included in the plan or plans.

23 "(4) To make investigations as, in the board's  
24 opinion, are reasonable, either on petition of a citizen,  
25 taxpayer, or party at interest, or of its own motion,  
26 concerning the enforcement and effect of this part, and to

1 require observance of its provisions and the rules and  
2 regulations made pursuant thereto.

3 "(5) To conduct hearings and to render decisions, as  
4 hereinafter provided, on charges preferred against persons in  
5 the classified service.

6 "(6) To make investigations as, in the board's  
7 opinion, are reasonable, as may be requested by the governing  
8 bodies of the county or of any city therein or by the  
9 committee and to report thereon to the governing body or  
10 committee requesting same.

11 "(7) To consider and act on any matters referred to  
12 the board by the director.

13 "(8) To represent the public interest in the  
14 improvement of personnel administration in the classified  
15 service.

16 "(9) To formulate and conduct orientation seminars  
17 on a regular monthly basis open to all job applicants for the  
18 purpose of familiarizing applicants with testing methods,  
19 procedures, and general subject range.

20 "(10) To devise and implement various methods of  
21 testing as alternatives to written examinations, which may  
22 include, among others, oral and applied skills testing.

23 "(11) To advise and assist the director in fostering  
24 the interest on institutions of learning, civic, professional,  
25 and employee organizations in the improvement of personnel  
26 standards in the classified service.

1           "(12) To elect at the regular monthly meeting in  
2 April of each year one of its members to serve as chair of the  
3 board for the ensuing 12 months. Should the personnel board  
4 fail to elect the chair within 30 days after the regular  
5 monthly meeting in April of each year, then a chair shall be  
6 elected by the committee.

7           "(13) Whenever by law or rules of the personnel  
8 board any positions in the service of Mobile County or of any  
9 municipality or of any other appointing authority within  
10 Mobile County, are duly transferred to and designated as  
11 positions in the classified service, or whenever a  
12 municipality or other appointing authority shall hereafter  
13 become subject to this part, if the municipality or appointing  
14 authority at the time of becoming subject to this part had in  
15 its employment employees or appointees in positions within the  
16 classified service, the personnel board may continue any or  
17 all persons employed by the county, a municipality, or other  
18 appointing authority in the same positions which they,  
19 respectively, held when the positions became subject to this  
20 part, without examination. The employees shall thereby be  
21 given a permanent status and their continued employment,  
22 promotions, and discharges shall in all matters be subject to,  
23 and governed by this part. It is the intent of this part that  
24 all present employees or appointees of the county, and any  
25 municipality, agency, or other appointing authority who were  
26 not in the classified service prior to April 8, 2004, in the  
27 discretion of the personnel board, may be blanketed in the

1 classified service and continue to hold the same position,  
2 which they, respectively, held when the positions became  
3 subject to this part. The board shall also have the authority,  
4 functions, and duties as provided in other sections of this  
5 part. It is further the intent of this part that no employees,  
6 appointees of the county, any municipality, agency, or other  
7 appointing authority shall be a member of both a collective  
8 bargaining unit and the classified service.

9 "(c) In the event that both of the following happens  
10 (1) that a municipality or other governmental agency hereafter  
11 becomes subject to this part, and (2) that at the time the  
12 municipality or other governmental agency becomes subject to  
13 this part it then has in its employ employees or appointees  
14 who would come within the classified service as defined in  
15 this part, the board may extend or grant permanent status to  
16 any or all the employees or appointees or require evidence of  
17 the fitness and ability it may deem necessary. All employees  
18 given permanent status shall thereafter in all matters be  
19 subject to and governed by this part and any rules and  
20 regulations promulgated hereunder.

21 "(d) The board shall provide a meaningful and  
22 orderly procedure for the resolution of employee grievances.

23 "(e) The board may provide an orderly procedure for  
24 discussion of matters which will improve and maintain a  
25 harmonious employee-employer relationship in all jurisdictions  
26 under the Mobile County Personnel Board. The board may  
27 establish an employee-management committee for any

1 governmental agency whose employees are under civil service  
2 and it shall determine the composition, functions, and  
3 operations of the committees. All governmental agencies whose  
4 employees are under civil service shall cooperate with the  
5 personnel board to further these objectives.

6 "(f) The personnel board has the inherent  
7 responsibility for establishing an overall policy relative to  
8 the pretraining and development of employees in the public  
9 service. The board shall adopt rules and regulations in  
10 cooperation with the appointing authorities as well as  
11 administrative guidelines to carry out its responsibility  
12 hereunder. The various governmental agencies, appointing  
13 authorities, and department heads under the jurisdiction of  
14 the Mobile County Personnel Board shall cooperate fully with  
15 the personnel board in furtherance of these objections so that  
16 the disadvantaged will be provided opportunities for  
17 employment.

18 "(g) The personnel director, under the supervision  
19 of the personnel board, shall be responsible for developing  
20 and maintaining programs for improving safety practices and  
21 conditions affecting the safety, health, and morale of  
22 employees under the Mobile County Personnel System.

23 "(h) The members of the personnel board shall be  
24 subject to impeachment for the same causes and in the same  
25 manner as other officers, as provided under Section 175 of the  
26 Constitution of Alabama of 1901.

27 "§45-49-120.07.

1           "The board shall elect and fix the salary of the  
2 director who shall hold office at the will of the board. The  
3 board shall prescribe qualifications as to residence,  
4 education, and experience as may be necessary in its opinion  
5 to fill the position of director. The director, as executive  
6 head of the department, shall direct and supervise all its  
7 administrative and technical activities. It shall be the  
8 director's duty to:

9           "(1) Attend all meetings of the board and provide  
10 for recording its official actions, but he or she shall not  
11 have a vote.

12           "(2) Appoint from the employment register employees  
13 of the department, and experts and special assistants as may  
14 be necessary to carry out effectively this part. Upon approval  
15 by the board, the director may employ a deputy personnel  
16 director outside of the merit system who shall serve at the  
17 director's pleasure. The deputy director may be employed at a  
18 salary not to exceed 75 percent of the salary of the director.

19           "(3) Prepare and recommend rules and regulations for  
20 the administration of this part.

21           "(4) Recommend, and on its adoption, establish,  
22 administer, and execute a classification plan for the  
23 classified service.

24           "(5) Submit to the board a pay plan for all  
25 positions in the classified service.

1           "(6) Conduct tests, formulate employment registers,  
2 and certify persons qualified for appointment; devise and  
3 administer employee service ratings.

4           "(7) Audit all payrolls or other compensation for  
5 personal services within the classified service as the  
6 director deems necessary, with authority to disapprove, from  
7 time to time, any item or items thereof, and no items so  
8 disapproved in writing by the director shall be paid or  
9 authorized for payment.

10          "(8) Establish and maintain a roster of all of the  
11 officers and employees in the classified service.

12          "(9) Make reasonable investigations pertaining to  
13 personnel, salary scales, and employment conditions in the  
14 classified service as may be requested by the board, the  
15 committee, or by the governing bodies of the county or any  
16 city therein.

17          "(10) Make investigations concerning the  
18 administration and effect of this part and the rules made  
19 thereunder and report his or her findings and recommendations  
20 to the board.

21          "(11) Make an annual report to the board.

22          "(12) Perform any other act or acts required of the  
23 director under this part or required of the director by the  
24 board which may be necessary or proper to carry into effect  
25 its purposes and spirit. The director may join or subscribe to  
26 any association or service or publication having as its



1 purpose the interchange or dissemination of information  
2 relating to the improvement of personnel administration.

3 "(13) The director and deputy director shall be  
4 eligible to participate in the same pension plan to which the  
5 other employees of the personnel department are members.

6 "(14) No person shall be denied the opportunity to  
7 take any test or examination given under authority of the  
8 Mobile County Personnel Board solely because of race, color,  
9 creed, national origin, sex, or age. No person shall be denied  
10 employment within the Mobile County Civil Service System  
11 solely because of race, color, creed, national origin, sex, or  
12 age.

13 "(15) The Director of the Mobile County Personnel  
14 Board, upon request of an appointing authority, shall add to  
15 any referral list of 10 applicants eligible for employment the  
16 name of any disabled person on the eligible list who is  
17 certified by the Alabama Department of Rehabilitation Services  
18 to be eligible for rehabilitation services; however, the  
19 Personnel Director shall not give preference in referral for  
20 employment to any disabled person if the Personnel Director  
21 finds the person is physically or otherwise unfit to perform  
22 effectively the duties of the position for which the person  
23 seeks employment. The decision of the Personnel Director shall  
24 be final.

25 "§45-49-120.10.

26 "(a) After consultation with appointing authorities,  
27 or other officers, or both, the director shall prepare and

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

15 "(b) The budgeting authority for each appointing  
16 authority, upon approval of the Mobile County Personnel Board,  
17 may establish pay ranges, salary steps, and number of steps  
18 for any given class provided ~~that parity is continued for~~  
19 ~~public safety employees and that~~ the ranges, salary steps, and  
20 number of steps are not less than those established by the  
21 personnel board.

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

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

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

19 "§45-49-120.21.

20 "(a) An appointing authority may dismiss a  
21 classified employee whenever he or she considers the good of  
22 the service will be served thereby, for reasons stated in  
23 writing, served on the affected employee, and a copy furnished  
24 to the director, which action shall become a public record;  
25 the dismissed employee, within 10 days after notice, may  
26 appeal from the action of the appointing authority by filing a  
27 written answer to the charges. The board, after investigating

1 may order a public hearing upon notice to, and opportunity to  
2 be heard by, the employee and if the charges are proved  
3 unwarranted, order the reinstatement of the employee under  
4 such conditions as the board may determine.

5 "(b) In addition to removal by an appointing  
6 authority, persons in the classified service may be removed or  
7 disciplined in the following manner. Charges may be filed by  
8 any officer, citizen, or taxpayer of the county with the  
9 director who, after investigation, may cause a copy to be  
10 served upon the person complained against if the charges are  
11 warranted, and forward the complaint to the board to be set  
12 for public hearing and set a day for a public hearing of such  
13 charges. This hearing may be before the director, a special  
14 agent appointed for the purpose by the director, or the board  
15 itself. If before the director or a special agent, the  
16 director or special agent shall take testimony offered in  
17 support and denial of such charges and from the same submit to  
18 the board, within five days, a finding of facts and law  
19 involved and a recommended decision. The board at its next  
20 regular or special meeting shall consider the report and  
21 modify, alter, set aside, or affirm the recommendation and  
22 certify its findings to the appointing authority who shall  
23 forthwith put the same into effect. If the board hears the  
24 charges directly or requires the transcribing and submission  
25 of the testimony taken before the director or special agent,  
26 it shall make up and file its own findings and decision. The  
27 findings of fact of the board based upon its records and the

1 testimony taken before it, ~~or before the director~~ the board  
2 shall be conclusive if supported by any substantial evidence.

3 "(c) In proceedings under this section it shall be  
4 no defense or excuse for a forbidden act, or for an omission  
5 to observe the laws or rules, that such act or omission was  
6 directed by a superior, unless a direction or order from such  
7 superior to that effect is proved to the satisfaction of the  
8 board.

9 "§45-49-120.31.

10 "If this part or its enforcement by the director or  
11 the board shall be called into question, including the appeal  
12 of an order of the board pursuant to Section 45-49-120.33, in  
13 any judicial proceeding or if any person shall fail or refuse  
14 to comply with the lawful orders or directions of the board,  
15 such board may call upon the proper county or city attorney or  
16 may employ independent counsel to represent it in sustaining  
17 this part and its enforcement. This independent counsel, if  
18 the board by resolution so prescribes, shall be in the  
19 unclassified service.

20 "§45-49-120.33.

21 "Orders of the personnel director and personnel  
22 board may be enforced by mandamus, injunction, quo warranto,  
23 or other appropriate proceedings in a court of competent  
24 jurisdiction. Any person directly interested, within 14 days,  
25 may appeal to the Circuit Court of Mobile County from any  
26 order of the board, by filing notice thereof with the board,  
27 whereupon the board shall certify to a transcript of the

1 proceedings before it and file the same in court. Only  
2 findings of fact of the board contained in the transcript, if  
3 supported by substantial evidence adduced before the board or  
4 before its personnel director after hearing and upon notice to  
5 the interested party or parties, and after affording the  
6 parties an opportunity to be heard, shall be conclusive on  
7 appeal. The issues on appeal shall be made up under the  
8 direction of the court within 30 days after the transcript is  
9 filed therein, and the trial shall proceed on the evidence  
10 contained in the transcript, if it appears therefrom that the  
11 evidence was taken after such notice and opportunity to be  
12 heard. The board shall be made a party to any appeal to the  
13 Circuit Court of Mobile County. If upon appeal, the court  
14 finds that the ruling, order, or action appealed from is  
15 unlawful or unreasonable within the meaning of this part, the  
16 court shall vacate or modify the same."

17 Section 2. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.