

1 SB270
2 215042-2
3 By Senator Hatcher (N & P)
4 RFD: Local Legislation
5 First Read: 01-MAR-22

1 SB270

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4 With Notice and Proof

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6 ENGROSSED

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to Montgomery County and to municipalities
14 in the county having a population of 5,000 or more people,
15 according to the last or any subsequent federal census; to
16 amend Section 45-51A-32.113, Code of Alabama 1975,
17 establishing a countywide personnel system; to provide that
18 certain city employees are members of the exempt service of
19 the municipality; and to provide that individuals in the
20 competitive or classified service at time of appointment by
21 the mayor to the exempt service may return to the competitive
22 or classified service upon removal by the mayor from the
23 exempt service, under certain conditions.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 45-51A-32.113, Code of Alabama
26 1975, is amended to read as follows:

27 §45-51A-32.113.

1 "(a) This subpart shall apply to all officers and
2 employees in the service of the county and affected
3 municipalities, except:

4 "(1) Elective officials. Provided however, that in
5 the event the status of an elective officer of the county or
6 municipality is changed to that of an appointive officer, then
7 at the expiration of the term of office of any such officer,
8 the ~~person~~ individual holding the office at the time of the
9 expiration of the term, providing that he or she shall have
10 served in such position for a period of at least six months
11 continuously, immediately prior to the expiration of the term
12 of office, shall assume regular status in the competitive
13 service without preliminary examination or working tests and
14 shall thereafter be subject in all respects to this subpart.

15 "(2) Members of appointive boards, commissions, and
16 committees.

17 "(3) All employees or appointees of the city or
18 county board of education, or ~~persons~~ individuals engaged in
19 the profession of teaching or in supervising teaching in the
20 public schools; excepting, however, personnel employed in
21 kindergartens or schools not a part of the city or county
22 school system operated under the direction and supervision of
23 the city or county board of education.

24 "(4) Attorneys, physicians, surgeons, and dentists
25 who, with the express or implied permission of any appointing
26 authority or of the county or municipality, hold themselves
27 out for employment by others in the same or a like line of

1 work as that performed by them for such appointing authority;
2 excepting, however, municipal recorders or assistant recorders
3 and city or municipal prosecutors or assistant city or
4 municipal prosecutors.

5 "(5) The personnel director provided for by this
6 subpart.

7 "(6) Persons in the classified service within the
8 meaning of and subject to the State Merit System under any
9 present or future law, and so long as any such law remains
10 effective.

11 "(7) One private secretary or executive assistant of
12 a member of the governing body of such municipality, the
13 bailiff appointed by each judge of the circuit court, and two
14 clerks to be designated by each county elective official and
15 also the register of the circuit court except the member of
16 the board of revenue; and any employee receiving his or her
17 compensation from any elected official of the county.

18 "(8) One clerk, deputy, or employee to be named by
19 the clerk of the circuit court for his or her office, and one
20 clerk, deputy, or employee to be named by the register of the
21 circuit court for his or her office.

22 "(9)a. The chief of police, fire chief, chief
23 financial officer, or director of finance, chief operating
24 officer, special assistant to the mayor, city attorney,
25 director of the office of city investigations, head of the
26 department of engineering and environmental services, head of
27 the inspection department, head of the planning department,

1 head of the communications department, director of traffic
2 engineering, head of the department of parks and recreation,
3 head of the maintenance department, and head of the sanitation
4 department of any affected municipality, and any private
5 secretary, executive assistant, or special assistant of any of
6 the officers and employees listed in this paragraph ~~who,~~ all
7 of whom shall be appointed and serve at the pleasure of the
8 mayor of the affected municipality. Any ~~person~~ individual
9 appointed to a position pursuant to this subdivision shall
10 meet at least the minimum qualifications for the position as
11 shall be established by the personnel board. Notwithstanding
12 any other provisions of this act, the compensation of ~~persons~~
13 individuals appointed pursuant to this subdivision shall be
14 set by the personnel board pursuant to a pay and
15 classification study.

16 "b. If a individual is removed by the mayor from any
17 of the positions listed in paragraph a. for any reason other
18 than for cause of willful neglect of duty, corruption in
19 office, incompetency, or malfeasance, and if that individual
20 was a member of the competitive or classified service of the
21 county and affected municipalities at the time of initial
22 appointment to that position by the mayor, that individual may
23 return to the competitive or classified service as if he or
24 she had never been appointed to or removed from the position
25 by the mayor.

26 "(b) Offices, positions, and employments not
27 exempted above shall constitute the competitive or classified

1 service of the county and affected municipalities. It is
2 intended hereby to include within the competitive or
3 classified service all offices, positions, and employments in
4 each such county and any such municipalities therein as these
5 offices, positions, and employment now exist, or as they may
6 hereafter exist, the holders of which are paid, whether by
7 salaries, wages, and fees, in whole or in part from funds of
8 any such county or municipality, or the holders of which
9 receive their compensation from any elected official and
10 perform duties pertaining to the office of such elected
11 official or officer except those hereinabove numerated in this
12 section. It is also intended hereby that the competitive or
13 classified service shall include all personnel of any public
14 corporation, board, committee, or commission, appointed or
15 created by the governing body of any such county or
16 municipality whether the salaries, wages, or compensation of
17 such officers or employees are paid directly by such county or
18 municipality; provided, however, the appointed members of any
19 such public corporation, board, committee, or commission shall
20 not be included in the competitive or classified service."

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

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Senate

Read for the first time and referred to the Senate committee on Local Legislation.....	01-MAR-22
Read for the second time and placed on the calendar.....	17-MAR-22
Read for the third time and passed as amended	29-MAR-22

Yeas 32
Nays 0

Patrick Harris,
Secretary.