

1 SB270
2 215042-3
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 ENROLLED, An Act,

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 45-51A-32.113, Code of Alabama
20 1975, is amended to read as follows:

21 §45-51A-32.113.

22 "(a) This subpart shall apply to all officers and
23 employees in the service of the county and affected
24 municipalities, except:

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

12 "(2) Members of appointive boards, commissions, and
13 committees.

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

21 "(4) Attorneys, physicians, surgeons, and dentists
22 who, with the express or implied permission of any appointing
23 authority or of the county or municipality, hold themselves
24 out for employment by others in the same or a like line of
25 work as that performed by them for such appointing authority;

1 excepting, however, municipal recorders or assistant recorders
2 and city or municipal prosecutors or assistant city or
3 municipal prosecutors.

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

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

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

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

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

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

17 "b. If a individual is removed by the mayor from any
18 of the positions listed in paragraph a. for any reason other
19 than for cause of willful neglect of duty, corruption in
20 office, incompetency, or malfeasance, and if that individual
21 was a member of the competitive or classified service of the
22 county and affected municipalities at the time of initial
23 appointment to that position by the mayor, that individual may
24 return to the competitive or classified service as if he or

1 she had never been appointed to or removed from the position
2 by the mayor.

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB270

Senate 29-MAR-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 06-APR-22

By: Senator Hatcher