

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

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§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, city attorney,  
24 director of the office of city investigations, head of the  
25 department of engineering and environmental services, head of  
26 the inspection department, head of the planning department,  
27 head of the communications department, director of traffic

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

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

23 "(b) Offices, positions, and employments not  
24 exempted above shall constitute the competitive or classified  
25 service of the county and affected municipalities. It is  
26 intended hereby to include within the competitive or  
27 classified service all offices, positions, and employments in

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

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