

HB471 INTRODUCED



1 HH4R66-1
2 By Representative Garrett
3 RFD: County and Municipal Government
4 First Read: 16-May-23
5 2023 Regular Session



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SYNOPSIS:

Under existing law, each county with a population of 400,000 or more shall have a county personnel board for all employees and appointees holding positions in the classified service of the county and each municipality with a population of 5,000 or more.

This bill would authorize a Class 8 municipality with a population of 25,000 or more according to the last decennial census and that has a corporate limit lying in two counties to opt out of the county personnel board's jurisdiction after six months notice, and to opt back in to the jurisdiction of the county personnel board not less than 10 years thereafter at the sole discretion of the municipality.

This bill would require a municipality that opts out of a county personnel board's jurisdiction to create its own municipal civil service system and continue all vested rights and interests of employees and appointees who were subject to the county personnel board.

This bill would also prohibit a municipality subject to this act from engaging in discrimination which is in violation of federal or state law and would require the municipality to adopt a certain



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29 antidiscrimination policy.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to county personnel boards; to authorize
37 certain municipalities to opt out from the jurisdiction of a
38 county personnel board and to require a municipality that opts
39 out from the jurisdiction of a county personnel board to
40 create a civil service system and continue the rights of
41 employees and officials vested or vesting in the county
42 personnel board.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. (a) This section shall apply to any Class 8
45 municipality with a corporate limit lying in two counties,
46 which has a population equal to or greater than 25,000
47 according to the last decennial census and which was subject,
48 on January 1, 2023, to a county personnel board.

49 (b) (1) The governing body of a municipality, by
50 ordinance, may opt out from the jurisdiction of a county
51 personnel board, effective six months after the effective date
52 of the ordinance. A copy of the ordinance shall be transmitted
53 to the county personnel board following its passage by the
54 municipal governing body.

55 (2) Not less than 10 years after a municipality opts
56 out from the county personnel board's jurisdiction as provided



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57 in subdivision (1), the municipality, by ordinance, may opt
58 back in to a county personnel board's jurisdiction, effective
59 six months after the effective date of the ordinance. A copy
60 of the ordinance shall be transmitted to the county personnel
61 board following its passage by the governing body.

62 (c) Any municipality that opts out from the county
63 personnel board's jurisdiction as provided in subdivision
64 (b) (1) shall create its own municipal civil service system
65 which shall ensure that the vested or vesting rights of any
66 existing appointees of the county civil service system are
67 protected and not otherwise altered or diminished, except as
68 otherwise provided for by law.

69 (d) (1) Any municipality exercising its rights under
70 this section may not engage in any type or form of
71 discrimination that is prohibited by federal or state law.

72 (2) Any municipality that elects to opt out as provided
73 in this section shall enact a policy that explicitly prohibits
74 the appointment, promotion, demotion, or dismissal of an
75 employee from any position which in any way favors or
76 discriminates against the employee because of his or her
77 political or religious opinions or affiliations or because of
78 his or her race or gender or for any other reason that is
79 prohibited by state or federal law.

80 Section 2. In the event of a conflict, Section 1 shall
81 supersede any law in effect on the effective date of this act
82 to the contrary.

83 Section 3. This act shall become effective on the first
84 day of the third month following its passage and approval by



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85 the Governor, or its otherwise becoming law.