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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31	
32	A BILL
33	TO BE ENTITLED
34	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

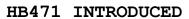
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in subdivision (1), the municipality, by ordinance, may opt
back in to a county personnel board's jurisdiction, effective
six months after the effective date of the ordinance. A copy
of the ordinance shall be transmitted to the county personnel
board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

- (c) Any municipality that opts out from the county personnel board's jurisdiction as provided in subdivision

 (b) (1) shall create its own municipal civil service system which shall ensure that the vested or vesting rights of any existing appointees of the county civil service system are protected and not otherwise altered or diminished, except as otherwise provided for by law.
- (d) (1) Any municipality exercising its rights under this section may not engage in any type or form of discrimination that is prohibited by federal or state law.
- (2) Any municipality that elects to opt out as provided in this section shall enact a policy that explicitly prohibits the appointment, promotion, demotion, or dismissal of an employee from any position which in any way favors or discriminates against the employee because of his or her political or religious opinions or affiliations or because of his or her race or gender or for any other reason that is prohibited by state or federal law.
- Section 2. In the event of a conflict, Section 1 shall supersede any law in effect on the effective date of this act to the contrary.
- Section 3. This act shall become effective on the first day of the third month following its passage and approval by





the Governor, or its otherwise becoming law.