

HB500 INTRODUCED



1 FPEU5D-1
2 By Representative Ingram (N & P)
3 RFD: Montgomery County Legislation
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A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County and the City of Montgomery; to establish a separate personnel merit system and a separate human resources department for the county and the city; to provide for separate personnel appeals boards for each separate personnel merit system; to provide for the transfer of existing employees to the appropriate system; to provide for the adoption of rules and procedures for each system; to provide for the transfer of property and records; and to provide for the repeal of Sections 45-51A-32.110 to 45-51A-32.127, Code of Alabama 1975, inclusive, effective January 1, 2024.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Effective January 1, 2024, the City of Montgomery, pursuant to Sections 1 to 10, inclusive of this act, shall establish and administer its own personnel merit system based on principles of human resources management which shall include equity, fairness, and compliance with all applicable state and federal laws. This shall be a merit based personnel system that seeks to maintain high quality employee conduct, integrity, and concern for the public interest. These



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29 factors shall be the basis for all personnel decisions whether
30 made by the human resources department, the city, or the
31 personnel appeals board for the city.

32 Section 2. Definitions.

33 The following words used in Sections 1 to 10,
34 inclusive, of this act have the following meanings:

35 (1) APPEALS BOARD. The personnel appeals board created
36 by the city council and whose members are elected by the city
37 council.

38 (2) CITY. The City of Montgomery.

39 (3) CITY COUNCIL. The City Council of the City of
40 Montgomery.

41 (4) DEPARTMENT. The human resources department, a
42 department of the city created to carry out all personnel and
43 related matters as designated by the city.

44 (5) EMPLOYEE. Any individual who works for the city in
45 a classified or unclassified position whose salary is paid
46 with funds paid by the city.

47 a. Unclassified Employee. An employee who serves at the
48 pleasure of the mayor and who is not a participant in the
49 merit based personnel system hereby established. The following
50 are unclassified employees:

51 1. All unclassified employees of the city on January 1,
52 2024.

53 2. Volunteer personnel who receive no compensation from
54 the city.

55 3. Persons performing work under contract with the city
56 and not carried on the payroll as employees.



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57 4. Persons whose employment is subject to the approval
58 of the United States Government, the City or County of
59 Montgomery, or the State of Alabama.

60 5. Temporary employees.

61 6. Other persons designated by the city council who the
62 city council determines should report directly to the mayor.

63 b. Classified Employee. An employee who is assigned to
64 an ongoing position authorized by the city, whose salary is
65 paid with funds paid by the city, and who may become a
66 participant in the merit based personnel system hereby
67 established following an initial probationary period.

68 (6) MAYOR. The Mayor of the City of Montgomery.

69 (7) VACANCY. A position approved and funded by the city
70 which is currently unoccupied or is being filled by a
71 temporary employee.

72 Section 3. Principles.

73 (a) The City Council of the City of Montgomery shall
74 establish a merit based personnel system for classified
75 employees of the city. The department shall adopt rules and
76 procedures necessary to implement a merit based personnel
77 system based on the following principles:

78 (1) Recruiting, selecting, and advancing employees
79 based on their ability, knowledge, and skills, including the
80 open competition of qualified applicants for initial
81 appointment.

82 (2) Establishing pay rates consistent with the
83 principle of comparable pay for comparable jobs.

84 (3) Training employees, as needed, to assure quality



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85 job performance.

86 (4) Retaining employees on the basis of city needs,
87 adequacy of performance, correcting inadequate performance
88 when possible, and separating employees whose continued
89 employment is not in the best interests of the city.

90 (5) Assuring fair treatment of applicants and employees
91 in all aspects of personnel administration without regard to
92 political affiliation, sex, race, color, religion, national
93 origin, disability, or age.

94 (6) Providing all classified employees who have been
95 disciplined or who have grievances, or both, a fair and
96 impartial hearing and a resolution of the disciplinary action
97 and grievances.

98 (b) All employees of the city on January 1, 2024, shall
99 remain employees of the city under the jurisdiction of the
100 merit based personnel system.

101 Section 4. Continuation of employment.

102 (a) All classified employment with the city is
103 contingent upon all of the following:

104 (1) Availability of funds.

105 (2) The city's need for work to be done.

106 (3) The employee's compliance with all rules, policies,
107 and procedures established in accordance with Sections 1 to 10
108 of this act.

109 (4) Satisfactory job performance by the employee.

110 (b) All classified employees who have successfully
111 completed a probationary period shall not be separated from
112 city employment without a hearing before the appeals board



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113 established in Section 7 of this act pursuant to the rules and
114 procedures adopted by the department, if the employee requests
115 a hearing.

116 Section 5. Establishment of human resources department.

117 (a) The city council shall establish a human resources
118 department within the city. The city council shall adopt all
119 rules, policies, and procedures necessary for creation and
120 operation of the department.

121 (b) The department shall assist the city council in the
122 creation and implementation of a personnel system. The
123 department shall carry out all activities assigned to it by
124 the city council. This shall include adopting all necessary
125 rules, policies, and procedures; overseeing benefits related
126 to employment; assisting department heads; assisting
127 employees; providing clerical and administrative assistance to
128 the personnel appeals board; and any other functions deemed
129 appropriate by the city council.

130 Section 6. Rules, policies, and procedures.

131 The rules, policies, and procedures necessary to implement
132 Sections 1 to 10 of this act shall be adopted by the
133 department and approved by the city council by December 1,
134 2023. The rules, policies, and procedures adopted by the
135 department shall be based on the principle that all employees
136 and applicants shall receive fair and equitable treatment in
137 all aspects of personnel management without regard to
138 political affiliation, race, color, religion, national origin,
139 sex, age, disability, and with proper regard for privacy and
140 constitutional rights.



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141 Section 7. Personnel appeals board.

142 (a) The city council shall create a personnel appeals
143 board separate and apart from the department for the purpose
144 of hearing all appeals from final employee actions by the city
145 and as requested by the affected employee. The appeals board
146 shall consist of three members elected by vote of majority of
147 the city council at any regularly or specially scheduled city
148 council meeting.

149 (b) The appeals board members shall be residents of and
150 qualified voters of the City of Montgomery during their
151 tenure. A member may not be a city employee or board member or
152 a blood relative as defined by the state Merit System, of a
153 city employee or the mayor or city council.

154 (c) Each appeals board member shall be appointed for a
155 three-year term, unless filling an unexpired term, and may be
156 reappointed. However, the first appointed members shall serve
157 staggered terms of 3, 2, and 1 years as determined by the city
158 council.

159 (d) The appeals board members shall elect a chair
160 annually by a majority vote.

161 (e) The appeals board shall meet at least quarterly and
162 at such other times as determined by the chair.

163 (f) The city council shall determine the compensation
164 of the appeals board members and shall also provide the board
165 with office space and support staff as reasonably necessary.

166 (g) The city council shall adopt the necessary rules
167 and procedures for the operation of the appeals board.

168 Section 8. Employment.



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169 All classified employees shall be hired from a
170 certified register of job applicants who meet the job related
171 qualifications as provided by the department. All personnel
172 activities shall be in accordance with the rules, policies,
173 and procedures enacted by the city council.

174 Section 9. Political activity.

175 (a) Any employee may participate in city or state
176 political activities to the same extent any resident of
177 Alabama may. This activity may include endorsing a candidate
178 and contributing to campaigns. Employees may join local
179 political organizations, and state and national political
180 parties. Employees may also support issues of public welfare,
181 circulate petitions, and make contributions.

182 (b) No employee of the city shall use his or her
183 official position or authority to influence the vote or
184 political action of any person, nor shall any city funds,
185 property, or time be used for any political activity. No
186 employee of the city shall solicit political contributions or
187 solicit work in any capacity in a campaign from any individual
188 who is a subordinate employee.

189 Section 10. Transfer of Records.

190 All existing records related to city employment of city
191 employees shall be transferred to the human resources
192 department.

193 Section 11.

194 Effective January 1, 2024, the Montgomery County
195 Commission, pursuant to Sections 11 to 20, inclusive, of this
196 act, shall establish and administer its own personnel merit



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197 system for county employees based on principles of human
198 resources management which shall include equity, fairness, and
199 compliance with all applicable state and federal laws. This
200 shall be a merit based personnel system that seeks to maintain
201 high quality employee conduct, integrity, and concern for the
202 public interest. These factors shall be the basis for all
203 personnel decisions whether made by the human resources
204 department, the county commission, or the personnel appeals
205 board.

206 Section 12. Definitions.

207 The following words as used in Sections 11 to 20,
208 inclusive, have the following meanings:

209 (1) APPEALS BOARD. The personnel appeals board created
210 by the county commission and whose members are elected by the
211 county commission.

212 (2) COUNTY. Montgomery County.

213 (3) COUNTY COMMISSION. The Montgomery County
214 Commission.

215 (4) DEPARTMENT. The human resources department, a
216 department of the county created to carry out all personnel
217 and related matters as designated by the county commission.

218 (5) EMPLOYEE. Any individual who works for the county,
219 a county officer, or a county agency in a classified or
220 unclassified position whose salary is paid with funds paid by
221 the county.

222 a. Unclassified Employee. An employee who serves at the
223 pleasure of the county commission, or a county officer, or a
224 county agency and who is not a participant in the merit based



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225 personnel system hereby established. The following are
226 unclassified employees:

227 1. All unclassified employees of the county on January
228 1, 2024, in the employment of the county, a county officer, or
229 a county agency.

230 2. Volunteer personnel who receive no compensation from
231 the county.

232 3. Persons performing work under contract with the
233 county and not carried on the payroll as employees.

234 4. Persons whose employment is subject to the approval
235 of the United States Government, the City or County of
236 Montgomery, or the State of Alabama.

237 5. Temporary employees.

238 6. Other persons designated by the county commission
239 who meet the intent of this section.

240 b. Classified Employee. An employee who is assigned to
241 an ongoing position authorized by a county officer or the
242 county commission, whose salary is paid with funds paid by the
243 county, and who may become a participant in the merit based
244 personnel system established pursuant to this act following an
245 initial probationary period.

246 (6) VACANCY. A position approved and funded by the
247 county that is currently unoccupied or is being filled by a
248 temporary employee.

249 Section 13. Principles.

250 (a) The Montgomery County Commission shall establish a
251 merit based personnel system for classified employees of the
252 county. The department shall adopt rules and procedures



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253 necessary to implement a merit based system based on the
254 following principles:

255 (1) Recruiting, selecting, and advancing employees
256 based on their ability, knowledge, and skills, including the
257 open competition of qualified applicants for initial
258 appointment.

259 (2) Establishing pay rates consistent with the
260 principle of comparable pay for comparable jobs.

261 (3) Training employees, as needed, to assure quality
262 job performance.

263 (4) Retaining employees on the basis of county needs,
264 adequacy of performance, correcting inadequate performance
265 when possible, and separating employees whose continued
266 employment is not in the best interests of the county.

267 (5) Assuring fair treatment of applicants and employees
268 in all aspects of personnel administration without regard to
269 political affiliation, sex, race, color, religion, national
270 origin, disability, or age.

271 (6) Providing all classified employees who have been
272 disciplined or who have grievances, or both, a fair and
273 impartial hearing and a resolution of the disciplinary action
274 and grievances.

275 (b) All employees of the county on January 1, 2024,
276 shall remain employees of the county under the jurisdiction of
277 the merit based personnel system.

278 Section 14. Continuation of employment.

279 (a) All classified employment with the county is
280 contingent upon all of the following:



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281 (1) Availability of funds.

282 (2) The need for work to be done by the county or a
283 county officer.

284 (3) The employee's compliance with all rules, policies,
285 and procedures established in accordance with Sections 11 to
286 20 of this act.

287 (4) Satisfactory job performance by the employee.

288 (b) All classified employees who have successfully
289 completed a probationary period shall not be separated from
290 county employment without a hearing before the appeals board
291 pursuant to the rules and procedures adopted by the
292 department, if the employee requests a hearing.

293 Section 15. Establishment of human resources
294 department.

295 (a) The county commission shall establish a human
296 resources department within the county. The county commission
297 shall adopt all rules, policies, and procedures necessary for
298 creation and operation of the department.

299 (b) The department shall assist the county commission
300 in the creation and implementation of a personnel system. The
301 department shall carry out all activities assigned to it by
302 the county commission. This shall include adopting all
303 necessary rules, policies, and procedures; overseeing benefits
304 related to employment; assisting department heads; assisting
305 employees; providing clerical and administrative assistance to
306 the personnel appeals board; and any other functions deemed
307 appropriate by the county commission, all with consideration
308 and approval by the board.



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309 Section 16. Rules, policies, and procedures.

310 The rules, policies, and procedures necessary to
311 implement the county personnel system shall be adopted by the
312 department and approved by the county commission by December
313 1, 2023. The rules, policies, and procedures adopted and
314 approved by the county commission shall be based on the
315 principle that all employees and applicants shall receive fair
316 and equitable treatment in all aspects of personnel management
317 without regard to political affiliation, race, color,
318 religion, national origin, sex, age, disability, and with
319 proper regard for privacy and constitutional rights.

320 Section 17. Personnel appeals board.

321 (a) The county commission shall create a personnel
322 appeals board separate and apart from the county commission
323 for the purpose of hearing all appeals from final employee
324 actions by the county and as requested by the affected
325 employee. The appeals board shall consist of three members
326 elected by vote of majority of the county commission at any
327 regularly or specially scheduled county commission meeting.

328 (b) The appeals board members shall be residents of and
329 qualified voters of Montgomery County during their tenure. A
330 member may not be a county employee or board member or a blood
331 relative as defined by the state Merit System, of a county
332 employee.

333 (c) Each appeals board member shall be appointed for a
334 three-year term, unless filling an unexpired term, and may be
335 reappointed. However, the first appointed members shall serve
336 staggered terms of 3, 2, and 1 years as determined by the



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337 county commission.

338 (d) The appeals board members shall elect a chair
339 annually by a majority vote.

340 (e) The appeals board shall meet at least quarterly and
341 at such other times as determined by the chair.

342 (f) The county commission shall determine the
343 compensation of the appeals board members and shall also
344 provide the board with office space and support staff as
345 reasonably necessary.

346 (g) The county commission shall adopt the necessary
347 rules, regulations, and procedures for the operation of the
348 appeals board.

349 Section 18. Employment.

350 All classified employees shall be hired from a
351 certified register of job applicants who meet the job related
352 qualifications as provided by the department. All personnel
353 activities shall be in accordance with the rules, policies,
354 and procedures enacted by the county commission.

355 Section 19. Political activity.

356 (a) Any employee may participate in county or state
357 political activities to the same extent any resident of
358 Alabama may. This activity may include endorsing a candidate
359 and contributing to campaigns. Employees may join local
360 political organizations, and state and national political
361 parties. Employees may also support issues of public welfare,
362 circulate petitions, and make contributions.

363 (b) No employee of the county shall use his or her
364 official position or authority to influence the vote or



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365 political action of any person, nor shall any county funds,
366 property, or time be used for any political activity. No
367 employee of the county shall solicit political contributions
368 or solicit work in any capacity in a campaign from any person
369 who is a subordinate employee.

370 Section 20. Transfer of Records.

371 All existing records related to employment of all
372 county employees shall be transferred to the human resources
373 department.

374 Section 21. Effective January 1, 2024, Sections
375 45-51A-32.110 to Section 45-51A-32.127 of the Code of Alabama
376 1975, inclusive (Subpart 5 of Part 3 of Article 3 of Chapter
377 51A of Title 45), establishing the Montgomery City/County
378 Personnel Department and Personnel Board for the Montgomery
379 County and the City of Montgomery, are repealed. All property
380 of the Montgomery City/County Personnel Board and Personnel
381 Department shall be transferred to the Montgomery County Human
382 Resources Department established by Sections 11 through 20.
383 All records relating to any employee of the City of Montgomery
384 shall be transferred to the City of Montgomery Personnel
385 Department. All records relating to any employee of Montgomery
386 County shall be retained by the Montgomery County Human
387 Resources Department.

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