

**SB163 ENGROSSED**



1 35MYZZ-2  
2 By Senator Williams  
3 RFD: Banking and Insurance  
4 First Read: 04-Apr-23  
5 2023 Regular Session



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### SYNOPSIS:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize any county, municipality, or governmental entity subject to a countywide civil service system established by a local law to elect by a majority vote of the governing body of the county, municipality, or governmental entity to be exempt from the countywide civil service system for the recruitment and hiring of all employees; to require the county, municipality, or governmental entity to adopt a human resources policy and procedures manual and to notify the director of the countywide civil service system of its decision to withdraw from the system for the recruitment and hiring of employees; and to provide that employees, after a probationary period, would be merit system employees subject to all rights and protections under the countywide civil service system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the term "countywide civil service system" means a civil service system established by a local law that did not require approval by a referendum and that applies only to a named county that does not sponsor a retirement plan for its



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29 employees and was not established by a general law of local  
30 application that at the time of its enactment applied only to  
31 a county or counties based on population, certain  
32 municipalities in the county, and any governmental entity in  
33 the county to which the civil service system applies.

34 (b) Any county, municipality, or governmental entity  
35 subject to a countywide civil service system, by a majority  
36 vote of the county commission, the city or town council, or  
37 the governmental entity, may elect to opt out of the  
38 countywide civil service system for the recruitment, testing,  
39 interviewing, and hiring of all employees.

40 (c) Any county, municipality, or governmental entity  
41 making the election authorized by subsection (b), prior to the  
42 effective date of the partial withdrawal, shall adopt a human  
43 resources policy and procedures manual, which shall include  
44 personnel policy guidelines; operational standards; employee  
45 management, recruitment, testing, hiring and termination  
46 procedures; equal employment opportunities policies; and  
47 workplace harassment policies to ensure compliance with  
48 applicable federal and state laws, rules, and regulations.

49 (d) A county, municipality, or governmental entity  
50 making the election pursuant to this section shall provide  
51 written notice to the director of the countywide civil service  
52 system of its decision to conduct its own recruitment and  
53 hiring outside of the countywide civil service system.

54 (e) Any employee hired by a county, municipality, or  
55 governmental entity shall immediately become subject to the  
56 countywide civil service system, provided that the employee



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57 shall complete a probationary period of twelve months during  
58 which probationary period the employee shall be an at-will  
59 employee with no property right in his or her position. Upon  
60 satisfactory completion of the probationary period, the  
61 employee shall be subject to all rights and protections  
62 currently provided by the countywide civil service system.

63 (f) Any county, municipality, or governmental entity  
64 that elects to opt out as provided in this section shall enact  
65 a policy that explicitly prohibits the appointment, promotion,  
66 demotion, or dismissal of an employee from any position which  
67 in any way favors or discriminates against the employee  
68 because of his or her political or religious opinions or  
69 affiliations or because of his or her race or gender or for  
70 any other reason that is prohibited by state or federal law.

71 Section 2. This act shall become effective immediately  
72 following its passage and approval by the Governor, or its  
73 otherwise becoming law.



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76 Senate

77 Read for the first time and referred .....04-Apr-23  
78 to the Senate committee on Banking  
79 and Insurance  
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81 Read for the second time and placed .....03-May-23  
82 on the calendar:  
83 0 amendments  
84  
85 Read for the third time and passed .....16-May-23  
86 as amended  
87 Yeas 34  
88 Nays 0  
89 Abstains 0  
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91  
92 Patrick Harris,  
93 Secretary.  
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