

**SB337 INTRODUCED**



1 HYQP88-1  
2 By Senator Hatcher (N & P)  
3 RFD: Local Legislation  
4 First Read: 18-May-23  
5 2023 Regular Session



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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.