

# HB287 INTRODUCED



1 HB287  
2 WRNQ9E5-1  
3 By Representative Hassell (N & P)  
4 RFD: Montgomery County Legislation  
5 First Read: 05-Mar-24



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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, inclusive, Code of Alabama 1975, effective January 1, 2025.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. City Human Resource Department.

Effective January 1, 2025, 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,



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29 integrity, and concern for the public interest. These factors  
30 shall be the basis for all personnel decisions whether made by  
31 the human resources department, the city, or the personnel  
32 appeals board for the city.

33 Section 2. Definitions.

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

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

39 (2) CITY. The City of Montgomery.

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

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

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

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

52 1. All unclassified employees of the city on January 1,  
53 2025.

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

56 3. Persons performing work under contract with the city



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57 and not carried on the payroll as employees.

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

61 5. Temporary employees.

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

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

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

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

73 Section 3. Principles.

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

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

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



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85 (3) Training employees, as needed, to assure quality  
86 job performance.

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

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

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

99 (b) All employees of the city on January 1, 2025, shall  
100 remain employees of the city under the jurisdiction of the  
101 merit based personnel system.

102 Section 4. Continuation of employment.

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

105 (1) Availability of funds.

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

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

110 (4) Satisfactory job performance by the employee.

111 (b) All classified employees who have successfully  
112 completed a probationary period shall not be separated from



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113 city employment without a hearing before the appeals board  
114 established in Section 7 of this act pursuant to the rules and  
115 procedures adopted by the department if the employee requests  
116 a hearing.

117 Section 5. Establishment of human resources department.

118 (a) The city council shall establish a human resources  
119 department within the city. The city council shall adopt all  
120 rules, policies, and procedures necessary for creation and  
121 operation of the department. The department shall be under the  
122 direction and supervision of the Director of the Human  
123 Resources Department, who shall be appointed by the mayor as  
124 an exempt employee of the city. The Director of Human  
125 Resources shall appoint all employees of the department.

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

135 Section 6. Rules, policies, and procedures.

136 The rules, policies, and procedures necessary to  
137 implement Sections 1 to 10 of this act shall be adopted by the  
138 department and approved by the city council by December 1,  
139 2024. The rules, policies, and procedures adopted by the  
140 department shall be based on the principle that all employees



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141 and applicants shall receive fair and equitable treatment in  
142 all aspects of personnel management without regard to  
143 political affiliation, race, color, religion, national origin,  
144 sex, age, disability, and with proper regard for privacy and  
145 constitutional rights.

146 Section 7. Personnel appeals board.

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

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

159 (c) Each appeals board member shall be appointed for a  
160 three-year term, unless filling an unexpired term, and may be  
161 reappointed. However, the first appointed members shall serve  
162 staggered terms of three, two, and one years as determined by  
163 the city council.

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

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

168 (f) The city council shall determine the compensation



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169 of the appeals board members and shall also provide the board  
170 with office space and support staff as reasonably necessary.

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

173 Section 8. Employment.

174 All classified employees shall be hired from a  
175 certified register of job applicants who meet the job related  
176 qualifications as provided by the department. All personnel  
177 activities shall be in accordance with the rules, policies,  
178 and procedures enacted by the city council.

179 Section 9. Political activity.

180 (a) Any employee may participate in city political  
181 activities to the same extent as authorized by state law. This  
182 activity may include endorsing a candidate and contributing to  
183 campaigns. Employees may join local political organizations  
184 and state and national political parties. Employees may also  
185 support issues of public welfare, circulate petitions, and  
186 make contributions.

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

194 Section 10. Transfer of records.

195 All existing records related to city employment of city  
196 employees shall be transferred to the human resources





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197 department.

198 Section 11. County Human Resource Department.

199 Effective January 1, 2025, the Montgomery County  
200 Commission, pursuant to Sections 11 to 20, inclusive of this  
201 act, shall establish and administer its own personnel merit  
202 system for county employees based on principles of human  
203 resources management which shall include equity, fairness, and  
204 compliance with all applicable state and federal laws. This  
205 shall be a merit based personnel system that seeks to maintain  
206 high quality employee conduct, integrity, and concern for the  
207 public interest. These factors shall be the basis for all  
208 personnel decisions whether made by the human resources  
209 department, the county commission, or the personnel appeals  
210 board.

211 Section 12. Definitions.

212 The following words as used in Sections 11 to 20,  
213 inclusive of this act, have the following meanings:

214 (1) APPEALS BOARD. The personnel appeals board created  
215 by the county commission and whose members are elected by the  
216 county commission.

217 (2) COUNTY. Montgomery County.

218 (3) COUNTY COMMISSION. The Montgomery County  
219 Commission.

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

223 (5) EMPLOYEE. Any individual who works for the county,  
224 a county officer, or a county agency in a classified or



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225 unclassified position whose salary is paid with funds paid by  
226 the county.

227         a. Unclassified Employee. An employee who serves at the  
228 pleasure of the county commission, a county officer, or a  
229 county agency and who is not a participant in the merit based  
230 personnel system hereby established. The following are  
231 unclassified employees:

232             1. All unclassified employees of the county on January  
233 1, 2025, in the employment of the county, a county officer, or  
234 a county agency.

235             2. Volunteer personnel who receive no compensation from  
236 the county.

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

239             4. Persons whose employment is subject to the approval  
240 of the United States Government, the City or County of  
241 Montgomery, or the State of Alabama.

242             5. Temporary employees.

243             6. Other persons designated by the county commission  
244 who meet the intent of this section.

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

251             (6) VACANCY. A position approved and funded by the  
252 county that is currently unoccupied or is being filled by a



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253 temporary employee.

254 Section 13. Principles.

255 (a) The Montgomery County Commission shall establish a  
256 merit based personnel system for classified employees of the  
257 county. The department shall adopt rules, policies, and  
258 procedures necessary to implement a merit based personnel  
259 system based on the following principles:

260 (1) Recruiting, selecting, and advancing employees  
261 based on their ability, knowledge, and skills, including the  
262 open competition of qualified applicants for initial  
263 appointment.

264 (2) Establishing pay rates consistent with the  
265 principle of comparable pay for comparable jobs.

266 (3) Training employees, as needed, to assure quality  
267 job performance.

268 (4) Retaining employees on the basis of county needs,  
269 adequacy of performance, correcting inadequate performance  
270 when possible, and separating employees whose continued  
271 employment is not in the best interests of the county.

272 (5) Assuring fair treatment of applicants and employees  
273 in all aspects of personnel administration without regard to  
274 political affiliation, sex, race, color, religion, national  
275 origin, disability, or age.

276 (6) Providing all classified employees who have been  
277 disciplined or who have grievances, or both, a fair and  
278 impartial hearing and a resolution of the disciplinary action  
279 and grievances.

280 (b) All employees of the county on January 1, 2025,



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281 shall remain employees of the county under the jurisdiction of  
282 the merit based personnel system.

283 Section 14. Continuation of employment.

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

286 (1) Availability of funds.

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

289 (3) The employee's compliance with all rules, policies,  
290 and procedures established in accordance with Sections 11 to  
291 20 of this act.

292 (4) Satisfactory job performance by the employee.

293 (b) All classified employees who have successfully  
294 completed a probationary period shall not be separated from  
295 county employment without a hearing before the appeals board  
296 pursuant to the rules and procedures adopted by the department  
297 if the employee requests a hearing.

298 Section 15. Establishment of human resources  
299 department.

300 (a) The county commission shall establish a human  
301 resources department within the county. The county commission  
302 shall adopt all rules, policies, and procedures necessary for  
303 creation and operation of the department.

304 (b) The department shall assist the county commission  
305 in the creation and implementation of a personnel system. The  
306 department shall carry out all activities assigned to it by  
307 the county commission. This shall include adopting all  
308 necessary rules, policies, and procedures; overseeing benefits



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309 related to employment; assisting department heads; assisting  
310 employees; providing clerical and administrative assistance to  
311 the personnel appeals board; and any other functions deemed  
312 appropriate by the county commission.

313 Section 16. Rules, policies, and procedures.

314 The rules, policies, and procedures necessary to  
315 implement the county personnel system shall be adopted by the  
316 department and approved by the county commission by December  
317 1, 2024. The rules, policies, and procedures adopted and  
318 approved by the county commission shall be based on the  
319 principle that all employees and applicants shall receive fair  
320 and equitable treatment in all aspects of personnel management  
321 without regard to political affiliation, race, color,  
322 religion, national origin, sex, age, disability, and with  
323 proper regard for privacy and constitutional rights.

324 Section 17. Personnel appeals board.

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

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



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337 (c) Each appeals board member shall be appointed for a  
338 three-year term, unless filling an unexpired term, and may be  
339 reappointed. However, the first appointed members shall serve  
340 staggered terms of three, two, and one years as determined by  
341 the county commission.

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

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

346 (f) The county commission shall determine the  
347 compensation of the appeals board members and shall also  
348 provide the board with office space and support staff as  
349 reasonably necessary.

350 (g) The county commission shall adopt the necessary  
351 rules, policies, and procedures for the operation of the  
352 appeals board.

353 Section 18. Employment.

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

359 Section 19. Political activity.

360 (a) Any employee may participate in county political  
361 activities to the same extent as authorized by state law. This  
362 activity may include endorsing a candidate and contributing to  
363 campaigns. Employees may join local political organizations  
364 and state and national political parties. Employees may also



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365 support issues of public welfare, circulate petitions, and  
366 make contributions.

367 (b) No employee of the county shall use his or her  
368 official position or authority to influence the vote or  
369 political action of any person, nor shall any county funds,  
370 property, or time be used for any political activity. No  
371 employee of the county shall solicit political contributions  
372 or solicit work in any capacity in a campaign from any person  
373 who is a subordinate employee.

374 Section 20. Transfer of records.

375 All existing records related to employment of all  
376 county employees shall be transferred to the human resources  
377 department.

378 Section 21. Effective January 1, 2025, Sections  
379 45-51A-32.110 to Section 45-51A-32.127 of the Code of Alabama  
380 1975, inclusive (Subpart 5 of Part 3 of Article 3 of Chapter  
381 51A of Title 45), establishing the Montgomery City/County  
382 Personnel Department and Personnel Board for Montgomery County  
383 and the City of Montgomery, are repealed. All property of the  
384 Montgomery City/County Personnel Board and Personnel  
385 Department shall be transferred to the Montgomery County Human  
386 Resources Department established by Sections 11 through 20.  
387 All records relating to any employee of the City of Montgomery  
388 shall be transferred to the City of Montgomery Personnel  
389 Department. All records relating to any employee of Montgomery  
390 County shall be retained by the Montgomery County Human  
391 Resources Department.

392 Section 22. This act shall become effective January 1,



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393 2025.