

HB493 ENROLLED



1 HB493
2 9J7ERMP-2
3 By Representatives Hulsey, Bedsole, Paschal, Mooney (N & P)
4 RFD: Shelby County Legislation
5 First Read: 24-Feb-26



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1 Enrolled, An Act,

2

3 Relating to Shelby County; to establish a civil service
4 system in the City of Helena; to provide for the board; to
5 provide for the appointment of a director; to provide for the
6 establishment of policies; to provide for an appeals process;
7 and to repeal Act 92-201, 1992 Regular Session (Acts 1992, p.
8 442), relating to the civil service system of the City of
9 Helena.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited as
12 the City of Helena Civil Service System Act.

13 Section 2. For the purposes of this act, the following
14 terms have the following meanings:

15 (1) APPOINTING AUTHORITY. The mayor, city council, or
16 any employee of the city duly authorized to make appointments
17 to the regular service by virtue of his or her supervisory
18 capacity.

19 (2) CERTIFICATION. A submission of names of eligibles
20 from a reemployment list, promotion list, or eligible register
21 to any appointing authority for the purpose of filling a
22 position in the classified service.

23 (3) CITY. The City of Helena.

24 (4) CLASS. A group of positions in the regular service
25 sufficiently similar in respect to the duties,
26 responsibilities, and authority that the same descriptive
27 title may be used to identify all positions allocated to the
28 class; that the same requirements as to education, experience,



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29 capacity, knowledge, proficiency, ability, and other
30 qualifications should be required of the incumbents; that the
31 same tests of fitness may be used to choose qualified
32 employees; and that the same schedule of compensation can be
33 made to apply with equity.

34 (5) CLASSIFICATION. The assigning of a position to the
35 appropriate class in accordance with its duties,
36 responsibilities, and authority.

37 (6) CLASSIFIED SERVICE. Any employment position in the
38 city, whether regular, probationary, temporary, or exempt, for
39 which a position of employment exists and the salary and
40 benefits are determined by the appointing authority.

41 (7) COUNCIL. City Council of the City of Helena.

42 (8) DEMOTION. Any disciplinary or other action that
43 reduces the pay grade or pay step of a nonexempt employee in
44 the regular service.

45 (9) DEPARTMENT HEAD. Any individual who provides
46 administrative and supervisory work in directing all
47 activities and employees of a city department.

48 (10) DIRECTOR. The personnel director appointed by the
49 mayor or the company contracted by the mayor to perform
50 personnel services.

51 (11) ELIGIBLE. An individual whose name is on a
52 reemployment list, a promotion list, or an eligible register.

53 (12) ELIGIBLE REGISTER. A record containing names,
54 listed and ranked in order of their final earned average from
55 the highest to the lowest, of those individuals who have
56 successfully completed prescribed tests and are qualified for



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57 original appointment to positions in the class for which the
58 test was held.

59 (13) MAYOR. The individual elected or appointed to the
60 official position of mayor of the city.

61 (14) OPEN-COMPETITIVE. The process of seeking qualified
62 candidates for a regular position from any qualified
63 individual including taking applications from the general
64 public and other employees in the regular service not
65 otherwise in the department for which the position exists.

66 (15) PAY GRADE. The specific pay range set forth in the
67 pay plan for a classification.

68 (16) PAY STEP. The specific pay rate within a pay range
69 as set forth in the pay plan.

70 (17) PERSONNEL BOARD. The board created by this act.

71 (18) POSITION. Any job or set of duties in the regular
72 service requiring the full-time employment of one individual
73 in the performances and exercises of the job or duties.

74 (19) PROBATIONARY EMPLOYEE. An employee appointed to a
75 regular position from a reemployment list, promotion list, or
76 eligible register who has not completed his or her
77 probationary period.

78 (20) PROMOTION. An advancement from one class to
79 another related occupational class with increased duties or
80 responsibilities, or both, and for which a higher rate of pay
81 is prescribed.

82 (21) PUBLIC HEARING. A meeting of the board, open to
83 the public, at which any resident, taxpayer, or party at
84 interest may appear and may be heard.



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85 (22) PUBLIC NOTICE. A written notice placed upon the
86 bulletin board maintained at or near the entrance to the
87 offices of the city clerk in a place accessible to the public
88 during business hours.

89 (23) PUBLIC RECORD. A record which the public has the
90 right to inspect in a reasonable manner during ordinary
91 business hours.

92 (24) QUALIFICATIONS. The minimum experience,
93 educational, physical, and personal requirements determining
94 the eligibility of an applicant for examination.

95 (25) REEMPLOYMENT LIST. A list containing the names of
96 individuals who have occupied, and have been separated from,
97 regular positions in the classified service and who are
98 entitled to preference in appointment to vacancies in
99 positions.

100 (26) REGULAR EMPLOYEE. An employee who was appointed
101 under this act to a regular classified position and who has
102 completed his or her probationary period, the hours of work of
103 which shall be fixed by the appointing authority with due
104 regard to the convenience of the public, and to working hours
105 customarily observed in the community.

106 (27) REGULAR POSITION. Any position in the regular
107 service which has required or which is likely to require the
108 full-time services of an individual without interruption for a
109 period of more than six months.

110 (28) SEASONAL POSITION. Any position in the classified
111 service which requires or is likely to require the services of
112 an incumbent during certain parts of each year, only at



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113 recurring annual or other periods.

114 (29) SERIES. A subdivision of a group consisting of two
115 or more classes of positions, similar as to line of work but
116 differing in responsibility or difficulty, which constitutes
117 steps in a normal line of promotion.

118 (30) SPECIFICATIONS. A formal statement descriptive of
119 a position that contains all of the following:

120 a. The title and class.

121 b. A description of the duties or responsibilities of
122 the position.

123 c. The minimum qualifications required of applicants as
124 to education, experience, physical ability, or other
125 attributes.

126 (31) TEMPORARY POSITION. Any employment position in the
127 city which is not regular, but which requires or is likely to
128 require the services for a set period of time not to exceed 12
129 months.

130 (32) TEST. A written or oral examination, or both, or
131 other methods established as herein provided to determine the
132 merit, efficiency, or general fitness of applicants for
133 positions.

134 (33) TITLE. The term used to designate all employment
135 by class and grade and shall be descriptive of the duties of
136 the position.

137 Section 3. (a) There is created a personnel board for
138 the City of Helena which shall be comprised of the following
139 members:

140 (1) Member One, elected by the employees of the regular



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141 service.

142 (2) Member Two, appointed by the mayor and city
143 council.

144 (3) Member Three, selected by Member One and Member
145 Two.

146 (b) Member One shall serve an initial term of four
147 years. Member Two shall serve an initial term of three years.
148 Member Three shall serve an initial term of two years. The
149 subsequent terms of all members shall be four years. A vacancy
150 in any board position shall be filled in the same manner as
151 the initial selections.

152 (c) In order to be selected to serve on the board, or
153 to continue to serve on the board, an individual must meet all
154 of the following qualifications:

155 (1) Is a qualified elector of the city.

156 (2) Has not held public office, been a candidate for
157 public office, or held office with a political party in the
158 previous three years.

159 (3) Is not an employee of the city or the relative or
160 domestic partner of an employee of the city.

161 Section 4. The board shall do all of the following:

162 (1) Meet in regular session at least semiannually.

163 (2) Adopt board policies, rules, and regulations.

164 (3) Hear and render decisions in appeals of
165 disciplinary and related matters.

166 (4) Transact any other business within the purview of
167 the board.

168 Section 5. (a) The mayor may appoint a personnel



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169 director.

170 (b) The personnel director shall carry out the policies
171 established by the board.

172 (c) The personnel director may be suspended or
173 terminated by the mayor for cause, subject to a right of
174 appeal directly to the board.

175 (d) Any regular employee may file a complaint against
176 the personnel director directly to the mayor.

177 (e) The personnel director shall do all of the
178 following:

179 (1) Serve as secretary of the board.

180 (2) Prepare any policies, rules, or regulations for the
181 approval of the board.

182 (3) Coordinate with the city regarding this act.

183 (4) Report findings and recommendations of the board to
184 the city.

185 (5) Administer oaths, issue subpoenas, demand the
186 attendance of witnesses, and compel the production of records,
187 documents, and papers in connection with investigations,
188 hearings, or inquiries.

189 (6) Study the organization, operation, and workforce
190 requirements of the city's departments.

191 (7) Make recommendations to the board.

192 (8) Maintain an official roster of all positions in the
193 city.

194 (9) Maintain a record of all personnel transactions in
195 the city.

196 (10) Promote and assist in the establishment of



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197 programs for employee pensions, welfare, health care, and
198 career development.

199 (11) Work with departments to maintain employee and
200 retiree files, including tax and benefit elections, resumes,
201 disciplinary actions, responses, applications, and copies of
202 certifications and training.

203 (12) Work with departments to counsel employees on
204 their rights under this act and city policy.

205 (f) The mayor may contract with a human resources
206 company to carry out the duties of the personnel director.

207 Section 6. On June 1, 2026, all employees holding
208 regular full-time positions in the service of the city shall
209 continue in their regular status in the classified service as
210 provided in this section, unless the position to which they
211 are appointed or elected is otherwise exempted by this act.
212 The service shall be divided into the following two
213 categories:

214 (1) A regular service comprised of all employees and
215 appointees holding regular full-time positions in the service
216 of the city. Employees occupying these positions shall be in
217 the classified service unless specifically exempted under this
218 act.

219 (2) An exempt service comprised of all of the
220 following:

221 a. Part-time employees.

222 b. Individuals engaged in teaching or in supervision
223 teaching in the public schools who work for the city.

224 c. Officials elected by popular general vote.



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225 d. The city clerk, city treasurer, or the city
226 clerk-treasurer elected pursuant to Section 11-43-3, Code of
227 Alabama 1975.

228 e. The police chief or fire chief elected pursuant to
229 Section 11-43-5, Code of Alabama 1975.

230 f. Any city manager appointed pursuant to Section
231 11-43-20, Code of Alabama 1975. Nothing in this paragraph
232 shall require the appointment of a city manager.

233 g. Any other individual appointed or elected pursuant
234 to Section 11-43-3 or 11-43-5, Code of Alabama 1975, to the
235 extent of an individual's official designation as a statutory
236 official within the city.

237 h. The judge of any court.

238 i. The city attorney.

239 j. The city prosecutor.

240 k. The administrative assistant to the mayor.

241 l. The director of personnel.

242 m. Individuals serving in long-term positions funded or
243 partially funded by state or federal grant funds.

244 n. Common laborers, seasonal employees, and temporary
245 employees as determined by the city.

246 o. Part-time members of boards.

247 p. Attorneys, physicians, surgeons, and dentists, who,
248 with permission of the appointing authority of the city,
249 engage in outside similar employment.

250 Section 7. (a) The classification plan shall provide a
251 complete inventory of all employee positions in the service of
252 the city and an accurate description of and specifications for



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253 each class of work, including all other employee positions in
254 the city for which salary and benefits are set out by the
255 city, with the exception of the city council and mayor. The
256 plan shall standardize titles so that each is indicative of a
257 definite range of duties and responsibilities and has the same
258 meaning throughout the service and shall show whether the
259 position is deemed a regular or exempt position.

260 (b) The classification plan shall consist of the
261 following:

262 (1) A grouping in classes of positions which are
263 approximately equal in difficulty and responsibility, call for
264 the same general qualifications, and can be equitably
265 compensated within the same range of pay under similar working
266 conditions.

267 (2) Class titles that are descriptive of the work of
268 the class and identify the class. These class titles shall be
269 used in all personnel, accounting, budget, and related
270 records. No person shall be appointed to or employed in a
271 position in the classified service under a title not included
272 in the classification plan. Working titles may be used in the
273 course of departmental routine to indicate authority, status
274 in the organization, or administrative rank.

275 (3) Job descriptions for each position. The
276 descriptions shall first be recommended by the director or
277 department head with approval by the mayor. The written
278 specifications for each position shall include all of the
279 following:

280 a. A title which is descriptive and consistent with



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281 other titles in the plan.

282 b. A brief overall description of the kind and level of
283 work.

284 c. Examples of typical duties performed in positions in
285 the class.

286 d. Qualification requirements setting forth the
287 necessary experience, education, certifications, physical
288 endurance, physical fitness level, or other requirements.

289 e. The required knowledge, skills, and abilities needed
290 in order to perform the work, the pay grade associated with
291 the position, and the supervision of the position.

292 (4) An allocation list showing the class title of each
293 position in the regular service as identified by the name of
294 the occupant.

295 (c) The classification plan shall be used as follows:

296 (1) As a guide in recruiting and examining candidates
297 for employment.

298 (2) For determining lines of promotion and in
299 developing employee training programs.

300 (3) For determining salaries to be paid for various
301 types of work based on wage surveys and job analysis.

302 (4) For determining personnel service items in
303 departmental budgets.

304 (5) For providing job terminology understandable by all
305 officials, employees, and the general public.

306 (d) The council, by resolution, shall prepare or direct
307 the preparation of the classification plan, as needed, from
308 time to time. When the plan is completed and adopted, the



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309 director shall submit to each department head a copy of the
310 class specifications for each position class and a list
311 allocating the positions to the tentative position classes.
312 Each department head shall notify employees about the
313 allocation of their respective positions. The director shall
314 make a copy of the class specification and individual
315 allocation available to each employee or his or her
316 representative on request.

317 (e) The director shall maintain the classification plan
318 to reflect the duties performed by each employee in the
319 classified service and the class to which each position is
320 allocated.

321 (f) The director shall do all of the following:

322 (1) Recommend to the mayor and city council the
323 establishment of new position classes and the deletion or
324 revision of existing classes.

325 (2) Review the duties and responsibilities of each new
326 position established and allocate the position to the
327 appropriate position class.

328 (3) Periodically study positions to determine if
329 changes in duties and responsibilities are necessary and
330 recommend reallocation or reclassification of positions. A
331 classification study may be made at the request of the mayor
332 or city council. A change in duty assignments of a current
333 employee may occur only after the employee has been performing
334 the duties for a sufficient duration to warrant investigation,
335 and a change in the employee's duty assignment may not be
336 temporary in nature.



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337 (4) Direct the grading and classifying of all positions
338 in the classified service at least once every five years.

339 (g) When a position is reallocated to another position
340 class, the method of filing the position shall be determined
341 under this act regarding transfers, demotions, or promotions
342 as may be appropriate.

343 (h) The mayor may recommend to the city council the
344 elimination or modification of approved job descriptions and
345 positions in the classification plan, together with any pay
346 grade recommendations associated with the position. Upon
347 approval by the council, any nonexempt regular employee
348 currently serving in a position being eliminated or modified,
349 where the change would result in the employee's termination or
350 demotion, shall have all rights of appeal afforded to
351 employees solely as to the question of whether the elimination
352 or modification was arbitrary and capricious. In the event a
353 modification of a nonexempt employee position results in
354 additional duties, the affected employee may request, in
355 writing, a pay grade review by the council, and the council
356 may modify the pay grade classification.

357 Section 8. (a) The city, after recommendation of the
358 mayor and resolution of the council, shall adopt rules,
359 polices, and procedures for employees compiled in an employee
360 handbook, which may be amended from time to time. At a
361 minimum, the handbook shall contain policies and procedures
362 covering all of the following subjects, and shall be
363 consistent with this act and all other state or federal laws:

364 (1) The accrual and use of sick leave by employees.



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365 However, the sick leave of any employee in the regular service
366 already accrued as of the effective date of this act may not
367 be diminished.

368 (2) Overtime and compensation. However, the overtime
369 and compensation of any employee in the regular service
370 already accrued as of the effective date of this act may not
371 be diminished.

372 (3) The accrual and use of vacation time. However, the
373 vacation time of any employee in the regular service already
374 accrued as of the effective date of this act may not be
375 diminished.

376 (4) Military leave of absence, including temporary
377 leave for National Guard and armed forces reserve training.

378 (5) Summonses for jury duty or as a witness in court.

379 (6) Periods of permitted absence without leave.

380 (7) Employment outside of the regular service and
381 related conflicts of interest.

382 (8) Open position posting, applicant recruitment,
383 applicant testing, and eligibility determination.

384 (9) Resignation and retirement from the regular
385 service.

386 (10) Annual and intermittent reviews of employee
387 performance.

388 (11) Loss of required certifications and other
389 requirements for continued performance in the class.

390 (12) Reporting conflicts of interest.

391 (13) Handling of grievances between and among employees
392 that do not rise to the level of disciplinary actions.



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393 (14) The proper certification of payroll so that
394 payroll compensation is timely and accurately kept.

395 (15) Layoffs, reductions in force, and reinstatements.

396 (16) Disciplinary causes and actions for employees in
397 the public service.

398 (b) The city may impose disciplinary action on any
399 employee who violates the rules, regulations, or codes of
400 conduct adopted by the city.

401 (c) Nothing in this act shall prohibit the police,
402 fire, and other applicable departments from instituting
403 standard operating procedures, rules, and regulations for
404 departmental operations enforceable upon employees in that
405 department that are in addition to and not otherwise
406 inconsistent with the rules, policies, and procedures of the
407 city. The city may impose disciplinary action for violations.

408 Section 9. (a) The council, with the aid of the
409 director, mayor, and other city personnel the council deems
410 necessary, by resolution, shall adopt a pay plan as the basis
411 of compensation for employees in the service of the city. The
412 plan shall be constructed to provide fair compensation for all
413 classes in the classification plan with due regard to all of
414 the following factors:

415 (1) Varying degrees of difficulty and responsibility
416 among the several classes of work.

417 (2) Prevailing rates of pay and fringe benefits for
418 similar employment in private establishments and other public
419 jurisdictions in the area.

420 (3) Recruiting experience for the several classes of



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421 work.

422 (4) Financial conditions of the city.

423 (b) The pay plan adopted by the council shall contain
424 all of the following information:

425 (1) Special and specific provisions for administering
426 the plan.

427 (2) A basic salary grade for each position class in the
428 classification plan.

429 (3) A basic salary schedule containing the minimum
430 rate, maximum rate, and intermediate rate of pay for each
431 salary grade, and a conversion of rates for basis of payment.

432 (4) The basis of pay indicating the number of weekly
433 work hours in general application to the classified service or
434 exceptions.

435 (c) Upon final adoption by the council, the plan shall
436 be disseminated to all employees by the director. The plan
437 shall become effective within 30 days after its adoption by
438 the council.

439 (d) The pay plan shall be amended in accordance with
440 the following procedures:

441 (1) When the mayor and council, by resolution, add a
442 new position to the classification plan and fix the salary
443 grade, the job description shall assign the position to the
444 appropriate pay grade.

445 (2) In the case of a proposed pay plan amendment
446 directly affecting the pay of more than three regular
447 employees, prior to amending the pay plan, the mayor and the
448 council shall provide an opportunity for employees to present



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449 their views.

450 (e) The council, by resolution, shall fix the holidays
451 that employees shall observe. Employees on non-pay status,
452 such as a leave of absence or on paid military leave, shall
453 not earn additional time for holidays. All regular employees
454 of the city shall receive the same number of holidays.
455 Employees who are required to work on an observed holiday
456 shall be compensated in accordance with this act and federal
457 law.

458 (f) Any pay plan previously adopted by the city on the
459 effective date of this act shall remain in force and effect
460 until and unless amended or replaced as provided in this
461 section.

462 (g) Each employee in the regular service shall be paid
463 at a rate set forth in the pay plan for the classification in
464 which he or she serves, in accordance with the following
465 provisions for administering the pay plan:

466 (1) New appointments to the regular service shall be
467 made at the beginning rate of the salary range for the
468 classification to which the appointment is made, unless in the
469 discretion of the appointing authority circumstances, skills,
470 or experience dictate a different rate.

471 (2) Salary advancement within established salary ranges
472 shall be based on meritorious performance on the job as set
473 out in the employee handbook and shall be in accordance with
474 the provisions for administering the pay plan. An efficiency
475 rating reflecting satisfactory performance shall be required
476 for advancement. An employee with continued satisfactory



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477 service shall be eligible for future annual increases until
478 such time as the maximum rate for the range is reached.

479 (3) In the event a regular employee is promoted,
480 transferred, or demoted, his or her rate of pay for the new
481 position shall be determined as follows:

482 a. Upon promotion, the employee's regular base pay
483 shall determine the new rate in the promotional class. The new
484 rate shall be the larger of either of the following:

- 485 1. A one step increase above the former rate.
- 486 2. The entrance rate for the promotional class.
- 487 3. A different rate within the salary range at the
488 discretion of the appointing authority when circumstances,
489 skills, or experience dictate a different rate.

490 b. When an employee is demoted, compensation shall be
491 reduced to the salary prescribed for the class or grade to
492 which the employee is demoted, or the step rate reduced if the
493 employee remains in the position. In no event shall the pay
494 grade exceed the maximum approved rate of the new
495 classification.

496 c. When an employee is transferred from one department
497 to another, the step in the pay range shall be in accord with
498 the approved job description of the position to be occupied by
499 the employee. All transfers shall be approved by the
500 appointing authority.

501 (h) In the event the rate of pay of a supervisor is
502 less than or equal to the base rate of pay of subordinates
503 directly supervised in lower related classes, the rate of the
504 supervisor may be advanced in grade by the council.



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505 Section 10. (a) Vacancies and newly created positions
506 in the regular service shall be filled by open-competitive,
507 transfer, promotion, appointment, reappointment, or demotion
508 as determined by the appointing authority.

509 (b) When a vacancy exists for a regular position that
510 is not otherwise exempt from this act, the appointing
511 authority shall inform the director of the vacancy and whether
512 the position is a promotional or open position. The director
513 shall then certify to the appointing authority eligibles from
514 the appropriate list in the manner and pursuant to the
515 procedures as set forth in the employee handbook. The
516 appointing authority shall then make an appointment from the
517 names certified to him or her.

518 (c) The procedure for appointments to the regular
519 service shall be as follows:

520 (1) An appointment to a full-time regularly budgeted
521 position made from a certified eligible register shall be for
522 a probationary period. The probationary period shall be an
523 integral part of the examination process and shall be utilized
524 to evaluate the employee's performance on the job and for
525 dismissing any employee who does not meet the required
526 standards of performance. The probationary period shall be one
527 year from the date of appointment with no interruptions in
528 service.

529 (2) An employee in probationary status may be
530 discharged without the right of appeal.

531 (3) A promotional probationer who is demoted for
532 unsatisfactory service may return to the position held prior



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533 to appointment, if still vacant, without right of appeal. In
534 the event the position is filled, the mayor shall determine
535 the manner in which the employee shall be retained in the
536 service, being closely guided by the provisions governing
537 layoffs and reductions in force. The demoted employee may
538 elect to separate from the service and have his or her name
539 retained on the layoff list for the classification of the
540 former position for a period not to exceed two years.

541 (d) Employment of an eligible from an eligible register
542 in a full-time regularly budgeted position, after the
543 satisfactory completion of a probationary period, shall be a
544 regular appointment, for which the suspension, demotion, or
545 termination shall be subject to all rights of appeal as set
546 forth in this act.

547 (e) In the absence of an eligible register, or until a
548 register is available, the mayor, for urgent need, may
549 authorize the filling of a vacancy by provisional appointment.
550 Any candidate for provisional appointment shall meet
551 educational, experience, and related requirements set by the
552 appointing authority. Provisional appointment shall be for a
553 period of not more than nine months. Any provisional employee
554 failing to qualify by examination shall be separated from the
555 position after the appropriate eligible register is certified
556 and the replacement appointed or earlier at the direction of
557 the mayor. The provisional appointment of an individual shall
558 not confer on the appointee any rights of status, appeal, or
559 related rights set forth in this act.

560 (f) No officer or employee of any department of the



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561 city shall make or approve any payment for personal services
562 to any individual holding a position in the regular service
563 not otherwise exempt from this act unless the position was
564 filled from a certified list of eligibles approved by the
565 director. The director may refuse to certify the payroll,
566 voucher, or account of any ineligible individual found to be
567 performing the duties of a position.

568 (g) The appointing authority shall not be bound by the
569 list of eligibles to fill any vacancy set forth for positions
570 in the exempt service. Further, an appointment to the exempt
571 service shall not confer any right of status, appeal, or any
572 related right under this act.

573 (h) Vacancies in positions above the lowest rank in any
574 category in the classified service shall be filled as far as
575 practicable by the promotion of employees in the service
576 unless otherwise determined by the appointing authority. In
577 each case, the appointing authority shall determine whether an
578 open-competitive or promotional examination will serve the
579 best interests of the service in attracting well-qualified
580 candidates. Promotions in every case must involve a definite
581 increase in duties and responsibility. The change of an
582 employee from a position in a class to a position in another
583 related occupational class for which the maximum rate is
584 higher shall be deemed a promotion.

585 (i) An employee may be demoted to a position of a lower
586 grade or pay for which he or she is qualified for any of the
587 following reasons:

588 (1) The employee would otherwise be laid off because



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589 the position is being abolished or reclassified to a different
590 grade, there is a lack of work or funds, or another employee
591 returns to the position from an authorized leave.

592 (2) The employee does not possess the necessary
593 qualifications to render satisfactory service in the position.

594 (3) The employee is removed during probation.

595 (4) The employee voluntarily requests the demotion.

596 (5) The employee is demoted for disciplinary reasons.

597 (j) All demotions shall be approved by the appointing
598 authority and pursuant to the rules adopted by the city. If a
599 non-probationary employee is demoted against his or her will,
600 he or she may appeal to the board as provided in this act.

601 (k) The involuntary change of an employee from a
602 position in a class or job to another class or job for which
603 the maximum rate is lower shall be deemed a demotion and shall
604 be carried out in accordance with this act.

605 (l) The appointing authority, at any time, may assign
606 an employee in the regular service under his or her
607 jurisdiction from one position to another in the same class
608 regardless of the shift, location, hours of work, or other
609 consideration as long as the work week basis remains the same.
610 Any transfer made pursuant to this subsection shall be made
611 with the retention of all rights of seniority, vacation, sick
612 leave, and overtime as the employee may have accrued.

613 (m) An appointing authority may assign any employee in
614 the regular service under his or her jurisdiction any duties
615 related to the employee's current classification. An employee
616 in the regular service may not be assigned the duties of a



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617 different class for a period in excess of one year. Any and
618 all assignments outside the classification shall be
619 immediately reported to the director and the mayor.

620 Section 11. (a) The tenure of every employee in the
621 regular service shall be conditioned on the satisfactory
622 conduct of the employee and the continued efficient
623 performance of assigned duties and responsibilities. A regular
624 employee may be dismissed, demoted, or suspended for cause or
625 for any reason deemed to be in the best interests of the
626 public service and shall have the right of appeal as set forth
627 in Section 12. The reasons for the action shall be furnished
628 in writing to the employee and the director.

629 (b) The following are among the causes which are
630 sufficient for dismissal, demotion, or suspension:

631 (1) Absence without leave.

632 (2) A conviction for any criminal act involving
633 controlled substances, alcohol, violence, theft, embezzlement,
634 or any crime charged as a felony.

635 (3) Conduct unbecoming an employee in the public
636 service.

637 (4) Conviction for a criminal offense involving moral
638 turpitude.

639 (5) Disorderly or immoral conduct.

640 (6) Failure to pay or make proper provision for the
641 liquidation of just debts.

642 (7) Incapacity due to mental or physical disability of
643 a permanent nature.

644 (8) Incompetency or inefficiency.



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645 (9) Acts of insubordination, including, but not limited
646 to, refusal to obey legitimate orders, delay or failure to
647 carry out assigned work, disrespect, insolence, or like
648 behavior.

649 (10) Intoxication while on duty or public intoxication
650 while off duty.

651 (11) Neglect of duty.

652 (12) Negligence or willful damage to public property or
653 waste of public supplies or equipment.

654 (13) Violation of any regulations or orders published,
655 made, or given by a superior officer.

656 (14) Willful violation of any provision of this act or
657 the employee handbook.

658 (15) Violation of city or departmental rules or
659 regulations.

660 (16) Tardiness.

661 (17) Disregard of safety rules or regulations.

662 (18) Falsification, misrepresentation, or suppression
663 of any information, including, but not limited to, employment
664 applications, employee reports, records, or time entry
665 required by or supplied to any agency, including, but not
666 limited to, the city.

667 (19) Refusal to fully and truthfully answer questions
668 from a supervisor or other designated individual during any
669 inquiry, interrogation, hearing, or court proceeding.

670 (20) Habitual or repetitive acts of misconduct,
671 violations of policy, or infractions of rules or regulations.

672 (21) Use of paid time for personal reasons or business



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673 reasons other than the purposes for which the individual was
674 hired.

675 (22) Failure to maintain required objective
676 certifications or other requirements necessary to perform the
677 duties of employment.

678 (23) For any other reason deemed to be in the best
679 interest of the public service.

680 (c) Notice of suspension, dismissal, or demotion shall
681 be in writing and shall set forth all of the following:

682 (1) The cause of action.

683 (2) The discipline imposed.

684 (3) The date the suspension, dismissal, or demotion is
685 set to become effective.

686 (4) Any other information deemed appropriate.

687 (d) A copy of the notice shall be delivered to the
688 director on the same day that the notice is served on the
689 employee. Notification shall be made prior to or on the date
690 the dismissal or demotion is to be carried out, or as soon as
691 practicable.

692 (e) An appointing authority may suspend without pay any
693 employee under his or her supervision. In the event a
694 suspension or series of suspensions do not exceed an aggregate
695 of 40 working hours for a single offense or 80 working hours
696 in any year of service, the employee shall not have the right
697 of a hearing. If a suspension or series of suspensions do
698 exceed those limits, a regular employee may appeal as provided
699 in Section 12. A suspension shall be affected by service upon
700 the employee by the appointing authority of a written



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701 statement of the delinquency for which suspension was made
702 with a copy delivered to the director. The suspended employee
703 may file an answer with the board and the department head.

704 (f) An employee serving a probationary period may be
705 disciplined, demoted, or dismissed by an appointing authority
706 without right of appeal.

707 (g) Any employee suspended without right to a hearing
708 may obtain a review of the suspension by the appointing
709 authority by filing with the mayor, not more than two business
710 days after receipt, a written answer to the charges and a
711 request for the review.

712 Section 12. (a) An employee with regular status may
713 appeal disciplinary action of dismissal, demotion, or
714 suspension. The discipline imposed shall not be otherwise set
715 aside the pendency of an appeal. An employee desiring to
716 appeal, within 10 calendar days after notice of disciplinary
717 action, shall file with the director and the mayor a written
718 answer to the charges and request a hearing. The answer shall
719 contain all of the following:

720 (1) The reason for the dismissal, demotion, or
721 suspension.

722 (2) An admission or denial of guilt.

723 (3) The reasons why the dismissal, demotion, or
724 suspension should not take effect.

725 (b) Upon timely appeal, the board shall order a hearing
726 of the charges before a hearing officer appointed pursuant to
727 board rules and this act. The hearing shall be solely for the
728 purpose of determining whether substantial evidence supports



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729 the disciplinary action, and whether the employee, by reason
730 of his or her act or acts as charged and his or her record of
731 service, should be retained in the service, removed, or
732 otherwise disciplined. A hearing officer shall not be bound by
733 the technical rules of evidence but shall diligently seek all
734 the information bearing on the merits of the case. Each
735 hearing officer shall be a practicing attorney licensed in
736 this state who shall take testimony offered in support and
737 denial of the charges and, within 15 days of the hearing,
738 shall submit to the board and the parties a finding of facts,
739 an interpretation of law, and a recommended decision. Either
740 party may be represented by counsel.

741 (c) The hearing officer may permit discovery by any
742 party. The hearing officer shall hold the hearing within 30
743 calendar days of his or her appointment by the board unless
744 all parties consent to a continuance. The hearing officer may
745 authorize the parties to use one or more discovery methods
746 from the Alabama Rules of Civil Procedure, provided that the
747 hearing officer shall determine the specific rules of
748 discovery and shall set the required times of response.

749 (d) When a request for discovery is directed to an
750 officer or employee of the city, the city shall make the
751 individual available on official time for the purpose of
752 responding to the request and shall assist the individual as
753 necessary in responding to the request. A party seeking
754 discovery from a nonparty shall initiate the process by
755 serving a request for discovery signed by the hearing officer
756 on the individual. The hearing officer may issue subpoenas for



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757 production and attendance, enforceable by the Circuit Court of
758 Shelby County, upon failure to obtain the voluntary
759 cooperation of a nonparty. Upon written request, the hearing
760 officer may subpoena noncharacter witnesses for or against the
761 employee. Employees in the regular service shall be required
762 to attend and testify without subpoena.

763 (e) The parties shall be present at the next regular or
764 special meeting held by the board after receipt of the hearing
765 officer's findings. The board shall consider the report and
766 may do any of the following:

767 (1) Set aside the report.

768 (2) Order a new hearing.

769 (3) Rescind, modify, or increase the penalty imposed by
770 the appointing authority.

771 (4) Affirm the report as written and certify its
772 findings to the appointing authority.

773 (f) At the meeting, the board may request summation
774 statements from the parties, not to exceed 15 minutes per
775 party, in response to the hearing officer's report. A
776 summation statement shall be limited to the finding of facts.
777 The board shall render its decision at the meeting, unless the
778 board votes to continue the hearing to a date certain and
779 notifies all parties of that date.

780 (g) A decision of the board shall be final and may be
781 appealed by either party to the circuit court to review
782 questions of law and whether the decision is supported by
783 substantial and legal evidence. On appeal, the circuit court
784 may not reverse the finding of the board unless the court



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785 finds the decision was arbitrary and capricious against the
786 great weight of evidence, or otherwise invalid due to fraud,
787 and shall reverse, remand, or render the cause. The decision
788 of the board shall be controlling until reversed on appeal.

789 (h) An appeal to the circuit court shall be perfected
790 by filing a notice of appeal with the Circuit Court of Shelby
791 County, signed by the appealing party, indicating that the
792 party appeals the board's decision and citing the reasons for
793 the appeal. A notice of appeal shall confer jurisdiction upon
794 the circuit court. A notice of appeal must be filed within 10
795 calendar days of the announcement of the board's decision, and
796 an appeal shall be served on the director within two days of
797 the file of the notice of appeal with the circuit court.

798 Section 13. (a) All of the following activities shall
799 be prohibited:

800 (1) No individual may be appointed or promoted to, or
801 dismissed from, any position, or any way favored or
802 discriminated against with respect to employment on the basis
803 of any characteristic protected by federal law.

804 (2) No individual may seek or attempt to use any
805 political endorsement in connection with any appointment to a
806 position.

807 (3) No individual may use, directly or indirectly, any
808 official possessed or anticipated authority to influence,
809 secure, or attempt to secure for any other individual an
810 appointment or advantage in appointment to any position, an
811 increase in pay, or any other advantage in employment in a
812 position, for the purpose of influencing the vote or political



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813 action of any individual, or for any consideration.

814 (4) No individual in the employment of the city,
815 whether regular or otherwise, may be denied the right to
816 participate in political activities, to the same extent as any
817 other resident of the state, including endorsing candidates or
818 contributing to campaigns.

819 (5) No individual in the employment of the city may be
820 prohibited from joining local political clubs or organizations
821 or state or national political parties.

822 (6) No individual in the employment of the city may be
823 prohibited from publicly supporting issues of public welfare
824 or circulating or contributing to petitions calling for or
825 supporting referendums.

826 (7) No individual may engage in political activity
827 while on duty or in uniform.

828 (8) No individual may attempt to use political
829 authority or position for the purposes of influencing the vote
830 or political action of another individual.

831 (b) A regular employee of the city may seek candidacy
832 for public office by resigning his or her position for the
833 purpose of becoming a candidate for nomination or election to
834 a public office in the city. The employee's resignation shall
835 be considered a leave of absence without pay if all of the
836 following conditions are met:

837 (1) A written resignation is submitted to the
838 employee's appointing authority stating the purpose for the
839 resignation with a copy forwarded to the director.

840 (2) Within six months of the resignation date, he or



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841 she requests to be reinstated to the eligible register for the
842 position.

843 (3) The position has not been filled between the
844 resignation date and the appointment date.

845 (4) Within six months of the resignation date, he or
846 she is reappointed to the position.

847 Section 14. Act 92-201, 1992 Regular Session (Acts
848 1992, p. 442), relating to the civil service system of the
849 City of Helena, is repealed.

850 Section 15. This act shall become effective on June 1,
851 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 26-Feb-26, as amended.

John Treadwell
Clerk

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Senate	05-Mar-26	Amended and Passed
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House	05-Mar-26	Concurred in Senate Amendment
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