

HB493 INTRODUCED



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



A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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



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29 (3) CITY. The City of Helena.

30 (4) CLASS. A group of positions in the regular service
31 sufficiently similar in respect to the duties,
32 responsibilities, and authority that the same descriptive
33 title may be used to identify all positions allocated to the
34 class; that the same requirements as to education, experience,
35 capacity, knowledge, proficiency, ability, and other
36 qualifications should be required of the incumbents; that the
37 same tests of fitness may be used to choose qualified
38 employees; and that the same schedule of compensation can be
39 made to apply with equity.

40 (5) CLASSIFICATION. The assigning of a position to the
41 appropriate class in accordance with its duties,
42 responsibilities, and authority.

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

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

48 (8) DEMOTION. Any disciplinary or other action that
49 reduces the pay grade or pay step of a nonexempt employee in
50 the regular service.

51 (9) DEPARTMENT HEAD. Any individual who provides
52 administrative and supervisory work in directing all
53 activities and employees of a city department.

54 (10) DIRECTOR. The personnel director appointed by the
55 mayor or the company contracted by the mayor to perform
56 personnel services.



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

(12) ELIGIBLE REGISTER. A record containing names, listed and ranked in order of their final earned average from the highest to the lowest, of those individuals who have successfully completed prescribed tests and are qualified for original appointment to positions in the class for which the test was held.

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

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

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

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

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

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

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

(20) PROMOTION. An advancement from one class to



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85 another related occupational class with increased duties or
86 responsibilities, or both, and for which a higher rate of pay
87 is prescribed.

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

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

95 (23) PUBLIC RECORD. A record which the public has the
96 right to inspect in a reasonable manner during ordinary
97 business hours.

98 (24) QUALIFICATIONS. The minimum experience,
99 educational, physical, and personal requirements determining
100 the eligibility of an applicant for examination.

101 (25) REEMPLOYMENT LIST. A list containing the names of
102 individuals who have occupied, and have been separated from,
103 regular positions in the classified service and who are
104 entitled to preference in appointment to vacancies in
105 positions.

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

112 (27) REGULAR POSITION. Any position in the regular



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113 service which has required or which is likely to require the
114 full-time services of an individual without interruption for a
115 period of more than six months.

116 (28) SEASONAL POSITION. Any position in the classified
117 service which requires or is likely to require the services of
118 an incumbent during certain parts of each year, only at
119 recurring annual or other periods.

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

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

126 a. The title and class.

127 b. A description of the duties or responsibilities of
128 the position.

129 c. The minimum qualifications required of applicants as
130 to education, experience, physical ability, or other
131 attributes.

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

136 (32) TEST. A written or oral examination, or both, or
137 other methods established as herein provided to determine the
138 merit, efficiency, or general fitness of applicants for
139 positions.

140 (33) TITLE. The term used to designate all employment



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by class and grade and shall be descriptive of the duties of the position.

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

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

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

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

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

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

(1) Is a qualified elector of the city.

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

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

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

(1) Meet in regular session at least semiannually.



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

170 (3) Hear and render decisions in appeals of
171 disciplinary and related matters.

172 (4) Transact any other business within the purview of
173 the board.

174 Section 5. (a) The mayor may appoint a personnel
175 director.

176 (b) The personnel director shall carry out the policies
177 established by the board.

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

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

183 (e) The personnel director shall do all of the
184 following:

185 (1) Serve as secretary of the board.

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

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

189 (4) Report findings and recommendations of the board to
190 the city.

191 (5) Administer oaths, issue subpoenas, demand the
192 attendance of witnesses, and compel the production of records,
193 documents, and papers in connection with investigations,
194 hearings, or inquiries.

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



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197 (7) Make recommendations to the board.

198 (8) Maintain an official roster of all positions in the
199 city.

200 (9) Maintain a record of all personnel transactions in
201 the city.

202 (10) Promote and assist in the establishment of
203 programs for employee pensions, welfare, health care, and
204 career development.

205 (11) Work with departments to maintain employee and
206 retiree files, including tax and benefit elections, resumes,
207 disciplinary actions, responses, applications, and copies of
208 certifications and training.

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

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

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

220 (1) A regular service comprised of all employees and
221 appointees holding regular full-time positions in the service
222 of the city. Employees occupying these positions shall be in
223 the classified service unless specifically exempted under this
224 act.



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

- a. Part-time employees.
- b. Individuals engaged in teaching or in supervision teaching in the public schools who work for the city.
- c. Officials elected by popular general vote.
- d. The city clerk, city treasurer, or the city clerk-treasurer elected pursuant to Section 11-43-3, Code of Alabama 1975.
- e. The police chief or fire chief elected pursuant to Section 11-43-5, Code of Alabama 1975.
- f. Any city manager appointed pursuant to Section 11-43-20, Code of Alabama 1975. Nothing in this paragraph shall require the appointment of a city manager.
- g. Any other individual appointed or elected pursuant to Section 11-43-3 or 11-43-5, Code of Alabama 1975, to the extent of an individual's official designation as a statutory official within the city.
- h. The judge of any court.
- i. The city attorney.
- j. The city prosecutor.
- k. The administrative assistant to the mayor.
- l. The director of personnel.
- m. Individuals serving in long-term positions funded or partially funded by state or federal grant funds.
- n. Common laborers, seasonal employees, and temporary employees as determined by the city.
- o. Part-time members of boards.



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

Section 7. (a) The classification plan shall provide a complete inventory of all employee positions in the service of the city and an accurate description of and specifications for each class of work, including all other employee positions in the city for which salary and benefits are set out by the city, with the exception of the city council and mayor. The plan shall standardize titles so that each is indicative of a definite range of duties and responsibilities and has the same meaning throughout the service and shall show whether the position is deemed a regular or exempt position.

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

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

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



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

a. A title which is descriptive and consistent with other titles in the plan.

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

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

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

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

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

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

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

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

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

(4) For determining personnel service items in



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309 departmental budgets.

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

312 (d) The council, by resolution, shall prepare or direct
313 the preparation of the classification plan, as needed, from
314 time to time. When the plan is completed and adopted, the
315 director shall submit to each department head a copy of the
316 class specifications for each position class and a list
317 allocating the positions to the tentative position classes.
318 Each department head shall notify employees about the
319 allocation of their respective positions. The director shall
320 make a copy of the class specification and individual
321 allocation available to each employee or his or her
322 representative on request.

323 (e) The director shall maintain the classification plan
324 to reflect the duties performed by each employee in the
325 classified service and the class to which each position is
326 allocated.

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

328 (1) Recommend to the mayor and city council the
329 establishment of new position classes and the deletion or
330 revision of existing classes.

331 (2) Review the duties and responsibilities of each new
332 position established and allocate the position to the
333 appropriate position class.

334 (3) Periodically study positions to determine if
335 changes in duties and responsibilities are necessary and
336 recommend reallocation or reclassification of positions. A



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classification study may be made at the request of the mayor or city council. A change in duty assignments of a current employee may occur only after the employee has been performing the duties for a sufficient duration to warrant investigation, and a change in the employee's duty assignment may not be temporary in nature.

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

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

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

Section 8. (a) The city, after recommendation of the mayor and resolution of the council, shall adopt rules,



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polices, and procedures for employees compiled in an employee handbook, which may be amended from time to time. At a minimum, the handbook shall contain policies and procedures covering all of the following subjects, and shall be consistent with this act and all other state or federal laws:

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

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

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

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

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

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

(6) Periods of permitted absence without leave.

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

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

(9) Resignation and retirement from the regular service.

(10) Annual and intermittent reviews of employee



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393 performance.

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

396 (12) Reporting conflicts of interest.

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

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

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

402 (16) Disciplinary causes and actions for employees in
403 the public service.

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

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

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



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

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

(3) Recruiting experience for the several classes of work.

(4) Financial conditions of the city.

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

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

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

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

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

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

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

(1) When the mayor and council, by resolution, add a new position to the classification plan and fix the salary



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grade, the job description shall assign the position to the appropriate pay grade.

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

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

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

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

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



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(2) Salary advancement within established salary ranges shall be based on meritorious performance on the job as set out in the employee handbook and shall be in accordance with the provisions for administering the pay plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.

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

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

1. A one step increase above the former rate.

2. The entrance rate for the promotional class.

3. A different rate within the salary range at the discretion of the appointing authority when circumstances, skills, or experience dictate a different rate.

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

c. When an employee is transferred from one department to another, the step in the pay range shall be in accord with the approved job description of the position to be occupied by



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505 the employee. All transfers shall be approved by the
506 appointing authority.

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

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

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

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

526 (1) An appointment to a full-time regularly budgeted
527 position made from a certified eligible register shall be for
528 a probationary period. The probationary period shall be an
529 integral part of the examination process and shall be utilized
530 to evaluate the employee's performance on the job and for
531 dismissing any employee who does not meet the required
532 standards of performance. The probationary period shall be one



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533 year from the date of appointment with no interruptions in
534 service.

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

537 (3) A promotional probationer who is demoted for
538 unsatisfactory service may return to the position held prior
539 to appointment, if still vacant, without right of appeal. In
540 the event the position is filled, the mayor shall determine
541 the manner in which the employee shall be retained in the
542 service, being closely guided by the provisions governing
543 layoffs and reductions in force. The demoted employee may
544 elect to separate from the service and have his or her name
545 retained on the layoff list for the classification of the
546 former position for a period not to exceed two years.

547 (d) Employment of an eligible from an eligible register
548 in a full-time regularly budgeted position, after the
549 satisfactory completion of a probationary period, shall be a
550 regular appointment, for which the suspension, demotion, or
551 termination shall be subject to all rights of appeal as set
552 forth in this act.

553 (e) In the absence of an eligible register, or until a
554 register is available, the mayor, for urgent need, may
555 authorize the filling of a vacancy by provisional appointment.
556 Any candidate for provisional appointment shall meet
557 educational, experience, and related requirements set by the
558 appointing authority. Provisional appointment shall be for a
559 period of not more than nine months. Any provisional employee
560 failing to qualify by examination shall be separated from the



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position after the appropriate eligible register is certified and the replacement appointed or earlier at the direction of the mayor. The provisional appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth in this act.

(f) No officer or employee of any department of the city shall make or approve any payment for personal services to any individual holding a position in the regular service not otherwise exempt from this act unless the position was filled from a certified list of eligibles approved by the director. The director may refuse to certify the payroll, voucher, or account of any ineligible individual found to be performing the duties of a position.

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

(h) Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practicable by the promotion of employees in the service unless otherwise determined by the appointing authority. In each case, the appointing authority shall determine whether an open-competitive or promotional examination will serve the best interests of the service in attracting well-qualified candidates. Promotions in every case must involve a definite increase in duties and responsibility. The change of an employee from a position in a class to a position in another



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related occupational class for which the maximum rate is higher shall be deemed a promotion.

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

(1) The employee would otherwise be laid off because the position is being abolished or reclassified to a different grade, there is a lack of work or funds, or another employee returns to the position from an authorized leave.

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

(3) The employee is removed during probation.

(4) The employee voluntarily requests the demotion.

(5) The employee is demoted for disciplinary reasons.

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

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

(l) The appointing authority, at any time, may assign an employee in the regular service under his or her jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the work week basis remains the same. Any transfer made pursuant to this subsection shall be made



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with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

(m) An appointing authority may assign any employee in the regular service under his or her jurisdiction any duties related to the employee's current classification. An employee in the regular service may not be assigned the duties of a different class for a period in excess of one year. Any and all assignments outside the classification shall be immediately reported to the director and the mayor.

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

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

(1) Absence without leave.

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

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

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



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- 645 (5) Disorderly or immoral conduct.
- 646 (6) Failure to pay or make proper provision for the
647 liquidation of just debts.
- 648 (7) Incapacity due to mental or physical disability of
649 a permanent nature.
- 650 (8) Incompetency or inefficiency.
- 651 (9) Acts of insubordination, including, but not limited
652 to, refusal to obey legitimate orders, delay or failure to
653 carry out assigned work, disrespect, insolence, or like
654 behavior.
- 655 (10) Intoxication while on duty or public intoxication
656 while off duty.
- 657 (11) Neglect of duty.
- 658 (12) Negligence or willful damage to public property or
659 waste of public supplies or equipment.
- 660 (13) Violation of any regulations or orders published,
661 made, or given by a superior officer.
- 662 (14) Willful violation of any provision of this act or
663 the employee handbook.
- 664 (15) Violation of city or departmental rules or
665 regulations.
- 666 (16) Tardiness.
- 667 (17) Disregard of safety rules or regulations.
- 668 (18) Falsification, misrepresentation, or suppression
669 of any information, including, but not limited to, employment
670 applications, employee reports, records, or time entry
671 required by or supplied to any agency, including, but not
672 limited to, the city.



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

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

(21) Use of paid time for personal reasons or business reasons other than the purposes for which the individual was hired.

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

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

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

(1) The cause of action.

(2) The discipline imposed.

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

(4) Any other information deemed appropriate.

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

(e) An appointing authority may suspend without pay any employee under his or her supervision. In the event a suspension or series of suspensions do not exceed an aggregate



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of 40 working hours for a single offense or 80 working hours in any year of service, the employee shall not have the right of a hearing. If a suspension or series of suspensions do exceed those limits, a regular employee may appeal as provided in Section 12. A suspension shall be affected by service upon the employee by the appointing authority of a written statement of the delinquency for which suspension was made with a copy delivered to the director. The suspended employee may file an answer with the board and the department head.

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

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

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

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

(2) An admission or denial of guilt.



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

(b) Upon timely appeal, the board shall order a hearing of the charges before a hearing officer appointed pursuant to board rules and this act. The hearing shall be solely for the purpose of determining whether substantial evidence supports the disciplinary action, and whether the employee, by reason of his or her act or acts as charged and his or her record of service, should be retained in the service, removed, or otherwise disciplined. A hearing officer shall not be bound by the technical rules of evidence but shall diligently seek all the information bearing on the merits of the case. Each hearing officer shall be a practicing attorney licensed in this state who shall take testimony offered in support and denial of the charges and, within 15 days of the hearing, shall submit to the board and the parties a finding of facts, an interpretation of law, and a recommended decision. Either party may be represented by counsel.

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

(d) When a request for discovery is directed to an officer or employee of the city, the city shall make the



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individual available on official time for the purpose of responding to the request and shall assist the individual as necessary in responding to the request. A party seeking discovery from a nonparty shall initiate the process by serving a request for discovery signed by the hearing officer on the individual. The hearing officer may issue subpoenas for production and attendance, enforceable by the Circuit Court of Shelby County, upon failure to obtain the voluntary cooperation of a nonparty. Upon written request, the hearing officer may subpoena noncharacter witnesses for or against the employee. Employees in the regular service shall be required to attend and testify without subpoena.

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

(1) Set aside the report.

(2) Order a new hearing.

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

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

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



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notifies all parties of that date.

(g) A decision of the board shall be final and may be appealed by either party to the circuit court to review questions of law and whether the decision is supported by substantial and legal evidence. On appeal, the circuit court may not reverse the finding of the board unless the court finds the decision was arbitrary and capricious against the great weight of evidence, or otherwise invalid due to fraud, and shall reverse, remand, or render the cause. The decision of the board shall be controlling until reversed on appeal.

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

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

(1) No individual may be appointed or promoted to, or dismissed from, any position, or any way favored or discriminated against with respect to employment on the basis of race, color, creed, political activity, national origin, sex, gender, pregnancy, childbirth, pregnancy-related conditions, sexual orientation, gender identity, marital status, religion, political affiliation, age, disability,



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813 genetic information, service in the military, or any other
814 characteristic protected by applicable federal, state, or
815 local laws or ordinances.

816 (2) No individual may seek or attempt to use any
817 political endorsement in connection with any appointment to a
818 position.

819 (3) No individual may use, directly or indirectly, any
820 official possessed or anticipated authority to influence,
821 secure, or attempt to secure for any other individual an
822 appointment or advantage in appointment to any position, an
823 increase in pay, or any other advantage in employment in a
824 position, for the purpose of influencing the vote or political
825 action of any individual, or for any consideration.

826 (4) No individual in the employment of the city,
827 whether regular or otherwise, may be denied the right to
828 participate in political activities, to the same extent as any
829 other resident of the state, including endorsing candidates or
830 contributing to campaigns.

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

834 (6) No individual in the employment of the city may be
835 prohibited from publicly supporting issues of public welfare
836 or circulating or contributing to petitions calling for or
837 supporting referendums.

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

840 (8) No individual may attempt to use political



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841 authority or position for the purposes of influencing the vote
842 or political action of another individual.

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

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

852 (2) Within six months of the resignation date, he or
853 she requests to be reinstated to the eligible register for the
854 position.

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

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

859 Section 14. Act 92-201, 1992 Regular Session (Acts
860 1992, p. 442), relating to the civil service system of the
861 City of Helena, is repealed.

862 Section 15. This act shall become effective on June 1,
863 2026.