

SB319 INTRODUCED



1 SB319
2 SLE9B77-1
3 By Senator Weaver (N & P)
4 RFD: Shelby County Legislation
5 First Read: 24-Feb-26



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

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

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

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

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

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

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

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

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

84 (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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141 by class and grade and shall be descriptive of the duties of
142 the position.

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

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

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

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

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

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

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

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

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

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

168 (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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- 225 (2) An exempt service comprised of all of the
226 following:
- 227 a. Part-time employees.
 - 228 b. Individuals engaged in teaching or in supervision
229 teaching in the public schools who work for the city.
 - 230 c. Officials elected by popular general vote.
 - 231 d. The city clerk, city treasurer, or the city
232 clerk-treasurer elected pursuant to Section 11-43-3, Code of
233 Alabama 1975.
 - 234 e. The police chief or fire chief elected pursuant to
235 Section 11-43-5, Code of Alabama 1975.
 - 236 f. Any city manager appointed pursuant to Section
237 11-43-20, Code of Alabama 1975. Nothing in this paragraph
238 shall require the appointment of a city manager.
 - 239 g. Any other individual appointed or elected pursuant
240 to Section 11-43-3 or 11-43-5, Code of Alabama 1975, to the
241 extent of an individual's official designation as a statutory
242 official within the city.
 - 243 h. The judge of any court.
 - 244 i. The city attorney.
 - 245 j. The city prosecutor.
 - 246 k. The administrative assistant to the mayor.
 - 247 l. The director of personnel.
 - 248 m. Individuals serving in long-term positions funded or
249 partially funded by state or federal grant funds.
 - 250 n. Common laborers, seasonal employees, and temporary
251 employees as determined by the city.
 - 252 o. Part-time members of boards.



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

308 (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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337 classification study may be made at the request of the mayor
338 or city council. A change in duty assignments of a current
339 employee may occur only after the employee has been performing
340 the duties for a sufficient duration to warrant investigation,
341 and a change in the employee's duty assignment may not be
342 temporary in nature.

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

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

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

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



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

370 (1) The accrual and use of sick leave by employees.
371 However, the sick leave of any employee in the regular service
372 already accrued as of the effective date of this act may not
373 be diminished.

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

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

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

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

385 (6) Periods of permitted absence without leave.

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

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

390 (9) Resignation and retirement from the regular
391 service.

392 (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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421 (1) Varying degrees of difficulty and responsibility
422 among the several classes of work.

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

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

428 (4) Financial conditions of the city.

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

- 491 1. A one step increase above the former rate.
- 492 2. The entrance rate for the promotional class.
- 493 3. A different rate within the salary range at the
494 discretion of the appointing authority when circumstances,
495 skills, or experience dictate a different rate.

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

502 c. When an employee is transferred from one department
503 to another, the step in the pay range shall be in accord with
504 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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561 position after the appropriate eligible register is certified
562 and the replacement appointed or earlier at the direction of
563 the mayor. The provisional appointment of an individual shall
564 not confer on the appointee any rights of status, appeal, or
565 related rights set forth in this act.

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

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

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



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

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

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

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

600 (3) The employee is removed during probation.

601 (4) The employee voluntarily requests the demotion.

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

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

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

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



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

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

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

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

637 (1) Absence without leave.

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

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

643 (4) Conviction for a criminal offense involving moral
644 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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673 (19) Refusal to fully and truthfully answer questions
674 from a supervisor or other designated individual during any
675 inquiry, interrogation, hearing, or court proceeding.

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

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

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

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

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

688 (1) The cause of action.

689 (2) The discipline imposed.

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

692 (4) Any other information deemed appropriate.

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

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



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

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

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

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

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

728 (2) An admission or denial of guilt.



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

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

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

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



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

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

773 (1) Set aside the report.

774 (2) Order a new hearing.

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

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

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



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785 notifies all parties of that date.

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

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

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

806 (1) No individual may be appointed or promoted to, or
807 dismissed from, any position, or any way favored or
808 discriminated against with respect to employment on the basis
809 of race, color, creed, political activity, national origin,
810 sex, gender, pregnancy, childbirth, pregnancy-related
811 conditions, sexual orientation, gender identity, marital
812 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.