

1 SB566
2 139854-1
3 By Senator Waggoner (N & P)
4 RFD: Local Legislation No. 2
5 First Read: 26-APR-12

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to amend Section 5 of
14 Act 248, 1945 Regular Session (Acts 1945, p. 376), as amended,
15 to provide further for the composition and operation of the
16 Citizens Supervisory Commission of the county personnel board.
17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall apply only to Jefferson
19 County.

20 Section 2. Section 5 of Act 248 of the 1945 Regular
21 Session (Acts 1945, p. 376), as heretofore amended, is hereby
22 further amended to read as follows:

23 "Section 5. Citizens Supervisory Commission.

24 ~~"There shall be a citizens supervisory commission of~~
25 ~~not less than five persons for each county subject to this Act~~
26 ~~which shall consist of the persons who now are, and who from~~
27 ~~time to time shall be: (1) The presidents, or other chief~~

1 ~~executive officers by whatever name called, of institutions of~~
2 ~~higher learning not operated for profit and offering two or~~
3 ~~more years of instruction in a general level curriculum, if~~
4 ~~there be any in such county. (2) The president, or other chief~~
5 ~~executive officer, of the association, group, or society if~~
6 ~~there be one in such county, comprising within its membership~~
7 ~~at lease fifty-five percent of the licensed practicing~~
8 ~~physicians, resident in such county, and provided that not~~
9 ~~less than ninety percent of the membership of such~~
10 ~~association, group or society shall consist of licensed~~
11 ~~physicians, and provided that any reputable citizen of such~~
12 ~~county who shall be licensed by the State of Alabama to~~
13 ~~practice medicine and who shall have paid his state and county~~
14 ~~license fee to practice shall, under the rules of such~~
15 ~~association, group or society, be eligible to membership~~
16 ~~therein. (3) The president, or other chief executive officer,~~
17 ~~of the trades council, group, society or association, if there~~
18 ~~be one in such county with which is affiliated more than~~
19 ~~one-half of the unions or other organization of the workers in~~
20 ~~the organized trades and crafts in such county provided that~~
21 ~~no union or other labor organization shall be counted for the~~
22 ~~purposes of this Act as affiliated with more than one such~~
23 ~~trade council, group, society, or association in such county,~~
24 ~~and provided that if there be no council, group, society or~~
25 ~~association in such county with which is affiliated more than~~
26 ~~one-half of the unions or other organization of the workers in~~
27 ~~the organized trades and crafts in such county, then the~~

1 council, group, society or association having the largest
2 affiliation of such unions or organizations shall be here
3 designated. (4) If there be in such county as many as three or
4 more trades, crafts, groups or divisions of workers, who are
5 organized into what are commonly known as labor unions, or
6 organizations whose organizations aren't affiliated with the
7 trades council, group, society or association described in the
8 subparagraph (3) immediately preceding this subparagraph, then
9 such organized crafts, groups, or divisions of workers may in
10 any manner agreeable to the majority of the presidents or
11 other chief executive officers, of the locals of such
12 non-affiliated labor organizations located in such county
13 select one of such presidents, or other chief executive
14 officers, as a member of the citizens supervisory commission
15 who shall remain a member of such commission as long as his
16 electors shall designate. This subparagraph shall be
17 applicable solely to the county as a whole and not to the
18 separate cities therein. (5) The president or other chief
19 executive officer of the chamber of commerce, or other most
20 nearly similar organization, of the largest city subject to
21 this Act in such county provided, however, if there be two
22 courthouses in any such county, then the president or other
23 chief executive officer of the chamber of commerce or other
24 most nearly similar organization of the largest city subject
25 to this Act in each division of said county, provided that
26 "chamber of commerce" is meant an organization to which
27 membership in which any reputable man engaged in mercantile,

1 ~~manufacturing, banking, jobbing, or similar business is~~
2 ~~eligible, and which most nearly of all organizations in such~~
3 ~~city regardless of name performs the functions of such~~
4 ~~organizations as are commonly known as chambers of commerce.~~
5 ~~(6) The president or other chief executive officer of the~~
6 ~~junior chamber of commerce or other most nearly similar~~
7 ~~organization of the largest city subject to this Act in such~~
8 ~~county, provided that by junior chamber of commerce is meant~~
9 ~~an organization substantially similar to chambers of commerce~~
10 ~~defined hereinbefore, except that membership therein may be~~
11 ~~restricted by an age qualification, and if there be no~~
12 ~~organization in such city substantially like a junior chamber~~
13 ~~of commerce, representation for such city under this~~
14 ~~classification shall fail. (7) The president, chairman, or~~
15 ~~other chief executive officer, of any county-wide council,~~
16 ~~group, society or association of Post of the American Legion,~~
17 ~~by Posts of the American Legion is meant a local organization~~
18 ~~with its meeting place in such county of persons who are~~
19 ~~residents of Alabama, and who actually served as soldiers,~~
20 ~~sailors, or marines in the armed services of the United States~~
21 ~~of America. If at any time there be no such county-wide~~
22 ~~organization of such posts, then the president, chairman,~~
23 ~~commander or other chief executive officer of the post in the~~
24 ~~county which as of the first day of January of each year has~~
25 ~~the largest bona fide membership. (8) The president or other~~
26 ~~chief executive officer by whatever name called of any council~~
27 ~~of parent-teacher associations of the entire county school~~

1 system. (9) The president, or other chief executive officer,
2 of the engineering council of the engineers' club having the
3 largest membership of any engineers' club in the county, if
4 there be such club or clubs in the county. (10) The president
5 or other chief executive officer, of the county farm bureau of
6 such county, if there be one. (11) The probate judge of such
7 county. (12) The occupant of a position in the classified
8 service of such county. Such commission member shall be
9 elected in October of each year by the classified employees of
10 such county, and his term as commission member shall begin
11 November 1st thereafter and terminate October 31st in the next
12 succeeding year. Such commission member may succeed himself
13 for one year only. Every such election shall be fairly noticed
14 and held. Such election shall be called and conducted by the
15 chairman of the commission. For the purposes of this section
16 all classified employees of the county board of health subject
17 to this Act shall be considered as holding positions in the
18 classified service of such county. (13) The occupant of a
19 position in the classified service of a municipality in such
20 county. Such commission member shall be elected in October of
21 each year by the classified employees of all municipalities
22 subject to this Act, and his term as commission member shall
23 begin November 1st thereafter and terminate October 31st in
24 the next succeeding year. Such commission member may succeed
25 himself for one year only. Every such election shall be fairly
26 noticed and held. Such election shall be called and conducted
27 by the chairman of the commission. No employee of any

1 ~~municipal police or fire department as a member of the~~
2 ~~commission, and no employee of any other municipal department~~
3 ~~shall succeed an employee of the same municipal department as~~
4 ~~a member of the commission, and no single municipality shall~~
5 ~~have employee representation upon the commission for more than~~
6 ~~three successive terms.~~

7 "(a) Composition.

8 "In and for each county subject to this Act there
9 shall be a Citizens Supervisory Commission to appoint and
10 advise the members of the Personnel Board provided for by this
11 Act. The Commission shall be composed of the following
12 members, who shall serve without compensation:

13 "(1) The Chairman, President, or other presiding
14 elected officer of the County Commission;

15 "(2) The mayor of the municipality having the
16 greatest number of employees in the Classified Service;

17 "(3) One member of the County Mayors Association, an
18 Alabama nonprofit corporation, not otherwise serving hereunder
19 who is appointed by its governing body;

20 "(4) The judge of probate of the county;

21 "(5) The President or other Chief Executive Officer
22 of the chamber of commerce or other most nearly similar
23 organization in and for the greater metropolitan area of the
24 county;

25 "(6) One full-time regular employee of the
26 classified Service governed by this Act employed in a public
27 safety position, who shall be elected by full-time regular

1 employees of the Classified Service who are employed in public
2 safety positions;

3 "(7) One full-time regular employee of the
4 Classified Service governed by this Act employed in a
5 non-public safety position, who shall be elected by full-time
6 regular employees of the Classified Service who are not
7 employed in public safety positions.

8 "The Presiding Judge of Probate shall promulgate
9 written rules governing the submission of nominations and the
10 conduct of the elections, and shall provide notice of and
11 preside over the same. No less than thirty (30) days before
12 any such election, the Director of Personnel shall certify to
13 the Judge of Probate the names of all employees eligible to
14 vote in the election with each employee designated as either a
15 public-safety or non public-safety employee. The term of
16 office of each employee member shall be two years.
17 Notwithstanding the expiration of an employee member's term of
18 office, he or she shall continue to serve until such time as
19 his or her successor has been elected.

20 "(b) Vacancies.

21 "Vacancies on the commission due to death,
22 resignation or any other cause shall be filled in the same
23 manner that the member whose position is vacant was designated
24 or elected.

25 "(c) Quorum.

26 ~~"In the event one or more of the foregoing persons~~
27 ~~fail or refuse to serve, such fact shall not invalidate the~~

1 ~~acts of the commission, provided as many as five members of~~
2 ~~the commission serve.~~ A majority of the persons serving as
3 members of the commission shall constitute a quorum to do
4 business but a less number may adjourn from time to time and
5 compel the attendance of absent members in such manner and
6 under such penalties as may be prescribed by the rules and
7 regulations of the commission.

8 "(d) Costs.

9 ~~"Each member of the commission, subject to this Act~~
10 ~~shall be paid a per diem of ten dollars for attending a~~
11 ~~meeting of the commission. These~~ The expenses of the
12 Commission and the cost of giving notice of ~~meeting~~ meetings
13 shall be paid as other expenses of the personnel system are
14 paid.

15 "(e) Rules and Regulations.

16 "The commission shall adopt, from time to time, such
17 rules, regulations and modes of procedures as it deems
18 expedient to enable it to dispatch in an orderly manner its
19 business.

20 "(f) Chairman.

21 "(i) The probate judge shall be chairman of said
22 commission and shall have a vote only in case of a tie.

23 "(ii) He shall also examine and pass upon the
24 credentials and right of each person presenting himself for
25 membership on said commission to sit thereon both at the
26 organizational meeting and at all subsequent meetings.

27 Provided, however, it shall be the duty and responsibility of

1 each organization which has a representative on this
2 commission to present the proper credentials and
3 qualifications of their representative to the probate judge,
4 and it shall be the duty of the probate judge to keep or cause
5 to be kept a permanent record of such credentials and
6 qualifications.

7 "(iii) The probate judge shall discharge his duties
8 hereunder, under the sanction of his oath as judge of probate
9 and he shall administer the oath of office to the other
10 members of such commission prescribed by Section 279 of the
11 constitution of this state. The chairman may call upon the
12 sheriff of the county or any deputy sheriff thereof, to attend
13 the meetings of the commission and preserve order and execute
14 the decisions, rulings and order of the commission and of the
15 chairman thereof. Provided, that if for any reason the probate
16 judge is unable to attend because of illness or otherwise, the
17 chief clerk to the probate judge shall act as chairman and
18 shall be clothed with the same authority and responsibilities
19 as are herein provided for the probate judge.

20 "(iv) The chairman may punish for contempt of the
21 commission in like manner and extent as may be done if the
22 circuit courts of this state.

23 "(v) The chairman of the commission shall be the
24 keeper and custodian of the minutes, records, property and
25 paraphernalia of the commission, and may call upon the
26 director of personnel to furnish him such clerical assistance,

1 supplies and place of safe deposit for such records and
2 property as he deems necessary.

3 "(vi) The chairman or the director of personnel
4 under his supervision shall establish and keep in the office
5 of the director of personnel a roster of the membership of the
6 commission by place, office or position, and keep as nearly as
7 possible up to date the changes in the persons occupying such
8 places, offices or positions, and it shall be the duty of each
9 person vacating a place, office or position which entitled him
10 to a seat on such commission to notify the chairman of the
11 name and address of the person who in his opinion is under the
12 law his successor on such commission.

13 "(vii) At the organizational meeting all persons
14 ruled eligible by the chairman to sit on said commission shall
15 be seated as such and shall vote on all questions arising at
16 such meeting. At any time after the organizational meeting has
17 adjourned, any citizen of such county may file with the
18 chairman of the commission written objection to the right of
19 any person to sit on said commission. Such objection shall be
20 based on the sole ground that such person is not one of those
21 designated by this Act for membership on such commission. The
22 chairman shall rule upon said objection in writing and the
23 first order of business at the next meeting of the commission
24 shall be a report by the chairman of the objections and his
25 ruling thereon. If no member of the commission other than the
26 person, affected by such ruling appeals from the ruling of the
27 chairman his ruling shall be final; if any appeal is made from

1 the ruling of the chairman, all persons then seated, except
2 the member affected shall be entitled to vote on said appeal.
3 In all matters a majority vote of the commission present, if a
4 quorum be present, shall govern. The commission shall, except
5 as herein otherwise provided, be the judge of the
6 qualifications of its own membership.

7 "(g) Meetings.

8 "In addition to the original organizational meeting
9 herein prescribed, the commission shall meet twice each year.
10 One of such semi-annual meetings shall be held at noon on the
11 third Tuesday in May and the other at noon on the third
12 Tuesday in November. At the semi-annual meeting in November
13 the commission shall receive the annual report of the
14 personnel board. At each semi-annual meeting the commission
15 shall make such recommendations to the personnel board as it
16 shall deem in the interest of the sound administration of this
17 Act in such county and shall fill any existing vacancy on the
18 board, and shall elect a successor to any member of the board
19 whose term will expire before the next semi-annual meeting of
20 the commission. ~~At each semi-annual meeting, also, the~~
21 ~~commission shall review rules of the personnel board~~
22 ~~promulgated since the last semi-annual meeting of the~~
23 ~~commission, and may repeal any such rule of the personnel~~
24 ~~board which it may deem not in the interest of the sound~~
25 ~~administration of this Act in such county, but shall not have~~
26 ~~power to amend any such rule or to promulgate any new rule~~
27 ~~within the province of the personnel board to adopt according~~

1 ~~to the provisions of this Act. The word "rule" shall not be~~
2 ~~construed to mean orders, actions or decisions of the~~
3 ~~personnel board made in the administration of this Act. The~~
4 chairman of the commission or any five members thereof may
5 call a meeting of the commission at the courthouse at the
6 county site of the county, at noon on any Tuesday they deem it
7 in the public interest for it to meet. Such notice shall be
8 signed by the person or persons calling such meeting and shall
9 state briefly the purposes of the meeting; shall be mailed to
10 each person registered as a member of the commission or known
11 to be such and published once each day for three consecutive
12 days immediately preceding such meeting in some daily
13 newspaper published in such county; if no such paper is
14 published in the county, then by posting in a public place in
15 the main and each branch courthouse in the county and in the
16 city hall of each city in the county subject to this Act more
17 than five days before such proposed meeting. Notice of each
18 semi-annual meeting shall be given in like manner, but failure
19 of any member to receive notification by mail of any such
20 meeting, either semi-annual or special, shall not invalidate
21 it. Failure to call a semi-annual meeting shall not invalidate
22 it.

23 "(h) Impeachment of Board Members.

24 "The members of the personnel board shall be subject
25 to impeachment for the same causes and in the same manner as
26 other county officers, as provided under Section 175 of the
27 Constitution of Alabama."

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.