

1 SB168  
2 125772-2  
3 By Senator Waggoner (N & P)  
4 RFD: Local Legislation No. 2  
5 First Read: 08-MAR-11

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Jefferson County; to provide that, after  
14 the effective date of this act, persons in certain specified  
15 positions in county government shall be engaged and employed  
16 at-will, and shall serve at pleasure as unclassified employees  
17 not subject to the merit system otherwise applicable with  
18 respect to employees of the county generally; to authorize the  
19 determination of the compensation of such persons serving as  
20 unclassified employees; to provide that any unclassified  
21 employee shall, in respect of dismissal or for any other  
22 grievance, have no right of appeal to the Personnel Board of  
23 Jefferson County and no property interest in his or her  
24 position of employment as an unclassified employee of the  
25 county; to provide for and restrict in certain events the  
26 return of an unclassified employee to the county's classified  
27 service; to provide that a person's conversion from employment

1 in the classified service of the county to an unclassified  
2 position shall be a condition of employment for appointment  
3 made after the effective date of such county employee to an  
4 unclassified position; to provide that persons not previously  
5 employees of the county at the time of their appointment to  
6 unclassified positions as provided for in the act shall become  
7 unclassified employees of the county; and to provide that  
8 persons employed as unclassified employees shall be eligible  
9 for county employee benefits, including, but not limited to,  
10 retirement benefits, as shall otherwise be provided for county  
11 employees.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall apply only to Jefferson  
14 County.

15 Section 2. (a) Notwithstanding any law to the  
16 contrary, persons holding any of the following positions in  
17 the employment of Jefferson County shall be employed at-will  
18 as unclassified employees and are not subject to the county  
19 merit system:

20 (1) Any attorney in the office of the county  
21 attorney.

22 (2) The chief financial officer of the county.

23 (3) County department and agency heads and their  
24 chief deputies.

25 (4) Any person employed in the county unclassified  
26 executive service.

1           (b) The Personnel Board of Jefferson County may  
2 designate or create positions in the county unclassified  
3 executive service upon recommendation or request of the county  
4 commission.

5           (c) A person employed in an unclassified position  
6 listed in subdivisions (1) to (4), inclusive, of subsection  
7 (a) shall serve at the pleasure of the applicable appointing  
8 authority, who shall set the rate of compensation of the  
9 unclassified employee, with the subsequent approval of a  
10 majority of the county commission at a commission meeting. A  
11 person employed in an unclassified position shall have no  
12 rights of appeal under the enabling act of the Personnel Board  
13 of Jefferson County, Act 248 of the Alabama Legislature of  
14 1945, p. 376, as amended, and no property interest in an  
15 unclassified position.

16           (d) In the event that an employee in the classified  
17 service is appointed to and accepts an unclassified position  
18 listed in subdivisions (1) to (4), inclusive, of subsection  
19 (a), such employee may return to the classified service  
20 following any termination without cause from the unclassified  
21 appointment, at the same job classification from which such  
22 employee was appointed, provided that such a vacant position  
23 exists.

24           (e) For purposes of subsection (d), "cause" includes  
25 any of the following reasons:

26           (1) The employee was at the time of his or her  
27 appointment or has since become ineligible to be employed by

1 the county because the employee failed to meet the minimum  
2 job-related qualifications for his or her position.

3 (2) Malfeasance, misfeasance, or nonfeasance in  
4 employment.

5 (3) Conviction of a felony crime or of a misdemeanor  
6 involving moral turpitude.

7 (4) Failure to perform his or her duties as provided  
8 by this act in an honorable, competent, and reasonably  
9 efficient manner.

10 (5) He or she becomes morally, physically, or  
11 mentally unfit to act on behalf of the county.

12 (f) No person employed in the classified service as  
13 a department or agency head or chief deputy before the  
14 effective date of this act shall be converted to an  
15 unclassified employee described in subdivisions (1) to (4),  
16 inclusive, of subsection (a), unless the person voluntarily  
17 elects the conversion with the approval of the personnel board  
18 and the appointing authority. Notwithstanding the foregoing, a  
19 conversion to an unclassified employee status shall be a  
20 condition of employment for any appointment to an unclassified  
21 position listed in subdivisions (1) to (4), inclusive, of  
22 subsection (a) made on or after the effective date of this  
23 act. Any noncounty employee appointed to an unclassified  
24 position listed in subdivisions (1) to (4), inclusive, of  
25 subsection (a) on or after the effective date of this act, by  
26 virtue of the appointment, shall be an unclassified nonmerit  
27 system employee of Jefferson County.

1           (g) A person employed in an unclassified position  
2 listed in subdivisions (1) to (4), inclusive, of subsection  
3 (a) may receive the same benefits, including, but not limited  
4 to, retirement benefits, as are available to classified county  
5 employees unless that person elects in writing to forfeit his  
6 or her participation.

7           Section 3. All laws or parts of laws which conflict  
8 with this act are repealed.

9           Section 4. This act shall become effective  
10 immediately following its passage and approval by the  
11 Governor, or its otherwise becoming law.