

1 SB391
2 113732-2
3 By Senators French, Waggoner, Erwin, Dunn, Coleman, and
4 Smitherman (N & P)
5 RFD: Local Legislation No. 2
6 First Read: 09-FEB-10

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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 23 of
14 Act 248 of the 1945 Regular Session (General Acts 1945, p.
15 376), establishing a countywide civil service system, to
16 further provide a retirement incentive for certain county
17 employees who elect to retire under certain conditions.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 23 of Act 248 of the 1945 Regular
20 Session (General Acts 1945, p. 376) is amended to read as
21 follows:

22 "Section 23. (a) Reduction in force. Whenever it is
23 necessary because of lack of work, lack of funds or whenever
24 it is advisable in the interest of economy to reduce the staff
25 of any department or agency of the counties, or any
26 municipality affected by this Act, the appointing authorities
27 shall lay off employees according to the procedure set forth

1 in this Act and the rules and regulations prescribed
2 thereunder. The duties performed by the employee or employees
3 so laid off may be assigned to any other permanent civil
4 service employee or employees in the department or office,
5 who, in the opinion of the director of personnel, are
6 qualified to perform such duties regardless of the specific
7 classification or grade to which such employees are allocated.
8 Lay offs shall be made by laying off the employee in the
9 classification to be affected by the lay off who last attained
10 such classification or grade, and so on in succession. In case
11 there are two or more who would be affected by a lay off, and
12 who have an equal rating as to seniority, the employee who
13 stands lowest according to the efficiency records kept by the
14 director of personnel shall be laid off. When an employee is
15 laid off in a department which has other classifications or
16 grades lower than the classification or grade from which he,
17 or she, is laid off, he, or she, shall have the option of
18 working in any other lower classification or grade in the same
19 department, provided the director of personnel finds that he,
20 or she, is qualified to perform the duties of such lower
21 classification or grade, such option being subject, however,
22 to the following limitation. Where an employee so laid off
23 elects to drop to a lower classification or grade, and where
24 the appointing authority reduces the number of employees in
25 such lower classification or grade, the reduction shall be
26 made in the manner in which it is herein provided lay offs
27 shall be made, except that such reduction shall in no case

1 cause the lay off of any permanent employee in such lower
2 classification or grade who has more seniority in the
3 department than the employee laid off from the higher
4 classification or grade. A person laid off from a
5 classification or grade shall have the right, so long as he,
6 or she, is in the service or on the lay off list to return to
7 the position from which he, or she, is laid off, in the event
8 such position is refilled. The names of employees laid off as
9 provided herein shall be placed upon the department lay off
10 list for such position as in the opinion of the director of
11 personnel the employees are qualified and entitled to hold,
12 including any positions which may be thereafter created in the
13 department. The order of names on the lay off list shall be in
14 the relative order of seniority; provided, however, that where
15 there are two or more employees who are equal in seniority
16 they shall stand on the lay off list in the order of their
17 efficiency records kept by the director of personnel. All
18 permanent employees in the classified service compensated on a
19 monthly basis who are to be laid off are to be given fifteen
20 days' notice of such lay off prior to the effective date
21 thereof.

22 "(b) Early retirement incentive for county
23 employees. Notwithstanding any other provisions of this act,
24 in order to reduce the need for lay offs pursuant to
25 subsection (a), the personnel board shall provide a one-time
26 retirement incentive bonus in the amount of 50 percent of an

1 employee's annual salary to any county employee who meets all
2 of the following conditions:

3 "(1) The county employee is eligible to retire under
4 the existing retirement plan.

5 "(2) The age and years of service of the county
6 employee under the existing retirement plan equals or exceeds
7 the figure 85.

8 "(3) The county employee voluntarily elects to
9 retire.

10 "Any county employee who receives a retirement
11 incentive pursuant to this subsection and who is rehired by
12 the county shall repay all funds received pursuant to this
13 subsection."

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.