

1 HB469
2 218299-1
3 By Representatives Brown (C) and Stringer (N & P)
4 RFD: Mobile County Legislation
5 First Read: 08-MAR-22

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Semmes and the Town of Dauphin Island in Mobile County; to amend Act 470 of the 1939 Regular Session (Acts 1939, 298), as amended, now appearing as Sections 45-49-120 through 45-49-120.35 of the Code of Alabama 1975, establishing the Mobile County Civil Service System; to amend Sections 45-49-120.01, relating to the unclassified service, and Section 45-49-120.20, relating to layoffs, and to add Section 45-49-120.36 to the Code of Alabama 1975, to provide options for hiring and employment by the City of Semmes and the Town of Dauphin Island.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 45-49-120.01 and 45-49-120.20, Code of Alabama 1975, are amended to read as follows:

"§45-49-120.01.

"The following shall be in the unclassified service:

1 "(1) Officials elected by popular vote and, in case
2 of death, resignation, or removal, their legal substitute.

3 "(2) Where by present law official duties of any
4 officer mentioned in subdivision (1) are or may be performed
5 by a chief assistant appointed by him or her, such chief
6 assistant.

7 "(3) Principals, supervisors, teachers, and
8 instructors in the public schools engaged in teaching or
9 supervising teaching, or both, and all employees of the Mobile
10 County School Board.

11 "(4) The personnel director provided for by this
12 part.

13 "(5) Independent contractors receiving their
14 remuneration from public funds under contracts awarded by
15 competitive bidding.

16 "(6) Persons in the "classified service" within the
17 meaning of and subject to the State Merit System under any
18 present or future law, and so long as any such law remains
19 effective.

20 "(7) Common laborers not engaged in regular
21 employment.

22 "(8) Attorneys, physicians, surgeons, and dentists
23 employed in their professional capacities.

24 "(9) The judge of any court.

25 "(10) Members of boards who are not employed on a
26 full time basis and are not required to devote their services
27 exclusively to such counties and cities therein.

1 "(11) Any person whose employment is subject to the
2 approval of the United States government or of any agency
3 thereof.

4 "(12) All employees of the City of Semmes or the
5 Town of Dauphin Island who are funded by federal or state
6 funds or private grants.

7 "§45-49-120.20.

8 "(a) In accordance with the rules adopted under this
9 part, an appointing authority may layoff an employee in the
10 classified service whenever he or she deems it necessary by
11 reason of shortage of work or funds, or the abolition of a
12 position, or other material change in duties or organization.
13 The seniority and service ratings of employees shall be
14 controlling in determining the order of layoffs. The
15 appointing authority shall give written notice to the director
16 of every proposed layoff a reasonable time before the
17 effective date thereof, and the director shall make such
18 orders relating thereto as he or she considers necessary to
19 secure compliance with the rules. The name of every regular
20 employee so laid off shall be placed on the appropriate
21 reemployment list.

22 "(b) Upon the demonstration of extenuating
23 circumstances by the City of Semmes or the Town of Dauphin
24 Island, the order of layoffs of employees may be based on the
25 critical needs of the city or town and not solely on seniority
26 and service ratings. The City of Semmes or the Town of Dauphin
27 Island shall give written notice to the director of every

1 proposed layoff a reasonable time before the effective date of
2 the layoff."

3 Section 2. Section 45-49-120.36 is added to the Code
4 of Alabama 1975, to read as follows:

5 Section 45-49-120.36.

6 (a) The City of Semmes and the Town of Dauphin
7 Island may elect to establish a program for the recruitment,
8 testing, interviewing, and hiring of all employees. The City
9 of Semmes or the Town of Dauphin Island making the election
10 shall notify the Director of Personnel in writing and provide
11 a copy of the human resources policies and procedures manual
12 adopted by the governing body of the City of Semmes or the
13 Town of Dauphin Island. The human resources policies and
14 procedures manual shall include personnel policy guidelines,
15 operational standards, employee management provisions, hiring
16 and termination procedures, and equal employment opportunities
17 and harassment policies in the workplace to ensure compliance
18 with applicable federal regulations.

19 (b) At the discretion of the City of Semmes or the
20 Town of Dauphin Island making the election provided in this
21 section, any employee exceeding performance standards may be
22 paid during the working test period at a rate up to, but not
23 in excess of, the mid-range of the pay plan established for
24 the position. Special adjustments and steps within the grade
25 or range of any class may be established.

1 (c) Nothing in this section shall limit the right of
2 a classified employee to file a complaint or grievance
3 pursuant to the rules of the personnel board.

4 (d) If the City of Semmes or the Town of Dauphin
5 Island avails itself to the option of this section, the city
6 and town respectively shall be subject to an annual audit by
7 the personnel board conducted by a certified professional in
8 human resources to ensure compliance with the human resources
9 policy of the city or the town and any applicable federal
10 regulations.

11 Section 3. This act shall apply to the City of
12 Semmes and the Town of Dauphin Island and become operative as
13 to each municipality respectively only if a final order of a
14 court determines that both of the municipalities are under the
15 authority of the Mobile County Civil Service System and
16 subject to its procedures and regulations.

17 Section 4. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.