

1 HB497
2 199326-1
3 By Representative McCampbell
4 RFD: County and Municipal Government
5 First Read: 23-APR-19

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8 SYNOPSIS: Under existing law, in certain Class 4
9 municipalities, a person who has been convicted of
10 a felony or an offense involving dishonesty or
11 false statement is disqualified from employment
12 with the municipality.

13 This bill would delete the provision
14 providing for that disqualification.

15 Under existing law, in certain Class 4
16 municipalities, all appointments to covered jobs,
17 including promotions and transfers, are on a
18 probationary basis for a period of one year from
19 the date of the appointment.

20 This bill would provided that demotions are
21 also on a probationary basis and would also provide
22 that the probationary basis is from the beginning
23 of employment.

24 This bill would also provide a temporary
25 stay for the probationary period if the person
26 takes a leave of absence.
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1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 Relating to certain Class 4 municipalities; to amend
6 Sections 11-44B-43 and 11-44B-44, Code of Alabama 1975, to
7 remove the prohibition that disqualified a person who has been
8 convicted of a felony or an offense involving dishonesty or
9 false statement from municipal employment; to provide that all
10 appointments to covered jobs, including promotions, demotions,
11 and transfers, are on a probationary basis from the beginning
12 of employment; and to provide a temporary stay of the
13 probationary period during a leave of absence.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 11-44B-43 and 11-44B-44, Code of
16 Alabama 1975, are amended to read as follows:

17 "§11-44B-43.

18 "(a) With the exception of promotions of
19 firefighters and police officers which shall be made by the
20 board, all vacancies for covered jobs shall be filled by the
21 appointing authority as provided herein.

22 "(b) The human resources department of the city
23 shall make and maintain sufficient lists of all persons
24 eligible and available for appointment to jobs as is necessary
25 for the city to operate efficiently as determined by the city
26 council. All appointments shall be made from such eligibility
27 lists. With the exception of police officers and firefighters,

1 no appointment or promotion shall be made from an eligibility
2 list which is more than 12 months old. The human resources
3 department shall conduct examinations to test the ability and
4 qualifications of applicants for all job classifications of
5 police officer, firefighter, telecommunicator, and any other
6 covered jobs for which it deems examinations or interviews are
7 appropriate. Examinations shall be competitive, open to all
8 qualified applicants, and subject to the limitations specified
9 by the human resources department or city council. The human
10 resources department shall notify applicants of the date and
11 time of the examinations. ~~No person shall be appointed to a~~
12 ~~job who has been convicted of a felony or an offense involving~~
13 ~~dishonesty or false statement.~~ Based upon an examination or
14 interviews, or both, by the appointing authority or their
15 designee, the human resources department shall develop a list
16 of eligible qualified applicants and the appointing authority
17 shall select the best qualified applicant to fill the vacancy
18 from the list. The appointing authority shall notify the human
19 resources director in writing of the selection. If the human
20 resources director is satisfied that the best qualified
21 applicant was selected, he or she shall extend a conditional
22 offer to the selected applicant pursuant to established city
23 policy. If the appointing authority is not the mayor and the
24 human resources director is not satisfied that the best
25 qualified applicant was selected, he or she shall meet with
26 the department head to review the department head's reasons
27 for the selection. After meeting with the department head, if

1 the human resources director remains unsatisfied that the best
2 qualified applicant was selected, then the matter shall be
3 referred to the mayor, who shall conduct a hearing with the
4 department head and the human resources director. At the
5 conclusion of the hearing, the mayor may endorse and direct
6 the selection of the applicant selected by the department head
7 or he or she may direct the selection of another applicant
8 from the eligibility list if he or she determines that the
9 best qualified applicant was not selected by the department
10 head for reasons inconsistent with the principles of this
11 article, city policy, or applicable state or federal law.

12 "(c) Promotions of firefighters and police officers,
13 excluding the initial appointment to the entry level of the
14 firefighter and police officer job classifications, shall be
15 made by the board in accordance with this article. The human
16 resources department shall develop a list of eligible
17 qualified applicants as provided in subsection (b) and the
18 board shall select the best qualified applicant to fill the
19 vacancy for promotion from the list and notify the human
20 resources director as provided in subsection (b). If the board
21 does not select an applicant to fill the vacancy for promotion
22 from the list within 90 calendar days from the date the list
23 was provided to the board, the human resources director of the
24 city shall provide the list to the mayor who shall select the
25 best qualified candidate from that list.

26 "§11-44B-44.

1 "All appointments to covered jobs, including
2 promotions, demotions, and transfers, shall be on a
3 probationary basis ~~for a period of one year from the date of~~
4 ~~appointment~~ from the beginning of employment. For those jobs
5 in which the individual is required to meet state minimum
6 standards, the probationary period shall conclude upon
7 fulfillment of the standards or the passage of one year,
8 whichever is later. A leave of absence shall stay the
9 probationary period for the length of the leave. During a
10 covered employee's probationary period, a department head may
11 discharge a probationer under his or her supervision by
12 stating in writing the reasons to the mayor. If the mayor
13 disagrees with the discharge, he or she, within five days of
14 receipt of the written statement, may notify the department
15 head and the probationer of the time and place of a hearing to
16 be conducted in regard to the discharge. Upon failure of the
17 mayor to so notify within five business days, the mayor shall
18 be deemed to have consented to the discharge. In the event
19 that a hearing is scheduled, the department head may suspend
20 the probationer without pay pending the hearing."

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