

1 SB396  
2 205107-1  
3 By Senator Marsh (N & P)  
4 RFD: Local Legislation  
5 First Read: 20-APR-21

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Calhoun County; to amend Sections  
14 45-8-120.09 and 45-8-120.12, Code of Alabama 1975, relating to  
15 the county civil service system for county employees; to  
16 further provide for the filling of vacancies by the appointing  
17 authority in the classified service and for the employment of  
18 temporary employees by an appointing authority and for the  
19 employment of a temporary employee in the classified service  
20 under certain conditions.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 45-8-120.09 and 45-8-120.12,  
23 Code of Alabama 1975, are amended to read as follows:

24 "§45-8-120.09.

25 "All individuals seeking employment in positions  
26 that are covered by this article shall file their applications  
27 with the Civil Service Board of Calhoun County in accordance

1 with guidelines to be established by the board. All  
2 applications shall be on forms furnished by the board, and all  
3 applicants for positions assigned to the classified and  
4 part-time services, except for those considered by the board  
5 to be unskilled or otherwise unsuitable for examination, shall  
6 be subject to examinations. Applicants for positions assigned  
7 to the temporary service shall not be required to undergo  
8 examinations or otherwise be tested for the position they seek  
9 unless determined by the board and appointing authority to be  
10 necessary. All examinations shall be public, competitive, and  
11 open to all individuals who meet the eligibility requirements  
12 established by the board. All examinations shall be practical  
13 in their character and relate to those matters as determined  
14 by the board, in coordination with the appropriate appointing  
15 authority, to fairly test the relative ability of an  
16 individual to discharge satisfactorily the duties of the  
17 position he or she seeks. The board shall conduct all  
18 examinations, or arrange for the examination to be conducted  
19 by an appropriate person or persons, and determine the time  
20 and location of the examinations. The board shall rank each  
21 qualified applicant on the appropriate eligibility list based  
22 upon the applicants examination results and his or her  
23 demonstrated ability to satisfactorily discharge the duties of  
24 the position he or she seeks. When an appointing authority has  
25 a vacancy in a job or position that is covered by this  
26 article, he or she shall notify the board and request names be  
27 forwarded to him or her for his or her consideration in

1 filling the vacancy. If the vacancy is in a classified service  
2 job or position, the board shall forward the names of ~~the top~~  
3 all applicants from the eligibility list for the position to  
4 the appointing authority ~~in accordance with guidelines to be~~  
5 ~~established by the board~~ and the appointing authority may  
6 select a qualified applicant to fill the vacancy. The board  
7 may, at its discretion, provide in its implementing rules ~~and~~  
8 ~~regulations~~ for the reassignment, ~~to include~~ by promotion,  
9 transfer, or voluntary demotion, of a qualified regular status  
10 classified employee before consideration ~~shall be~~ is given to  
11 the employment of an individual from an eligibility list. If  
12 the vacancy is in a job or position assigned to the ~~temporary~~  
13 ~~or~~ part-time service, it shall be filled in accordance with  
14 guidelines as established by the board in its implementing  
15 rules and ~~regulations~~ a vacancy may be filled by a temporary  
16 employee in the temporary service of the county as provided in  
17 Section 45-8-120.12.

18 "§45-8-120.12.

19 "(a) ~~The Civil Service Board of Calhoun County may,~~  
20 ~~in~~ In cases ~~where~~ when the ~~board~~ and the appointing authority  
21 ~~deem~~ deems it proper, ~~authorize~~ the appointing authority ~~to~~  
22 may fill a vacancy in the classified service with a temporary  
23 individual, ~~if an eligibility list for the position is not~~  
24 ~~available,~~ or if the appointing authority notifies the board  
25 in writing that ~~an emergency exists and he or she may not~~  
26 ~~properly operate his or her office while the normal procedures~~  
27 ~~are being followed to fill the vacancy. Normally, the~~

1 ~~employment of a temporary individual to fill a classified~~  
2 ~~service position shall not exceed a period of 90 calendar~~  
3 ~~days, but the board may extend the appointment for an~~  
4 ~~additional 90 calendar days, when the board and appointing~~  
5 ~~authority determine such action to be warranted. However, all~~  
6 ~~temporary appointments shall be terminated when an eligibility~~  
7 ~~register has been established by the board for the vacancy and~~  
8 ~~an individual has been appointed from the list the position is~~  
9 ~~needed to be filled as soon as possible.~~

10 " (b) An appointing authority may ~~also, at his or her~~  
11 ~~discretion,~~ employ individuals for ~~temporary work~~ in a  
12 temporary position in his or her department ~~so long as~~ only if  
13 the employment is funded, ~~does not involve a job assigned to~~  
14 ~~the classified service, and does not exceed 180 consecutive~~  
15 ~~calendar days.~~ The temporary employee shall receive the same  
16 compensation and benefits as a regular classified employee.

17 "(c) Any employee employed in a temporary position  
18 may be transferred to the classified service as a classified  
19 civil service employee one year from the date of employment if  
20 all of the following apply:

21 "(1) The employee has been employed for one year by  
22 the appointing authority.

23 "(2) The employee has passed the civil service  
24 examination for the position.

25 "(3) The employee is in good standing with the  
26 appointing authority."

1                   Section 2. 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.