

1 SB212
2 165332-2
3 By Senators Melson, Brewbaker, Shelnutt, Stutts, Albritton,
4 and Orr
5 RFD: Finance and Taxation General Fund
6 First Read: 12-MAR-15

1 SB212

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4 ENROLLED, An Act,

5 Relating to public employees; to amend Sections
6 36-26-10 and 36-26-32.1, Code of Alabama 1975; to allow each
7 state agency to have up to two additional exempt employees;
8 and to clarify that an employee who returns to a former merit
9 or civil service classification reverts to his or her former
10 position in which he or she held status in the classified
11 service.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 36-26-10 and 36-26-32.1, Code of
14 Alabama 1975, are amended to read as follows:

15 "§36-26-10.

16 "(a) Positions in the service of the state shall be
17 divided into the exempt, the unclassified and the classified
18 service.

19 "(b) The exempt service shall include:

20 "(1) Officers elected by the vote of the people.

21 "(2) Officers and employees of the Legislature.

22 "(3) All employees of a district attorney's office.

23 "(4) Members of boards and commissions, whether
24 appointed or self-perpetuating, and heads of departments

1 required by law to be appointed by the Governor or by boards
2 or commissions with the approval of the Governor.

3 "(5) All officers and employees of the state's
4 institutions of higher learning, teacher-training institutions
5 and normal schools, educational, eleemosynary and correctional
6 institutions which are governed and controlled by boards of
7 trustees or similar governing bodies and secondary
8 agricultural schools and vocational schools.

9 "(6) All inmate help in all charitable, penal and
10 correctional institutions.

11 "(7) All commissioned and warrant officers and
12 enlisted ~~men~~ personnel of the national guard and naval militia
13 of the state in their respective military and naval grades.

14 "(8) The Governor's private secretary, legal
15 advisor, recording secretary and those employees of the
16 Governor's office paid exclusively out of the Governor's
17 Emergency or Contingent Funds.

18 "(9) The employees of the Alabama State Port
19 Authority engaged in railroad service and subject to the
20 provisions of an act of Congress known as the Railway Labor
21 Act as amended or as it may hereafter be amended.

22 "(10) For each agency, up to two employees in
23 addition to any other exempt positions as otherwise allowed by
24 law; provided these positions may not be occupied by the head
25 of an agency.

1 The services listed in this subsection as exempt
2 shall in no respect be subject to the provisions of this
3 article, anything to the contrary notwithstanding.

4 "(c) The unclassified service shall include:

5 "(1) One confidential assistant or secretary for
6 each board, commission and elected officer and, when requested
7 by the Governor, for each department head appointed by the
8 Governor; and

9 "(2) All employees of the Governor's office not
10 exempted. The positions in the unclassified service enumerated
11 in this subsection may at the request of the appointing
12 authority be filled by classified employees. Each of the
13 employees thus appointed shall, at the conclusion of his or
14 her occupancy of such position, resume his or her previous
15 status in the classified service.

16 "(d) The classified service shall include all other
17 officers and positions in the state service.

18 "(e) Except as to services denominated as exempt or
19 unclassified services in subsections (b) and (c) ~~of this~~
20 ~~section~~, the Governor shall have the power by executive order
21 to extend the provisions of this article to include additional
22 positions or classes of positions.

23 "(f) Employees in the unclassified service shall be
24 subject to the same rules and regulations of employment as

1 apply to employees in the classified service except as to
2 appointment and dismissal.

3 "§36-26-32.1.

4 "(a) Any person who has held a classified position
5 in any merit or civil service system within the State of
6 Alabama or within any political subdivision thereof and
7 relinquished that position to accept ~~a nonmerit~~ an appointment
8 to an unclassified position shall be returned to permanent
9 status in the same merit classification which that person held
10 at the time of appointment, providing that person shall:

11 "(1) Choose to be returned to the merit or civil
12 service classification.

13 "(2) Have accepted ~~a nonmerit~~ an appointment to ~~a~~ an
14 unclassified position within the same agency where employment
15 was under the merit or civil service system.

16 "(3) Not have had a break in service exceeding one
17 pay period.

18 "(4) Not have been the subject to any pending
19 disciplinary action at time of appointment.

20 "(5) Have had at least 10 years service in the merit
21 or civil service system at time of appointment.

22 "(b) Any person who returns to a former merit or
23 civil service classification under the provisions of
24 subsection (a) ~~of this section~~ shall ~~enjoy all the benefits to~~
25 ~~which that person would be entitled had that person remained~~

1 ~~under the merit or civil service system including seniority~~
2 ~~and pay benefits as though that person had remained in that~~
3 ~~classification; provided, that the appointed position shall~~
4 ~~have been an equal or higher position than was the merit or~~
5 ~~civil service classification~~ revert to his or her former
6 position in which he or she held status in the classified
7 service. The reversion shall be without loss of salary or
8 other benefits which would have accrued to the employee and to
9 which the employee would have otherwise been entitled had he
10 or she remained within the classified service. It is further
11 provided, that when a person returns to a former
12 classification no person serving in that classification shall
13 be reduced in classification but reduction if necessary shall
14 be accomplished by attrition."

15 Section 2. This act shall become effective on
16 October 1, 2015 following its passage and approval by the
17 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB212

Senate 14-APR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 04-JUN-15

By: Senator Melson