

1 SB444
2 164539-1
3 By Senators Melson and Orr
4 RFD: Governmental Affairs
5 First Read: 05-MAY-15

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8 SYNOPSIS: This bill would extend the working test
9 period required for State Merit System employees
10 for initial appointment in the classified service.
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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To amend Section 36-26-21, Code of Alabama 1975,
17 relating to working test periods within state government; to
18 extend the working test period required for State Merit System
19 employees for initial appointment in the classified service.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 36-26-21, Code of Alabama 1975,
22 is amended to read as follows:

23 "§36-26-21.

24 "(a) Every person appointed to a position in the
25 classified service after certification of his or her name from
26 a promotion list or an employment list shall be tested by a
27 working test while occupying ~~such~~ the position. The period of

1 ~~such~~ the working test for an initial appointment in the
2 classified service shall commence immediately upon appointment
3 and shall continue for such time, not less than ~~six months~~
4 three years, as shall be established by the director. The
5 period of the working test for a promotional appointment or
6 transfer to another agency shall commence immediately upon
7 appointment or transfer and shall continue for such time, not
8 less than six months, as shall be established by the director.

9 At such times during the working test period and in such
10 manner as the director may require, the appointing authority
11 shall report to the director his or her observation of the
12 employee's work and his or her judgment of the employee's
13 willingness and ability to perform his or her duties
14 satisfactorily and as to his or her habits and dependability.

15 " (b) At any time during his or her working test
16 period, the appointing authority may remove an employee if, in
17 the opinion of the appointing authority, the working test
18 indicates that such employee is unable or unwilling to perform
19 his or her duties satisfactorily or that his or her habits and
20 dependability do not merit his or her continuance in the
21 service. Upon such removal, the appointing authority shall
22 forthwith report to the director and to the employee removed
23 his or her action and the reason thereof. No more than three
24 employees shall be removed successively from the same position
25 during their working test periods without the approval of the
26 director. The director may remove an employee during his or
27 her working test period if he or she finds, after giving him

1 or her notice and an opportunity to be heard, that such
2 employee was appointed as a result of fraud or error.

3 "(c) Ten days prior to the expiration of an
4 employee's working test period, the appointing authority shall
5 notify the director in writing whether the services of the
6 employee have been satisfactory and whether he or she will
7 continue the employee in his or her position. A copy of ~~such~~
8 the notice shall be given to the employee. No employee shall
9 be paid for work performed after the expiration of his or her
10 working test period unless, prior to the performance of ~~such~~
11 the work, the appointing authority has notified the director
12 that the employee will be continued in his or her position.

13 "(d) If any employee is removed from his or her
14 position during or at the end of his or her working test
15 period and the director determines that he or she is suitable
16 for appointment to another position, his or her name may be
17 restored to the list from which it was certified. If any such
18 employee was a regular employee in another position in the
19 classified service immediately prior to his or her
20 appointment, his or her name shall be placed on the
21 reemployment list for the class of the position in which he or
22 she was a regular employee.

23 "(e) Nothing in the amendments made to this section
24 by this 2015 act is intended to adjust the regular salary
25 progression for employees in the classified service, as set
26 forth in State Personnel Board rules and procedures."

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.