

HB511 ENGROSSED



1 M5M9WH-2
2 By Representatives Hassell, Ensler, McClammy, Lawrence, Morris
3 (N & P)
4 RFD: County and Municipal Government
5 First Read: 23-May-23
6 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to Montgomery County and to municipalities in the county having a population of 5,000 or more people, according to the most recent or any subsequent federal census; to amend Section 45-51A-32.113, as last amended by Act 2022-370 of the 2022 Regular Session, Code of Alabama 1975, establishing a countywide personnel system; to provide that certain city employees are members of the exempt service of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-51A-32.113 of the Code of Alabama 1975, is amended to read as follows:

"§45-51A-32.113

(a) This subpart shall apply to all officers and employees in the service of the county and affected municipalities, except the following:

(1) Elective officials. Provided however, that in the event the status of an elective officer of the county or municipality is changed to that of an appointive officer, then at the expiration of the term of office of any such officer, the individual holding the office at the time of the



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29 expiration of the term, providing that he or she shall have
30 served in the position for a period of at least six months
31 continuously, immediately prior to the expiration of the term
32 of office, shall assume regular status in the competitive
33 service without preliminary examination or working tests and
34 shall thereafter be subject in all respects to this subpart.

35 (2) Members of appointive boards, commissions, and
36 committees.

37 (3) All employees or appointees of the city or county
38 board of education, or individuals engaged in the profession
39 of teaching or in supervising teaching in the public schools;
40 excepting, however, personnel employed in kindergartens or
41 schools not a part of the city or county school system
42 operated under the direction and supervision of the city or
43 county board of education.

44 (4) Attorneys, physicians, surgeons, and dentists who,
45 with the express or implied permission of any appointing
46 authority or of the county or municipality, hold themselves
47 out for employment by others in the same or a like line of
48 work as that performed by them for such appointing authority;
49 excepting, however, municipal recorders or assistant recorders
50 and city or municipal prosecutors or assistant city or
51 municipal prosecutors.

52 (5) The personnel director provided for by this
53 subpart.

54 (6) Individuals in the classified service within the
55 meaning of and subject to the state Merit System under any
56 present or future law, and so long as any such law remains



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effective.

(7) One private secretary or executive assistant of a member of the governing body of such municipality, the bailiff appointed by each judge of the circuit court, and two clerks to be designated by each county elective official and also the register of the circuit court except the member of the board of revenue; and any employee receiving his or her compensation from any elected official of the county.

(8) One clerk, deputy, or employee to be named by the clerk of the circuit court for his or her office, and one clerk, deputy, or employee to be named by the register of the circuit court for his or her office.

(9)a. The chief of police, fire chief, chief financial officer or director of finance, chief operating officer, special assistant to the mayor, city attorney, director of the office of city investigations, ~~head of the department of engineering and environmental services~~ director of public works, head of the inspection department, head of the planning department, head of the communications department, director of traffic engineering, head of the department of parks and recreation, head of the building maintenance department, and head of the sanitation department of any affected municipality, and any private secretary, executive assistant, or special assistant of any of the officers and employees listed in this paragraph, all of whom shall be appointed and serve at the pleasure of the mayor of the affected municipality. In addition, all of the following shall be appointed and serve at the pleasure of the mayor: Chief of



85 staff, chief administrative officer, director of office of
86 violence prevention, director of emergency communications,
87 director of the emergency management agency, director of
88 economic development, director of community development,
89 director of neighborhood services, director of the zoo,
90 director of riverfront facilities and special services,
91 director of procurement, director of risk management, director
92 of grants department, director of street maintenance, director
93 of engineering and landfill, director of general services,
94 director of parking management, director of fleet management,
95 director of cultural affairs, director of city events, library
96 director, museum director, chief technology officer, and
97 senior policy advisor. Any individual appointed to a position
98 pursuant to this subdivision shall meet at least the minimum
99 qualifications for the position as shall be established by the
100 personnel board. Notwithstanding any other provisions of this
101 subpart, the compensation of individuals appointed pursuant to
102 this subdivision shall be set by the personnel board pursuant
103 to a pay and classification study.

104 b. If ~~a~~ an individual is removed by the mayor from any
105 of the positions listed in paragraph a. for any reason other
106 than for cause of willful neglect of duty, corruption in
107 office, incompetency, or malfeasance, and if that individual
108 was a member of the competitive or classified service of the
109 county and affected municipalities at the time of initial
110 appointment to that position by the mayor, that individual may
111 return to the competitive or classified service as if he or
112 she had never been appointed to or removed from the position



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by the mayor.

(b) Offices, positions, and employments not exempted above shall constitute the competitive or classified service of the county and affected municipalities. It is intended ~~hereby~~ to include within the competitive or classified service all offices, positions, and employments in each such county and any such municipalities therein as these offices, positions, and employment now exist, or as they may hereafter exist, the holders of which are paid, whether by salaries, wages, and fees, in whole or in part from funds of any such county or municipality, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of such elected official or officer except those ~~hereinabove~~ numerated in this section. It is also intended ~~hereby~~ that the competitive or classified service shall include all personnel of any public corporation, board, committee, or commission, appointed or created by the governing body of any such county or municipality whether the salaries, wages, or compensation of such officers or employees are paid directly by the county or municipality; provided, however, the appointed members of any such public corporation, board, committee, or commission shall not be included in the competitive or classified service."

Section 2. This act shall become effective September 1, 2023, following its passage and approval by the Governor, or its otherwise becoming law.



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House of Representatives

142 Read for the first time and referred23-May-23
143 to the House of Representatives
144 committee on County and Municipal
145 Government
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147 Read for the second time and placed25-May-23
148 on the calendar:
149 1 amendment
150
151 Read for the third time and passed31-May-23
152 as amended
153 Yeas 10
154 Nays 1
155 Abstains 87
156
157

158 John Treadwell
159 Clerk
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