HB287

WRNQ9E5-1

By Representative Hassell (N & P)

RFD: Montgomery County Legislation

First Read: 05-Mar-24

A BILL

TO BE ENTITLED

AN ACT

Relating to Montgomery County and the City of Montgomery; to establish a separate personnel merit system and a separate human resources department for the county and the city; to provide for separate personnel appeals boards for each separate personnel merit system; to provide for the transfer of existing employees to the appropriate system; to provide for the adoption of rules and procedures for each system; to provide for the transfer of property and records; and to provide for the repeal of Sections 45-51A-32.110 to 45-51A-32.127, inclusive, Code of Alabama 1975, effective January 1, 2025.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. City Human Resource Department.

Effective January 1, 2025, the City of Montgomery, pursuant to Sections 1 to 10, inclusive of this act, shall establish and administer its own personnel merit system based on principles of human resources management which shall include equity, fairness, and compliance with all applicable state and federal laws. This shall be a merit based personnel system that seeks to maintain high quality employee conduct,

integrity, and concern for the public interest. These factors shall be the basis for all personnel decisions whether made by the human resources department, the city, or the personnel appeals board for the city.

Section 2. Definitions.

The following words used in Sections 1 to 10, inclusive of this act, have the following meanings:

(1) APPEALS BOARD. The personnel appeals board created by the city council and whose members are elected by the city council.

(2) CITY. The City of Montgomery.

(3) CITY COUNCIL. The City Council of the City of Montgomery.

(4) DEPARTMENT. The human resources department, a department of the city created to carry out all personnel and related matters as designated by the city.

(5) EMPLOYEE. Any individual who works for the city in a classified or unclassified position whose salary is paid with funds paid by the city.

a. Unclassified Employee. An employee who serves at the pleasure of the mayor and who is not a participant in the merit based personnel system hereby established. The following are unclassified employees:

1. All unclassified employees of the city on January 1, 2025.

2. Volunteer personnel who receive no compensation from the city.

3. Persons performing work under contract with the city

and not carried on the payroll as employees.

4. Persons whose employment is subject to the approval of the United States Government, the City or County of Montgomery, or the State of Alabama.

5. Temporary employees.

6. Other persons designated by the city council who the city council determines should report directly to the mayor.

b. Classified Employee. An employee who is assigned to an ongoing position authorized by the city, whose salary is paid with funds paid by the city, and who may become a participant in the merit based personnel system hereby established following an initial probationary period.

(6) MAYOR. The Mayor of the City of Montgomery.

(7) VACANCY. A position approved and funded by the city which is currently unoccupied or is being filled by a temporary employee.

Section 3. Principles.

(a) The City Council of the City of Montgomery shall establish a merit based personnel system for classified employees of the city. The department shall adopt rules and procedures necessary to implement a merit based personnel system based on the following principles:

(1) Recruiting, selecting, and advancing employees based on their ability, knowledge, and skills, including the open competition of qualified applicants for initial appointment.

(2) Establishing pay rates consistent with the principle of comparable pay for comparable jobs.

(3) Training employees, as needed, to assure quality job performance.

(4) Retaining employees on the basis of city needs, adequacy of performance, correcting inadequate performance when possible, and separating employees whose continued employment is not in the best interests of the city.

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, sex, race, color, religion, national origin, disability, or age.

(6) Providing all classified employees who have been disciplined or who have grievances, or both, a fair and impartial hearing and a resolution of the disciplinary action and grievances.

(b) All employees of the city on January 1, 2025, shall remain employees of the city under the jurisdiction of the merit based personnel system.

Section 4. Continuation of employment.

(a) All classified employment with the city is contingent upon all of the following:

(1) Availability of funds.

(2) The city's need for work to be done.

(3) The employee's compliance with all rules, policies, and procedures established in accordance with Sections 1 to 10 of this act.

(4) Satisfactory job performance by the employee.

(b) All classified employees who have successfully completed a probationary period shall not be separated from

city employment without a hearing before the appeals board established in Section 7 of this act pursuant to the rules and procedures adopted by the department if the employee requests a hearing.

Section 5. Establishment of human resources department.

(a) The city council shall establish a human resources department within the city. The city council shall adopt all rules, policies, and procedures necessary for creation and operation of the department. The department shall be under the direction and supervision of the Director of the Human Resources Department, who shall be appointed by the mayor as an exempt employee of the city. The Director of Human Resources shall appoint all employees of the department.

(b) The department shall assist the city council in the creation and implementation of a personnel system. The department shall carry out all activities assigned to it by the city council. This shall include adopting all necessary rules, policies, and procedures; overseeing benefits related to employment; assisting department heads; assisting employees; providing clerical and administrative assistance to the personnel appeals board; and any other functions deemed appropriate by the city council.

Section 6. Rules, policies, and procedures.

The rules, policies, and procedures necessary to implement Sections 1 to 10 of this act shall be adopted by the department and approved by the city council by December 1, 2024. The rules, policies, and procedures adopted by the department shall be based on the principle that all employees

and applicants shall receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, age, disability, and with proper regard for privacy and constitutional rights.

Section 7. Personnel appeals board.

(a) The city council shall create a personnel appeals board separate and apart from the department for the purpose of hearing all appeals from final employee actions by the city and as requested by the affected employee. The appeals board shall consist of three members elected by vote of majority of the city council at any regularly or specially scheduled city council meeting.

(b) The appeals board members shall be residents of and qualified voters of the City of Montgomery during their tenure. A member may not be a city employee or board member or a blood relative, as defined by the state Merit System, of a city employee or the mayor or city council.

(c) Each appeals board member shall be appointed for a three-year term, unless filling an unexpired term, and may be reappointed. However, the first appointed members shall serve staggered terms of three, two, and one years as determined by the city council.

(d) The appeals board members shall elect a chair annually by a majority vote.

(e) The appeals board shall meet at least quarterly and at such other times as determined by the chair.

(f) The city council shall determine the compensation

of the appeals board members and shall also provide the board with office space and support staff as reasonably necessary.

(g) The city council shall adopt the necessary rules and procedures for the operation of the appeals board.

Section 8. Employment.

All classified employees shall be hired from a certified register of job applicants who meet the job related qualifications as provided by the department. All personnel activities shall be in accordance with the rules, policies, and procedures enacted by the city council.

Section 9. Political activity.

(a) Any employee may participate in city political activities to the same extent as authorized by state law. This activity may include endorsing a candidate and contributing to campaigns. Employees may join local political organizations and state and national political parties. Employees may also support issues of public welfare, circulate petitions, and make contributions.

(b) No employee of the city shall use his or her official position or authority to influence the vote or political action of any person, nor shall any city funds, property, or time be used for any political activity. No employee of the city shall solicit political contributions or solicit work in any capacity in a campaign from any individual who is a subordinate employee.

Section 10. Transfer of records.

All existing records related to city employment of city employees shall be transferred to the human resources

department.

Section 11. County Human Resource Department.

Effective January 1, 2025, the Montgomery County Commission, pursuant to Sections 11 to 20, inclusive of this act, shall establish and administer its own personnel merit system for county employees based on principles of human resources management which shall include equity, fairness, and compliance with all applicable state and federal laws. This shall be a merit based personnel system that seeks to maintain high quality employee conduct, integrity, and concern for the public interest. These factors shall be the basis for all personnel decisions whether made by the human resources department, the county commission, or the personnel appeals board.

Section 12. Definitions.

The following words as used in Sections 11 to 20, inclusive of this act, have the following meanings:

(1) APPEALS BOARD. The personnel appeals board created by the county commission and whose members are elected by the county commission.

(2) COUNTY. Montgomery County.

(3) COUNTY COMMISSION. The Montgomery County Commission.

(4) DEPARTMENT. The human resources department, a department of the county created to carry out all personnel and related matters as designated by the county commission.

(5) EMPLOYEE. Any individual who works for the county, a county officer, or a county agency in a classified or

unclassified position whose salary is paid with funds paid by the county.

a. Unclassified Employee. An employee who serves at the pleasure of the county commission, a county officer, or a county agency and who is not a participant in the merit based personnel system hereby established. The following are unclassified employees:

1. All unclassified employees of the county on January 1, 2025, in the employment of the county, a county officer, or a county agency.

2. Volunteer personnel who receive no compensation from the county.

3. Persons performing work under contract with the county and not carried on the payroll as employees.

4. Persons whose employment is subject to the approval of the United States Government, the City or County of Montgomery, or the State of Alabama.

5. Temporary employees.

6. Other persons designated by the county commission who meet the intent of this section.

b. Classified Employee. An employee who is assigned to an ongoing position authorized by a county officer or the county commission, whose salary is paid with funds paid by the county, and who may become a participant in the merit based personnel system established pursuant to this act following an initial probationary period.

(6) VACANCY. A position approved and funded by the county that is currently unoccupied or is being filled by a

temporary employee.

Section 13. Principles.

(a) The Montgomery County Commission shall establish a merit based personnel system for classified employees of the county. The department shall adopt rules, policies, and procedures necessary to implement a merit based personnel system based on the following principles:

(1) Recruiting, selecting, and advancing employees based on their ability, knowledge, and skills, including the open competition of qualified applicants for initial appointment.

(2) Establishing pay rates consistent with the principle of comparable pay for comparable jobs.

(3) Training employees, as needed, to assure quality job performance.

(4) Retaining employees on the basis of county needs, adequacy of performance, correcting inadequate performance when possible, and separating employees whose continued employment is not in the best interests of the county.

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, sex, race, color, religion, national origin, disability, or age.

(6) Providing all classified employees who have been disciplined or who have grievances, or both, a fair and impartial hearing and a resolution of the disciplinary action and grievances.

(b) All employees of the county on January 1, 2025,

shall remain employees of the county under the jurisdiction of the merit based personnel system.

Section 14. Continuation of employment.

(a) All classified employment with the county is contingent upon all of the following:

(1) Availability of funds.

(2) The need for work to be done by the county or a county officer.

(3) The employee's compliance with all rules, policies, and procedures established in accordance with Sections 11 to 20 of this act.

(4) Satisfactory job performance by the employee.

(b) All classified employees who have successfully completed a probationary period shall not be separated from county employment without a hearing before the appeals board pursuant to the rules and procedures adopted by the department if the employee requests a hearing.

Section 15. Establishment of human resources department.

(a) The county commission shall establish a human resources department within the county. The county commission shall adopt all rules, policies, and procedures necessary for creation and operation of the department.

(b) The department shall assist the county commission in the creation and implementation of a personnel system. The department shall carry out all activities assigned to it by the county commission. This shall include adopting all necessary rules, policies, and procedures; overseeing benefits

related to employment; assisting department heads; assisting employees; providing clerical and administrative assistance to the personnel appeals board; and any other functions deemed appropriate by the county commission.

Section 16. Rules, policies, and procedures.

The rules, policies, and procedures necessary to implement the county personnel system shall be adopted by the department and approved by the county commission by December 1, 2024. The rules, policies, and procedures adopted and approved by the county commission shall be based on the principle that all employees and applicants shall receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, age, disability, and with proper regard for privacy and constitutional rights.

Section 17. Personnel appeals board.

(a) The county commission shall create a personnel appeals board separate and apart from the county commission for the purpose of hearing all appeals from final employee actions by the county and as requested by the affected employee. The appeals board shall consist of three members elected by vote of majority of the county commission at any regularly or specially scheduled county commission meeting.

(b) The appeals board members shall be residents of and qualified voters of Montgomery County during their tenure. A member may not be a county employee or board member or a blood relative, as defined by the state Merit System, of a county employee.

(c) Each appeals board member shall be appointed for a three-year term, unless filling an unexpired term, and may be reappointed. However, the first appointed members shall serve staggered terms of three, two, and one years as determined by the county commission.

(d) The appeals board members shall elect a chair annually by a majority vote.

(e) The appeals board shall meet at least quarterly and at such other times as determined by the chair.

(f) The county commission shall determine the compensation of the appeals board members and shall also provide the board with office space and support staff as reasonably necessary.

(g) The county commission shall adopt the necessary rules, policies, and procedures for the operation of the appeals board.

Section 18. Employment.

All classified employees shall be hired from a certified register of job applicants who meet the job related qualifications as provided by the department. All personnel activities shall be in accordance with the rules, policies, and procedures enacted by the county commission.

Section 19. Political activity.

(a) Any employee may participate in county political activities to the same extent as authorized by state law. This activity may include endorsing a candidate and contributing to campaigns. Employees may join local political organizations and state and national political parties. Employees may also

support issues of public welfare, circulate petitions, and make contributions.

(b) No employee of the county shall use his or her official position or authority to influence the vote or political action of any person, nor shall any county funds, property, or time be used for any political activity. No employee of the county shall solicit political contributions or solicit work in any capacity in a campaign from any person who is a subordinate employee.

Section 20. Transfer of records.

All existing records related to employment of all county employees shall be transferred to the human resources department.

Section 21. Effective January 1, 2025, Sections 45-51A-32.110 to Section 45-51A-32.127 of the Code of Alabama 1975, inclusive (Subpart 5 of Part 3 of Article 3 of Chapter 51A of Title 45), establishing the Montgomery City/County Personnel Department and Personnel Board for Montgomery County and the City of Montgomery, are repealed. All property of the Montgomery City/County Personnel Board and Personnel Department shall be transferred to the Montgomery County Human Resources Department established by Sections 11 through 20. All records relating to any employee of the City of Montgomery shall be transferred to the City of Montgomery Personnel Department. All records relating to any employee of Montgomery County shall be retained by the Montgomery County Human Resources Department.

Section 22. This act shall become effective January 1,

393 2025.