

HB288 INTRODUCED



1 HB288
2 D4XKHHT-1
3 By Representative Hassell (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 05-Mar-24



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, Code of Alabama 1975, establishing a countywide personnel system; to provide that certain municipal 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~~ elected officer of the county or municipality is changed to that of an ~~appointive~~ appointed officer, then at the expiration of the term of office of ~~any~~ such the officer, the individual holding the office at the time of the expiration of the term, providing ~~that he or she~~



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

35 (2) Members of ~~appointive~~ appointed boards,
36 commissions, and 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,~~ other than personnel employed in
41 kindergartens or in schools not a part of the city or county
42 school system operated under the direction and supervision of
43 the city or 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,~~ other than municipal recorders or
50 assistant recorders and city or municipal prosecutors or
51 assistant city or 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~~ the law remains



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effective.

(7) One private secretary or executive assistant of a member of the governing body of ~~such~~ the municipality, the bailiff appointed by each judge of the circuit court, and two clerks to be designated by each county ~~elective~~ elected 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 staff, chief administrative officer (formerly executive assistant to the Mayor), executive assistant to the Mayor (formerly private secretary), chief of police, fire chief, chief financial officer ~~or director of finance,~~ chief technology officer, chief operating officer, director of human resources, senior policy adviser, special assistant to the mayor, city attorney, director of economic development, director of the office of ~~city investigations~~ inspector general, ~~head of the department of engineering and environmental services,~~ director of public works, ~~head of the inspection department,~~ director of planning, permitting and inspections, director of cultural affairs, ~~head of the planning department, head of the communications department,~~ ~~director of traffic engineering,~~ municipal court administrator, director of office of violence prevention, director of parks and recreation, ~~head of the~~ director of



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street maintenance~~department~~, and ~~head~~ director 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. Any individual appointed to a position pursuant to this subdivision shall meet at least the minimum qualifications for the position as ~~shall be~~ established by the personnel board. Notwithstanding any other provisions of this subpart, the compensation of individuals appointed pursuant to this subdivision shall be set by the personnel board pursuant to a pay and classification study.

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



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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~~ or fees, in whole or in part from funds of ~~any such~~ the county or municipality, or the holders of which receive their compensation from any elected official and perform duties pertaining to the office of ~~such~~ the 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, ~~r~~ 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~~ the public corporation, board, committee, or commission shall not be included in the competitive or classified service."

Section 2. This act shall become effective October 1, 2024.