

1 HB160  
2 125772-3  
3 By Representative Robinson (O) (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 03-MAR-11

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2 ENROLLED, An Act,

3           Relating to Jefferson County; to provide that, after  
4 the effective date of this act, persons in certain specified  
5 positions in county government shall be engaged and employed  
6 at-will, and shall serve at pleasure as unclassified employees  
7 not subject to the merit system otherwise applicable with  
8 respect to employees of the county generally; to authorize the  
9 determination of the compensation of such persons serving as  
10 unclassified employees; to provide that any unclassified  
11 employee shall, in respect of dismissal or for any other  
12 grievance, have no right of appeal to the Personnel Board of  
13 Jefferson County and no property interest in his or her  
14 position of employment as an unclassified employee of the  
15 county; to provide for and restrict in certain events the  
16 return of an unclassified employee to the county's classified  
17 service; to provide that a person's conversion from employment  
18 in the classified service of the county to an unclassified  
19 position shall be a condition of employment for appointment  
20 made after the effective date of such county employee to an  
21 unclassified position; to provide that persons not previously  
22 employees of the county at the time of their appointment to  
23 unclassified positions as provided for in the act shall become  
24 unclassified employees of the county; and to provide that  
25 persons employed as unclassified employees shall be eligible

1 for county employee benefits, including, but not limited to,  
2 retirement benefits, as shall otherwise be provided for county  
3 employees.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall apply only to Jefferson  
6 County.

7 Section 2. (a) Notwithstanding any law to the  
8 contrary, persons holding any of the following positions in  
9 the employment of Jefferson County shall be employed at-will  
10 as unclassified employees and are not subject to the county  
11 merit system:

12 (1) Any attorney in the office of the county  
13 attorney.

14 (2) The chief financial officer of the county.

15 (3) County department and agency heads and their  
16 chief deputies.

17 (4) Any person employed in the county unclassified  
18 executive service.

19 (b) The Personnel Board of Jefferson County may  
20 designate or create positions in the county unclassified  
21 executive service upon recommendation or request of the county  
22 commission.

23 (c) A person employed in an unclassified position  
24 listed in subdivisions (1) to (4), inclusive, of subsection  
25 (a) shall serve at the pleasure of the applicable appointing

1 authority, who shall set the rate of compensation of the  
 2 unclassified employee, with the subsequent approval of a  
 3 majority of the county commission at a commission meeting. A  
 4 person employed in an unclassified position shall have no  
 5 rights of appeal under the enabling act of the Personnel Board  
 6 of Jefferson County, Act 248 of the Alabama Legislature of  
 7 1945, p. 376, as amended, and no property interest in an  
 8 unclassified position.

9 (d) In the event that an employee in the classified  
 10 service is appointed to and accepts an unclassified position  
 11 listed in subdivisions (1) to (4), inclusive, of subsection  
 12 (a), such employee may return to the classified service  
 13 following any termination without cause from the unclassified  
 14 appointment, at the same job classification from which such  
 15 employee was appointed, provided that such a vacant position  
 16 exists.

17 (e) For purposes of subsection (d), "cause" includes  
 18 any of the following reasons:

19 (1) The employee was at the time of his or her  
 20 appointment or has since become ineligible to be employed by  
 21 the county because the employee failed to meet the minimum  
 22 job-related qualifications for his or her position.

23 (2) Malfeasance, misfeasance, or nonfeasance in  
 24 employment.

1           (3) Conviction of a felony crime or of a misdemeanor  
2 involving moral turpitude.

3           (4) Failure to perform his or her duties as provided  
4 by this act in an honorable, competent, and reasonably  
5 efficient manner.

6           (5) He or she becomes morally, physically, or  
7 mentally unfit to act on behalf of the county.

8           (f) No person employed in the classified service as  
9 a department or agency head or chief deputy before the  
10 effective date of this act shall be converted to an  
11 unclassified employee described in subdivisions (1) to (4),  
12 inclusive, of subsection (a), unless the person voluntarily  
13 elects the conversion with the approval of the personnel board  
14 and the appointing authority. Notwithstanding the foregoing, a  
15 conversion to an unclassified employee status shall be a  
16 condition of employment for any appointment to an unclassified  
17 position listed in subdivisions (1) to (4), inclusive, of  
18 subsection (a) made on or after the effective date of this  
19 act. Any noncounty employee appointed to an unclassified  
20 position listed in subdivisions (1) to (4), inclusive, of  
21 subsection (a) on or after the effective date of this act, by  
22 virtue of the appointment, shall be an unclassified nonmerit  
23 system employee of Jefferson County.

24           (g) A person employed in an unclassified position  
25 listed in subdivisions (1) to (4), inclusive, of subsection

1 (a) may receive the same benefits, including, but not limited  
2 to, retirement benefits, as are available to classified county  
3 employees unless that person elects in writing to forfeit his  
4 or her participation.

5 Section 3. All laws or parts of laws which conflict  
6 with this act are repealed.

7 Section 4. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 10-MAR-11.

Greg Pappas  
Clerk

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Senate 31-MAR-11 Passed