

**HB287 ENGROSSED**



1 HB287  
2 8XGLHHH-2  
3 By Representative Hassell (N & P)  
4 RFD: Montgomery County Legislation  
5 First Read: 05-Mar-24



## HB287 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Montgomery County and the City of Montgomery; to authorize the establishment of 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, and upon the approval of the city council by a recorded roll call vote of the city council, may 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



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29 shall be a merit based personnel system that seeks to maintain  
30 high quality employee conduct, integrity, and concern for the  
31 public interest. These factors shall be the basis for all  
32 personnel decisions whether made by the human resources  
33 department, the city, or the personnel appeals board for the  
34 city.

35 Section 2. Definitions.

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

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

41 (2) CITY. The City of Montgomery.

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

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

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

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

54 1. All unclassified employees of the city on January 1,  
55 2025.

56 2. Volunteer personnel who receive no compensation from



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57 the city.

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

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

63 5. Temporary employees.

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

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

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

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

75 Section 3. Principles.

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

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



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

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

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

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

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

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

104           Section 4. Continuation of employment.

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

107           (1) Availability of funds.

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

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

112           (4) Satisfactory job performance by the employee.



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113 (b) All classified employees who have successfully  
114 completed a probationary period shall not be separated from  
115 city employment without a hearing before the appeals board  
116 established in Section 7 of this act pursuant to the rules and  
117 procedures adopted by the department if the employee requests  
118 a hearing.

119 Section 5. Establishment of human resources department.

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

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

137 Section 6. Rules, policies, and procedures.

138 The rules, policies, and procedures necessary to  
139 implement Sections 1 to 10 of this act shall be adopted by the  
140 department and approved by the city council by December 1,



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141 2024. The rules, policies, and procedures adopted by the  
142 department shall be based on the principle that all employees  
143 and applicants shall receive fair and equitable treatment in  
144 all aspects of personnel management without regard to  
145 political affiliation, race, color, religion, national origin,  
146 sex, age, disability, and with proper regard for privacy and  
147 constitutional rights.

148 Section 7. Personnel appeals board.

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

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

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

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

168 (e) The appeals board shall meet at least quarterly and



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169 at such other times as determined by the chair.

170 (f) The city council shall determine the compensation  
171 of the appeals board members and shall also provide the board  
172 with office space and support staff as reasonably necessary.

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

175 Section 8. Employment.

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

181 Section 9. Political activity.

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

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

196 Section 10. Transfer of records.





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197 All existing records related to city employment of city  
198 employees shall be transferred to the human resources  
199 department.

200 Section 11. County Human Resource Department.

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

213 Section 12. Definitions.

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

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

219 (2) COUNTY. Montgomery County.

220 (3) COUNTY COMMISSION. The Montgomery County  
221 Commission.

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



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225 (5) EMPLOYEE. Any individual who works for the county,  
226 a county officer, or a county agency in a classified or  
227 unclassified position whose salary is paid with funds paid by  
228 the county.

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

234 1. All unclassified employees of the county on January  
235 1, 2025, in the employment of the county, a county officer, or  
236 a county agency.

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

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

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

244 5. Temporary employees.

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

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



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

256 Section 13. Principles.

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

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

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

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

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

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

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



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281 and grievances.

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

285 Section 14. Continuation of employment.

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

288 (1) Availability of funds.

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

291 (3) The employee's compliance with all rules, policies,  
292 and procedures established in accordance with Sections 11 to  
293 20 of this act.

294 (4) Satisfactory job performance by the employee.

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

300 Section 15. Establishment of human resources  
301 department.

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

306 (b) The department shall assist the county commission  
307 in the creation and implementation of a personnel system. The  
308 department shall carry out all activities assigned to it by



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309 the county commission. This shall include adopting all  
310 necessary rules, policies, and procedures; overseeing benefits  
311 related to employment; assisting department heads; assisting  
312 employees; providing clerical and administrative assistance to  
313 the personnel appeals board; and any other functions deemed  
314 appropriate by the county commission.

315 Section 16. Rules, policies, and procedures.

316 The rules, policies, and procedures necessary to  
317 implement the county personnel system shall be adopted by the  
318 department and approved by the county commission by December  
319 1, 2024. The rules, policies, and procedures adopted and  
320 approved by the county commission shall be based on the  
321 principle that all employees and applicants shall receive fair  
322 and equitable treatment in all aspects of personnel management  
323 without regard to political affiliation, race, color,  
324 religion, national origin, sex, age, disability, and with  
325 proper regard for privacy and constitutional rights.

326 Section 17. Personnel appeals board.

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

334 (b) The appeals board members shall be residents of and  
335 qualified voters of Montgomery County during their tenure. A  
336 member may not be a county employee or board member or a blood



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337 relative, as defined by the state Merit System, of a county  
338 employee.

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

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

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

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

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

355 Section 18. Employment.

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

361 Section 19. Political activity.

362 (a) Any employee may participate in county political  
363 activities to the same extent as authorized by state law. This  
364 activity may include endorsing a candidate and contributing to



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365 campaigns. Employees may join local political organizations  
366 and state and national political parties. Employees may also  
367 support issues of public welfare, circulate petitions, and  
368 make contributions.

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

376 Section 20. Transfer of records.

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

380 Section 21. Effective January 1, 2025, or as to the  
381 City of Montgomery upon approval of the city council, Sections  
382 45-51A-32.110 to Section 45-51A-32.127 of the Code of Alabama  
383 1975, inclusive (Subpart 5 of Part 3 of Article 3 of Chapter  
384 51A of Title 45), establishing the Montgomery City/County  
385 Personnel Department and Personnel Board for Montgomery County  
386 and the City of Montgomery, are repealed. All property of the  
387 Montgomery City/County Personnel Board and Personnel  
388 Department shall be transferred to the Montgomery County Human  
389 Resources Department established by Sections 11 through 20.  
390 All records relating to any employee of the City of Montgomery  
391 shall be transferred to the City of Montgomery Personnel  
392 Department. All records relating to any employee of Montgomery

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393 County shall be retained by the Montgomery County Human  
394 Resources Department.

395 Section 22. This act shall become effective January 1,  
396 2025.





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House of Representatives

400 Read for the first time and referred .....05-Mar-24  
401 to the House of Representatives  
402 committee on Montgomery County  
403 Legislation  
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405 Read for the second time and placed .....19-Mar-24  
406 on the calendar:  
407 1 amendment  
408  
409 Read for the third time and passed .....21-Mar-24  
410 as amended  
411 Yeas 7  
412 Nays 0  
413 Abstains 87  
414  
415

John Treadwell  
Clerk

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417  
418