

HB288 ENROLLED



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



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1 Enrolled, An Act,

2 Relating to Montgomery County and to municipalities in
3 the county having a population of 5,000 or more people
4 according to the most recent or any subsequent federal census;
5 to amend Section 45-51A-32.113, Code of Alabama 1975,
6 establishing a countywide personnel system; to provide that
7 certain municipal employees are members of the exempt service
8 of the municipality.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 45-51A-32.113 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§45-51A-32.113

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

16 (1) Elective officials. Provided however, that in the
17 event the status of an ~~elective~~ elected officer of the county
18 or municipality is changed to that of an ~~appointive~~ appointed
19 officer, then at the expiration of the term of office of ~~any~~
20 such the officer, the individual holding the office at the
21 time of the expiration of the term, providing ~~that he or she~~
22 the officer shall have served in the position for a period of
23 at least six months continuously, immediately prior to the
24 expiration of the term of office, shall assume regular status
25 in the competitive service without preliminary examination or
26 working tests and shall thereafter be subject in all respects
27 to this subpart.

28 (2) Members of ~~appointive~~ appointed boards,



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29 commissions, and committees.

30 (3) All employees or appointees of the city or county
31 board of education, or individuals engaged in the profession
32 of teaching or in supervising teaching in the public schools,
33 ~~excepting, however, other than~~ personnel employed in
34 kindergartens or in schools not a part of the city or county
35 school system operated under the direction and supervision of
36 the city or county board of education.

37 (4) Attorneys, physicians, surgeons, and dentists who,
38 with the express or implied permission of any appointing
39 authority or of the county or municipality, hold themselves
40 out for employment by others in the same or a like line of
41 work as that performed by them for such appointing authority,
42 ~~excepting, however, other than~~ municipal recorders or
43 assistant recorders and city or municipal prosecutors or
44 assistant city or municipal prosecutors.

45 (5) The personnel director provided for by this
46 subpart.

47 (6) Individuals in the classified service within the
48 meaning of and subject to the state Merit System under any
49 present or future law, and so long as ~~any such~~ the law remains
50 effective.

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



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57 or her compensation from any elected official of the county.

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

62 (9)a. The chief of staff, chief administrative officer
63 (formerly executive assistant to the Mayor), executive
64 assistant to the Mayor (formerly private secretary), chief of
65 police, fire chief, chief financial officer ~~or director of~~
66 ~~finance,~~ chief technology officer, chief operating officer,
67 director of human resources, senior policy adviser, special
68 assistant to the mayor, city attorney, director of economic
69 development, director of the office of ~~city investigations~~
70 ~~inspector general,~~ ~~head of the department of engineering and~~
71 ~~environmental services,~~ director of public works, ~~head of the~~
72 ~~inspection department,~~ director of planning, permitting and
73 inspections, director of cultural affairs, ~~head of the~~
74 ~~planning department,~~ ~~head of the communications department,~~
75 ~~director of traffic engineering,~~ municipal court
76 administrator, director of office of violence prevention,
77 director of parks and recreation, ~~head of the~~ director of
78 street maintenance department, and ~~head~~ director of the
79 sanitation department of any affected municipality, and any
80 private secretary, executive assistant, or special assistant
81 of any of the officers and employees listed in this paragraph,
82 all of whom shall be appointed and serve at the pleasure of
83 the mayor of the affected municipality. Any individual
84 appointed to a position pursuant to this subdivision shall



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85 meet at least the minimum qualifications for the position as
86 ~~shall be~~ established by the personnel board. Notwithstanding
87 any other provisions of this subpart, the compensation of
88 individuals appointed pursuant to this subdivision shall be
89 set by the personnel board pursuant to a pay and
90 classification study.

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

101 (b) Offices, positions, and employments not exempted
102 above shall constitute the competitive or classified service
103 of the county and affected municipalities. It is intended
104 ~~hereby~~ to include within the competitive or classified service
105 all offices, positions, and employments in ~~each such~~ the
106 county and any such municipalities therein as these offices,
107 positions, and employment now exist, or as they may hereafter
108 exist, the holders of which are paid, whether by salaries,
109 wages, ~~and~~ or fees, in whole or in part from funds of ~~any such~~
110 the county or municipality, or the holders of which receive
111 their compensation from any elected official and perform
112 duties pertaining to the office of ~~such~~ the elected official



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113 or officer except those ~~hereinabove~~ numerated in this section.
114 It is also intended ~~hereby~~ that the competitive or classified
115 service shall include all personnel of any public corporation,
116 board, committee, or commission, appointed or created by the
117 governing body of any such county or municipality whether the
118 salaries, wages, or compensation of such officers or employees
119 are paid directly by the county or municipality; provided,
120 however, the appointed members of ~~any such~~ the public
121 corporation, board, committee, or commission shall not be
122 included in the competitive or classified service."

123 Section 2. This act shall become effective October 1,
124 2024.



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Speaker of the House of Representatives

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 21-Mar-24.

John Treadwell
Clerk

Senate

02-May-24

Passed