

1 HB439
2 145707-3
3 By Representative Holmes (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 20-MAR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the Housing Authority of the City of
14 Montgomery, Alabama; to create and establish a personnel merit
15 system for the authority; to provide for personnel rules,
16 principles, and organization; to provide for classes of
17 employment; and to establish a procedure for the hearing of
18 decisions regarding appeals from an employee of the board
19 regarding adverse job action.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. For purposes of this act the following
22 words shall have the following meanings:

23 (1) APPEALS BOARD. The Personnel Appeals Board.

24 (2) AUTHORITY. The Housing Authority of the City of
25 Montgomery, Alabama.

26 (3) CLASSIFIED EMPLOYEE. An employee who is assigned
27 to an ongoing position authorized by the authority whose

1 salary is paid with funds allocated by the authority, and who
2 may become a participant in the merit based personnel system
3 established by the authority following an initial probationary
4 period.

5 (4) DEPARTMENT. The Human Resources Department.

6 (5) EMPLOYEE. An individual who is employed by the
7 authority in a classified or unclassified position, and whose
8 salary is paid with funds allocated by the authority.

9 (6) UNCLASSIFIED EMPLOYEE. An employee who serves at
10 the pleasure of the board, and who is not a participant in the
11 merit based personnel system as established. The following are
12 unclassified employees:

13 a. Members of the authority.

14 b. Volunteer personnel who receive no compensation
15 from the authority.

16 c. Persons performing work under contract with the
17 authority and not carried on the payroll as employees.

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

21 e. Temporary employees.

22 f. Other persons designated by the authority who
23 meet the intent of this subdivision.

24 (7) VACANCY. A position approved and funded by the
25 authority that is currently unoccupied or is being filled by a
26 temporary employee.

1 Section 2. The authority shall establish and
2 administer its own personnel merit system based on principles
3 of human resources management which shall include equity,
4 fairness, and compliance with all applicable state and federal
5 laws. This shall be a merit based personnel system which seeks
6 to maintain high quality employee conduct, integrity, and
7 concern for the public interest. These factors shall be the
8 basis for all personnel decisions whether made by the
9 department, the authority, or the appeals board.

10 Section 3. (a) The authority shall establish a
11 department, and it shall adopt rules, policies, and procedures
12 necessary for the creation and operation of the department.

13 (b) The department shall assist the authority in the
14 creation and implementation of a personnel system. The
15 department shall do all of the following:

16 (1) Carry out all activities assigned to it by the
17 authority.

18 (2) Adopt rules, policies, and procedures, and
19 overseeing benefits related to employment.

20 (3) Assist the department head.

21 (4) Assist employees.

22 (5) Provide clerical and administrative assistance
23 to the appeals board.

24 (6) Perform other functions deemed appropriate and
25 approved by the authority.

26 Section 4. (a) All classified employment with the
27 authority shall be contingent upon all of the following:

1 (1) Availability of funds.

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

3 (3) The employee's compliance with all rules,
4 policies, and procedures established in accordance with this
5 act.

6 (4) Satisfactory job performance by the employee.

7 (b) Each classified employee who has successfully
8 completed a probationary period may not be separated from
9 employment with the authority without a hearing before the
10 appeals board pursuant to the rules and procedures adopted by
11 the department, if he or she requests a hearing.

12 (c) (1) Notwithstanding the provisions of this
13 section, the executive director of the authority shall be
14 appointed by the authority.

15 (2) The executive director shall appoint individuals
16 to serve as heads of departments within the authority.

17 Section 5. The rules, policies, and procedures
18 necessary to implement this act shall be promulgated by the
19 department and approved by the authority within 90 days of
20 this act becoming effective. The rules, policies, and
21 procedures adopted by the authority shall be based on the
22 principles that all employees and applicants shall receive
23 fair and equitable treatment in all aspects of personnel
24 management without regard to political affiliation, race,
25 color, religion, national origin, sex, age, disability, and
26 with proper regard for privacy and constitutional rights.

1 Section 6. (a) The authority shall hear all actions
2 regarding final employees' actions by the authority, and as
3 requested by the affected employee. In lieu of hearing an
4 appeal of action, the authority may appoint a committee to
5 hear the appeal. The authority shall promulgate the necessary
6 rules and procedures for the operation of the appeals
7 committee.

8 Section 7. All classified employees shall be hired
9 from a certified register of job applicants who meet the job
10 related qualifications as provided by the department. All
11 personnel activities shall be in accordance with the rules,
12 policies, and procedures enacted by the authority.

13 Section 8. (a) An employee may participate in city
14 or state political activities to the same extent of any
15 citizen of Alabama and this activity must occur after the work
16 hours and on the personal time of the employee. This activity
17 may include endorsing a candidate and contributing to
18 campaigns. Employees may join local political organizations
19 and state and national political parties. Employees may also
20 support issues of public welfare, circulate petitions, and
21 make contributions.

22 (b) The employees of the authority may not use his
23 or her official position to influence the vote or political
24 action of any person, nor shall any board funds, property, or
25 time be used for any political activity. The employees of the
26 authority may not solicit political contributions or solicit

1 work in any capacity in a campaign from any person who is a
2 subordinate employee.

3 Section 9. All employment records related to the
4 employment of current employees of the authority existing
5 prior to the enactment of this act shall be transferred to the
6 department.

7 Section 10. The retirement fund of each
8 participating employee of the authority shall remain with the
9 Montgomery Housing Authority Retirement System, unless the
10 authority creates its own retirement system and, if so, the
11 existing retirement fund of each participating employee of the
12 authority shall be transferred to the new retirement system
13 created by the authority.

14 Section 11. If any portion of this act is declared
15 void or unconstitutional, all remaining portions shall remain
16 in effect.

17 Section 12. All laws or parts of laws, general,
18 local or special, which conflict with this act, including
19 specifically Act 2280 of the 1971 Regular Session (Acts 1971,
20 p. 3671), as it applies to the authority are repealed. The
21 portions of Act 2280 which apply to the City of Montgomery
22 shall remain in full force and effect.

23 Section 13. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.