

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

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ENROLLED, An Act,

Relating to the Housing Authority of the City of Montgomery, Alabama; to create and establish a personnel merit system for the authority; to provide for personnel rules, principles, and organization; to provide for classes of employment; and to establish a procedure for the hearing of decisions regarding appeals from an employee of the board regarding adverse job action.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) APPEALS BOARD. The Personnel Appeals Board.

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

(3) CLASSIFIED EMPLOYEE. An employee who is assigned to an ongoing position authorized by the authority whose salary is paid with funds allocated by the authority, and who may become a participant in the merit based personnel system established by the authority following an initial probationary period.

(4) DEPARTMENT. The Human Resources Department.

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

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

5 a. Members of the authority.

6 b. Volunteer personnel who receive no compensation
7 from the authority.

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

10 d. Persons whose employment is subject to the
11 approval of the United States Government, City of Montgomery,
12 County of Montgomery, or the State of Alabama.

13 e. Temporary employees.

14 f. Other persons designated by the authority who
15 meet the intent of this subdivision.

16 (7) VACANCY. A position approved and funded by the
17 authority that is currently unoccupied or is being filled by a
18 temporary employee.

19 Section 2. The authority shall establish and
20 administer its own personnel merit system based on principles
21 of human resources management which shall include equity,
22 fairness, and compliance with all applicable state and federal
23 laws. This shall be a merit based personnel system which seeks
24 to maintain high quality employee conduct, integrity, and
25 concern for the public interest. These factors shall be the

1 basis for all personnel decisions whether made by the
2 department, the authority, or the appeals board.

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

6 (b) The department shall assist the authority in the
7 creation and implementation of a personnel system. The
8 department shall do all of the following:

9 (1) Carry out all activities assigned to it by the
10 authority.

11 (2) Adopt rules, policies, and procedures, and
12 overseeing benefits related to employment.

13 (3) Assist the department head.

14 (4) Assist employees.

15 (5) Provide clerical and administrative assistance
16 to the appeals board.

17 (6) Perform other functions deemed appropriate and
18 approved by the authority.

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

21 (1) Availability of funds.

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

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

1 (4) Satisfactory job performance by the employee.

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

7 (c) (1) Notwithstanding the provisions of this
8 section, the executive director of the authority shall be
9 appointed by the authority.

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

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

22 Section 6. (a) The authority shall hear all actions
23 regarding final employees' actions by the authority, and as
24 requested by the affected employee. In lieu of hearing an
25 appeal of action, the authority may appoint a committee to

1 hear the appeal. The authority shall promulgate the necessary
2 rules and procedures for the operation of the appeals
3 committee.

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

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

18 (b) The employees of the authority may not use his
19 or her official position to influence the vote or political
20 action of any person, nor shall any board funds, property, or
21 time be used for any political activity. The employees of the
22 authority may not solicit political contributions or solicit
23 work in any capacity in a campaign from any person who is a
24 subordinate employee.

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

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

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

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

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

