

1 HB675
2 167615-1
3 By Representatives McMillan, Baker, Shiver, Davis, Faust
4 and Jackson (N & P)
5 RFD: Baldwin County Legislation
6 First Read: 19-MAY-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to amend Sections
14 45-2-120.08 and 45-2-120.12, Code of Alabama 1975, relating to
15 the personnel merit system for county employees; to delete the
16 requirement that appeals from the Personnel Appeals Board to
17 the circuit court be conducted de novo and to provide that the
18 planning and zoning director would be an appointed contract
19 employee.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 45-2-120.08 and 45-2-120.12,
22 Code of Alabama 1975, are amended to read as follows:

23 "§45-2-120.08.

24 "(a) There shall be established the Baldwin County
25 Personnel Appeals Board. The board shall hear all appeals from
26 final action as requested by an affected employee.

1 "(b) The Baldwin County Personnel Appeals Board
2 shall be composed of five persons who are residents of the
3 county. The members of the board shall be appointed as
4 follows: Two members shall be appointed by the county
5 commission, two members shall be selected by the classified
6 employees using the procedure provided in this section. The
7 fifth member shall be selected by the other four members of
8 the board within 30 days after the four members of the board
9 are selected and take office. In the event the four members of
10 the board cannot agree on a fifth member within 30 days, then
11 the fifth member shall be selected as follows: The members
12 appointed by the county commission shall nominate one person
13 and the members selected by the classified employees shall
14 nominate one person. From these two nominees, the fifth member
15 of the board shall be selected by lot.

16 "(c) (1) The personnel department shall notify all
17 classified employees that nominations for membership on the
18 board will be accepted for a period of 10 work days from that
19 date and instructing all interested classified employees to
20 submit nominations to the Personnel Director of Baldwin County
21 within that period. Nominations shall be limited to persons
22 who are classified employees of the county.

23 "(2) The personnel director shall compile a list of
24 the nominations and cause ballots to be prepared and
25 distributed to all classified employees and shall instruct all
26 classified employees of their right to vote for one name
27 contained on the list of nominees.

1 "(3) The employees shall be instructed to tender
2 their ballots in sealed envelopes to their supervisors within
3 five work days for submission to the personnel director who
4 shall make appropriate arrangements for their tabulation. Upon
5 tabulation of the ballots, the personnel director shall obtain
6 written certification executed by all the county employees who
7 assisted during the counting of the ballots and shall submit
8 the fully executed written certification to the Baldwin County
9 legislative delegation following each election. The
10 certification and ballots shall be retained by the personnel
11 director as public records for 12 months from the date of
12 certification of the results.

13 "(4) In the event that any one employee received a
14 majority of all votes cast, he or she shall be deemed elected
15 to serve on the board. In the event that no employee receives
16 a majority of all votes cast, then the names of the two
17 employees receiving the most votes on the initial ballot shall
18 be placed on a run-off ballot and voted upon by the employees
19 as set forth above. The employee then receiving the most votes
20 shall be deemed elected to membership on the board.

21 "(d) No person who holds elected office, is a
22 candidate for elected office, or receives a salary from the
23 county, except the classified employee board members, shall
24 serve on the board. An employee board member's term shall
25 immediately terminate upon occurrence of any one of the
26 foregoing conditions. A vacancy shall be filled in the same
27 manner as the original appointment of a board member as soon

1 as possible after a vacancy occurs. A board member shall be
2 eligible for reappointment to successive terms on the board.

3 "(e) Each member shall serve a three-year term with
4 the exception of the initial members of the board. The initial
5 members shall draw lots to determine two members who shall
6 serve a three-year term, two members who shall serve a
7 two-year term, and one member who shall serve a one-year term.

8 "(f) The board shall follow administrative
9 procedures adopted by the county commission to implement the
10 appeals process. The personnel department shall provide all
11 necessary clerical and administrative support for the board.
12 The board shall meet as needed. Each year, board members shall
13 select from among themselves a chairperson and secretary of
14 the board. Board members may be compensated as established
15 from time to time by the county commission.

16 "(g) All testimony shall be under oath and the board
17 has the power to subpoena witnesses and demand production of
18 relevant documents. The board has the authority to affirm,
19 revise, or amend any previous personnel decisions after a
20 hearing.

21 "(h) The board shall hear all appeals from the final
22 action of the department head with respect to disciplinary
23 action. From any adverse decision of the county commission,
24 the employee shall be entitled to, within seven work days,
25 appeal to the Circuit Court of Baldwin County for a nonjury
26 trial ~~de novo~~.

27 "§45-2-120.12.

1 "One appointed employee position may be filled by
2 the judge of probate which position shall be designated chief
3 clerk. Two appointed employee positions may be filled by the
4 revenue commissioner which positions shall be designated chief
5 clerk of collections and chief appraiser. Three appointed
6 employee positions may be filled by the sheriff which
7 positions shall be designated chief deputy, chief jailer, and
8 chief of the civil division. The following shall be appointed
9 contract employees: County administrator, emergency management
10 director, juvenile detention director, personnel director,
11 building official, clerk/treasurer, county engineer,
12 development and environmental director, budget director,
13 planning and zoning director, and communication and
14 information systems director. Each of the appointed contract
15 employees shall be employed under contract with the
16 commission. Each contract shall include at a minimum the
17 following provisions:

18 "(1) A provision for termination and severance.

19 "(2) A job description for the position.

20 "(3) An annual written evaluation to be reviewed
21 with the employee and retained by the commission in the
22 employee's personnel file.

23 "(4) A provision that the contract will be
24 nonbinding on the successor commission after each four-year
25 election; however, the contracts must be cancelled or
26 continued within 90 days of the successor commission taking
27 office.

1 "(5) A provision that any appointed contract
2 employee employed by the county commission may not be subject
3 to any action to cancel or not to renew the contract or in any
4 other manner dismiss or terminate the contract employee except
5 by a three-fourths vote of the elected members of the county
6 commission."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.