

**SB294 ENROLLED**



1 1FYC3Z-3  
2 By Senators Stewart, Albritton, Orr  
3 RFD: State Governmental Affairs  
4 First Read: 04-May-23  
5 2023 Regular Session



## SB294 Enrolled

1 Enrolled, An Act,

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4           Regarding non-merit system state employees; to amend  
5 Section 36-26-10, Code of Alabama 1975, to further provide for  
6 the number of exempt service employees allowable in each  
7 department or agency.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Section 36-26-10, Code of Alabama 1975, is  
10 amended to read as follows:

11           "§36-26-10

12           (a) Positions in the service of the state shall be  
13 divided into the exempt, the unclassified, and the classified  
14 service.

15           (b) The exempt service shall include all of the  
16 following:

17           (1) Officers elected by the vote of the people.

18           (2) Officers and employees of the Legislature.

19           (3) All employees of a district attorney's office.

20           (4) Members of boards and commissions, whether  
21 appointed or self-perpetuating, and heads of departments  
22 required by law to be appointed by the Governor or by boards  
23 or commissions with the approval of the Governor.

24           (5) All officers and employees of the state's  
25 institutions of higher learning, teacher-training institutions  
26 and normal schools, educational, eleemosynary, and  
27 correctional institutions which are governed and controlled by  
28 boards of trustees or similar governing bodies, and secondary



## SB294 Enrolled

29 agricultural schools and vocational schools.

30 (6) All inmate help in all charitable, penal, and  
31 correctional institutions.

32 (7) All commissioned and warrant officers and enlisted  
33 personnel of the national guard and naval militia of the state  
34 in their respective military and naval grades.

35 (8) The Governor's private secretary, legal advisor,  
36 recording secretary, and those employees of the Governor's  
37 office paid exclusively out of the Governor's Emergency or  
38 Contingent Funds.

39 (9) The employees of the Alabama State Port Authority  
40 engaged in railroad service and subject to the provisions of  
41 an act of Congress known as the Railway Labor Act as amended  
42 or as it may hereafter be amended.

43 (10) For each agency, up to ~~two~~three employees in  
44 addition to any other exempt positions as otherwise allowed by  
45 law; provided no classified employees or positions are  
46 eliminated and these positions may not be occupied by the head  
47 of an agency.

48 (11) For the Department of Conservation and Natural  
49 Resources, the Department of Corrections, the Department of  
50 Human Resources, the Department of Mental Health, the Alabama  
51 Department of Public Health, the Department of Revenue, the  
52 Department of Transportation, and the Alabama State Law  
53 Enforcement Agency, one employee in addition to the number of  
54 employees provided for in subdivision (10), and in addition to  
55 any other exempt positions otherwise allowed by law, provided  
56 this position may not be occupied by the head of an agency.



## SB294 Enrolled

57           The services listed in this subsection as exempt shall  
58 in no respect be subject to the provisions of this article,  
59 anything to the contrary notwithstanding.

60           (c) The unclassified service shall include:

61           (1) One confidential assistant or secretary for each  
62 board, commission, and elected officer and, when requested by  
63 the Governor, for each department head appointed by the  
64 Governor; and

65           (2) All employees of the Governor's office not  
66 exempted. The positions in the unclassified service enumerated  
67 in this subsection may at the request of the appointing  
68 authority be filled by classified employees. Each of the  
69 employees thus appointed shall, at the conclusion of his or  
70 her occupancy of such position, resume his or her previous  
71 status in the classified service.

72           (d) The classified service shall include all other  
73 officers and positions in the state service.

74           (e) Except as to services denominated as exempt or  
75 unclassified services in subsections (b) and (c), the Governor  
76 shall have the power by executive order to extend the  
77 provisions of this article to include additional positions or  
78 classes of positions.

79           (f) Employees in the unclassified service shall be  
80 subject to the same rules ~~and regulations~~ of employment as  
81 apply to employees in the classified service except as to  
82 appointment and dismissal."

83           Section 2. This act shall become effective on the first  
84 day of the third month following its passage and approval by



**SB294 Enrolled**

85 the Governor, or its otherwise becoming law.



**SB294 Enrolled**

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB294  
Senate 24-May-23  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 01-Jun-23

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By: Senator Stewart