

**SB336 INTRODUCED**



1 VFWJPV-1  
2 By Senator Hatcher (N & P)  
3 RFD: Local Legislation  
4 First Read: 18-May-23  
5 2023 Regular Session



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Montgomery County and to municipalities in the county having a population of 5,000 or more people, according to the most recent or any subsequent federal census; to amend Section 45-51A-32.113, as last amended by Act 2022-370 of the 2022 Regular Session, Code of Alabama 1975, establishing a countywide personnel system; to provide that certain city employees are members of the exempt service of the municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-51A-32.113

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

(1) Elective officials. Provided however, that in the event the status of an elective officer of the county or municipality is changed to that of an appointive officer, then at the expiration of the term of office of any such officer, the individual holding the office at the time of the



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29 expiration of the term, providing that he or she shall have  
30 served in the position for a period of at least six months  
31 continuously, immediately prior to the expiration of the term  
32 of office, shall assume regular status in the competitive  
33 service without preliminary examination or working tests and  
34 shall thereafter be subject in all respects to this subpart.

35 (2) Members of appointive boards, commissions, and  
36 committees.

37 (3) All employees or appointees of the city or county  
38 board of education, or individuals engaged in the profession  
39 of teaching or in supervising teaching in the public schools;  
40 excepting, however, personnel employed in kindergartens or  
41 schools not a part of the city or county school system  
42 operated under the direction and supervision of the city or  
43 county board of education.

44 (4) Attorneys, physicians, surgeons, and dentists who,  
45 with the express or implied permission of any appointing  
46 authority or of the county or municipality, hold themselves  
47 out for employment by others in the same or a like line of  
48 work as that performed by them for such appointing authority;  
49 excepting, however, municipal recorders or assistant recorders  
50 and city or municipal prosecutors or assistant city or  
51 municipal prosecutors.

52 (5) The personnel director provided for by this  
53 subpart.

54 (6) Individuals in the classified service within the  
55 meaning of and subject to the state Merit System under any  
56 present or future law, and so long as any such law remains



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57 effective.

58 (7) One private secretary or executive assistant of a  
59 member of the governing body of such municipality, the bailiff  
60 appointed by each judge of the circuit court, and two clerks  
61 to be designated by each county elective official and also the  
62 register of the circuit court except the member of the board  
63 of revenue; and any employee receiving his or her compensation  
64 from any elected official of the county.

65 (8) One clerk, deputy, or employee to be named by the  
66 clerk of the circuit court for his or her office, and one  
67 clerk, deputy, or employee to be named by the register of the  
68 circuit court for his or her office.

69 (9)a. The chief of police, fire chief, chief financial  
70 officer or director of finance, chief operating officer,  
71 special assistant to the mayor, city attorney, director of the  
72 office of city investigations, ~~head of the department of~~  
73 ~~engineering and environmental services~~ director of public  
74 works, head of the inspection department, head of the planning  
75 department, head of the communications department, director of  
76 traffic engineering, head of the department of parks and  
77 recreation, head of the building maintenance department, and  
78 head of the sanitation department of any affected  
79 municipality, and any private secretary, executive assistant,  
80 or special assistant of any of the officers and employees  
81 listed in this paragraph, all of whom shall be appointed and  
82 serve at the pleasure of the mayor of the affected  
83 municipality. In addition, all of the following shall be  
84 appointed and serve at the pleasure of the mayor: Chief of



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85 staff, chief administrative officer, director of office of  
86 violence prevention, director of emergency communications,  
87 director of the emergency management agency, director of  
88 economic development, director of community development,  
89 director of neighborhood services, director of the zoo,  
90 director of riverfront facilities and special services,  
91 director of procurement, director of risk management, director  
92 of grants department, director of street maintenance, director  
93 of engineering and landfill, director of general services,  
94 director of parking management, director of fleet management,  
95 director of cultural affairs, director of city events, library  
96 director, museum director, chief technology officer, and  
97 senior policy advisor. Any individual appointed to a position  
98 pursuant to this subdivision shall meet at least the minimum  
99 qualifications for the position as shall be established by the  
100 personnel board. Notwithstanding any other provisions of this  
101 subpart, the compensation of individuals appointed pursuant to  
102 this subdivision shall be set by the personnel board pursuant  
103 to a pay and classification study.

104       b. If ~~a~~ an individual is removed by the mayor from any  
105 of the positions listed in paragraph a. for any reason other  
106 than for cause of willful neglect of duty, corruption in  
107 office, incompetency, or malfeasance, and if that individual  
108 was a member of the competitive or classified service of the  
109 county and affected municipalities at the time of initial  
110 appointment to that position by the mayor, that individual may  
111 return to the competitive or classified service as if he or  
112 she had never been appointed to or removed from the position



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113 by the mayor.

114 (b) Offices, positions, and employments not exempted  
115 above shall constitute the competitive or classified service  
116 of the county and affected municipalities. It is intended  
117 ~~hereby~~ to include within the competitive or classified service  
118 all offices, positions, and employments in each such county  
119 and any such municipalities therein as these offices,  
120 positions, and employment now exist, or as they may hereafter  
121 exist, the holders of which are paid, whether by salaries,  
122 wages, and fees, in whole or in part from funds of any such  
123 county or municipality, or the holders of which receive their  
124 compensation from any elected official and perform duties  
125 pertaining to the office of such elected official or officer  
126 except those ~~hereinabove~~ numerated in this section. It is also  
127 intended ~~hereby~~ that the competitive or classified service  
128 shall include all personnel of any public corporation, board,  
129 committee, or commission, appointed or created by the  
130 governing body of any such county or municipality whether the  
131 salaries, wages, or compensation of such officers or employees  
132 are paid directly by the county or municipality; provided,  
133 however, the appointed members of any such public corporation,  
134 board, committee, or commission shall not be included in the  
135 competitive or classified service."

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