

1 HB555
2 167281-1
3 By Representatives Davis, Sessions, Wilcox and Gaston (N & P)
4 RFD: Mobile County Legislation
5 First Read: 23-APR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County and the countywide civil
14 service system; to amend Act No. 470 of the 1939 Regular
15 Session (Acts 1939, p. 298), as amended, which establishes the
16 countywide civil service system by amending Section II,
17 relating to the unclassified service, and Section XXI,
18 relating to layoffs; and to further provide options under the
19 countywide civil service system for hiring by an appointing
20 authority and to authorize payments to employees for excess
21 annual leave.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections II and XXI of Act No. 470 of the
24 1939 Regular Session (Acts 1939, p. 298), are amended to read
25 as follows:

26 "Section II. UNCLASSIFIED SERVICE: The following
27 shall be in the Unclassified Service:

1 "(1) Officials elected by popular vote and, in case
2 of death, resignation, or removal, their legal substitute;

3 "(2) Where by present law official duties of any
4 officer mentioned in subdivision One of this section are or
5 may be performed by a chief assistant appointed by him, such
6 chief assistant;

7 "(3) Principals, supervisors, teachers and
8 instructors in the Public Schools engaged in teaching and/or
9 supervising teaching, and all employees of the Mobile County
10 School Board;

11 "(4) The Personnel Director provided for by this
12 Act;

13 "(5) Independent contractors receiving their
14 remuneration from public funds under contract awarded by
15 competitive bidding;

16 "(6) Persons in the "Classified Service" within the
17 meaning of and subject to the State of Alabama merit system
18 under any present or future law, and so long as any such law
19 remains effective.

20 "(7) Common laborers not engaged in regular
21 employment.

22 "(8) Attorneys, physicians, surgeons, and dentists
23 employed in their professional capacities.

24 "(9) The Judge of any Court.

25 "(10) Members of Boards who are not employed on a
26 full time basis and are not required to devote their services
27 exclusively to such counties and cities therein.

1 "(11) Any person whose employment is subject to the
2 approval of the United States Government or of any agency
3 thereof and all employees who are funded by federal or state
4 funds or private grants.

5 "(12) Chief hospital administrator and interns,
6 student technicians, and student nurses while undergoing
7 training in a hospital maintained by public funds.

8 "Section XXI. LAY-OFFS: In accordance with the Rules
9 adopted under this Act an Appointing Authority may lay-off an
10 employee in the Classified Service whenever he deems it
11 necessary by reason of shortage of work or funds, or the
12 abolition of a position or other material change in duties or
13 organization. ~~The seniority and service ratings of employees~~
14 ~~shall be controlling in determining the order of lay-offs.~~ The
15 order of lay-offs shall be determined by the appointing
16 authority depending on the critical need for the position and
17 service ratings of the employees. The Appointing Authority
18 shall give written notice to the Director of every proposed
19 lay-off a reasonable time before the effective date thereof,
20 and the Director shall make such orders relating thereto as he
21 considers necessary to secure compliance with the Rules. The
22 name of every regular employee so laid off shall be placed on
23 the appropriate re-employment list. The name of every regular
24 employee laid-off shall be placed on the re-employment list of
25 laid-off employees for the same classification position."

26 Section 2. Any appointing authority under Act 470 of
27 the 1939 Regular Session, which establish a countywide civil

1 service system in Mobile County, may elect to establish within
2 the appointing authority a program for the recruitment,
3 testing, interviewing, and hiring of all employees. An
4 appointing authority making the election shall notify the
5 Director in writing and provide a copy of the appointing
6 authority's human resources policies and procedures manual
7 adopted by the governing body or delegated authority of the
8 appointing authority. The human resources policies and
9 procedures manual shall include personnel policy guidelines,
10 operational standards, employee management, hiring and
11 termination procedures, and equal employment
12 opportunities/harassment policies in the workplace to ensure
13 compliance with applicable federal regulations.

14 At the discretion of the appointing authority making
15 the election provided in this section, any employee exceeding
16 performance standards may be paid, during the working test
17 period, at a rate up to but not in excess of the mid-range of
18 the pay plan established for the position. Upon recommendation
19 of the appointing authority and approval of the Personnel
20 Director, special adjustments in steps within the grade or
21 range of any class may be established.

22 Classified employees hired by the appointing
23 authority electing this option shall be subject to all the
24 rights and protections provided by the laws and rules of the
25 Mobile County Personnel Board. Nothing in this section shall
26 limit or impede the ability of a classified employee to file a

1 complaint or grievance pursuant to the rules of the Personnel
2 Board.

3 Any appointing authority availing itself of the
4 option contained in this section shall be subject to an annual
5 audit by the Personnel Board, conducted by a Certified
6 Professional in Human Resources, to ensure compliance with the
7 human resources policy of the Appointing Authority and the
8 Personnel Board law and regulations.

9 Section 3. Each appointing authority under Act 470
10 of the 1939 Regular Session, which established a countywide
11 civil service system in Mobile County, at its discretion, on a
12 yearly basis, may elect to compensate all employees who elect
13 to receive compensation for excess annual leave at the end of
14 the calendar year. Excess annual leave is the amount of annual
15 leave accumulated at the end of the calendar year that exceeds
16 the employee's maximum allowed annual leave balance according
17 to Rule III, Annual Leave, Section D, on the effective date of
18 this act. The appointing authority, prior to October 1 of each
19 year, shall inform the Personnel Board Director of its
20 election to purchase excess annual leave. The notice to the
21 Personnel Board of the appointing authority's election does
22 not obligate the appointing authority to purchase excess
23 annual leave or compensate employees. Excess annual leave
24 payments can be made in whole or in part and under the terms
25 and conditions as determined by the appointing authority. An
26 employee will have the right to accept or reject participation
27 in this benefit each year. All employees electing to

1 participate shall receive an equitable share of the payout as
2 determined by the appointing authority's budgeted amount for
3 yearly payout, ability to pay, and financial condition at the
4 time. An equitable share may consist of units of leave,
5 dollars of total payout, or some other rational division. The
6 employee may direct that excess annual leave be compensated in
7 terms of pay or placed in a deferred compensation plan of the
8 employee as defined by the appointing authority's benefit
9 package.

10 Section 4. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

14 Section 5. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.