

SB294 ENGROSSED



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



SB294 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-26-10

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

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

- (1) Officers elected by the vote of the people.
- (2) Officers and employees of the Legislature.
- (3) All employees of a district attorney's office.
- (4) Members of boards and commissions, whether appointed or self-perpetuating, and heads of departments required by law to be appointed by the Governor or by boards or commissions with the approval of the Governor.



SB294 Engrossed

29 (5) All officers and employees of the state's
30 institutions of higher learning, teacher-training institutions
31 and normal schools, educational, eleemosynary, and
32 correctional institutions which are governed and controlled by
33 boards of trustees or similar governing bodies, and secondary
34 agricultural schools and vocational schools.

35 (6) All inmate help in all charitable, penal, and
36 correctional institutions.

37 (7) All commissioned and warrant officers and enlisted
38 personnel of the national guard and naval militia of the state
39 in their respective military and naval grades.

40 (8) The Governor's private secretary, legal advisor,
41 recording secretary, and those employees of the Governor's
42 office paid exclusively out of the Governor's Emergency or
43 Contingent Funds.

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

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

53 (11) For the Department of Conservation and Natural
54 Resources, the Department of Corrections, the Department of
55 Human Resources, the Department of Mental Health, the Alabama
56 Department of Public Health, the Department of Revenue, the



SB294 Engrossed

57 Department of Transportation, and the Alabama State Law
58 Enforcement Agency, one employee in addition to the number of
59 employees provided for in subdivision (10), and in addition to
60 any other exempt positions otherwise allowed by law, provided
61 this position may not be occupied by the head of an agency.

62 The services listed in this subsection as exempt shall
63 in no respect be subject to the provisions of this article,
64 anything to the contrary notwithstanding.

65 (c) The unclassified service shall include:

66 (1) One confidential assistant or secretary for each
67 board, commission, and elected officer and, when requested by
68 the Governor, for each department head appointed by the
69 Governor; and

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

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

79 (e) Except as to services denominated as exempt or
80 unclassified services in subsections (b) and (c), the Governor
81 shall have the power by executive order to extend the
82 provisions of this article to include additional positions or
83 classes of positions.

84 (f) Employees in the unclassified service shall be



SB294 Engrossed

85 subject to the same rules ~~and regulations~~ of employment as
86 apply to employees in the classified service except as to
87 appointment and dismissal."

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



SB294 Engrossed

91
92
93 Senate

94 Read for the first time and referred04-May-23
95 to the Senate committee on State
96 Governmental Affairs
97
98 Read for the second time and placed17-May-23
99 on the calendar:
100 0 amendments
101
102 Read for the third time and passed24-May-23
103 as amended
104 Yeas 34
105 Nays 0
106 Abstains 0
107
108

109 Patrick Harris,
110 Secretary.
111