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



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Regarding non-merit system state employees; to amend
10	Section 36-26-10, Code of Alabama 1975, to further provide for
11	the number of exempt service employees allowable in each
12	department or agency.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 36-26-10, Code of Alabama 1975, is
15	amended to read as follows:
16	" §36-26-10
17	(a) Positions in the service of the state shall be
18	divided into the exempt, the unclassified, and the classified
19	service.
20	(b) The exempt service shall include all of the
21	<pre>following:</pre>
22	(1) Officers elected by the vote of the people.
23	(2) Officers and employees of the Legislature.
24	(3) All employees of a district attorney's office.
25	(4) Members of boards and commissions, whether
26	appointed or self-perpetuating, and heads of departments
27	required by law to be appointed by the Governor or by boards
28	or commissions with the approval of the Governor.



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.

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

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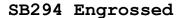
- (7) All commissioned and warrant officers and enlisted personnel of the national guard and naval militia of the state in their respective military and naval grades.
- (8) The Governor's private secretary, legal advisor, recording secretary, and those employees of the Governor's office paid exclusively out of the Governor's Emergency or Contingent Funds.
- (9) The employees of the Alabama State Port Authority engaged in railroad service and subject to the provisions of an act of Congress known as the Railway Labor Act as amended or as it may hereafter be amended.
- (10) For each agency, up to twothree employees in addition to any other exempt positions as otherwise allowed by law; provided no classified employees or positions are eliminated and these positions may not be occupied by the head of an agency.
- (11) For the Department of Conservation and Natural Resources, the Department of Corrections, the Department of Human Resources, the Department of Mental Health, the Alabama Department of Public Health, the Department of Revenue, the



- 58 Enforcement Agency, one employee in addition to the number of
- employees provided for in subdivision (10), and in addition to
- any other exempt positions otherwise allowed by law, provided
- this position may not be occupied by the head of an agency.
- The services listed in this subsection as exempt shall
- in no respect be subject to the provisions of this article,
- anything to the contrary notwithstanding.
- (c) The unclassified service shall include:
- 66 (1) One confidential assistant or secretary for each
- 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
- authority be filled by classified employees. Each of the
- 74 employees thus appointed shall, at the conclusion of his or
- 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.
- (f) Employees in the unclassified service shall be



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.





91 92 93 Senate 94 Read for the first time and referred04-May-23 to the Senate committee on State 95 Governmental Affairs 96 97 98 Read for the second time and placed17-May-23 on the calendar: 99 0 amendments 100 101 Read for the third time and passed24-May-23 102 103 as amended Yeas 34 104 Nays 0 105 Abstains 0 106 107 108 Patrick Harris, 109 110 Secretary.

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