

SB294 INTRODUCED



1 1FYC3Z-1
2 By Senators Stewart, Albritton, Orr
3 RFD: State Governmental Affairs
4 First Read: 04-May-23
5
6 2023 Regular Session



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SYNOPSIS:

Existing law regulates how many positions each state department or agency can fill with employees who are exempt from the state's merit, or civil service, system. In addition to departmental or agency heads and other positions that may be specifically provided for by law, each department or agency is allowed two additional positions that may be filled with exempt service employees.

This bill would raise this statutory limit from two to three positions. In addition, for some larger departments specified in the bill, an additional exempt position may be allowed, raising the limit to four.

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



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29 amended to read as follows:

30 "§36-26-10

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

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

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

37 (2) Officers and employees of the Legislature.

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

39 (4) Members of boards and commissions, whether
40 appointed or self-perpetuating, and heads of departments
41 required by law to be appointed by the Governor or by boards
42 or commissions with the approval of the Governor.

43 (5) All officers and employees of the state's
44 institutions of higher learning, teacher-training institutions
45 and normal schools, educational, eleemosynary, and
46 correctional institutions which are governed and controlled by
47 boards of trustees or similar governing bodies, and secondary
48 agricultural schools and vocational schools.

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

51 (7) All commissioned and warrant officers and enlisted
52 personnel of the national guard and naval militia of the state
53 in their respective military and naval grades.

54 (8) The Governor's private secretary, legal advisor,
55 recording secretary, and those employees of the Governor's
56 office paid exclusively out of the Governor's Emergency or



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57 Contingent Funds.

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

62 (10) For each agency, up to ~~two~~three employees in
63 addition to any other exempt positions as otherwise allowed by
64 law; provided these positions may not be occupied by the head
65 of an agency.

66 (11) For the Department of Conservation and Natural
67 Resources, the Department of Corrections, the Department of
68 Human Resources, the Department of Mental Health, the Alabama
69 Department of Public Health, the Department of Revenue, the
70 Department of Transportation, and the Alabama State Law
71 Enforcement Agency, one employee in addition to the number of
72 employees provided for in subdivision (10), and in addition to
73 any other exempt positions otherwise allowed by law, provided
74 this position may not be occupied by the head of an agency.

75 The services listed in this subsection as exempt shall
76 in no respect be subject to the provisions of this article,
77 anything to the contrary notwithstanding.

78 (c) The unclassified service shall include:

79 (1) One confidential assistant or secretary for each
80 board, commission, and elected officer and, when requested by
81 the Governor, for each department head appointed by the
82 Governor; and

83 (2) All employees of the Governor's office not
84 exempted. The positions in the unclassified service enumerated



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85 in this subsection may at the request of the appointing
86 authority be filled by classified employees. Each of the
87 employees thus appointed shall, at the conclusion of his or
88 her occupancy of such position, resume his or her previous
89 status in the classified service.

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

92 (e) Except as to services denominated as exempt or
93 unclassified services in subsections (b) and (c), the Governor
94 shall have the power by executive order to extend the
95 provisions of this article to include additional positions or
96 classes of positions.

97 (f) Employees in the unclassified service shall be
98 subject to the same rules ~~and regulations~~ of employment as
99 apply to employees in the classified service except as to
100 appointment and dismissal."

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