



**House Montgomery County Legislation Reported
Substitute for HB288**

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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, Code of Alabama 1975, establishing a countywide personnel system; to provide that certain municipal 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~~ elected officer of the county or municipality is changed to that of an ~~appointive~~ appointed officer, then at the expiration of the term of office of ~~any such~~ the officer, the individual holding the office at the time of the expiration of the term, providing ~~that he or she~~



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

35 (2) Members of ~~appointive~~ appointed boards,
36 commissions, and 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,~~ other than personnel employed in
41 kindergartens or in schools not a part of the city or county
42 school system operated under the direction and supervision of
43 the city or 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,~~ other than municipal recorders or
50 assistant recorders and city or municipal prosecutors or
51 assistant city or 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~~ the 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~~ the municipality, the
60 bailiff appointed by each judge of the circuit court, and two
61 clerks to be designated by each county ~~elective~~ elected
62 official and also the register of the circuit court except the
63 member of the board of revenue; and any employee receiving his
64 or her compensation 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 staff, chief administrative officer
70 (formerly executive assistant to the Mayor), executive
71 assistant to the Mayor (formerly private secretary), chief of
72 police, fire chief, chief financial officer ~~or director of~~
73 ~~finance,~~ chief technology officer, chief operating officer,
74 director of human resources, senior policy adviser, special
75 assistant to the mayor, city attorney, director of economic
76 development, director of the office of ~~city investigations~~
77 inspector general, ~~head of the department of engineering and~~
78 ~~environmental services,~~ director of public works, ~~head of the~~
79 ~~inspection department,~~ director of planning, permitting and
80 inspections, director of cultural affairs, ~~head of the~~
81 ~~planning department, head of the communications department,~~
82 ~~director of traffic engineering,~~ municipal court
83 administrator, director of office of violence prevention,
84 director of parks and recreation, ~~head of the~~ director of



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85 street maintenance~~department~~, and~~head~~ director of the
86 sanitation department of any affected municipality, and any
87 private secretary, executive assistant, or special assistant
88 of any of the officers and employees listed in this paragraph,
89 all of whom shall be appointed and serve at the pleasure of
90 the mayor of the affected municipality. Any individual
91 appointed to a position pursuant to this subdivision shall
92 meet at least the minimum qualifications for the position as
93 ~~shall be~~ established by the personnel board. Notwithstanding
94 any other provisions of this subpart, the compensation of
95 individuals appointed pursuant to this subdivision shall be
96 set by the personnel board pursuant to a pay and
97 classification study. Notwithstanding the provisions of this
98 paragraph as amended by this act amending this section, any
99 position formerly a merit position under the personnel system
100 established in this subpart may only be converted to an exempt
101 position by a recorded roll call vote of the city council.

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

112 (b) Offices, positions, and employments not exempted



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

134 Section 2. This act shall become effective October 1,
135 2024.

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