

**HB287 ENROLLED**



1 HB287  
2 8XGLHHH-3  
3 By Representative Hassell (N & P)  
4 RFD: Montgomery County Legislation  
5 First Read: 05-Mar-24



## HB287 Enrolled

1 Enrolled, An Act,

2 Relating to Montgomery County and the City of  
3 Montgomery; to authorize the establishment of a separate  
4 personnel merit system and a separate human resources  
5 department for the county and the city; to provide for  
6 separate personnel appeals boards for each separate personnel  
7 merit system; to provide for the transfer of existing  
8 employees to the appropriate system; to provide for the  
9 adoption of rules and procedures for each system; to provide  
10 for the transfer of property and records; and to provide for  
11 the repeal of Sections 45-51A-32.110 to 45-51A-32.127,  
12 inclusive, Code of Alabama 1975, effective January 1, 2025.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. City Human Resource Department.

15 Effective January 1, 2025, the City of Montgomery,  
16 pursuant to Sections 1 to 10, inclusive of this act, and upon  
17 the approval of the city council by a recorded roll call vote  
18 of the city council, may establish and administer its own  
19 personnel merit system based on principles of human resources  
20 management which shall include equity, fairness, and  
21 compliance with all applicable state and federal laws. This  
22 shall be a merit based personnel system that seeks to maintain  
23 high quality employee conduct, integrity, and concern for the  
24 public interest. These factors shall be the basis for all  
25 personnel decisions whether made by the human resources  
26 department, the city, or the personnel appeals board for the  
27 city.

28 Section 2. Definitions.



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29           The following words used in Sections 1 to 10, inclusive  
30 of this act, have the following meanings:

31           (1) APPEALS BOARD. The personnel appeals board created  
32 by the city council and whose members are elected by the city  
33 council.

34           (2) CITY. The City of Montgomery.

35           (3) CITY COUNCIL. The City Council of the City of  
36 Montgomery.

37           (4) DEPARTMENT. The human resources department, a  
38 department of the city created to carry out all personnel and  
39 related matters as designated by the city.

40           (5) EMPLOYEE. Any individual who works for the city in  
41 a classified or unclassified position whose salary is paid  
42 with funds paid by the city.

43           a. Unclassified Employee. An employee who serves at the  
44 pleasure of the mayor and who is not a participant in the  
45 merit based personnel system hereby established. The following  
46 are unclassified employees:

47           1. All unclassified employees of the city on January 1,  
48 2025.

49           2. Volunteer personnel who receive no compensation from  
50 the city.

51           3. Persons performing work under contract with the city  
52 and not carried on the payroll as employees.

53           4. Persons whose employment is subject to the approval  
54 of the United States Government, the City or County of  
55 Montgomery, or the State of Alabama.

56           5. Temporary employees.



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57           6. Other persons designated by the city council who the  
58 city council determines should report directly to the mayor.

59           b. Classified Employee. An employee who is assigned to  
60 an ongoing position authorized by the city, whose salary is  
61 paid with funds paid by the city, and who may become a  
62 participant in the merit based personnel system hereby  
63 established following an initial probationary period.

64           (6) MAYOR. The Mayor of the City of Montgomery.

65           (7) VACANCY. A position approved and funded by the city  
66 which is currently unoccupied or is being filled by a  
67 temporary employee.

68           Section 3. Principles.

69           (a) The City Council of the City of Montgomery shall  
70 establish a merit based personnel system for classified  
71 employees of the city. The department shall adopt rules and  
72 procedures necessary to implement a merit based personnel  
73 system based on the following principles:

74           (1) Recruiting, selecting, and advancing employees  
75 based on their ability, knowledge, and skills, including the  
76 open competition of qualified applicants for initial  
77 appointment.

78           (2) Establishing pay rates consistent with the  
79 principle of comparable pay for comparable jobs.

80           (3) Training employees, as needed, to assure quality  
81 job performance.

82           (4) Retaining employees on the basis of city needs,  
83 adequacy of performance, correcting inadequate performance  
84 when possible, and separating employees whose continued



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85 employment is not in the best interests of the city.

86 (5) Assuring fair treatment of applicants and employees  
87 in all aspects of personnel administration without regard to  
88 political affiliation, sex, race, color, religion, national  
89 origin, disability, or age.

90 (6) Providing all classified employees who have been  
91 disciplined or who have grievances, or both, a fair and  
92 impartial hearing and a resolution of the disciplinary action  
93 and grievances.

94 (b) All employees of the city on January 1, 2025, shall  
95 remain employees of the city under the jurisdiction of the  
96 merit based personnel system.

97 Section 4. Continuation of employment.

98 (a) All classified employment with the city is  
99 contingent upon all of the following:

100 (1) Availability of funds.

101 (2) The city's need for work to be done.

102 (3) The employee's compliance with all rules, policies,  
103 and procedures established in accordance with Sections 1 to 10  
104 of this act.

105 (4) Satisfactory job performance by the employee.

106 (b) All classified employees who have successfully  
107 completed a probationary period shall not be separated from  
108 city employment without a hearing before the appeals board  
109 established in Section 7 of this act pursuant to the rules and  
110 procedures adopted by the department if the employee requests  
111 a hearing.

112 Section 5. Establishment of human resources department.



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113 (a) The city council shall establish a human resources  
114 department within the city. The city council shall adopt all  
115 rules, policies, and procedures necessary for creation and  
116 operation of the department. The department shall be under the  
117 direction and supervision of the Director of the Human  
118 Resources Department, who shall be appointed by the mayor as  
119 an exempt employee of the city. The Director of Human  
120 Resources shall appoint all employees of the department.

121 (b) The department shall assist the city council in the  
122 creation and implementation of a personnel system. The  
123 department shall carry out all activities assigned to it by  
124 the city council. This shall include adopting all necessary  
125 rules, policies, and procedures; overseeing benefits related  
126 to employment; assisting department heads; assisting  
127 employees; providing clerical and administrative assistance to  
128 the personnel appeals board; and any other functions deemed  
129 appropriate by the city council.

130 Section 6. Rules, policies, and procedures.

131 The rules, policies, and procedures necessary to  
132 implement Sections 1 to 10 of this act shall be adopted by the  
133 department and approved by the city council by December 1,  
134 2024. The rules, policies, and procedures adopted by the  
135 department shall be based on the principle that all employees  
136 and applicants shall receive fair and equitable treatment in  
137 all aspects of personnel management without regard to  
138 political affiliation, race, color, religion, national origin,  
139 sex, age, disability, and with proper regard for privacy and  
140 constitutional rights.



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141 Section 7. Personnel appeals board.

142 (a) The city council shall create a personnel appeals  
143 board separate and apart from the department for the purpose  
144 of hearing all appeals from final employee actions by the city  
145 and as requested by the affected employee. The appeals board  
146 shall consist of three members elected by vote of majority of  
147 the city council at any regularly or specially scheduled city  
148 council meeting.

149 (b) The appeals board members shall be residents of and  
150 qualified voters of the City of Montgomery during their  
151 tenure. A member may not be a city employee or board member or  
152 a blood relative, as defined by the state Merit System, of a  
153 city employee or the mayor or city council.

154 (c) Each appeals board member shall be appointed for a  
155 three-year term, unless filling an unexpired term, and may be  
156 reappointed. However, the first appointed members shall serve  
157 staggered terms of three, two, and one years as determined by  
158 the city council.

159 (d) The appeals board members shall elect a chair  
160 annually by a majority vote.

161 (e) The appeals board shall meet at least quarterly and  
162 at such other times as determined by the chair.

163 (f) The city council shall determine the compensation  
164 of the appeals board members and shall also provide the board  
165 with office space and support staff as reasonably necessary.

166 (g) The city council shall adopt the necessary rules  
167 and procedures for the operation of the appeals board.

168 Section 8. Employment.



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169 All classified employees shall be hired from a  
170 certified register of job applicants who meet the job related  
171 qualifications as provided by the department. All personnel  
172 activities shall be in accordance with the rules, policies,  
173 and procedures enacted by the city council.

174 Section 9. Political activity.

175 (a) Any employee may participate in city political  
176 activities to the same extent as authorized by state law. This  
177 activity may include endorsing a candidate and contributing to  
178 campaigns. Employees may join local political organizations  
179 and state and national political parties. Employees may also  
180 support issues of public welfare, circulate petitions, and  
181 make contributions.

182 (b) No employee of the city shall use his or her  
183 official position or authority to influence the vote or  
184 political action of any person, nor shall any city funds,  
185 property, or time be used for any political activity. No  
186 employee of the city shall solicit political contributions or  
187 solicit work in any capacity in a campaign from any individual  
188 who is a subordinate employee.

189 Section 10. Transfer of records.

190 All existing records related to city employment of city  
191 employees shall be transferred to the human resources  
192 department.

193 Section 11. County Human Resource Department.

194 Effective January 1, 2025, the Montgomery County  
195 Commission, pursuant to Sections 11 to 20, inclusive of this  
196 act, shall establish and administer its own personnel merit





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197 system for county employees based on principles of human  
198 resources management which shall include equity, fairness, and  
199 compliance with all applicable state and federal laws. This  
200 shall be a merit based personnel system that seeks to maintain  
201 high quality employee conduct, integrity, and concern for the  
202 public interest. These factors shall be the basis for all  
203 personnel decisions whether made by the human resources  
204 department, the county commission, or the personnel appeals  
205 board.

206 Section 12. Definitions.

207 The following words as used in Sections 11 to 20,  
208 inclusive of this act, have the following meanings:

209 (1) APPEALS BOARD. The personnel appeals board created  
210 by the county commission and whose members are elected by the  
211 county commission.

212 (2) COUNTY. Montgomery County.

213 (3) COUNTY COMMISSION. The Montgomery County  
214 Commission.

215 (4) DEPARTMENT. The human resources department, a  
216 department of the county created to carry out all personnel  
217 and related matters as designated by the county commission.

218 (5) EMPLOYEE. Any individual who works for the county,  
219 a county officer, or a county agency in a classified or  
220 unclassified position whose salary is paid with funds paid by  
221 the county.

222 a. Unclassified Employee. An employee who serves at the  
223 pleasure of the county commission, a county officer, or a  
224 county agency and who is not a participant in the merit based



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225 personnel system hereby established. The following are  
226 unclassified employees:

227 1. All unclassified employees of the county on January  
228 1, 2025, in the employment of the county, a county officer, or  
229 a county agency.

230 2. Volunteer personnel who receive no compensation from  
231 the county.

232 3. Persons performing work under contract with the  
233 county and not carried on the payroll as employees.

234 4. Persons whose employment is subject to the approval  
235 of the United States Government, the City or County of  
236 Montgomery, or the State of Alabama.

237 5. Temporary employees.

238 6. Other persons designated by the county commission  
239 who meet the intent of this section.

240 b. Classified Employee. An employee who is assigned to  
241 an ongoing position authorized by a county officer or the  
242 county commission, whose salary is paid with funds paid by the  
243 county, and who may become a participant in the merit based  
244 personnel system established pursuant to this act following an  
245 initial probationary period.

246 (6) VACANCY. A position approved and funded by the  
247 county that is currently unoccupied or is being filled by a  
248 temporary employee.

249 Section 13. Principles.

250 (a) The Montgomery County Commission shall establish a  
251 merit based personnel system for classified employees of the  
252 county. The department shall adopt rules, policies, and



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253 procedures necessary to implement a merit based personnel  
254 system based on the following principles:

255 (1) Recruiting, selecting, and advancing employees  
256 based on their ability, knowledge, and skills, including the  
257 open competition of qualified applicants for initial  
258 appointment.

259 (2) Establishing pay rates consistent with the  
260 principle of comparable pay for comparable jobs.

261 (3) Training employees, as needed, to assure quality  
262 job performance.

263 (4) Retaining employees on the basis of county needs,  
264 adequacy of performance, correcting inadequate performance  
265 when possible, and separating employees whose continued  
266 employment is not in the best interests of the county.

267 (5) Assuring fair treatment of applicants and employees  
268 in all aspects of personnel administration without regard to  
269 political affiliation, sex, race, color, religion, national  
270 origin, disability, or age.

271 (6) Providing all classified employees who have been  
272 disciplined or who have grievances, or both, a fair and  
273 impartial hearing and a resolution of the disciplinary action  
274 and grievances.

275 (b) All employees of the county on January 1, 2025,  
276 shall remain employees of the county under the jurisdiction of  
277 the merit based personnel system.

278 Section 14. Continuation of employment.

279 (a) All classified employment with the county is  
280 contingent upon all of the following:



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281 (1) Availability of funds.

282 (2) The need for work to be done by the county or a  
283 county officer.

284 (3) The employee's compliance with all rules, policies,  
285 and procedures established in accordance with Sections 11 to  
286 20 of this act.

287 (4) Satisfactory job performance by the employee.

288 (b) All classified employees who have successfully  
289 completed a probationary period shall not be separated from  
290 county employment without a hearing before the appeals board  
291 pursuant to the rules and procedures adopted by the department  
292 if the employee requests a hearing.

293 Section 15. Establishment of human resources  
294 department.

295 (a) The county commission shall establish a human  
296 resources department within the county. The county commission  
297 shall adopt all rules, policies, and procedures necessary for  
298 creation and operation of the department.

299 (b) The department shall assist the county commission  
300 in the creation and implementation of a personnel system. The  
301 department shall carry out all activities assigned to it by  
302 the county commission. This shall include adopting all  
303 necessary rules, policies, and procedures; overseeing benefits  
304 related to employment; assisting department heads; assisting  
305 employees; providing clerical and administrative assistance to  
306 the personnel appeals board; and any other functions deemed  
307 appropriate by the county commission.

308 Section 16. Rules, policies, and procedures.



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309           The rules, policies, and procedures necessary to  
310   implement the county personnel system shall be adopted by the  
311   department and approved by the county commission by December  
312   1, 2024. The rules, policies, and procedures adopted and  
313   approved by the county commission shall be based on the  
314   principle that all employees and applicants shall receive fair  
315   and equitable treatment in all aspects of personnel management  
316   without regard to political affiliation, race, color,  
317   religion, national origin, sex, age, disability, and with  
318   proper regard for privacy and constitutional rights.

319           Section 17. Personnel appeals board.

320           (a) The county commission shall create a personnel  
321   appeals board separate and apart from the county commission  
322   for the purpose of hearing all appeals from final employee  
323   actions by the county and as requested by the affected  
324   employee. The appeals board shall consist of three members  
325   elected by vote of majority of the county commission at any  
326   regularly or specially scheduled county commission meeting.

327           (b) The appeals board members shall be residents of and  
328   qualified voters of Montgomery County during their tenure. A  
329   member may not be a county employee or board member or a blood  
330   relative, as defined by the state Merit System, of a county  
331   employee.

332           (c) Each appeals board member shall be appointed for a  
333   three-year term, unless filling an unexpired term, and may be  
334   reappointed. However, the first appointed members shall serve  
335   staggered terms of three, two, and one years as determined by  
336   the county commission.



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337 (d) The appeals board members shall elect a chair  
338 annually by a majority vote.

339 (e) The appeals board shall meet at least quarterly and  
340 at such other times as determined by the chair.

341 (f) The county commission shall determine the  
342 compensation of the appeals board members and shall also  
343 provide the board with office space and support staff as  
344 reasonably necessary.

345 (g) The county commission shall adopt the necessary  
346 rules, policies, and procedures for the operation of the  
347 appeals board.

348 Section 18. Employment.

349 All classified employees shall be hired from a  
350 certified register of job applicants who meet the job related  
351 qualifications as provided by the department. All personnel  
352 activities shall be in accordance with the rules, policies,  
353 and procedures enacted by the county commission.

354 Section 19. Political activity.

355 (a) Any employee may participate in county political  
356 activities to the same extent as authorized by state law. This  
357 activity may include endorsing a candidate and contributing to  
358 campaigns. Employees may join local political organizations  
359 and state and national political parties. Employees may also  
360 support issues of public welfare, circulate petitions, and  
361 make contributions.

362 (b) No employee of the county shall use his or her  
363 official position or authority to influence the vote or  
364 political action of any person, nor shall any county funds,



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365 property, or time be used for any political activity. No  
366 employee of the county shall solicit political contributions  
367 or solicit work in any capacity in a campaign from any person  
368 who is a subordinate employee.

369 Section 20. Transfer of records.

370 All existing records related to employment of all  
371 county employees shall be transferred to the human resources  
372 department.

373 Section 21. Effective January 1, 2025, or as to the  
374 City of Montgomery upon approval of the city council, Sections  
375 45-51A-32.110 to Section 45-51A-32.127 of the Code of Alabama  
376 1975, inclusive (Subpart 5 of Part 3 of Article 3 of Chapter  
377 51A of Title 45), establishing the Montgomery City/County  
378 Personnel Department and Personnel Board for Montgomery County  
379 and the City of Montgomery, are repealed. All property of the  
380 Montgomery City/County Personnel Board and Personnel  
381 Department shall be transferred to the Montgomery County Human  
382 Resources Department established by Sections 11 through 20.  
383 All records relating to any employee of the City of Montgomery  
384 shall be transferred to the City of Montgomery Personnel  
385 Department. All records relating to any employee of Montgomery  
386 County shall be retained by the Montgomery County Human  
387 Resources Department.

388 Section 22. This act shall become effective January 1,  
389 2025.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 21-Mar-24, as amended.

John Treadwell  
Clerk

Senate

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**02-May-24**

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Passed