

**SB203 INTRODUCED**



1 KZWEAU-1  
2 By Senator Waggoner  
3 RFD: County and Municipal Government  
4 First Read: 12-Apr-23  
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SYNOPSIS:

This bill would authorize any county, municipality, or governmental entity subject to a countywide civil service system to elect by a majority vote of the governing body to opt out of the countywide civil service system.

This bill would also require the county, municipality, or governmental entity to adopt a human resources policy and procedures manual and to provide written notification to the director of the countywide civil service system.

A BILL  
TO BE ENACTED  
AN ACT

To authorize any county, municipality, or governmental entity subject to a countywide civil service system to elect by a majority vote of the county or municipal governing body to opt out of the countywide civil service system; to require the county, municipality, or governmental entity to adopt a human resources policy and procedures manual; and to require the county, municipality, or governmental entity to notify the director of the countywide civil service system of its decision to withdraw from the system.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. (a) For the purposes of this section, the  
31 term "countywide civil service system" means a civil service  
32 system established by a general or local law that applies to a  
33 county and any municipality in the county.

34 (b) Any county, municipality, or governmental entity  
35 subject to a countywide civil service system by majority vote  
36 of the county commission, city, or town council or the  
37 governing body of the governmental entity may elect to  
38 withdraw from a countywide civil service system  
39 notwithstanding any other provision of law to the contrary,  
40 whether in a general or local law. If any county,  
41 municipality, or governmental entity elects to withdraw from a  
42 countywide civil service system under this subsection, the  
43 countywide civil service system shall then exercise no  
44 authority or jurisdiction over the county, municipality, or  
45 governmental entity.

46 (c) Any county, municipality, or governmental entity  
47 making the election pursuant to this section shall provide  
48 written notice to the director of the countywide civil service  
49 system of its decision to withdraw from the countywide civil  
50 service system. Prior to the notice, the county, municipality,  
51 or governmental entity shall hold a public hearing on its  
52 decision to withdraw.

53 (d) Any county, municipality, or governmental entity  
54 making the election authorized by subsection (b), prior to the



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55 effective date of the withdrawal, shall adopt a human  
56 resources policy and procedures manual, which shall include  
57 personnel policy guidelines; operational standards; employee  
58 management, recruitment, hiring, and due process termination  
59 procedures; equal employment opportunities policies; grievance  
60 resolution procedures; and workplace harassment policies. The  
61 policies and procedures adopted by the county, municipality,  
62 or governmental entity under this subsection shall include an  
63 independent appeal and review process to consider employee  
64 terminations, suspensions, and demotions, and may also include  
65 a merit system for employees. The policies and procedures  
66 adopted by the county, municipality, or governmental entity  
67 shall ensure that its existing employees continue to enjoy any  
68 employment rights, interest, or privileges that are vested or  
69 vesting under the applicable countywide civil service system  
70 rules as of the effective date of the withdrawal. After  
71 withdrawal, all required employment due process procedures,  
72 outlined in the county, municipality, or governmental entity's  
73 human resources policy and procedures manual shall govern  
74 future employees.

75 Section 2. (a) (1) All current employees of any county,  
76 municipality, or governmental entity making the election  
77 authorized by Section 1(b) to withdraw from a countywide civil  
78 service system shall remain eligible to participate in any  
79 pension plan or other retirement benefit plan if that current  
80 employee was eligible to participate in this plan before the  
81 date of withdrawal.



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82           (2) Any future employees of any county, municipality, or  
83 governmental entity making the election authorized by Section  
84 1(b) to withdraw from a countywide civil service system shall  
85 be eligible to participate in any pension plan or retirement  
86 benefit plan if that future employee would have been eligible  
87 to participate before the effective date of withdrawal by  
88 virtue of his or her employment with the county, municipality,  
89 or governmental entity.

90           (3) Any current or future employee of any county,  
91 municipality, or governmental entity affected by this act that  
92 was previously eligible or would have been eligible for and  
93 subject to mandatory membership in any pension plan or other  
94 retirement benefit plan by virtue of being a member of the  
95 classified service in the county, municipality, or  
96 governmental entity before the effective date of the  
97 withdrawal shall remain subject to mandatory membership in  
98 that pension plan or other retirement benefit plan.

99           (4) Any eligibility determinations for any benefits  
100 previously made by reference to information provided by a  
101 county civil service system shall be made by reference to  
102 information furnished by the county, municipality, or  
103 governmental entity employing the employee.

104           (b) The withdrawal of any county, municipality, or  
105 governmental entity from any countywide civil service system



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106 shall not affect the service credit for pension benefits or  
107 other retirement benefits for any employee of the county,  
108 municipality, or governmental entity. Any employee who is a  
109 member of a pension plan or other retirement benefits plan or  
110 eligible to be a member of a pension plan or other retirement  
111 benefits plan shall have prior and future service credited for  
112 pension benefit purposes as though the withdrawal had not  
113 occurred. The withdrawal of any county, municipality, or  
114 governmental entity from any countywide civil service system  
115 shall not be deemed a break in service for pension benefit  
116 service crediting purposes or a termination of employment for  
117 distribution purposes.

118 (c) In the event a county, municipality, or governmental  
119 entity exercises their rights under Section 1(b) to withdraw  
120 from any countywide civil service system, any appointing  
121 authority exercised by the countywide civil service system on  
122 any county pension board, retirement benefit plan, or other  
123 government retirement system shall revert to the respective  
124 county, municipality, or governmental entity that sponsors the  
125 pension plan, retirement benefit plan, or other government  
126 retirement system. Nothing in this subsection, however, shall  
127 apply if the withdrawing county, municipality, or other  
128 governmental entity participates in any retirement system  
129 administered by the State of Alabama.



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130           (d) This section shall apply notwithstanding any specific  
131 provision or section of any prior act or provision of law to  
132 the contrary, whether in a general or local law.

133           Section 3. This act shall become effective immediately  
134 following its passage and approval by the Governor, or its  
135 otherwise becoming law.