

1 HB683
2 163646-4
3 By Representatives Fridy and Mooney (N & P)
4 RFD: Shelby County Legislation
5 First Read: 19-MAY-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to the City of Pelham in Shelby County to
14 amend and reenact Act 89-189 of the 1989 Regular Session (Acts
15 1989, p. 186), as amended by Act 2001-906, of the 2001 Third
16 Special Session, (Acts 2001, p. 748); to establish a civil
17 service system and to provide for classified services; to
18 establish a personnel board and to provide for the
19 appointment, term, and power of board members; to provide for
20 the establishment of a register and filling of vacancies; and
21 to provide penalties.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Act 89-189 of the 1989 Regular Session
24 (Acts 1989, p. 186), as amended by Act 2001-906 of the 2001
25 Third Special Session, (Acts 2001, p. 748), is amended and
26 reenacted to read as follows:

1 "Section 1. This act shall apply only to the City of
2 Pelham in Shelby County and shall be known as "The City of
3 Pelham, Shelby County, Alabama, Civil Service System Act."

4 "Section 2. The words, terms and phrases defined
5 below shall have the following meanings:

6 "(1) APPOINTING AUTHORITY means a person, officer,
7 board, council or other body whose jurisdiction or powers are
8 confined wholly or primarily within the territorial limits of
9 such city and who or which possess final power to appoint
10 persons to services, jobs, offices or positions, the
11 compensation of which is paid in whole or in part from public
12 funds of such city subject to this act. The mayor and city
13 department heads are appointing authorities within the meaning
14 of this definition.

15 "(2) BOARD means the personnel board created by this
16 act.

17 "(3) CERTIFICATION means a submission of names of
18 eligibles from a reemployment list, a promotion list or an
19 eligible register to an appointing authority for the purpose
20 of filling a position in the classified service.

21 "(4) CITY means the City of Pelham, Shelby County,
22 Alabama.

23 "(5) COUNCIL means those individuals elected to the
24 official positions of city council members.

25 "(6) CLASS means a group of positions in the
26 classified service sufficiently similar in respect to the
27 duties, responsibilities and authority that the same

1 descriptive title may be used to identify all positions
2 allocated to the class, that the same requirements as to
3 education, experience, capacity, knowledge, proficiency,
4 ability and other qualifications should be required of the
5 ~~incumbents~~ employees, that the same tests of fitness may be
6 used to choose qualified employees and that the same schedule
7 of compensation can be made to apply with equity.

8 "(7) CLASSIFICATION means the assigning of a
9 position to the appropriate class in accordance with its
10 duties, responsibilities and authority.

11 "(8) DEPARTMENT HEAD means the top management
12 individual in each of the city's operations divisions,
13 including, but not limited to, the chief of police, the fire
14 chief, the director of public works, the city clerk and the
15 library director. Each department head is considered an
16 appointing authority in their respective divisions. Department
17 heads are members of the classified service as defined in this
18 act.

19 "(9) DIRECTOR means the Human ~~Resource~~ Resources
20 Director appointed by the mayor with the council's approval.

21 "(10) DISCOVERY means the process apart from the
22 hearing whereby a party may obtain relevant information from
23 another person, including a party, which has not otherwise
24 been provided.

25 "(11) ELIGIBLE means a person whose name is on a
26 reemployment list, a promotion list or an eligible register.

1 "(12) ELIGIBLE REGISTER means a record containing
2 the names of those persons who have successfully completed
3 prescribed tests, listed and ranked in order of their final
4 earned average from the highest to the lowest and are
5 considered qualified for original appointment to positions in
6 the class for which the test was held.

7 "(13) EMPLOYEE or APPOINTEE means a person in the
8 classified service herein set up and appointed by an
9 appointing authority, unless herein specifically exempted.

10 "(14) MAYOR means the individual elected to the
11 official position of mayor of the City of Pelham, Alabama.

12 "(15) PAY GRADE means the specific pay range as set
13 forth in the pay plan for a classification.

14 "(16) PAY STEP means the specific pay rate within a
15 pay range as set forth in the pay plan.

16 "(17) PERMANENT POSITION means any position in the
17 classified service which has required or which is likely to
18 require the full-time services of an ~~incumbent~~ employee
19 without interruption for a period of more than six months.

20 "(18) PERSONNEL BOARD means the board created by
21 this act.

22 "(19) POSITION means any job or set of duties in the
23 classified service requiring the full-time or part-time
24 employment of one person in the performance and exercise
25 thereof.

26 "(20) PROBATIONARY EMPLOYEE means an employee
27 appointed to a permanent position from a reemployment list,

1 promotion list or eligible register who has not completed his
2 or her probationary period.

3 "(21) PROMOTION means an advancement from one class
4 to another related occupational class with increased duties
5 and/or responsibilities, and for which a higher rate of pay is
6 prescribed.

7 "(22) POLICY, RULE or REGULATION means policies,
8 rules, and regulations, adopted by the board in accordance
9 with this act which are considered necessary to carry out the
10 provisions of this act and to develop a comprehensive civil
11 service system, so long as the policies, rules, and
12 regulations adopted by the board do not modify or change the
13 intent of this act.

14 "(23) PUBLIC HEARINGS means a meeting of the board,
15 open to the public, whereat any citizen, taxpayer or party at
16 interest may appear and be heard.

17 "(24) PUBLIC NOTICE means a written notice placed
18 upon the bulletin board maintained at or near the entrance to
19 the offices of the city clerk in a place accessible to the
20 public during business hours.

21 "(25) PUBLIC RECORDS means a record which the public
22 shall have the right to inspect in a reasonable manner during
23 ordinary business hours.

24 "(26) QUALIFICATIONS means the minimum experience,
25 educational, physical and personal requirements determining
26 the eligibility of an applicant for examination.

1 "(27) REEMPLOYMENT LIST means a list containing the
2 names of persons who have occupied, and have been separated
3 from, permanent positions in the classified service and who
4 are entitled to preference in appointment to vacancies in
5 positions.

6 "(28) REGULAR EMPLOYEE means an employee who was
7 appointed under the provisions of this act to a permanent
8 position and who has completed his or her probationary period.

9 "(29) SEASONAL POSITION means any position in the
10 classified service which requires or is likely to require the
11 services of an ~~incumbent~~ employee during certain parts of each
12 year, only at recurring annual or other periods.

13 "(30) SERIES means a subdivision of a group
14 consisting of two or more classes of positions, similar as to
15 line of work but differing in responsibility and/or
16 difficulty, which constitutes steps in a normal line of
17 promotion.

18 "(31) SPECIFICATIONS means a formal statement
19 descriptive of a position and shall contain:

20 "a. The title and class.

21 "b. A description of the duties and responsibilities
22 thereof.

23 "c. The minimum qualifications required of
24 applicants as to education, experience, physical ability, and
25 other attributes.

26 "(32) TEMPORARY POSITION means any position in the
27 classified service which is not permanent, but which requires

1 or is likely to require the services of an ~~incumbent~~ employee
2 for a period of six months or less.

3 "(33) TESTS means written and/or oral examinations
4 or other methods established as herein provided to determine
5 the merit, efficiency and general fitness of applicants for
6 positions.

7 "(34) TITLE means the term used to designate all
8 employment by class and grade and shall be descriptive of the
9 duties of the position.

10 "Section 3. The purpose of this act is to provide
11 for the orderly administration of city government and shall
12 provide for the following:

13 "(1) The preparation and maintenance of a position
14 classification plan for all positions in the classified
15 service, based upon a similarity of duties performed and
16 responsibilities assumed, so that the same schedule of pay may
17 be applied to all positions in the same class. Each position
18 in the classified service shall be allocated to one of the
19 classes in the plan.

20 "(2) A pay plan for all employees in the classified
21 service. The plan shall be composed of salary grades and
22 ranges of pay with minimum and maximum rates of compensation,
23 and such intermittent steps or rates as may be deemed
24 necessary for proper recruitment and retention of personnel.
25 The pay plan shall be fully integrated with the classification
26 plan.

1 "(3) The open-competitive and promotional
2 examinations to determine the relative fitness of individuals
3 meeting announced requirements to perform the duties of the
4 positions in the classified service. Such examinations shall
5 be announced publicly and in advance of the date fixed for
6 closing the filing of applications.

7 "(4) The establishment of eligible lists for
8 appointment and promotion upon which lists shall appear the
9 names of successful candidates in order of their relative
10 performance or ranking in the respective examinations. The
11 duration of eligible lists shall normally be for one year.

12 "(5) A rejection of candidates who fail to meet
13 announced job requirements or who are found lacking in conduct
14 or character, or who have attempted any deception or fraud
15 with respect to an examination or candidacy for appointment,
16 or for any other reason deemed just and applicable.

17 "(6) A probationary period of one year before
18 appointment is complete and regular status is conferred on the
19 probationary employee.

20 "(7) The provisional, emergency, temporary, seasonal
21 and part-time employment.

22 "(8) The preparation and maintenance of records of
23 performance of all employees in the classified service. Such
24 records shall be considered in counseling employees regarding
25 work improvements; in determining salary increases and
26 decreases provided in the pay plan; and as a factor in
27 promotion, demotion, layoff, transfers and reinstatement.

1 "(9) The development and operation of programs to
2 improve the effectiveness and morale of employees in the
3 public service, including training, leadership, safety,
4 health, counseling and employee relations.

5 "(10) The imposition of disciplinary measures of
6 dismissal, demotion and suspension without pay; and for
7 provisions for appeal from such actions.

8 "(11) The establishment of procedures governing
9 layoff, reinstatement, disciplinary actions and grievances.

10 "(12) The hours of work and holidays; vacation, sick
11 and special leave with or without pay.

12 "(13) The examination and certification of public
13 payrolls by the director.

14 "(14) The exemptions from the coverage.

15 "(15) The prohibition of political activity on the
16 part of any employee in the classified service.

17 "(16) Other rules and regulations not inconsistent
18 with the provisions of this act, which shall aid in its
19 effectiveness.

20 "Section 4. (a) There is hereby created a personnel
21 board.

22 "(b) (1) The personnel board shall be composed as
23 follows:

24 "a. One member elected by the classified employees
25 of the City of Pelham.

1 "b. One member appointed by the mayor and the city
2 council of the City of Pelham, but not sooner than 12 months
3 after taking office.

4 "c. The third member shall be mutually agreed upon
5 by the first two members.

6 "(2) Such appointments shall be for terms of four
7 years. No member of the board, at the time of appointment, nor
8 for three years prior to appointment, shall have held public
9 office or political party office nor have been a candidate for
10 public office. Vacancies during unexpired terms shall be
11 filled for the remainder of the term and shall be filled in
12 the same manner as originally filled.

13 "(c) The personnel board shall:

14 "(1) Meet in regular session at least ~~semiannually~~
15 quarterly and at other times as necessary to transact the
16 business of the board.

17 "(2) Promulgate such policies, rules and regulations
18 as are necessary to carry out the provisions of this act and
19 to develop a comprehensive civil service system.

20 "(3) Review, approve, disapprove or modify
21 administrative actions and ~~conduct~~ the administration of the
22 program by the director ~~of personnel.~~

23 "(4) Hear and render decisions relative to
24 disciplinary and related matters as set forth in this act.

25 "(5) Conduct inquiry and investigation as to the
26 force and effect of this act and the operation of the merit
27 system program.

1 "(6) Transact such other business within the purview
2 of the board and within the intent of this act.

3 "Section 5. The mayor, with the council's approval,
4 shall appoint a ~~director~~ Human Resources Director. The
5 director shall be experienced in the field of personnel
6 administration and shall administer an efficient and
7 economical merit system in accordance with the rules arising
8 therefrom, and shall carry out the policies established by the
9 personnel board. Any act of the director complained of shall
10 be subject to review by the board. In addition to the duties
11 and responsibilities set forth elsewhere in this act, the
12 director shall:

13 "(1) Serve as secretary to the board ~~and shall be~~
14 ~~its executive officer.~~

15 "~~(2) Appoint, reward, remove or otherwise discipline~~
16 ~~in accordance with this act, such number of subordinates as~~
17 ~~may be necessary to carry out an effective operation.~~

18 "~~(3)~~ (2) Prepare for approval of the board such
19 policies, rules and regulations as are needed to carry out the
20 provisions of this act, including, but not limited to, rules
21 governing examinations; recruitment; appointments;
22 suspensions; dismissals; certifications; layoffs; sick,
23 vacation and other types of leave; resignations;
24 reinstatements; promotions; demotions; transfers; salary;
25 classification and other rules as deemed necessary in the
26 interest of a sound personnel and merit system.

1 "~~(4)~~(3) Determine the effectiveness of the system
2 and compliance with this act by conduct of such studies and
3 inquiries as deemed necessary, and to report such findings
4 along with recommendations to the board for improvements. In
5 connection with such investigations or inquiries, the director
6 shall have the power to administer oaths, subpoenas and
7 require the attendance of witnesses, and the production of
8 records, documents, and papers pertaining to the subject under
9 consideration.

10 "~~(5)~~(4) Shall have the ~~authority~~ responsibility to
11 work with the mayor and applicable department heads to study
12 the organization and operation, ~~manpower requirements~~ of the
13 departments, and to make recommendations for improvements to
14 the ~~council~~ board.

15 "~~(6)~~(5) Shall maintain an official roster of all
16 positions and ~~incumbents~~ employees in the classified service
17 wherein shall be recorded and the various personnel
18 transactions affecting the employee.

19 "~~(7)~~(6) Establish and administer, subject to
20 approval by the board, plans for the classification of
21 positions in the classified service.

22 "~~(8)~~(7) Promote and assist in the establishment of
23 programs for general employee pension, welfare, health and
24 career development.

25 "Section 6. At the time the City of Pelham, Shelby
26 County, Alabama, becomes subject to the provisions of this
27 act, all employees and appointees holding regular full-time

1 positions in the service of the City of Pelham, Alabama, shall
2 be granted permanent status in the classified service as
3 hereinafter defined. The service shall be divided into two
4 categories, as follows:

5 "(1) A classified service comprised of all employees
6 and appointees holding regular full-time positions in the
7 service of the City of Pelham, Alabama. Employees occupying
8 these positions shall be deemed to be in the classified
9 service unless specifically exempted from the service in
10 accordance with this act.

11 "(2) The unclassified service shall include:

12 ~~"a. All employees or appointees of a library board.~~

13 ~~"b. Persons engaged in teaching or in supervising
14 teaching in the public schools.~~

15 ~~"c.a.~~ Officials elected by popular vote.

16 ~~"d.b.~~ The judge of any court.

17 ~~"e.c.~~ The city attorney.

18 ~~"f.d.~~ The city prosecutor.

19 ~~"g. Common laborers, the definition of what type of
20 duties constitute "common labor" shall be determined by the
21 board.~~

22 ~~"h.e. Part-time members of Members and employees of
23 all city boards.~~

24 ~~"i.f.~~ Attorneys, physicians, surgeons, and dentists,
25 who with permission of the appointing authority of the city,
26 engage in outside similar employment.

1 "Section 7. (a) Public records shall be those
2 records as defined in Section 41-13-1, Code of Alabama 1975.
3 Such records may be reviewed in a manner prescribed by the
4 director, taking into account confidentiality, convenience and
5 related factors.

6 "(b) Minutes of board meetings, active employment
7 rosters and financial records shall be retained permanently.
8 Applications and examination papers of successful candidates
9 shall be retained for the duration of appropriate eligible
10 registers.

11 "(c) From time to time by public hearing, the
12 personnel board may promulgate policies, rules and regulations
13 as are necessary to carry out the provisions of this act and
14 to develop a comprehensive civil service system, so long as
15 such promulgated policies, rules and regulations do not modify
16 or change the intent of the provisions of this act, except as
17 ~~provided in subsection (g)~~ specifically provided herein. No
18 promulgated policy, rule or regulation shall be made, nor
19 shall any promulgated policy, rule or regulation be adopted at
20 the same meeting at which it is proposed. No final action to
21 promulgate policies, rules or regulations shall be taken in
22 less than seven days after proposal and after a public
23 hearing. Adequate notice of public hearings shall be sent to
24 the appointing authorities concerned and to representative
25 employee associations in order to facilitate wide distribution
26 of the proposed rules. It shall be the responsibility of such

1 associations to provide a current name and address for the
2 personnel board for proper mailing.

3 "(d) The board may adopt, modify, or change rules
4 and regulations to conform to any applicable federal and state
5 law affecting the board.

6 "Section 8. (a) The classification and pay plan,
7 hereinafter referred to as the "plan," ~~provides~~ shall provide
8 a complete inventory of all positions in the classified
9 service and an accurate description and specifications for
10 each class of work and the basis of compensation for employees
11 in the classified service. The plan ~~standardizes~~ shall
12 standardize titles, each of which is indicative of a definite
13 range of duties and responsibilities and has the same meaning
14 throughout the classified service.

15 "(b) The ~~classification~~ plan shall consist of all of
16 the following:

17 "(1) A grouping in classes of positions which are
18 approximately equal in difficulty and responsibility which
19 call for the same general qualifications, and which can be
20 equitably compensated within the same range of pay under
21 similar working conditions.

22 "(2) Class titles which are descriptive of the work
23 of the class; identify the class; and shall be used in all
24 personnel, accounting, budget and related records. No person
25 shall be appointed to or employed in a position in the
26 classified service under a title not included in the
27 ~~classification~~ plan. Working titles are used in the course of

1 departmental routine to indicate authority, status in the
2 organization or administrative rank and may be continued in
3 use for those purposes.

4 "(3) Written specifications for each class of
5 positions consisting of: A title which is descriptive and
6 consistent with other titles in the plan; a brief overall
7 description of the kind and level of work; examples of typical
8 duties performed in positions in the class; qualification
9 requirements setting forth the necessary experience, education
10 or other requirements; and the required knowledges, skills and
11 abilities needed in order to perform the work. Specifications
12 are interpreted in their entirety and in relation to others in
13 the classification plan. Particular phrases or examples are
14 not to be isolated and treated as a full definition of the
15 class. Specifications are deemed to be descriptive and
16 explanatory of the kind of work performed and not necessarily
17 inclusive of all duties performed.

18 "(4) An allocation list showing the class title of
19 each position in the classified service as identified by the
20 name of the ~~incumbent~~ employee.

21 ~~"(c) The classification plan is to be used:-~~

22 ~~"(1) As a guide in recruiting and examining~~
23 ~~candidates for employment.~~

24 ~~"(2) In determining lines of promotion and in~~
25 ~~developing employee training programs.~~

1 ~~"(3) In determining in conjunction with wage surveys~~
2 ~~and job analysis, salaries to be paid for various types of~~
3 ~~work.~~

4 ~~"(4) In determining personnel service items in~~
5 ~~departmental budgets.~~

6 ~~"(5) In providing uniform job terminology~~
7 ~~understandable by all officials, employees and the general~~
8 ~~public.~~

9 "(c) The plan shall be constructed to provide fair
10 compensation for all classes in the plan with due regard to
11 such factors as:

12 "(1) Varying degrees of difficulty and
13 responsibility among the several classes of work.

14 "(2) Prevailing rates of pay and fringe benefits for
15 similar employment in private establishments and other public
16 jurisdictions in the area.

17 "(3) Recruiting experience for the several classes
18 of work.

19 "(4) Financial conditions of the city.

20 "(d) The plan shall contain all of the following:

21 "(1) A basic salary grade for each position class in
22 the plan.

23 "(2) A basic salary schedule containing the minimum
24 rate, maximum rate and intermediate rates of pay for each
25 salary and a conversion of rates for basis of payment.

1 "(3) The basis of pay, indicating the number of
2 weekly work hours in general application to the classified
3 service or exception thereto.

4 "(e) The plan shall be used for all of the
5 following:

6 "(1) As a guide in recruiting and examining
7 candidates for employment.

8 "(2) To determine lines of promotion and in
9 developing employee training programs.

10 "(3) To determine, in conjunction with wage surveys
11 and job analysis, the salaries to be paid for various types of
12 work.

13 "(4) To determine personnel service items in
14 departmental budgets.

15 "(5) To provide uniform job terminology
16 understandable by all officials, employees, and the general
17 public.

18 "(f) (1) The Human Resources Director shall have the
19 responsibility to work with the mayor and department heads to
20 develop or direct the development of the plan. Upon completion
21 of the plan, the director shall submit to each department head
22 a copy of the tentative class specifications and pay for each
23 position class and a list allocating the positions in the
24 jurisdiction to the tentative position classes. The department
25 head shall be responsible for notifying employees as to the
26 allocation of their respective positions. A copy of the class
27 specification and individual allocation shall be made

1 available to the employee or his or her representative on
2 request. The Human Resources Director shall furnish copies of
3 the plan to all groups concerned and shall provide the
4 opportunity for department heads, employees, and the general
5 public to present their views individually or collectively.

6 "(2) The Human Resources Director, after
7 consultation with the council and employee representatives,
8 shall complete the plan for the various classes of work in the
9 classified service. Upon completion, it shall be submitted to
10 the board, mayor, and council for approval.

11 "(g) Upon final approval by the board, the mayor,
12 and the council, the plan shall be certified by the director
13 and delivered to the department heads. The plan shall become
14 effective within 30 days after adoption by the council.

15 "(h) The Human Resources Director shall maintain the
16 plan so that it reflects the duties performed by each employee
17 in the classified service and the class to which each position
18 is allocated. It shall be the duty of the director to do all
19 of the following:

20 "(1) Recommend to the board the establishment of new
21 position classes and the deletion or revision of existing
22 classes.

23 "(2) Review the duties and responsibilities of each
24 new position established and, with the approval of the board,
25 allocate the position to the appropriate position class. It
26 shall be responsibility of the department head to submit to
27 the director, in writing, a comprehensive job description

1 describing in detail the duties of each new position
2 established.

3 "(3) Make periodic studies of positions in order to
4 determine changes in duties and responsibilities and on basis
5 of finding recommend reallocation or reclassification of
6 positions. Classification studies may be made at the request
7 of the employee, department head, or on the initiative of the
8 director. Changes in duty assignments must be more than
9 temporary in nature and the incumbent must be performing the
10 duties for a sufficient duration to warrant investigation.

11 "(4) Review the plan at least once every five years.

12 "(i) The plan shall be amended when the mayor and
13 board add a new position class to the classification and pay
14 plan. Prior to adoption of an amendment to the classification
15 and pay plan, the mayor and council shall provide the
16 opportunity for department heads and employees to present
17 their views.

18 "(j) Each employee in the classified service shall
19 be paid at one of the rates set forth in the plan in which he
20 or she serves, in accordance with the following rules and the
21 special provisions for administering the plan:

22 "(1) Minimum Rate. New appointments to the
23 classified service shall be made at the beginning rate of the
24 salary range for the classification to which the appointment
25 is made.

26 "(2) Salary Advancement. Salary advancement within
27 established salary ranges shall be based on meritorious

1 performance on the job and shall be in accordance with the
2 special provisions for administering the plan. An efficiency
3 rating reflecting satisfactory performance shall be required
4 for advancement. An employee with continued satisfactory
5 service shall be eligible for future annual increases until
6 such time as the maximum rate for the range is reached.

7 "(k) In the event a classified employee is promoted,
8 transferred or demoted, his or her rate of pay for the new
9 position shall be determined as follows:

10 "(1) Upon promotion, the incumbent's regular base
11 pay shall determine the new rate in the promotional class. The
12 new rate shall be set to:

13 "a. Allow one step increase above the former rate;
14 or

15 "b. The new rate shall be the entrance rate for the
16 promotional class; and

17 "c. Whichever increase is greater shall be applied.

18 "(2) When an employee is demoted, compensation shall
19 be reduced to the salary prescribed for the class and/or grade
20 to which demoted. The particular rate shall be determined by
21 the period of employment in the classified service. In no
22 event shall the salary exceed the maximum rate of the new
23 classification.

24 "(3) When an employee is transferred from one
25 department to another, the step in the pay range remains
26 unchanged. All transfers must be approved by the department
27 head concerned, Human Resources Director and the mayor.

1 "(4) When a position is reallocated to a higher
2 position class, or a lower position class, or another position
3 class at the same level, the method of filling the position
4 shall be determined in accordance with this act regarding
5 transfers, demotions, or promotions as may be appropriate.

6 "(1) In the event the rate of pay of a supervisor
7 shall be less or equal to the base rate of pay of subordinates
8 directly supervised in lower related classes, the rate may be
9 advanced in grade by the mayor and the council. In no event
10 shall the new rate be more than one pay step above the highest
11 rate currently received by an employee in the lower class.

12 ~~"Section 9. The director shall prepare or direct the~~
13 ~~preparation of the classification plan. Upon completion of the~~
14 ~~plan, the director shall submit to each department head a copy~~
15 ~~of the tentative class specifications for each position class~~
16 ~~and a list allocating the positions in the jurisdiction to the~~
17 ~~tentative position classes. The department head shall be~~
18 ~~responsible for notifying employees as to the allocation of~~
19 ~~their respective positions. A copy of the class specification~~
20 ~~and individual allocation shall be made available to the~~
21 ~~employee or his representative on request.~~

22 ~~"Section 10. (a) The director shall be charged with~~
23 ~~the responsibility for maintaining the classification plan so~~
24 ~~that it will reflect the duties performed by each employee in~~
25 ~~the classified service and the class to which each position is~~
26 ~~allocated. It shall be the duty of the director to:~~

1 ~~"(1) Recommended to the board the establishment of~~
2 ~~new position classes and the deletion or revision of existing~~
3 ~~classes.~~

4 ~~"(2) Review the duties and responsibilities of each~~
5 ~~new position established, and with the approval of the board,~~
6 ~~allocate the position to the appropriate position class. It~~
7 ~~shall be the responsibility of the department head to submit~~
8 ~~to the director in writing a comprehensive job description~~
9 ~~describing in detail the duties of each new position~~
10 ~~established.~~

11 ~~"(3) Make periodic studies of positions in order to~~
12 ~~determine changes in duties and responsibilities and on basis~~
13 ~~of finding recommend reallocation or reclassification of~~
14 ~~positions. Classification studies may be made at the request~~
15 ~~of the employee, department head or on the initiative of the~~
16 ~~director. Changes in duty assignments must be more than~~
17 ~~temporary in nature and the incumbent must be performing the~~
18 ~~duties for a sufficient duration to warrant investigation.~~

19 ~~"(4) Direct the grading and classifying of all~~
20 ~~positions in the classified service at least once every five~~
21 ~~years.~~

22 ~~"(b) When a position is reallocated to a higher~~
23 ~~position class, a lower position class or another position~~
24 ~~class at the same level, the method of filling the position~~
25 ~~shall be determined in accordance with this act regarding~~
26 ~~transfers, demotions or promotions as may be appropriate.~~

1 ~~"Section 11. (a) The pay plan shall provide the~~
2 ~~basis of compensation for employees in the classified service.~~
3 ~~The plan shall be constructed to provide fair compensation for~~
4 ~~all classes in the classification plan with due regard to such~~
5 ~~factors as:~~

6 ~~"(1) Varying degrees of difficulty and~~
7 ~~responsibility among the several classes of work.~~

8 ~~"(2) Prevailing rates of pay and fringe benefits for~~
9 ~~similar employment in private establishments and other public~~
10 ~~jurisdictions in the area.~~

11 ~~"(3) Recruiting experience for the several classes~~
12 ~~of work.~~

13 ~~"(4) Financial conditions of the city.~~

14 ~~"(b) The pay plan shall contain:~~

15 ~~"(1) Special and specific provisions for~~
16 ~~administering the plan.~~

17 ~~"(2) A basic salary grade for each position class in~~
18 ~~the classification plan.~~

19 ~~"(3) A basic salary schedule containing the minimum~~
20 ~~rate, maximum rate and intermediate rate of pay for each~~
21 ~~salary grade: and a conversion of rates for basis of payment.~~

22 ~~"(4) The basis of pay indicating the number of~~
23 ~~weekly work hours in general application to the classified~~
24 ~~service or exceptions thereto.~~

25 ~~"(c) The director shall, after consultation or offer~~
26 ~~of consultation with the council and employee representatives,~~
27 ~~prepare the pay plan for the various classes of work in the~~

1 ~~classified service. Upon completion, it shall be submitted to~~
2 ~~the mayor and the council for approval.~~

3 ~~"(d) The director shall furnish copies of the pay~~
4 ~~plan to all groups concerned and shall provide the opportunity~~
5 ~~for department heads, employees and the public to present~~
6 ~~their views individually or collectively. Upon final adoption~~
7 ~~by the mayor and the council, the plan shall be certified by~~
8 ~~the director and delivered to the department heads concerned.~~
9 ~~The plan shall become effective within 30 days after adoption~~
10 ~~by the council.~~

11 ~~"(e) The pay plan shall be amended in the following~~
12 ~~manner:~~

13 ~~"(1) The pay plan shall be amended when the mayor~~
14 ~~and the council add a new position class to the classification~~
15 ~~plan and fix the salary grade.~~

16 ~~"(2) Prior to the adoption of an amendment to the~~
17 ~~pay plan, the mayor and the council shall provide the~~
18 ~~opportunity for department heads and employees to present~~
19 ~~their views.~~

20 ~~"Section 12. Each employee in the classified service~~
21 ~~shall be paid at one of the rates set forth in the pay plan~~
22 ~~for the classification in which he serves, in accordance with~~
23 ~~the provisions for administering the pay plan.~~

24 ~~"(1) New appointments to the classified service~~
25 ~~shall be made at the beginning rate of the salary range for~~
26 ~~the classification to which the appointment is made.~~

1 ~~"(2) Salary advancement within established salary~~
2 ~~ranges shall be based on meritorious performance on the job~~
3 ~~and shall be in accordance with the provisions for~~
4 ~~administering the pay plan. An efficiency rating reflecting~~
5 ~~satisfactory performance shall be required for advancement. An~~
6 ~~employee with continued satisfactory service shall be eligible~~
7 ~~for future annual increases until such time as the maximum~~
8 ~~rate for the range is reached.~~

9 ~~"(3) In the event a classified employee is promoted,~~
10 ~~transferred or demoted, his rate of pay for the new position~~
11 ~~shall be determined as follows:~~

12 ~~"a. Upon promotion, the incumbent's regular base pay~~
13 ~~shall determine the new rate in the promotional class. The new~~
14 ~~rate shall be set to:~~

15 ~~"1. Allow one step increase above the former rate,~~
16 ~~or~~

17 ~~"2. The new rate shall be the entrance rate for the~~
18 ~~promotional class, and~~

19 ~~"3. Whichever increase is greater shall be applied.~~

20 ~~"b. When an employee is demoted, compensation shall~~
21 ~~be reduced to the salary prescribed for the class and/or grade~~
22 ~~to which demoted. The particular rate shall be determined by~~
23 ~~the period of employment in the classified service. In no~~
24 ~~event shall the salary exceed the maximum rate of the new~~
25 ~~classification.~~

26 ~~"c. When an employee is transferred from one~~
27 ~~department to another, the step in the pay range remains~~

1 unchanged. All transfers must be approved by the department
2 head concerned, director of personnel and the mayor.

3 ~~"(4) In the event the rate of pay of a supervisor~~
4 ~~shall be less or equal to the base rate of pay of subordinates~~
5 ~~directly supervised in lower related classes, the rate may be~~
6 ~~advanced in grade by the mayor and the council. In no event~~
7 ~~shall the new rate be more than one pay step above the highest~~
8 ~~rate currently received by an employee in the lower class.~~

9 "Section ~~13.~~ 9. (a) Individuals shall be recruited
10 from a geographic area as wide as is necessary to assure
11 obtaining well qualified candidates for the various types of
12 positions. Employment, therefore, shall not necessarily be
13 limited to residents of Shelby County, Alabama.

14 "(b) The ~~director~~ Human Resources Director and
15 department heads shall prepare, or supervise the preparation
16 of, recruiting notices to publicize vacancies and to provide
17 candidates for the public service positions. Announcements
18 shall set forth the time, place, requirements and weights of
19 various sections of tests and periods of application. The
20 minimum periods of time between public notice and closing
21 dates for applications shall be 14 days for entrance and
22 open-competitive examinations, and ~~7~~ seven days for
23 promotional examinations.

24 "(c) All applications for employment and
25 examinations shall be made on forms prescribed by the director
26 during the periods of time stated in the announcement.
27 However, for good cause and in the interests of the service,

1 the director and/or department head may recommend to the mayor
2 to extend the closing date for accepting applications up to
3 ~~the examination date~~ a maximum of 28 days without
4 reannouncement. All persons who appear to meet the minimum
5 requirements set forth in the public notice are eligible to
6 apply for examination upon filing the prescribed forms within
7 the time required; provided, however, the director may refuse
8 the application of any person who has taken the same or a
9 similar examination within 30 days prior to the scheduled
10 examination. Application forms will be furnished from the
11 office of the ~~personnel board~~ Human Resources Director.

12 "(d) As part of the preemployment procedure, former
13 supervisors, employers, police and FBI files, plus references
14 provided by candidates shall be checked as a precaution
15 against obtaining undesirable employees. Reference checks made
16 by personnel or telephone contact shall be documented and made
17 part of the applicant's file. These reference checks ~~may or~~
18 ~~may not~~ shall be completed prior to an offer of employment and
19 the information shall be handled as privileged information.

20 "Section ~~14. 10.~~ (a) ~~The director~~ At the request of
21 the department head, the Human Resources Director may remove
22 from further consideration at any time the application of an
23 applicant who:

24 "(1) Does not possess the minimum qualifications.

25 "(2) Has established an unsatisfactory employment or
26 personnel record as evidenced by reference check of such a
27 nature as to demonstrate unsuitability for employment.

1 "(3) Has made false statement of any material fact
2 or practiced deception or fraud in the application,
3 examination or medical history.

4 "(4) Is afflicted with any mental, physical or
5 medically disqualifying disease or defect that would prevent
6 satisfactory performance of his or her duties.

7 "(5) Is believed to be addicted to or is a habitual
8 user of drugs or intoxicants.

9 "(6) Has been guilty of infamous or disgraceful
10 conduct.

11 "(7) Has an unsatisfactory driving record as
12 evidence by a pattern, frequency or severity of traffic
13 violations.

14 "(8) Has refused or failed to report for interview
15 after certification to an appointing authority.

16 "(9) Has failed to report for duty at the time and
17 place designated after appointment.

18 "(10) Has failed to respond to any official notice
19 or phone call from the director or appointing authority.

20 "(11) Has failed to notify the ~~personnel department~~
21 Human Resources Department or postal authorities of a change
22 in address.

23 "(12) Has been certified and rejected for three or
24 more times.

25 ~~"(13) Has passed the maximum age prescribed in the~~
26 ~~announcement for the classification.~~

1 "~~(14)~~ (13) For any other good cause not inconsistent
2 with the intent of this act.

3 "(b) All applicants disqualified shall be notified
4 immediately. An applicant who is disqualified may appeal to
5 the board within 10 days after notice by filing a written
6 request for a hearing.

7 "~~Section 15.~~ 11. (a) All appointments in the
8 classified service, either at entrance or promotional level,
9 shall be made upon the basis of merit, efficiency and fitness
10 of applicants for positions determined as far as practical and
11 possible by competitive examinations. All announcements and
12 examinations shall be prepared and weighted under the
13 supervision of the director and the department head.

14 Examinations shall be thorough and practical and shall relate
15 to those matters which fairly test the relative capacity and
16 fitness of those examined to discharge the duties of the
17 classification.

18 "(b) Examinations may be assembled or unassembled,
19 and either entrance and/or open-competitive, promotional
20 competitive, a combination of promotional and
21 open-competitive, or qualifying.

22 "(1) Unassembled examination is whenever the
23 director, with approval of the personnel board, determines
24 that applicants are not available in sufficient numbers to
25 justify holding assembled examinations, ~~and he~~ the director
26 may authorize conducting unassembled examinations. Unassembled
27 examinations shall be continuous until the department head and

1 director ~~determines~~ determine that enough qualified applicants
2 have been examined to establish an eligible list.

3 "(2) Entrance and/or open-competitive examination is
4 any examination in which competition is open to all applicants
5 meeting the announced requirements for admission to the
6 examination.

7 "(3) Promotional examination is any examination in
8 which competition is limited to present employees. Such
9 examinations shall customarily be restricted to employees
10 serving in lower related classifications and possessing
11 permanent status. However, additional training, education
12 and/or experience beyond permanent status may be required as
13 determined by the department head and director in the best
14 interests of the service.

15 "(4) Qualifying examination is for certain classes
16 of work where competition is impractical and/or the needs of
17 the service are such to render competition impractical, and
18 the ~~personnel director~~ Human Resources Director, with
19 recommendation from the department head, may provide for
20 qualifying examinations. Such examinations may be limited to
21 employees of the public service to fill existing positions.
22 Such examinations may consist of an evaluation of the
23 candidates' qualifications based upon efficiency rating by
24 competent authority and physical fitness to perform the work
25 or such other ~~methods~~ professional standards as may be
26 determined by the department head and director, not
27 inconsistent with the needs of the public service.

1 "(c) Examinations shall consist of any, all or part
2 of the following examinations, sections, parts and/or tests.
3 However, no questions in any examination, form or application
4 or any other proceedings shall be framed to elicit the
5 political or religious beliefs of applicants; or shall in any
6 way discriminate for or against an applicant because of ~~his~~
7 sex, nationality, race, or color.

8 "(1) A written test when required shall include a
9 written demonstration designed to show the familiarity of
10 competitors with the knowledges involved in the class of
11 positions to which they seek appointment, their ability in the
12 use of English, the range of their general information or
13 their general educational attainments. A formal essay upon one
14 or more subjects may be required if desirable.

15 "(2) A mental test when required shall include any
16 test or tests, whether written or oral, to determine mental
17 alertness, general capacity of applicant to adjust their
18 thinking to new problems, or to ascertain special aptitudes,
19 character or personality traits.

20 "(3) A performance test when required shall include
21 such tests of performance as would determine the ability and
22 manual skills of competitors to perform the work involved.

23 "(4) A physical test when required shall consist of
24 tests of bodily condition, muscular strength, coordination,
25 agility and physical fitness of competitors. This may be given
26 a weight in the examination or may be used in excluding from

1 further examination applicants who do not meet the required
2 minimum standards.

3 "(5) An oral interview when required shall include a
4 personal interview as conducted by the department head or his
5 or her representatives with competitors for classes of
6 positions where ability to deal with others, to meet the
7 public or other qualifications are to be determined. An oral
8 test may also be used in examinations where a written test is
9 unnecessary or impractical.

10 "(6) Training and experience when required shall be
11 marked from the statements of the education and experience
12 contained in the application form or from such supplemental
13 data as may be required. Results of the reference checks may
14 be a part of the evaluation of training and experience.

15 "(7) A medical examination is required to determine
16 that applicants are physically capable of performing
17 efficiently the duties of the position and are free from such
18 defects or diseases that would constitute employment hazards
19 to themselves, or endanger the safety, health and welfare of
20 fellow employees and/or others. Medical examinations may be
21 performed by the city's designated physician or physicians in
22 accordance with the city's duly adopted medical standards.
23 Medical reevaluation on any classified employee ~~may~~ shall be
24 ordered by the director at the department head's request if at
25 any time the employee's performance of duties becomes
26 deficient, or if his or her health or physical condition
27 constitutes employment hazards to ~~himself~~ the employee or

1 endangers the safety, health and welfare of fellow employees
2 and/or others.

3 "(8) The director and department head may, in cases
4 of physical handicaps and/or medical conditions, permit the
5 employment of handicapped eligible candidates who may not meet
6 all of the physical and/or medical requirements of the
7 classification. Provided that the eligible candidate is
8 physically and medically capable of performing all of the
9 duties of the specific position under consideration without
10 risk to the health, safety, and welfare of others and/or
11 ~~himself~~ the candidate, and that the physical and/or medical
12 conditions are not progressively deteriorating conditions.

13 "(9) Additional promotional examination provisions
14 are parts of the examination process or content and are in
15 addition to those cited above in subdivisions (1) through (8).
16 They are applicable only to examinations on a promotional
17 and/or promotional open-competitive examinations.

18 "a. In the event of the announcement of an
19 examination on a promotional basis, the preceding employee
20 efficiency rating and/or promotional potential rating form of
21 employees who make application shall be used in addition to
22 the other announced requirements to establish eligibility for
23 examination. The minimum efficiency grade and/or rating for
24 promotional eligibility shall be a superior rating or such
25 numerical designation as may reflect superior performance and
26 potential as determined by the director and the department
27 head.

1 "b. Each promotional candidate who attains an
2 overall passing grade of 70 or more on the required announced
3 and/or weighted tests, parts and/or portions of a promotional
4 basis examination shall have added to his or her grade or
5 score one point for each year of full-time employment in the
6 classified service up to and including 20 years. All absences
7 from duty excepting vacations and sick leave allowances plus
8 military leaves, shall be deducted to determine credit to be
9 allowed for seniority credits.

10 ~~"Section 16.~~ 12. (a) Sound measurement techniques
11 and procedures shall be used in rating the results of tests
12 and determining the relative ranking of the candidates. In all
13 examinations the minimum rating standards for each and/or all
14 tests, parts and/or sections shall be established under the
15 supervision of the director and the department head.
16 Candidates may be required to attain at least a minimum rating
17 on each test in order to receive a passing grade or to be
18 rated on the remaining parts of the examination and/or test.
19 No subject shall be placed upon the employment register whose
20 final earned average on the examination is less than 70. The
21 final earned rating of a competitor shall be determined by
22 averaging the earned rating on each part of the examination in
23 accordance with the weights established for each part prior to
24 the date of the examination and announced in the public notice
25 of the examination.

1 "(b) Whenever two or more applicants have a like
2 final earned average, ties shall be resolved by the following
3 order of methods:

4 "(1) First, the order of ratings on the most heavily
5 weighted part of the examination shall be used.

6 "(2) If a tie still exists and the candidates are
7 competing on a promotional basis, the candidate with the
8 greatest seniority in the service shall be ranked first.

9 "(3) If a tie still exists, then the date of
10 application for examination shall be used.

11 "(4) If a tie still exists, then the date of
12 original application for employment shall be used.

13 "(5) Finally, if a tie still exists, then the lowest
14 application number of applicants shall be used.

15 "(c) Each person who takes an examination shall be
16 notified by mail of his or her standing in the group or of his
17 or her failure.

18 "(d) Each person who takes a promotional examination
19 shall be entitled to inspect the examination rating with the
20 appropriate scoring key for 30 days after notices of results
21 have been mailed. The questions used in promotional and other
22 tests and examinations may be kept confidential and not
23 subject to inspection at the discretion of the director. All
24 examination papers may be destroyed upon the expiration of the
25 eligible register and exam papers of failing applicants may be
26 discarded 60 days after examination.

1 "(e) No request for a change of an examination
2 rating shall be entertained by the director and/or department
3 head unless such request be made within 30 days after notice
4 to the applicant of his or her rating, and the applicant shall
5 specify the matters to which he or she objects. No change in
6 ratings shall be made unless some manifest error shall appear
7 in the face of the paper; provided that no appointment
8 previously made shall be changed or cancelled. Whenever a
9 review of rating results in a change of position on a list or
10 register, all persons so affected shall be notified by mail.

11 "(f) The director may, with the approval of the
12 board, order a special or supplementary examination and the
13 reasons shall appear in writing. A classified employee with
14 permanent status who is prevented from competing in a
15 promotional examination for a valid reason beyond his or her
16 control, or because of his or her absence on an authorized
17 military leave, and who is reinstated to his or her position
18 before the expiration of the eligible list, shall, upon his or
19 her request, be given the opportunity to take the same and/or
20 equally difficult examination. No request for supplemental
21 examination will be entertained after 24 hours from the date
22 and time of the announced examination. The director and
23 department head shall determine if the same test or one of
24 equal difficulty shall be entered on the original promotion
25 list in accordance with his or her final earned average. If
26 the final earned average of such employee is higher than that
27 attained by the person who was last promoted from that list,

1 and if the vacancy filled by such promotion was in the
2 department in which such employee is employed, ~~he~~ the employee
3 shall be entitled to be certified immediately. However, no
4 applicant competing on an open basis shall be granted a
5 special and/or supplementary test unless the failure of an
6 applicant to appear at the stated test was due to manifest
7 error on the part of the director, department head, and/or
8 staff.

9 "(g) If an applicant during an examination is found
10 to be using, without permission, any extraneous information
11 such as other candidates' papers, memoranda, crib notes,
12 pamphlets, and/or books of any kind, ~~his~~ the test papers shall
13 be taken ~~and the director~~ by the testing adjudicators and
14 shall have them graded with a zero and note on the test papers
15 the reason for such marking. Such applicant shall be barred
16 from taking any future examinations. No person shall willfully
17 or corruptly make a false mark, grade, estimate or report on
18 an examination with respect to the proper standing of any
19 person examined; or willfully or corruptly make any false
20 representation concerning any person examined; or furnish to
21 anyone special or secret information for the purpose of
22 improving or injuring the prospects or chances of the
23 appointment, employment or promotion of any person examined or
24 to be examined. Any person guilty of such acts shall be deemed
25 guilty of a misdemeanor.

26 "(h) The director or department head may cancel,
27 postpone, reschedule or reannounce any examination for any

1 good and sufficient reason deemed in the best interest of the
2 service. All such incidents shall be reported to the board and
3 appear in writing with the reason for such action.

4 "Section ~~17.~~ 13. (a) The director shall establish
5 and maintain such eligible and/or employment registers for the
6 various classes of positions as ~~he~~ the director deems
7 necessary to meet the needs of the service. Names of eligibles
8 shall be placed on lists in the order of their examination
9 grades ranked from highest or first to lowest or last.

10 "(1) Open-competitive lists shall contain the names
11 and final grades in order of rank for those applicants
12 attaining a minimum passing score on the entrance and/or
13 open-competitive examination. Duration of such lists shall be
14 for a period of one year from the date of approval by the
15 board unless the list is depleted or extended by action of the
16 board.

17 "(2) Promotion lists shall contain the names and
18 final ranked grades of employees attaining qualifying grades
19 on promotional competitive examinations. Duration of such
20 lists shall be for one year from the date of approval by the
21 board unless the list is depleted or extended by action of the
22 board. In the event that a combination open-promotional list
23 is established, the promotional list shall take precedence
24 over the open list.

25 "(3) Layoff list is an eligible list which contains
26 the names of former permanent status employees who were
27 separated from various classes because of a lack of either

1 work and/or funds, or whose positions were abolished as a
2 result of departmental reorganization or for some other just
3 reasons. The names of such former employees shall be placed on
4 the list in the order of seniority. Duration of such lists
5 shall be for a period of two years. Employees in probationary
6 status shall have their names reinstated at the top of the
7 appropriate eligible list. When there are two or more
8 employees who are equal in seniority, they shall be placed on
9 the layoff list in the order of their efficiency records. The
10 method of defining layoff procedure shall be determined by the
11 director in accordance with this act.

12 "(4) In the absence of an eligible list for a
13 particular class within which a vacancy exists, the director
14 may certify from a list of a related class which ~~he~~ the
15 director deems appropriate. Such appropriate or related list
16 should be for a class having substantially the same
17 requirements as the class in which the vacancy exists, and the
18 pay range should be commensurate between the classes.

19 "(b) Whenever there are fewer than three names of
20 available eligibles remaining on a list or if a demand is
21 anticipated for more candidates for employment than an
22 existing list may satisfy, the director and department head
23 may order a new examination and shall consolidate the existing
24 names on the list with the new names. All persons whose names
25 appear on an existing list which is to be merged after a new
26 examination shall be notified of the opportunity to compete in
27 the second examination. Should such persons elect not to

1 appear or refuse reexamination, their names shall be certified
2 first from the new consolidated list for a period of one year
3 from the date the original list was approved by the board.
4 Should they elect to be reexamined, the grade earned on the
5 last examination shall be their official grade without regard
6 to their previous grade. The names of candidates who compete
7 successfully on unassembled examinations shall have their
8 names integrated on the eligible lists in the order dictated
9 by their grades. However, notice to existing eligibles as to
10 their relative positions on such lists shall be waived and an
11 appropriate notice shall be placed on the announcement of this
12 process.

13 "(c) When an applicant is employed through
14 certification, his or her name shall be removed from the
15 appropriate eligible list. In addition to the reasons for
16 disqualification cited in this act, eligible candidates shall
17 have their names removed from eligible lists at the expiration
18 date of the eligible list.

19 "(d) (1) Any former employee with permanent status
20 who has been separated from the classified service without
21 fault or delinquency may, within two years from the date of
22 resignation or separation, request reinstatement to the
23 appropriate eligible list for the class in which he or she
24 served. Such requests shall be made in writing and subject to
25 the recommendation of the ~~director~~ department head to the
26 Human Resources Director and the approval of the board. Upon
27 approval, the name of the former employee shall be placed at

1 the bottom of the appropriate open-competitive list for one
2 year's duration.

3 "(2) A former employee so appointed shall enter at
4 the beginning rate, unless determined otherwise by the board,
5 for the class and shall serve a probationary period for one
6 year. In addition to the foregoing conditions, the applicant
7 for reinstatement must meet the physical standards for the
8 class for which reinstatement is applied. The medical
9 examination shall be administered by a physician designated by
10 the board and the applicant shall bear the cost of ~~said~~ the
11 examination. ~~As a further requirement, the age of the~~
12 ~~applicant at the time of reinstatement shall not exceed the~~
13 ~~maximum age as specified on the last examination announcement~~
14 ~~for the class to which reinstatement is requested.~~

15 "Section ~~18~~ 14. (a) Based on the receipt of an
16 authorized requisition from an appointing authority, the
17 director shall certify and/or refer the name of eligibles from
18 the appropriate eligible lists in the following priority and
19 manner:

20 "(1) First, the one name of the ranking former
21 employee of the department for each vacancy from the layoff
22 list, if any, shall be appointed.

23 "(2) Second, the five ranking names of former
24 employees of other departments for each vacancy from the
25 layoff list, if any, shall be used.

26 "(3) Third, the five ranking names of the employees
27 of a department for a vacancy, if and only if they are the

1 ranking eligibles on the promotional list from the department
2 in which the requisition originated, shall be used.

3 "(4) Fourth, for each vacancy the five ranking names
4 of employees from other departments on the promotional list,
5 if any, shall be used.

6 "(5) Fifth, for each vacancy the five ranking names
7 of eligibles from the open-competitive list, if any, shall be
8 used.

9 "(6) Sixth, in the absence of an eligible list for
10 the class and at the discretion of the director and department
11 head, the names of eligibles from an appropriate or related
12 list, if any, may be used. The five ranking names of eligibles
13 on related lists shall be certified for each vacancy.

14 "(7) In general, all entry level positions to be
15 filled from open-competitive lists shall be filled by the rule
16 of five with one additional name for each vacancy past the
17 first vacancy.

18 "(8) In the event the city accepts and utilizes
19 federal funds for the creation of public employment
20 opportunities, such positions when budgeted on a full-time
21 basis for 12 months, shall be treated as any other regular
22 position in the classified service being entitled to earn and
23 use sick and vacation leave in the customary manner. Should
24 the applicable federal regulations controlling the use of such
25 funds prescribe unusual or exceptional prerequisites for
26 employment in ~~said~~ the program, the director and department
27 head, subject to approval of the board, may prescribe the

1 manner in which the position shall be filled and related
2 conditions of employment.

3 "(9) In filling promotional level positions from
4 promotional lists, the rule of five shall apply, and if more
5 than one vacancy is to be filled, one additional eligible for
6 each additional vacancy.

7 "(b) Bypassing of names on eligible lists is as
8 follows:

9 "(1) No employee, whether permanent or probationary,
10 who has been suspended or otherwise disciplined shall be
11 certified as eligible for promotion or advancement to another
12 class or position within one year following the imposition of
13 such penalty.

14 "(2) Before being certified, an eligible may waive
15 certification rights for a period not to exceed six months.
16 These waiver requests by eligibles shall be in writing stating
17 the reasons for such requests. All such requests must be
18 approved by the director and department head, taking into
19 consideration the needs of the service and interest of the
20 employee. During the period for which waiver is granted, such
21 eligibles will not be certified or considered for appointment.

22 "(3) Any department head may request waiver of
23 certification of an employee from a promotional list and shall
24 so state in writing to employee with copy to the ~~human~~
25 ~~resource director~~ Human Resources Director. The employee, to
26 waive, shall reply to employer in writing with copy to the
27 director.

1 "(4) Under no circumstances other than those cited
2 above, or those cited in this act regarding disqualification,
3 or those cited regarding removal from list, shall any eligible
4 be bypassed for certification.

5 "(c) (1) The director shall certify the following
6 additional eligibles: One for each eligible who after
7 certification, either declines appointment at the time of
8 interview or offer of employment, or who is subsequently
9 disqualified.

10 "(2) An appointing authority may exercise his or her
11 rights of five eligibles who are willing to accept appointment
12 before making his or her final selection for employment.
13 However, if an appointing authority exercises this
14 prerogative, no provisional appointment shall be authorized if
15 more than one and less than five eligibles are available who
16 will accept employment. The reannouncement of the examination
17 to establish a new list shall be at the discretion of the
18 director and department head, but shall not be later than 45
19 days after receipt of the request.

20 "~~Section 19.~~ 15. (a) (1) Vacancies and newly created
21 positions in the classified service shall be filled either by
22 transfer, promotion, appointment, reappointment or demotion.

23 "(2) When a vacancy exists for a department head,
24 the mayor shall inform the ~~director of personnel~~ city council
25 of such vacancy. ~~The director shall then certify to the mayor,~~
26 ~~eligibles from the appropriate list.~~ The mayor, with the
27 council approval, shall then make ~~an~~ the appointment ~~from the~~

1 ~~names certified to him within 10 days after the posting of the~~
2 ~~certification as soon as possible.~~

3 "(3) Whenever a vacancy exists within a department
4 of the city, the department head shall submit to the director
5 a statement of the title of the position, and if requested by
6 the director to do so, a statement of the duties and desired
7 qualifications of the positions. The director shall then
8 certify to the department head from the appropriate lists. The
9 department head shall then make an appointment from the names
10 certified to him or her within 10 days after the posting of
11 the certification, or shall notify the director, in writing,
12 of ~~his~~ the withdrawal of the requisition with the reasons for
13 such withdrawal.

14 "(b) Appointments to the classified service shall be
15 one of the following types:

16 "(1) An appointment to a full-time permanently
17 budgeted position made from a certified eligible list shall be
18 a probationary period. The probationary period shall be
19 regarded as an integral part of the examination process, and
20 shall be utilized to evaluate the employee's performance on
21 the job, and shall also be utilized for dismissing any
22 employee who does not meet the required standards of
23 performance. The duration of such probationary period shall be
24 for one year from the date of appointment with no
25 interruptions in service.

26 "a. An employee in probationary status may be
27 discharged without the right of appeal.

1 "b. A promotional probationer who is demoted for
2 unsatisfactory service shall have the option of returning to
3 the position held prior to appointment, if still vacant. In
4 the event the position is filled, the director shall determine
5 the manner in which the employee shall be retained in the
6 service, being closely guided by the provisions governing
7 layoffs and reductions in force. The demoted employee shall
8 have the further option of electing to separate from the
9 service and having his or her name retained on the layoff list
10 for the classification of his or her former position for a
11 period not to exceed two years.

12 "(2) Employment of an eligible from an eligible list
13 in a full-time permanently budgeted position, after the
14 satisfactory completion of a probationary period, shall be
15 considered a permanent appointment.

16 "(3) In the absence of an eligible list, the
17 department head may request the director ~~may~~, for urgent need,
18 to authorize the filling of a vacancy by provisional
19 appointment. Any such candidate for provisional appointment
20 must meet educational experience and related requirements set
21 by the department head and the director. Provisional
22 appointment shall be for a period of not more than four
23 months. No provisional appointment shall be continued for more
24 than 10 days after the establishment of an eligible list for
25 the class. Any provisional employee failing to qualify by
26 examination shall be separated from the service after the
27 appropriate eligible list is certified. The provisional

1 appointment of an individual shall not confer on the appointee
2 any rights of status, appeal, or related rights set forth
3 under this act.

4 "(4) To fill positions of a seasonal, part-time,
5 temporary, student and/or intern nature, the following
6 appointments shall be made. Such appointments will confer no
7 rights of status, appeals or related rights.

8 "a. Seasonal appointments may be granted for work
9 which is seasonal in nature. No such appointment shall extend
10 beyond four months or the work season in question. All
11 candidates to be considered shall meet the requirements set by
12 the department head and director.

13 "b. Part-time appointments may be granted for work
14 which requires the service of an employee for less than the
15 number of hours of a full-time or typical work week.
16 Candidates for appointment shall meet the requirements set by
17 the department head and director.

18 "c. Student and intern appointments have the purpose
19 of affording students of public administration, and other
20 professional areas, an opportunity to gain actual work
21 experience in the public service. Such appointments are viewed
22 as intermittent employment for a definite period of time, not
23 to exceed six months of full-time work in any 12-month period.
24 Candidates for appointment shall meet the requirements set by
25 the department head and director.

26 "d. Temporary appointments may be granted for
27 positions in departments in which work loads may fluctuate and

1 require the services of some employee on a full-time basis up
2 to, but not over six months duration. Candidates for temporary
3 appointments shall meet the requirements set by the department
4 head and director.

5 "e. During a war or nationally declared emergency
6 period, the director, with mayor approval, may, in the absence
7 of any appropriate eligible list, authorize a limited tenure
8 appointment without examination. Such appointment shall be for
9 not longer than the duration of the war or emergency plus six
10 months, and shall give persons so appointed no status in the
11 classified service by reason of such duration of appointment.

12 "f. An emergency, as used herein, means an
13 unforeseen condition which is likely to cause loss of life or
14 loss or damage to property, the stoppage of service or serious
15 inconvenience to the public. Upon receipt of request from a
16 department head citing such emergency condition, the director, with mayor approval, may authorize an emergency appointment
17 not to exceed 30 days. The manner of appointment and rate of
18 compensation shall be set by the department head and director.

19 "g. Positions created in the classified service
20 through federally financed public employment programs, ~~Comprehensive Employment and Training Act~~, and related
21 programs shall terminate at cessation of such federal funding
22 conveying no rights of tenure or permanency to ~~incumbents~~ the
23 employee.

24 "h. An eligible who has been temporarily appointed
25 or appointed to a seasonal or part-time position from an
26
27

1 eligible register and who at the time of ~~said~~ the appointment
2 was a ranking eligible at the time of certification, willing
3 to accept the appointment under the conditions and for the
4 period stated, may be permanently appointed to ~~said~~ the
5 position irrespective of the number of higher ranking
6 eligibles available only for permanent appointment. Such
7 appointment can be made only when:

8 "1. The fact that the position would become
9 permanent was not known to the department head at the time the
10 temporary, part-time or seasonal appointment was made.

11 "2. The ~~incumbent~~ employee has worked the stipulated
12 time period for which initial appointment was made.

13 "i. All permanent appointments arising out of the
14 foregoing provisions must be approved by the director, mayor,
15 and council.

16 ~~"(c) No officer or employee of any department of the~~
17 ~~city shall make or approve any payment for personal services~~
18 ~~to any person holding a position in the classified service~~
19 ~~unless approved by the director in an existing position from a~~
20 ~~certified list of eligibles. The director may refuse to~~
21 ~~certify the payroll, voucher or account of any ineligible~~
22 ~~person found to be performing the duties of said position.~~

23 "Section ~~20.~~ 16 (a) Vacancies in positions above the
24 lowest rank in any category in the classified service shall be
25 filled as far as practical by the promotion of employees in
26 the service. The director and department head shall in each
27 case determine whether an open-competitive or promotional

1 examination will serve the best interests of the service in
2 attracting well qualified candidates. Promotions in every case
3 must involve a definite increase in duties and responsibility.
4 The change of an employee from a position in a class to a
5 position in another related occupational class for which the
6 maximum rate is higher shall be deemed promotion.

7 " (b) (1) An employee may be demoted to a position of
8 a lower grade for which ~~he~~ the employee is qualified for any
9 of the following reasons:

10 "a. When an employee would otherwise be laid off
11 because ~~his~~ the position is being abolished, reclassified to a
12 higher grade or a lower grade, lack of work, lack of funds; or
13 because of the return to work from an authorized leave of
14 another employee to ~~such a~~ the position.

15 "b. When an employee does not possess the necessary
16 qualifications to render satisfactory service in the position
17 ~~he holds~~ held.

18 "c. When an employee is removed during probation.

19 "d. When an employee voluntarily requests such
20 demotion.

21 "e. When an employee is demoted for disciplinary
22 reasons.

23 "(2) All demotions must receive the approval of the
24 ~~director~~ department head and the appointing authority. If the
25 employee is demoted against his or her will, other than
26 probationers, ~~he~~ the employee may appeal to the board as
27 provided in this act.

1 "(3) The change of an employee from a position in a
2 class and/or job to another class and/or job for which the
3 maximum rate is lower shall be deemed a demotion and shall be
4 effected in accordance with this act.

5 "(4) Any demotion or termination of a probationary
6 employee whose probationary status is due solely to a
7 promotion from a permanent position shall be subject to review
8 and approval by the council.

9 "~~Section 21. 17~~ (a) A department head ~~with approval~~
10 ~~of the director~~ may at any time assign a classified employee
11 under his or her jurisdiction from one position to another in
12 the same class regardless of the shift, location, hours of
13 work or other consideration as long as the work-week basis
14 remains the same. Such transfers shall be made with the
15 retention of all rights of seniority; vacation and sick leave;
16 and overtime as the employee may have accrued.

17 "(b) A department head may assign any employee in
18 the classified service under his or her jurisdiction to any
19 duties so long as such duties are within the same
20 classification. No employee in the classified service may be
21 assigned duties of a different class for a period in excess of
22 30 days ~~without the approval of the director~~ unless approved
23 by the appointing authority. Any and all such assignments
24 outside the classification must be immediately reported to the
25 director.

26 "(c) In the event that it becomes necessary because
27 of lack of work, lack of funds or advisable in the interest of

1 economy to reduce staff, the following procedure shall govern
2 the layoff:

3 "(1) The reason for such layoff shall be reported in
4 writing and shall stipulate the number and classifications to
5 be affected.

6 "(2) The director shall determine, in consultation
7 with the appointing authorities, the organizational units to
8 be affected by the layoff.

9 "(3) If such reduction is departmental, then the
10 layoff shall be made by laying off the employee(s) in the
11 classification to be affected by the layoff who are
12 provisional, temporary, seasonal, part-time and probationary,
13 if any. From that point, layoff shall be of permanent
14 employees in the classification on the basis of their relative
15 seniority. In the event there are two or more employees who
16 would be affected by the layoff and have equal seniority, the
17 employee who stands lowest on the efficiency or performance
18 ratings, last regularly filed with the director, shall be laid
19 off first.

20 "(4) If such reduction is of a general nature and/or
21 citywide, the director, after consultation with appointing
22 authorities, shall determine the manner of layoff, taking into
23 consideration the number and classification of positions to be
24 reduced. In all instances, seniority shall govern except in
25 the cases of two or more employees having equal seniority; in
26 this event, efficiency or performance ratings shall be applied
27 as provided in this act.

1 "(5) When an employee is laid off in a department
2 which has other classifications or grades lower than the
3 classification or grade from which he or she is laid off, ~~he~~
4 the employee shall have the option of working in any other
5 lower classification or grade in the same department, provided
6 the ~~director of personnel~~ department head finds that ~~he~~ the
7 employee is qualified to perform the duties of such lower
8 classification or grade, such option being subject, however,
9 to subdivisions (6), (7) and (8) following.

10 "(6) Where an employee so laid off elects to drop to
11 a lower classification or grade, and where the appointing
12 authority reduces the number of employees in such lower
13 classification or grade, the reduction shall be made in the
14 manner in which it is herein provided layoffs shall be made,
15 except that such reduction shall in no case cause the layoff
16 of any permanent employee in such lower classification or
17 grade who has more seniority in the department than the
18 employee laid off from the higher classification or grade. A
19 person laid off from a classification or grade shall have the
20 right, so long as ~~he~~ the person is in the service or on the
21 layoff list, to return to the position from which ~~he is~~ the
22 person was laid off in the event such position is refilled.

23 "(7) The duties performed by the employee or
24 employees so laid off may be assigned to any other permanent
25 employee or employees in the department or office, who in the
26 opinion of the ~~director of personnel~~ department head, are

1 qualified to perform such duties regardless of the specific
2 classification or grade to which such employees are allocated.

3 "(8) Any employee to be affected by layoffs shall be
4 given a minimum of 15 ~~days~~ days' notice.

5 "Section ~~22.~~ 18 (a) The tenure of every employee in
6 the classified service shall be conditioned on the
7 satisfactory conduct of the employee and continued, efficient
8 performance of assigned duties and responsibilities. Employees
9 serving in a probationary period may be disciplined or
10 dismissed by an appointing authority without right of appeal.
11 The reasons for such action shall be furnished in writing to
12 the employee and the ~~director of personnel~~ Human Resources
13 Director. A permanent employee may be dismissed, demoted, or
14 suspended by an appointing authority for cause or for any
15 reason deemed to be in the best interest of the public service
16 and shall have the right of appeal as set forth in the
17 following provisions.

18 "(b) The following are among the causes which shall
19 be sufficient for dismissal, demotion or suspension:

20 "(1) Absent without leave.

21 "(2) The commitment of any criminal act.

22 "(3) Conduct unbecoming an employee in the public
23 service.

24 "(4) Conviction of a criminal offense or of a
25 misdemeanor involving moral turpitude.

26 "(5) Disorderly or immoral conduct.

1 "(6) Failure to pay or make proper provisions for
2 the liquidation of just debts.

3 "(7) Incapacity due to mental or physical disability
4 of a permanent nature.

5 "(8) Incompetency or inefficiency.

6 "(9) Insubordination.

7 "(10) Intoxication while on duty or public
8 intoxication while off duty.

9 "(11) Neglect of duty.

10 "(12) Negligence or willful damage to public
11 property or waste of public supplies or equipment.

12 "(13) Violation of any regulations or orders
13 published, made or given by a superior officer.

14 "(14) Willful violation of any of the provisions of
15 this act.

16 "(15) Refusal of employee to testify or answer any
17 questions before any board or any ~~body~~ person authorized to
18 conduct any hearing concerning the affairs of government or
19 the conduct of any officer or employee, on the grounds his or
20 her testimony would tend to incriminate him or her or refusal
21 to waive immunity from prosecution.

22 "(16) Violation of the Interpersonal Relationships
23 and Fraternization Policy.

24 "~~(16)~~ (17) For any other reason deemed to be in the
25 best interest of the public service.

26 "(c) (1) Notice of dismissal or demotion shall be in
27 writing and shall set forth:

1 "a. The cause of action.

2 "b. The date dismissal or demotion is to become
3 effective.

4 "c. Any other information deemed appropriate.

5 "(2) A copy of such notice shall be delivered to the
6 director on the same day that notice is served on the
7 employee. Notification shall be made prior to or on the date
8 such dismissal or demotion is to be effected.

9 "(d) A department head may suspend, for improper
10 behavior and without pay, an employee in the classified
11 service. In the event such suspension or suspensions do not
12 exceed an aggregate of five calendar days as a singular
13 offense or 10 days cumulative in any year of service, the
14 employee shall not have the right of a hearing. Should the
15 suspension or suspensions exceed the five-day limitation for a
16 single offense or 10-day cumulative limitation, a permanent
17 employee shall have the right of appeal as provided in Section
18 ~~23 19~~ of this act. Such suspension shall be effected by
19 service upon the employee by the department head, of a written
20 statement of the ~~delinquency~~ reason or reasons for which the
21 suspension was made, a copy of which must be delivered to the
22 ~~director of personnel~~ Human Resources Director. The suspended
23 employee shall have a right to file an answer with the board
24 and the department head.

25 "Section ~~23~~ 19. (a) An employee with permanent
26 status shall have the right to appeal disciplinary action of
27 dismissal, demotion, or suspension. An employee desiring to

1 appeal shall within 10 calendar days after notice thereof,
2 file with the director ~~in duplicate~~, a written answer to the
3 charges and request a hearing. Such answer shall contain:

4 "(1) The reason of dismissal, demotion or
5 suspension.

6 "(2) An admission or denial of guilt.

7 "(3) Reasons why the dismissal, demotion or
8 suspension should not take effect. Upon receipt of the appeal,
9 the director shall forward a copy thereof to all parties
10 concerned.

11 "(b) (1) The board shall order a public hearing of
12 such charges. The hearing shall be for the purpose of
13 determining whether or not the employee, by reason of his or
14 her act or acts as charged and his or her record of service,
15 merits retention in the service or should be removed ~~therefrom~~
16 or otherwise disciplined; and to that end the board shall not
17 be bound by the technical rules of evidence but shall
18 diligently seek all the information bearing on the merits of
19 the case. Either party ~~at interest~~ may be represented by
20 counsel.

21 "(2) The hearing may be before the board or a
22 hearing officer appointed by the board. If the matter is heard
23 by a hearing officer appointed by the board, ~~said~~ the hearing
24 officer shall be a practicing attorney licensed in the ~~state~~
25 State of Alabama and shall take testimony offered in support
26 and denial of such charges and from the same submit to the
27 board within five days, a finding of facts involved and a

1 recommended decision. The board at its next regular or special
2 meeting shall consider ~~said~~ the report and modify, alter, set
3 aside or affirm ~~said~~ the report and certify its findings to
4 the appointing authority who shall forthwith put the same into
5 effect. If the personnel board hears ~~said~~ the charges, it
6 shall make its own opinion and decision.

7 "Section ~~24.~~ 20. (a) (1) Discovery may be obtained by
8 one or more of the methods provided under the Alabama Rules of
9 Civil Procedure, including: written interrogatories,
10 depositions, requests for production of documents ~~or things~~
11 for inspection or copying, and requests for admissions
12 addressed to parties. The Alabama Rules of Civil Procedure may
13 be used as ~~as~~ a general guide for discovery practices and
14 proceedings before the board. However, the Alabama Rules of
15 Civil Procedure shall be deemed to be instructive rather than
16 controlling. A party seeking discovery from another party
17 shall initiate the process by serving a request for discovery
18 on the other party.

19 "(2) When a request for discovery is directed to an
20 officer or employee of the City of Pelham, Shelby County,
21 Alabama, the city shall make the officer or employee available
22 on official time for the purpose of responding to the request,
23 and shall assist the officer or employee as necessary in
24 providing relevant information that is available to the city.
25 A party seeking discovery from a nonparty officer or employee
26 of the city shall initiate the process by serving a request
27 for discovery on the nonparty officer or employee. Discovery

1 from other nonparties may be initiated by serving a request
2 for discovery on the nonparty directly. Absent such a request
3 or upon failure to obtain voluntary cooperation, discovery
4 from a nonparty may be obtained by a written motion directed
5 to the board or a hearing officer appointed by the board,
6 showing the relevance, scope, and materiality of the
7 particular information sought, and in addition in the case of
8 a deposition, the date, time and place of the proposed
9 deposition.

10 "(3) A ruling on the motion ~~will~~ shall be issued by
11 the board or a hearing officer appointed by the board ~~that~~
12 ~~will~~ and shall be served on the moving party ~~as well as~~ and
13 the director. If the motion is approved, it shall be the duty
14 of the director to subpoena the individual or entity from
15 which discovery is sought, specifying the manner and time
16 limit for compliance. Initial requests of motions for
17 discovery shall be served within 20 calendar days after an
18 employee desiring to appeal disciplinary action of dismissal,
19 demotion or suspension, files with the director a written
20 answer to the charges and requests a hearing. A party or
21 nonparty shall file a response to the discovery requests
22 promptly, but not later than 15 calendar days after the date
23 of service of the request or order of the board.

24 "(b) It shall be the duty of the director to
25 subpoena witnesses other than character witnesses, for or
26 against the employee upon written request ~~and affidavit~~ that
27 their testimony is necessary. Employees in the classified

1 service shall be required to attend and testify without
2 subpoena.

3 "Section ~~25~~. 21. (a) The board shall render its
4 decision within 10 calendar days after the conclusion of the
5 hearing which shall forthwith be certified to the appointing
6 authority and enforced by him or her. Copies of the decision
7 shall be delivered to all other parties at interest. The board
8 may rescind, modify or increase the penalty imposed by the
9 appointing authority as warranted by the facts adduced at the
10 hearing.

11 "(b) The board may require that testimony introduced
12 at hearings be recorded but same shall not be transcribed
13 except upon further order.

14 "(c) (1) Any person who desires to file charges
15 against an employee shall file such charges in writing and
16 shall recite therein the specific act or acts of the employee
17 constituting such cause. The director shall serve a copy of
18 the charges on the accused employee and shall fix a day for
19 the hearing.

20 "(2) The accused employee shall, within five
21 calendar days after service, file a written answer to the
22 charges. Failure on the part of the accused employee to file
23 such answer shall be deemed an admission of the truth of such
24 charges without further investigation or hearing on the part
25 of the board. If the hearing is held before the director, the
26 testimony shall be recorded. A decision shall be rendered by
27 the board in accordance with this act.

1 "(d) An employee in the classified service may also
2 be dismissed, demoted, or suspended upon charges made by the
3 ~~director~~ mayor. Charges preferred by the ~~director~~ mayor shall
4 be served on the employee and a public hearing shall be
5 scheduled by the board within the time and manner prescribed
6 in this act.

7 "(e) Any employee who is dismissed for cause shall
8 forfeit all vacation allowances.

9 "(f) (1) The decision of the board based upon all
10 proceedings before the board shall be final subject to appeal
11 by either party to the circuit court to review questions and
12 whether or not the decision or order of the board is supported
13 by substantial ~~and legal~~ evidence legally received by the
14 board. On such appeal, the circuit court shall review the
15 record and shall affirm, reverse, remand, or render ~~said the~~ the
16 cause.

17 "(2) The decision of the board shall be controlling
18 until reversed on appeal as provided for herein. The appeal
19 shall be perfected by filing with the ~~director of personnel~~
20 Human Resources Director a statement in writing, signed by the
21 party appealing, to the effect that ~~said the~~ the party appeals
22 from the decision or order of the personnel board to the
23 circuit court, which statement shall be filed within 10
24 calendar days from the announcement of the decision or order
25 of the personnel board.

26 "(g) (1) Any employee suspended without right to a
27 hearing before the board may obtain a review of his or her

1 suspension by the appointing authority by filing with the
2 appointing authority, not more than 10 days thereafter, a
3 written answer to such charges and a request for such review.
4 A hearing shall be held thereon not more than 20 days
5 thereafter to determine whether such suspension should be
6 rescinded.

7 "(2) At any such hearing, such employee may be
8 represented by counsel and present relevant testimony. The
9 appointing authority may authorize a representative to conduct
10 such hearing and submit within five days thereafter a finding
11 of facts together with recommendations to the appointing
12 authority. Within a period of 10 days after such hearing, the
13 appointing authority may rescind all or any part of such
14 suspension. A suspended employee shall be entitled to full
15 salary for any period of suspension rescinded hereunder.

16 "~~Section 26.~~ 22. (a) The hours of work shall be
17 ~~fixed~~ established by the department head with approval by the
18 council with due regard to the convenience of the public, ~~and~~
19 ~~to working hours customarily observed in the community~~
20 compliance with appropriate state and federal labor laws.

21 "(b) The following types of leave or time off are
22 officially established: holidays, vacation leave, sick leave,
23 injury with pay leave, shift trade time, overtime leave,
24 military ~~service~~ leave, jury leave, leave for special
25 meetings, and examinations, and leave without pay.

26 "(c) The absence of an employee from duty shall be
27 reported to the ~~director of personnel~~ Human Resources Director

1 by the department head. Absences shall be reported on the form
2 prescribed by the director and shall be forwarded immediately
3 to the ~~personnel office~~ Human Resources Department when the
4 employee returns to duty, or at the close of the payroll
5 period if the employee has not returned to duty, or at the end
6 of the month if the employee has not returned to duty. The
7 director shall maintain attendance and leave records on all
8 classified employees.

9 "(d) If a department head fails to report the
10 absence of an employee and the employee is paid in excess of
11 the amount due him or her, the department head shall be liable
12 for the overpayment and disciplinary action.

13 "~~(e) An employee who is absent without leave shall~~
14 ~~be subject to the provisions of this act governing suspensions~~
15 ~~and dismissals.~~

16 "~~(f)~~ (e) Under no circumstances shall seasonal,
17 temporary, and part-time employees be allowed to earn ~~or use~~
18 ~~vacation leave, sick leave or military leave unless as~~
19 ~~provided for in this act.~~

20 "~~(g)~~ (f) Vacation leave, sick leave and overtime
21 leave shall not be allowed in advance of being earned. If an
22 employee has insufficient leave to cover a period of absence,
23 no allowance shall be posted in advance or in anticipation of
24 future leave credits. In such cases, payroll deductions for
25 the time lost shall be made for the pay period in which the
26 absence occurred.

1 "~~(h)~~(g) The council shall ~~fix~~ establish by
2 resolution, the holidays that their employees shall observe.
3 Employees on nonpay status, such as a leave of absence or on
4 paid military leave, shall not earn additional time for
5 holidays. All employees of the city shall receive the same
6 number of ~~holidays~~ holiday hours. ~~Employees who are required~~
7 ~~to work on an observed holiday shall be compensated in~~
8 ~~accordance with this act.~~

9 "~~(i)~~(h) All employees holding regular full-time
10 positions in the classified service shall be allowed to earn
11 and accrue vacation leave with pay.

12 "~~Section 27.~~ 23. (a) Upon completion of 12 ~~months~~
13 months' service at a regular position(s), an employee shall be
14 eligible to use vacation leave. The scheduling of such
15 vacation leave shall be determined by the department head with
16 due consideration to seniority, length of service and request
17 of the employee; except that if a vacation leave has not been
18 allowed an employee at any time during the calendar year, the
19 employee may demand that he or she be given a vacation leave
20 not exceeding 12 work days.

21 "~~(b) For the purpose of computing vacation leave,~~
22 ~~each week of seven days, excluding holidays, shall be~~
23 ~~considered as containing not less than five work days.~~
24 ~~Employees whose basis of pay is other than the standard work~~
25 ~~week, such as fire personnel, shall earn and use vacation~~
26 ~~leave time in a comparable manner as set by the director.~~

1 "(b) Twenty-four-hour shift personnel holding a
2 regular position shall earn vacation leave in accordance with
3 longevity of service as follows:

4 "0 to 12 years.....10.6 hours per month of
5 service.

6 "12 to 25 years.....15.9 hours per month of
7 service.

8 "Over 25 years.....21.2 hours per month of
9 service.

10 "(c) An employee holding a regular position, other
11 than 24-hour shift personnel, shall earn vacation leave in
12 accordance with ~~his~~ longevity of service as follows:

13 "0 to 12 years.....1 day per month of service

14 "12 to 25 years.....1 1/2 days per month of service

15 "Over 25 years.....2 days per month of service.

16 "(d) Vacation leave earned but not used during the
17 calendar year may be accumulated up to a maximum of 40 days.
18 Vacation leave earned in excess of the maximum accumulation
19 stipulated must be used by December 31 or it shall be
20 forfeited, unless extenuating circumstances indicate a
21 different handling is desirable in the opinion of the director
22 and mayor.

23 "(e) Vacation leave shall be subject to the
24 following restrictions:

25 "(1) An employee shall not earn vacation leave
26 during a leave of absence without pay, a suspension or when
27 the employee is otherwise in a nonpay status for more than 15

1 calendar days in a month. An employee currently using
2 supplemental sick leave shall not earn additional vacation or
3 sick leave during the period when ~~he~~ the employee is on
4 supplemental sick leave.

5 "(2) An employee who is dismissed for cause or
6 resigns ~~in bad standing~~ with pending disciplinary action shall
7 forfeit his or her earned vacation leave.

8 "(3) A department head shall not require an employee
9 to forfeit his or her earned vacation leave as punishment
10 through the action of suspension.

11 "(4) The maximum vacation leave that can be granted
12 during a calendar year shall be five weeks.

13 "(f) All employees holding regular positions shall
14 be allowed to earn and accrue sick leave. Sick leave is not a
15 right for which employees may make demand, but a privilege
16 granted in accordance with this act which may be changed from
17 time to time as the best interests of the service demand.

18 "~~Section 28.~~ 24. (a) Upon completion of 12 ~~months~~
19 months' service ~~in a regular position~~, an employee shall be
20 eligible to use sick leave.

21 "(b) For the purpose of computing sick leave, each
22 week of seven days, excluding holidays, shall be considered as
23 containing not less than five work days. Employees whose basis
24 of pay is other than the standard work week such as fire
25 personnel, shall earn and use sick time in a ~~comparable~~
26 as set by ~~the director~~ executive order of the mayor.

1 "(c) Sick leave shall be earned at the rate of one
2 work day for each month of service. Sick leave earned during
3 the calendar year but not used may be accumulated up to a
4 maximum of 60 days. Sick leave earned in excess of the maximum
5 shall be held in a special reserve and may be granted as a
6 supplementary sick leave in accordance with this act.

7 "(d) An employee shall be granted sick leave for the
8 following reasons:

9 "(1) Personal illness of the employee, ~~including~~
10 ~~inability to work due to pregnancy, childbirth or related~~
11 ~~medical conditions.~~

12 "(2) Personal physician and dental appointments.

13 "~~(3) Illness arising from exposure to contagious~~
14 ~~disease endangering the health of the employees.~~

15 "~~(4)~~ (3) Illness in the employee's ~~immediate~~ family
16 which necessitates ~~his~~ the employee's absence from work. ~~In~~
17 ~~this case "immediate family" shall be defined as the~~
18 ~~employee's spouse, children and parents.~~

19 "~~(5)~~ (4) Death of the employee's ~~spouse, child,~~
20 ~~parent, parent-in-law, sister or brother~~ family member.

21 "(5) For any other extenuating circumstances as
22 approved by the mayor.

23 "(6) Total absences allowed under ~~paragraphs d and e~~
24 subdivisions (3) and (4) above combined shall not exceed six
25 days in any calendar year.

26 "(e) (1) An employee who is absent on sick leave
27 continuously for a period of five work days or more shall

1 submit a doctor's certificate or other written evidence to
2 substantiate the sick leave usage. Such certification shall
3 include:

4 "a. The diagnosis;

5 "b. A confirmation that the diagnosed condition
6 renders the employee incapacitated to perform position duties;
7 and

8 "c. The probable period of such incapacitation.

9 "(2) The appointing authority ~~or director of~~
10 ~~personnel~~ and Human Resources Director may require such
11 certification to substantiate sick leave claims of less than
12 five work days.

13 "(f) Sick leave shall be subject to the following
14 restrictions:

15 "(1) An employee shall not earn sick leave during a
16 leave of absence without pay, a suspension or when the
17 employee is otherwise in a nonpay status for more than 15
18 calendar days in a month. An employee currently using
19 supplemental sick leave shall not earn additional vacation or
20 sick leave during the period when ~~he~~ the employee is on
21 supplemental sick leave.

22 "(2) Sick leave shall not be granted an employee
23 whose absence from duty is a result of his or her own
24 misconduct. Absence for such cause shall be reported as
25 absence without leave, and shall subject the employee to
26 disciplinary action.

1 "(3) Sick leave shall not be granted an employee
2 whose absence from duty is caused by injury or disability
3 sustained as a result of ~~his~~ the employee engaging in
4 employment outside the classified service.

5 "(4) Sick leave accumulation shall be forfeited upon
6 separation or retirement from the classified service except as
7 ~~otherwise provided for in this act~~ allowed on retirement
8 through the Retirement Systems of Alabama.

9 "(g) Sick leave earned during the calendar year but
10 not used may be accumulated up to a maximum of 60 days. Sick
11 leave earned in excess of the maximum shall be held in a
12 special reserve as supplemental sick leave. An employee who by
13 personal illness has exhausted ~~his~~ accumulated sick leave,
14 ~~may, upon approval by the board,~~ be granted supplemental sick
15 leave ~~in an amount not to exceed the number of days of sick~~
16 ~~leave such employee may have earned but for which he failed to~~
17 ~~receive credit because of his having accumulated the maximum~~
18 ~~of 60 days.~~ Every application for such allowances shall be
19 supported by the certificate of a licensed physician and by
20 such other proof of disability ~~as the board may deem~~
21 ~~necessary. Supplemental sick leave shall be granted only for~~
22 ~~recuperative purposes as stated by competent medical authority~~
23 and submitted to the appropriate appointing authority.

24 "(h) (1) An employee who sustains a disabling injury
25 without fault or negligence on his or her part while
26 performing the duties of his or her position may be granted
27 leave with pay ~~by the board.~~ Each application for such leave

1 shall contain a statement by the employee and affirmed by his
2 or her supervisor setting forth the details of the accident on
3 forms prescribed by the director, and supported by a doctor's
4 certificate setting forth the nature and extent of the injury
5 and the probable period of disability. Injury with pay leave
6 may be granted up to a maximum of six calendar months.

7 "~~(2) In those jurisdictions which provide workmen's~~
8 If the employee is covered by workers' compensation benefits
9 pursuant to the ~~state~~ State of Alabama ~~Workmen's Workers'~~
10 Compensation Law, the leave with pay benefit provided by this
11 ~~rule~~ subsection shall be complementary to ~~said workmen's~~ the
12 workers' compensation benefits, subject to the following
13 limitations: The amount of such complementary benefit shall
14 equal the difference between the amount of ~~workmen's~~ workers'
15 compensation and the amount to which the employee would have
16 been entitled. In no case shall the total amount of benefits,
17 taking into account the ~~workmen's~~ workers' compensation
18 benefits and the benefits provided by this act, exceed the
19 base salary amount established in the classified service pay
20 plan for the period during which disability exists.

21 "(3) An employee may return to work as indicated by
22 the physician's notes as follows:

23 "a. Employee Released to Light Duty. The
24 restrictions shall be very specific as noted on the work
25 status form and should be followed. During the light duty
26 phase of the employee's work restrictions, any appointments
27 for doctor visits, physical therapy visits, or other medical

1 treatments are excused as workers' compensation and the
2 employee shall not be charged with personal leave time
3 provided the employee brings proper documentation of the
4 appointments.

5 "b. Employee Released to Full Duty. The employee
6 shall provide documentation from the treating physician that
7 he or she is being returned to full duty without restrictions
8 or limitations. As of the date on the release form, any future
9 appointments for doctor visits, physical therapy visits, or
10 other medical treatment are of the employee's own personal
11 leave time. In order to minimize the personal leave time the
12 employee may request that the appointments be made on his or
13 her off time or as late in the day as possible.

14 "c. Employee Released to Full Duty, but With
15 Limitations. The employee shall provide documentation from the
16 treating physician that he or she is being returned to full
17 duty but with some limitations or specific accommodations. The
18 limitations or specific accommodation of the department must
19 be met. Usually these limitations or accommodations are for a
20 small period of time and the employee shall be reevaluated
21 depending on the injury. As of the date on the release form,
22 any future appointments for doctor visits, physical therapy
23 visits, or other medical treatment are of the employee's own
24 personal time. In order to minimize the personal leave time,
25 the employee may request that the appointments be made on his
26 or her off time or as late in the day as possible.

1 "~~(3)~~(4) If an employee is unable to resume his or
2 her duties after six months' injury leave, absences shall be
3 charged against ~~his~~ accumulated sick leave, vacation leave,
4 and overtime in that order. In the event an employee is unable
5 to resume his or her duties at the expiration of ~~his~~
6 accumulated sick, vacation leave, and overtime leave, ~~he~~ the
7 employee may elect to retire from the service if eligible or
8 request a leave of absence without pay in accordance with this
9 act.

10 "~~Section 29.~~ 25. (a) Overtime shall be defined as
11 any work performed by a classified employee exceeding the
12 normal work week called for in the pay plan, when the work is
13 assigned by an appointing authority.

14 "(b) In accordance with the pay plan for the
15 classified service, the rates of compensation set forth in the
16 plan as certified are based on a 40-hour work week unless
17 otherwise noted, i.e., fire personnel. Work being performed in
18 the classified service in excess of the normal work week, as
19 set forth in the pay plan, shall conform to the following:

20 "(1) Overtime work shall be authorized only in the
21 following cases:

22 "a. In the event of fire, flood, catastrophe or
23 other unforeseeable emergency;

24 "b. Where a work station must be manned and another
25 employee is not available to work;

26 "c. To provide essential services when such services
27 cannot be provided by overlapping work schedules;

1 "d. To carry on short-range projects in which the
2 utilization of present employees is more advantageous to the
3 ~~agency~~ city than the hiring of additional personnel;

4 "e. In general, no employee shall be regularly
5 scheduled to work overtime. Exceptions, based on seasonal
6 variations in work programs, shall be recognized when approved
7 by the appointing authority.

8 "(2) a. All employees in the classified service
9 shall be subject to these provisions except ~~incumbents~~
10 employees in those classes of work which are deemed by the
11 board to be on a job basis, whereby the number of hours in a
12 work week are not considered a factor in establishing the pay
13 grade. Positions of this type are viewed as administrative,
14 managerial or carry program management responsibility, or are
15 of such an occupational nature reflecting community, private
16 industry and public employment practices which clearly place
17 the occupation on a job basis. Positions so designated as "job
18 basis" shall be identified and recommended by the department
19 head subject to approval by the board. Amendments to the
20 established list may from time to time be made by the
21 director.

22 "b. The job-basis list shall be posted in the
23 various departments and otherwise given wide circulation as to
24 its existence. Employees in the job-basis category shall not
25 receive overtime credit. The department head shall, however,
26 be permitted to develop a uniform working arrangement whereby
27 adequate overtime records shall be kept and provision for

1 reasonable time off granted in those cases which, by the
2 excessive number of hours worked, create a hardship on the
3 employee.

4 ~~"(3) Overtime shall be defined as any work performed
5 by a classified employee exceeding the normal work week called
6 for in the pay plan, when such work is assigned by an
7 authorized superior."~~

8 ~~"(4) Premium conditions are as follows:~~

9 ~~"a. In the event an employee is placed on "standby"
10 or "on call" after his normal duty hours, he shall be entitled
11 to one hour of overtime credit for each full eight-hour day
12 regularly on call or standby. This provision shall be defined
13 as specific instructions given by competent authority to
14 remain at place of residence awaiting call, and in addition, a
15 reasonable probability of emergency must exist. In the event
16 an employee is called back to his duty station from his place
17 of residence, he shall be credited with a minimum of two hours
18 overtime."~~

19 ~~"b. Holiday provisions shall apply as follows:~~

20 ~~"1. In the event an employee is required to work on
21 a recognized legal holiday as defined in this act, the
22 employee shall be awarded eight hours overtime."~~

23 ~~"2. If the holiday falls on an employee's regular
24 scheduled day off, the employee shall be awarded eight hours
25 overtime."~~

26 "(3) The federal overtime provisions are contained
27 in the Fair Labor Standards Act (FLSA). Unless exempt,

1 employees covered by the act must receive overtime
2 compensation for hours worked over 40 in a workweek at a rate
3 not less than time and one-half their regular rates of
4 compensation. Section 13(a) (1) of the FLSA provides an
5 exemption from both minimum wage and overtime compensation for
6 employees employed as bona fide executive, administrative, or
7 professional employees. To qualify for exemption, employees
8 must meet certain tests regarding their job duties. Job titles
9 do not determine exempt status. In order for an exemption to
10 apply, an employee's specific job duties and salary must meet
11 all the requirements of the department's regulations.

12 "(4) Premium Conditions.

13 "a.1. Standby Time. Standby time means time when an
14 employee is required to remain at, or report to, a work
15 premise or any other authorized location by the appointing
16 authority to wait for a directive of duty which is imminent
17 and assignable.

18 "2. Standby time shall be compensated for the time
19 at the employees' normal hourly rate subject to the provisions
20 of this act.

21 "b.1. On Call Time. On call time means time when an
22 employee required by the appointing authority to be available
23 to return to the work premise or other authorized location for
24 responding to work emergencies or situations after normal duty
25 hours.

26 "2. On call time shall be compensated at one hour
27 for each full eight-hour day, not to exceed three hours. All

1 work performed as a result of returning to the work location
2 or other authorized location is compensable at the employees'
3 hourly rate and subject to a minimum compensation of two
4 hours, or actual worked time, whichever is greater, subject to
5 the provisions of this act.

6 "(5) Overtime may be awarded by either:

7 "a. Payment on the basis of hourly equivalent as set
8 forth in the pay plan for each classification, based on the
9 current hourly pay step of the ~~incumbent~~ employee; or

10 "b. Granting equivalent time off. The employee must
11 be given a minimum notice of two days prior to being required
12 to take time off except as provided in this act.

13 "c. The council shall determine whether overtime
14 shall be awarded by payment or by granting equivalent time
15 off, subject to the limitations imposed in this act. The
16 council may elect to pay or grant time off above the straight
17 time rate but must uniformly do so within a classification.

18 "(6) A maximum limitation of 80 ~~hours~~ hours'
19 overtime is hereby set. Any employee accrual of overtime in
20 excess of this amount shall, within the following pay period,
21 be disposed of by either:

22 "a. Payment at the current hourly pay step of the
23 ~~incumbent~~ employee, or

24 "b. Granting compensatory time off.

25 "(7) Upon separation from the service, an employee
26 shall be compensated at his or her regular hourly pay step for

1 each hour of overtime, such compensation shall be made as
2 ~~terminal~~ pay, with the limitations engrossed in this act.

3 "(8) Reporting and payment are as follows:

4 ~~"a. The board reserves the right to make final~~
5 ~~disposition of all payments for overtime and to periodically~~
6 ~~conduct reviews of departmental practices of granting~~
7 ~~overtime.~~

8 ~~"b.a.~~ Prompt and accurate reports of overtime earned
9 and used shall be maintained by the departments and shall be
10 subject to periodic review by the ~~personnel director~~ Human
11 Resources Director for conformance to this act.

12 ~~"c.b.~~ Each department shall, at regular monthly
13 intervals, post a list at each work station recapping the
14 current total balance of accrued overtime leave for each
15 employee.

16 ~~"Section 30. 26.~~ Military service leave and
17 reinstatement are as follows:

18 ~~"(1) a. If an employee in permanent status enters~~
19 ~~into the military service of the United States government or~~
20 ~~public health service, whether drafted, activated or enlisted~~
21 ~~and upon application to the director, he shall be granted a~~
22 ~~leave of absence from the classified service for the duration~~
23 ~~of such military service not to exceed four years, unless the~~
24 ~~military service is extended by federal act or presidential~~
25 ~~decree; no loss of rights or status shall occur, and he shall~~
26 ~~be given credit for the time spent in the armed forces of the~~
27 ~~United States as actual service rendered in the classified~~

1 ~~service as though his employment had not been interrupted,~~
2 ~~providing the employee presents himself for reemployment with~~
3 ~~the director within 90 days after discharge from such military~~
4 ~~service, unless such time shall be extended for reasons of~~
5 ~~health or physical unfitness after application to and approval~~
6 ~~of the director.~~

7 "b. ~~The benefits provided shall not include any~~
8 ~~employee who has received a dishonorable discharge from the~~
9 ~~service. In instances in which the discharge from the military~~
10 ~~service is for reasons other than honorable or dishonorable,~~
11 ~~the director shall review the reasons for the discharge and~~
12 ~~may consent or refuse reemployment to any employee receiving~~
13 ~~such discharge.~~

14 "c. ~~This is also contingent upon whether the~~
15 ~~employee is still qualified to perform the duties of the~~
16 ~~position; if so, he shall be restored to such position or to a~~
17 ~~position of like seniority, status and pay. If not qualified~~
18 ~~to perform the duties of such positions by reason of~~
19 ~~disability sustained during military service, then the~~
20 ~~director shall determine what most nearly reflects his~~
21 ~~capabilities and will provide reasonable compensation~~
22 ~~consistent with circumstances in his case with the approval of~~
23 ~~the mayor.~~

24 "(a) An employee shall provide advance written or
25 verbal notice to the department head of all military duty,
26 unless giving notice is impossible, unreasonable, or precluded
27 by military necessity. Notice may be provided by the employee

1 or by an appropriate office of the branch of military service
2 in which the employee will be serving. A returning employee's
3 notification of an intent to return to work shall be made
4 promptly following completion of military service. The job
5 position to which a returning employee is entitled also
6 depends upon the length of military service. Federal law
7 mandates generally that returning employee is to be reemployed
8 in the same or similar position the employee would have
9 attained but for their military service, with the same
10 seniority, status and pay, as well as other rights and
11 benefits determined by seniority.

12 ~~"(2)(b)~~ The provisions concerning permanent
13 employees shall also apply to probationary employees, provided
14 that the ~~service~~ seniority credit shall not accrue to a
15 veteran who was in probationary status at the time of entrance
16 into military service of the United States government until
17 the veteran shall have satisfactorily completed his or her
18 probationary period after return as an employee of the city.

19 "Section ~~31.~~ 27. Temporary leave for National Guard
20 and armed forces reserve training is as follows:

21 "(1) An employee occupying a regular full-time
22 position in the classified service who by reason of ~~his~~
23 membership in the National Guard or armed forces reserve of
24 the United States is ordered by appropriate authority to
25 attend a training period shall, upon presentation of official
26 orders, be granted military leave with pay. In no case shall

1 an employee granted military leave with pay be paid for more
2 than ~~21~~ 168 working ~~days~~ hours per fiscal year.

3 "(2) In the event an employee is ordered to
4 temporary active military duty by the ~~governor~~ Governor of the
5 ~~state~~ State of Alabama or the ~~president~~ President of the
6 United States, such person shall be entitled to be paid for no
7 more than ~~21~~ 168 working ~~days~~ hours for any one active duty
8 period.

9 "(3) Seniority; annual vacation and sick leave; and
10 other related benefits arising from employment with the city
11 for employees ordered to attend training periods or who are
12 called up to duty in the active service of the state or ~~county~~
13 country by the ~~governor~~ Governor or the ~~president~~ President of
14 the United States shall be the same as those prescribed in
15 this act.

16 "Section ~~32~~. 28. (a) An employee in the classified
17 service shall be allowed up to one full day for purpose of
18 taking a preinduction physical examination when such
19 examination is ordered by the Selective Service Board.

20 "(b) An employee summoned for jury duty or as a
21 witness in court shall be granted leave with pay.

22 "(c) Whenever it is deemed in the best interest of
23 the classified service, an employee may be granted leave with
24 pay by the appointing authority to attend professional or
25 technical institutes or conferences or such other meetings.
26 Time off with pay shall be granted to an employee for the

1 purpose of taking examinations administered by the ~~personnel~~
2 ~~director~~ Human Resources Director.

3 "Section ~~33~~. 29. Leave of absence without pay is as
4 follows:

5 "(1) Upon ~~recommendation~~ approval of the appointing
6 authority and ~~approval of the~~ director, such leave shall be
7 allowed in the following categories:

8 "a. An employee occupying a regular full-time
9 position, who is temporarily incapacitated to perform duties,
10 may be granted a leave of absence for not more than one year.
11 However, the employee shall submit a doctor's certificate
12 which shall include:

13 "1. The diagnosis,

14 "2. A confirmation that the diagnosed condition
15 renders the employee incapacitated to perform position duties,
16 and

17 "3. The probable period of such incapacitation.

18 "b. An employee with permanent status who desires to
19 engage in a course of study which will increase his or her
20 usefulness upon ~~his~~ return to duty may be granted a leave of
21 absence for not more than one year.

22 "c. An employee with permanent status may be granted
23 a leave of absence for not more than one year for any reason
24 considered good by the appointing authority subject to the
25 approval of the director and mayor.

26 "d. An employee with permanent status who holds a
27 technical or professional position may be granted a leave of

1 absence when his or her assistance is requested to adopt or
2 implement changes in service of another governmental agency.
3 ~~Under no circumstances shall a leave be granted to engage in~~
4 ~~other types of employment.~~

5 "(2) Leave requests must be submitted in writing and
6 must state the purpose of the leave, and the date the leave is
7 to begin and end. The appointing authority and director shall
8 at the time of approval of such leave of absence designate
9 whether the employee shall be entitled to resume the position
10 at the expiration of such leave, or whether the employee's
11 name shall be placed on the reemployment list.

12 "~~(2)~~ (3) Under no circumstances shall a leave be
13 granted to engage in other types of employment.

14 "Section ~~34.~~ 30. An employee with permanent status
15 who wishes to resign or retire from his or her position in the
16 classified service in good standing shall submit ~~his~~ notice in
17 writing to the appointing authority not less than 15 days
18 prior to the effective date. Under unusual conditions, the
19 appointing authority may, with the approval of the director,
20 reduce the required number of ~~days~~ days' notice. A permanent
21 employee separating or retiring from the service in good
22 standing shall receive ~~terminal~~ pay for his or her accrued
23 vacation leave not to exceed 40 days.

24 "Section ~~35.~~ 31. (a) The ~~director of personnel~~ Human
25 Resources Director shall be responsible for obtaining and
26 preserving ratings on all personnel, such ratings to reflect
27 the performance of ~~incumbents~~ employees of positions of the

1 same class and/or grade, so that the standards of performance
2 may be established to determine the relative abilities of such
3 ~~incumbents~~ employees; and to discover these employees who,
4 measured by the performance of their assigned duties and
5 demonstrated promotional potential, shall be subject to:

6 "(1) Promotion.

7 "(2) Merit increase.

8 "(3) Transfer.

9 "(4) Reduction in pay.

10 "(5) Demotion.

11 "(6) Dismissal.

12 "(b) The department head shall use a rating plan
13 ~~approved by the director of personnel~~ developed in conjunction
14 with the Human Resources Director and approved by the
15 Personnel Board. Such plan shall be based on accepted
16 personnel administration practices in respect to the
17 measurement of performance and promotional potential. All
18 employees who are responsible for preparing ratings shall do
19 so in a careful and responsible manner, conforming with
20 existing policies as established by the council.

21 "(c) Every rated employee shall have the opportunity
22 to discuss and review his or her rating with the person or
23 persons rating him or her. ~~He~~ The employee shall also have the
24 opportunity in the event of a disagreement to discuss and
25 review his or her rating with a reviewing officer and the
26 department head; if unable to reconcile any differences, the
27 employee shall further have the opportunity to have ~~his~~ an

1 appeal heard by the ~~director of personnel~~ Human Resources
2 Director. The employee shall make this request in a timely
3 fashion and in writing.

4 "Section ~~36.~~ 32. (a) The ~~director of personnel~~ Human
5 Resources Department shall be responsible for developing and
6 maintaining programs for improving safety practices and
7 conditions affecting the safety, health and morale of the
8 employees in the public service. The promulgated rule for
9 adopting the safety manual shall serve as the guidelines for
10 compliance and periodic updates. To this end the ~~director~~
11 Human Resources Department may require the submission of
12 reports and the investigation of accidents and working
13 conditions in the departments.

14 "(b) Employee training and development are as
15 follows:

16 "(1) The city is committed to the development of a
17 career service in public employment through the provision of
18 comprehensive inservice training and formalized academic
19 programs that will provide the public with the highest quality
20 services and maximum efficiency of operations. The ~~personnel~~
21 director Human Resources Director, in conjunction with the
22 council, shall provide a coordinated system for the training
23 and development of all personnel in the classified service in
24 order to eliminate duplication of costs and efforts.

25 "(2) The council and appointing authority shall
26 encourage the development and concept of training in the
27 public service, taking into consideration the availability of

1 funds, the priority of work to be performed and the
2 availability of personnel.

3 "(3) Each department will organize its training in
4 such a manner as to assure that adequate and necessary
5 opportunities for training are provided and that unjustified
6 training activities are not engaged in by departmental
7 personnel. Each department is expected as a minimum
8 requirement to follow the procedures set forth below:

9 "a. Establish a written departmental training policy
10 which includes:

11 "1. A statement of purpose and objective.

12 "2. Provision for assigning centralized
13 administrative responsibility for the total departmental
14 employee training program.

15 "3. Compilation of information to indicate
16 individual training activities completed by employees and
17 related data.

18 "4. Provision for continuous appraisal of training
19 needs.

20 "b. Develop comprehensive organizational training
21 plans. Such plans should be developed in accordance with the
22 mission, structure and function of the organization. There
23 should be long-range and short-range plans covering such areas
24 as orientation, supervisory and technical skills.

25 "Section ~~37.~~ 33. The most effective accomplishment
26 of the work of the various departments requires prompt
27 consideration and equitable adjustment of employee grievances.

1 It is the desire of all parties to adjust grievances
2 informally, and both supervisors and employees are expected to
3 make every effort to resolve problems as they arise. However,
4 it is recognized that there will be grievances which will be
5 resolved only after a formal appeal and review.

6 "(1) A grievance is a wrong, real or ~~fancied~~
7 perceived, considered by an employee as grounds for complaint.
8 Matters dealing with classification, pay, compensation,
9 examination, leave, discipline, and related actions
10 specifically set forth shall not be considered under grievance
11 procedures, but shall be ~~adjusted~~ addressed in accordance with
12 the provisions of this act. Any question as to what
13 constitutes a grievance or what should be processed shall be
14 determined by the director, subject to the review of the
15 board.

16 "(2) Any employee may register a grievance. In the
17 presentation of grievances, employees are assured of freedom
18 from restraint, interference, discrimination or reprisal. All
19 ~~adjustments~~ resolutions of grievances processed shall be
20 retroactive to the time the grievance is first submitted in
21 writing by the aggrieved employee. The aggrieved employee may
22 be represented by counsel or other person of his or her
23 choosing.

24 "a. Step I.

25 "1. The grievance must be submitted in writing to
26 the immediate supervisor within five days of the occurrence of

1 the incident. All such complaints shall cite the reasons and
2 nature of complaint and must be signed by the employee.

3 "2. The immediate supervisor shall within three days
4 reply in writing, with a copy furnished to the employee and
5 ~~personnel director~~ Human Resources Director, ~~his the~~
6 supervisor's answer to the complaint of grievance.

7 "b. Step II. If unresolved in five days, the written
8 grievance and the supervisor's answer shall be submitted to
9 the department head. The department head shall within five
10 days, reply in writing to all parties concerned and forward a
11 copy to the ~~personnel director~~ Human Resources Director.

12 "c. Step III. If unresolved, the grievance shall be
13 submitted to ~~a grievance committee, composed as follows: the~~
14 Personnel Board.

15 ~~"1. One member elected by the classified employees~~
16 ~~of the city. The term of the employee-elected member shall be~~
17 ~~for a period of 12 months. One member designated by the~~
18 ~~appointing authority of the city. The third member shall be a~~
19 ~~mutually agreed upon person selected by the first two members.~~

20 ~~"2. In the event no mutual party can be agreed upon~~
21 ~~by members one and two within a period of 10 days, the~~
22 ~~personnel director shall designate member number three.~~

23 ~~"3. The grievance committee as constituted shall~~
24 ~~review the findings of all parties concerned and may obtain~~
25 ~~additional information as they deem necessary. They shall~~
26 ~~render a decision concerning the unresolved grievance within~~

1 ~~30 days after receipt of such grievance. The decision shall be~~
2 ~~binding on all concerned parties.~~

3 ~~"4. The director of personnel shall provide such~~
4 ~~minimal administration services as may be necessary and shall~~
5 ~~exercise his authority to request the production of records or~~
6 ~~appearance of witnesses as may be required.~~

7 ~~"5. Nothing shall be so construed as to limit the~~
8 ~~council's right to manage its affairs and governmental~~
9 ~~operations or to infringe on its right and responsibility to~~
10 ~~appropriate funds and to fix budgets for the proper~~
11 ~~expenditure of public funds.~~

12 ~~"Section 38. 34. (a) All payrolls, both classified~~
13 ~~and unclassified, shall be prepared and submitted in~~
14 ~~sufficient copies and upon forms prescribed by the director in~~
15 ~~sufficient time for certification by the director prior to~~
16 ~~payment of any funds or salaries. All payrolls shall be signed~~
17 ~~by competent authority as authorized by the council.~~

18 ~~"(b) Employees working on a full-time basis shall be~~
19 ~~paid in accordance with the official salary schedule~~
20 ~~established by the council.~~

21 ~~"(1) In utilizing the official biweekly salary~~
22 ~~schedule, new employees entering after the first day of a pay~~
23 ~~period and employees terminated before the last day of a pay~~
24 ~~period shall be paid on a daily basis. Employees who are in a~~
25 ~~nonpay status for any part of a pay period and employees who~~
26 ~~are authorized overtime pay during a pay period, shall be paid~~

1 on a daily basis for each day worked. The daily rate shall be
2 determined by the official salary schedule.

3 "(2) When the basis of pay is other than biweekly,
4 new appointees entering after the first day of a pay period
5 and employees terminated before the last day of a pay period
6 shall be paid the daily rate for each work day they are in
7 employee status during ~~said~~ the pay period in accordance with
8 the official salary schedule.

9 "(3) Employees who receive pay for overtime worked
10 shall be paid in accordance with the official salary schedule
11 for each hour or day of overtime.

12 "(4) Employees in employee status during an entire
13 pay period, but who are in nonpay status for any part of ~~said~~
14 the period, shall have deducted from their pay for ~~said~~ the
15 pay period each work day they are in nonpay status in
16 accordance with the official salary schedule.

17 "(5) In no case shall a new appointee or an employee
18 returning from an absence of more than three work days in
19 nonpay status be placed in pay status before the date of
20 assumption or resumption of duties.

21 "(c) A disbursing officer shall not make any payment
22 to any person, either directly or indirectly, in contravention
23 of any provision of this act or to any exception noted by the
24 ~~director of personnel~~ Human Resources Director. All payrolls
25 must bear the certification of the ~~director of personnel~~ Human
26 Resources Director prior to disbursement or payment of funds
27 or salaries.

1 "Section ~~39~~. 35. (a) Activities prohibited are as
2 follows:

3 "(1) No person shall be appointed or promoted to, or
4 dismissed from any position, or in any way favored or
5 discriminated against with respect to employment because of
6 ~~his~~ sex, political or religious opinions or affiliations, or
7 ~~his~~ race.

8 "a. No person shall seek or attempt to use any
9 political endorsement in connection with any appointment to a
10 position.

11 "b. No person shall use, directly or indirectly, any
12 official authority or influence, whether possessed or
13 anticipated, to secure or attempt to secure for any person an
14 appointment or advantage in appointment to a position, or an
15 increase in pay or other advantage in employment in any such
16 position, for the purpose of influencing the vote or political
17 action of any person, or for any consideration.

18 "c. No person in the employment of this city,
19 whether classified or unclassified, shall be denied the right
20 to participate in city, county and state political activities
21 to the same extent as any other citizen of the ~~state~~ State of
22 Alabama, including endorsing candidates and contributing to
23 campaigns of his or her choosing.

24 "d. All persons in the employment of this city shall
25 have the right to join local political clubs and organizations
26 and state or national political parties.

1 "e. All persons in the employment of this city shall
2 have the right to publicly support issues of public welfare,
3 circulate petitions calling for or in support of referendums
4 and contribute freely to those ~~of his choosing~~ causes of their
5 choosing.

6 "(2) No person shall attempt to use ~~his~~ political
7 authority or position for the purpose of influencing the vote
8 or political action of any person. Any person who violates
9 this subdivision of this act shall be guilty of a felony
10 punishable by a fine not to exceed \$10,000.00 or imprisonment
11 in the state penitentiary for a period not to exceed two
12 years, or both.

13 "(b) Candidacy for public office is as follows:

14 "(1) In the event an employee resigns his or her
15 position for the purpose of becoming a candidate for
16 nominations or election to public office, ~~he~~ the employee
17 shall be eligible for a leave of absence without pay if the
18 following conditions are met:

19 "a. A written resignation is submitted to the
20 appointing authority stating the purpose of such resignation
21 with a copy forwarded to the ~~director of personnel~~ Human
22 Resources Director.

23 "b. Within the six-month period next succeeding the
24 day of resignation, he or she is reinstated to the eligible
25 list for ~~said~~ the position.

26 "c. The position has not been filled between the day
27 of his or her resignation and the day of ~~his~~ appointment.

1 "d. ~~He~~ The employee is reappointed to the position
2 within the six-month period next succeeding the day of
3 resignation.

4 "(2) If each of the foregoing conditions are met,
5 the employee shall be considered for all purposes as having
6 been on a leave of absence.

7 "(c) In order to avoid a conflict of interest, an
8 appointing authority shall require that a classified employee
9 who wishes to engage in any outside work or activity for
10 personal profit, file a written request setting out the nature
11 of such outside employment. Reasons for rejection of the
12 request shall be limited to whether or not such employment can
13 cause a conflict of interest, or is incompatible with an
14 ~~employees'~~ employee's position in the classified service.

15 "(d) All elected authorities and officials shall
16 assist in the implementation and maintenance of the provisions
17 of this act."

18 Section 2. The provisions of this act are severable.
19 If any part of the act is declared invalid or
20 unconstitutional, such declaration shall not affect the part
21 which remains.

22 Section 3. All laws or parts of laws which conflict
23 with this act are hereby repealed.

24 Section 4. This act shall become effective
25 immediately upon its passage and approval by the Governor, or
26 upon its otherwise becoming a law.