

1 HB479  
2 205972-3  
3 By Representative McCampbell (N & P)  
4 RFD: Tuscaloosa County Legislation  
5 First Read: 04-MAY-20

1  
2 ENROLLED, An Act,

3           Relating to certain Class 4 municipalities; to amend  
4 Sections 11-44B-43 and 11-44B-44, Code of Alabama 1975, to  
5 remove the prohibition that a person who has been convicted of  
6 a felony or an offense involving dishonesty or false statement  
7 may not be appointed to municipal employment; and to provide  
8 that all persons appointed to covered jobs, including  
9 promotions, demotions, and transfers, would be on a  
10 probationary basis from the beginning of employment.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12           Section 1. Sections 11-44B-43 and 11-44B-44, Code of  
13 Alabama 1975, are amended to read as follows:

14           "§11-44B-43.

15           "(a) With the exception of promotions of  
16 firefighters and police officers which shall be made by the  
17 board, all vacancies for covered jobs shall be filled by the  
18 appointing authority as provided herein.

19           "(b) The human resources department of the city  
20 shall make and maintain sufficient lists of all persons  
21 eligible and available for appointment to jobs as is necessary  
22 for the city to operate efficiently as determined by the city  
23 council. All appointments shall be made from such eligibility  
24 lists. With the exception of police officers and firefighters,  
25 no appointment or promotion shall be made from an eligibility

1 list which is more than 12 months old. The human resources  
2 department shall conduct examinations to test the ability and  
3 qualifications of applicants for all job classifications of  
4 police officer, firefighter, telecommunicator, and any other  
5 covered jobs for which it deems examinations or interviews are  
6 appropriate. Examinations shall be competitive, open to all  
7 qualified applicants, and subject to the limitations specified  
8 by the human resources department or city council. The human  
9 resources department shall notify applicants of the date and  
10 time of the examinations. ~~No person shall be appointed to a~~  
11 ~~job who has been convicted of a felony or an offense involving~~  
12 ~~dishonesty or false statement.~~ Based upon an examination or  
13 interviews, or both, by the appointing authority or ~~their~~ his  
14 or her designee, the human resources department shall develop  
15 a list of eligible qualified applicants and the appointing  
16 authority shall select the best qualified applicant to fill  
17 the vacancy from the list. The appointing authority shall  
18 notify the human resources director in writing of the  
19 selection. If the human resources director is satisfied that  
20 the best qualified applicant was selected, he or she shall  
21 extend a conditional offer to the selected applicant pursuant  
22 to established city policy. If the appointing authority is not  
23 the mayor and the human resources director is not satisfied  
24 that the best qualified applicant was selected, he or she  
25 shall meet with the department head to review the department

1 head's reasons for the selection. After meeting with the  
2 department head, if the human resources director remains  
3 unsatisfied that the best qualified applicant was selected,  
4 then the matter shall be referred to the mayor, who shall  
5 conduct a hearing with the department head and the human  
6 resources director. At the conclusion of the hearing, the  
7 mayor may endorse and direct the selection of the applicant  
8 selected by the department head or he or she may direct the  
9 selection of another applicant from the eligibility list if he  
10 or she determines that the best qualified applicant was not  
11 selected by the department head for reasons inconsistent with  
12 the principles of this article, city policy, or applicable  
13 state or federal law.

14 "(c) Promotions of firefighters and police officers,  
15 excluding the initial appointment to the entry level of the  
16 firefighter and police officer job classifications, shall be  
17 made by the board in accordance with this article. The human  
18 resources department shall develop a list of eligible  
19 qualified applicants as provided in subsection (b), and the  
20 board shall select the best qualified applicant to fill the  
21 vacancy for promotion from the list and notify the human  
22 resources director as provided in subsection (b). If the board  
23 does not select an applicant to fill the vacancy for promotion  
24 from the list within 90 calendar days from the date the list  
25 was provided to the board, the human resources director of the

1 city shall provide the list to the mayor, who shall select the  
2 best qualified candidate from that list.

3 "§11-44B-44.

4 "All appointments to covered jobs, including  
5 promotions, demotions, and transfers, shall be on a  
6 probationary basis for a period of one year ~~from the date of~~  
7 ~~appointment~~ from the beginning of employment. For those jobs  
8 in which the individual is required to meet state minimum  
9 standards, the probationary period shall conclude upon  
10 fulfillment of the standards or the passage of one year,  
11 whichever is later. A leave of absence will stay the  
12 probationary period for the length of the leave. During a  
13 covered employee's probationary period, a department head may  
14 discharge a probationer under his or her supervision by  
15 stating in writing the reasons to the mayor. If the mayor  
16 disagrees with the discharge, he or she, within five days of  
17 receipt of the written statement, may notify the department  
18 head and the probationer of the time and place of a hearing to  
19 be conducted in regard to the discharge. Upon failure of the  
20 mayor to so notify within five business days, the mayor shall  
21 be deemed to have consented to the discharge. In the event  
22 that a hearing is scheduled, the department head may suspend  
23 the probationer without pay pending the hearing."

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

