

# PERSONNEL RULES

COVERING POSITIONS IN THE CLASSIFIED SERVICES OF  
THE CITY OF MONTGOMERY AND MONTGOMERY COUNTY,  
ALABAMA WITHIN THE DEFINITIONS OF ACT 528 OF THE  
ACTS OF 1949, STATE OF ALABAMA, CREATING THE CITY  
AND COUNTY PERSONNEL BOARD.

Adopted By

Personnel Board

July, 1950

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## RULE I - DEFINITIONS

The words and phrases defined below shall have the meanings assigned herein in these rules and in all personnel policies, procedures and transactions:

1. Act, or Merit System Act, means Act 528 of the Acts of 1949, approved by the Governor September 2, 1949.
2. Allocation, means the assignment of position to a class on the basis of the kind, difficulty and responsibility of work of the position.
3. Appointing Authority, means the governing body, officer, board, commission, person or group of persons empowered to appoint or remove employees of the agency of which he is the responsible administrator.
4. Certify, certification, means the act of supplying the appointing authority with names of applicants deemed eligible to appointment to the class and position for which certification is requested.
5. Class, means a position or group of positions that involve similar duties and responsibilities and require similar qualifications and is designated by a single title indicative of the kind of work.
6. Eligible, means a person whose name is on an active re-employment, promotional or employment list and who has rights under these rules to be certified for appointment to positions of a class.
7. Employee, means a person regularly occupying a position in the classified service or a person who is on authorized leave of absence and whose position is being held for him pending his return.
8. Employment List, means a register of the names of persons arranged in order of their final earned rating on tests for classes of employment in which they have competed and qualified to be appointed.
9. Demotion, means a change of employment from a position of one class to a position of another class having a lower maximum salary limit than the original class.
10. Original Appointment, means the appointment of a person to a position in the classified service and who is not a present employee of the City and County and who is not being reinstated from a re-employment list.
11. Lay-Off, means a separation of an employee from the classified service of the City or County which has been made necessary by lack of work or funds or other reason not related to fault, delinquency or misconduct on the part of the employee.
12. Position, means a group of current duties and responsibilities assigned or delegated by competent authority and requiring the full or part time services of one employee.

13. Promotion, means a change of employment from a position of one class to a position of another class which has a higher maximum salary rate.
14. Reallocation, means the official determination that a position be assigned to a class different from the one in which it has been previously assigned.
15. Service, means all positions in any one of the jurisdictions placed within the classified service under the act.
16. Transfer, means a change by an employee from one position to another position of the same class or of another class with the same maximum salary rate and involving the performance of similar duties and requiring essentially the same basic qualifications.
17. Vacancy, means a position duly created and funds provided for payment of salary, which is not occupied and for the filling of which a valid request has been received by the Personnel Department.

## RULE II - GENERAL PROVISIONS

Section 1: Purpose - These rules are an augmentation and clarification of the Merit System Act. They set forth principles and procedures that are to be followed by the City and County Personnel Department in order that personnel administration in the city, county and other services may be conducted in accordance with sound and effective principles and practices of public personnel administration.

Section 2: Positions covered by the Rules - These rules shall apply to all classified positions and offices of the City and County and subordinate agencies of each jurisdiction unless otherwise provided by law.

Section 3: Adoption of Rules - These rules shall upon adoption and promulgation by the Personnel Board, have the force and effect of law insofar as they apply to positions in the classified service.

Section 4: Administration of Rules - The Personnel Director is charged with administration of these rules, except for those sections specifically reserved to the Personnel Board.

Section 5: Amendment of Rules - Amendments and revisions of these rules may be initiated by the Personnel Board, Personnel Director, the City Commission, County Board of Revenue or any appointing authority. Amendments and revisions shall become effective upon approval by the Personnel Board. The Personnel Board may hold a public hearing upon amendments or revisions to these rules if it deems such necessary or if a hearing is requested by the initiating agent.

Section 6: Maintenance of Employee Records - Records shall be maintained which shall be open for public inspection showing a list of positions in each department and the qualifications and requirements of each class of employment

### RULE III - ORGANIZATION AND FUNCTIONS

Section 1: The Personnel Department - The Personnel Department consists of the Personnel Board and the Personnel Director and such other employees as required to provide services to operating agencies.

Section 2: The Personnel Board - The Personnel Board, hereinafter referred to as the Board, consists of three members appointed in the following manner: One by the governing body of Montgomery County, one by the governing body of the City of Montgomery, and one by a majority of the circuit judges and probate judge of the county. Of the first three members appointed, the one appointed by the governing body of the county shall serve for a term of six years, the one appointed by the governing body of the municipality shall serve for a term of four years, and the one appointed by the probate and circuit judges shall serve for a term of two years. At the expiration of the term of each member, his successor shall be appointed for a term of six years by the authority appointing the member whose term has expired. Vacancies on the Board shall be filled for the unexpired term by the authority appointing the vacating member.

- (a) Qualifications - The members of the Board must be qualified electors of the county. No person may be appointed to the Board who holds any salaried public office or employment, nor can any member, while a member of the Board or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the county or municipality or any county or municipal elective office.
- (b) Meetings - The Board is required to hold one regular meeting each month and such special meetings as it deems necessary. The members of the Board receive ten dollars (\$10) per diem for each meeting of the Board they attend.
- (c) Functions - The functions of the board are:
  - (1) To formulate and promulgate a set of rules to supplement the Act and revisions and amendments thereof.
  - (2) To act in an advisory capacity to the governing bodies of the county and municipality on problems concerning personnel administration.
  - (3) As provided by the Act and by rule, to hear and decide appeals submitted by any person in the classified service relative to any situation connected with his employment status or condition of employment.
  - (4) In any investigation or hearing conducted by the Board, to have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of county or municipality. Each member of the Board has the power to administer oaths to witnesses.

(5) To hold hearings on and adopt or revise the position classification plan.

(6) To establish, after consultation with the governing body of the county and the governing body of the municipality and the elective officials of the county, coming within the provisions of this act, a pay plan for all employees in the classified service. Such pay plan must include, for each class of positions, a minimum and a maximum rate or rates as may otherwise in specific instances be fixed by law and such intermediate rates as may be deemed necessary or advisable by the board.

Section 3: The Personnel Director - The Personnel Director is appointed by the Personnel Board. The Director is the Board's executive officer and acts as secretary at Board meetings, but does not have a vote in determining the Board's policy.

The duties of the Personnel Director are:

(a) to attend all meetings of the Personnel Board and keep the minutes and records of the Board.

(b) to administer all provisions of the Act and these rules not specifically reserved to the Board.

(c) under direction of the Board, to prepare rules and revisions and amendments thereof for the consideration of the Board.

(d) to prepare a position classification plan and class specifications and revisions thereof for the approval of the Board.

(e) to establish and maintain a roster of all employees in the classified service of the City and County.

(f) to prepare and instruct in the use of such forms and procedures as necessary and appropriate to carry out the provisions of the act and these rules.

(g) to provide for a system of checking payrolls, so as to determine that all persons in the classified service have been appointed in accordance with these rules and are being paid proper amounts for duties of the class.

(h) to administer the examination program, pass upon qualification of applicants, establish employment lists and certify eligibles to appointing authorities for filling vacancies.

(i) to appoint employees of the Personnel Department and direct and supervise administrative and technical activities of the department.

(j) to cooperate with appointing authorities and others in developing and establishing programs of training for employees, for promoting employee morale and for otherwise raising standards of performance in the county and city services.

(k) to prepare for consideration by the Board, a compensation plan consisting of rates of pay for the several classes of employment and recommend changes in such plan from time to time as deemed desirable.

(l) to establish and administer a service rating system and perform such other activities with reference to personnel administration not inconsistent with the Act, as required by these rules, as directed by the Board, or as may be deemed necessary or desirable for effective personnel administration.

#### RULE IV - THE UNCLASSIFIED SERVICE AND CLASSIFIED SERVICE

Section 1: The Unclassified Service - The unclassified service consists of the following offices and positions:

- (a) All elective officers, provided, however, that in the event the status of an elective officer of the county or municipality is changed to that of an appointive officer, then at the expiration of the term of office of any such officer, the person holding the office at the time of the expiration of the term, providing that he shall have served in such position for a period of at least six months continuously, immediately prior to the expiration of the term of office, shall assume regular status in the competitive service without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of the Act.
- (b) Members of appointive boards, commissions and committees.
- (c) All employees or appointees of the city or county board of education, or persons engaged in the profession of teaching or in supervising teaching in the public schools; excepting, however, personnel employed in kindergartens or schools not a part of the city or county school system operated under the direction and supervision of the city or county board of education.
- (d) Common laborers, as determined and designated by the Personnel Director after investigation of duties and responsibilities of the positions.
- (e) Attorneys, physicians, surgeons and dentists who, with the express or implied permission of any appointing authority or of the county or municipality, hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; excepting, however, municipal recorders or assistant recorders and city or municipal prosecutors or assistant city or municipal prosecutors.
- (f) The personnel director provided for by the Act.
- (g) Persons in the "classified service" within the meaning of and subject to the State of Alabama merit system under any present or future law, and so long as any such law remains effective.
- (h) One private secretary or executive assistant of a member of the governing body of such municipality, the bailiff appointed by each judge of the circuit court, and two clerks to be designated by each county elective official and also the Register of the Circuit Court except the member of the Board of Revenue; and any employee receiving his compensation from any elected official of the county.
- (i) One clerk, deputy or employee to be named by the Clerk of the Circuit Court for his office and one clerk, deputy or employee to be named by the Register of the Circuit Court for his office.

Section 2: Classified Service - The classified service comprises all offices and positions in the city and county services now existing or hereinafter created, except those which are specifically placed in the unclassified service by Section 4 of the Act and Section 1 of this rule. All employees of any public corporation, board, committee or commission appointed or created by the governing body of the county or city shall also be included in the classified service.

Section 3. Status of employees in the Classified Service Upon Adoption of the Act -

(a) Any employee holding a position in the classified service, who on the effective date of the Act, had served continuously in such position or in another position included in the classified service, for a period of at least six months immediately prior to such effective date, shall receive appointment under the merit system without further examination, or working tests and shall thereafter be subject to in all respects to the provisions of the Act.

(b) Any employee holding a position in the classified service for a period of less than six months immediately prior to the effective date of this act shall be regarded as serving out his working test or probationary period and he shall not be considered as receiving permanent appointment until six months has elapsed since the date of appointment.

(c) Any employee appointed to a position in the classified service after the effective date of the act shall be in accordance with the provisions set forth in Rule VII.

## RULE V - THE CLASSIFICATION PLAN

Section 1: Purpose - The classification plan provides for the grouping into a single class positions which involve substantially the same kind of work, equal difficulty and responsibility and comparable qualifications for work performance. The classification plan consists of:

- (a) a schedule of class titles appropriately descriptive of the nature of work of the several classes.
- (b) written specifications describing the nature and requirements of work of positions of each class, and
- (c) materials regarding the interpretation and application of the class specifications.

Section 2: Class Titles - Class titles, or designated code symbols shall be used in all personnel, accounting, appropriation and financial records. No person may be appointed to or employed in a position in the classified service under a title not included in the classification plan. Descriptive titles used in the course of departmental routine to indicate authority, status in the organization or administrative rank may be used as required for these purposes.

Section 3: Class Specifications - The specifications of the classes of positions in the classification plan and their various parts have the following force and effect:

- (a) The specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes, as determined by their duties and responsibilities, and shall not be construed as declaring to any extent, or in any way, what the duties or responsibilities of any positions shall be, or as limiting or in any way modifying the power of any appointing authority or administrative officer to assign, direct and control the work of employees under his supervision. The use of a particular expression or illustration shall not be held to exclude others not mentioned that are of similar kind or quality.
- (b) In determining the class to which any position should be allocated, the specification of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualification requirements and relationships to other classes, as together affording a statement of the employments that the class is intended to embrace.
- (c) Qualifications commonly required of all incumbents of the different classes, such as acceptable physical condition, freedom from disabling defects, United States citizenship, suitable age, honesty, sobriety and industry, shall be deemed to be implied as qualifications requirements for entrance to each class even though they may not be specifically mentioned in the specifications.

Section 4: Amendment of Classification Plan - The Personnel Director is responsible for continuous administration of the classification plan and as changes in organization and assignments of work require, shall recommend to the Personnel Board amendments to the classification plan.

Section 5: Allocation of Positions - The Personnel Director shall allocate each position now existing or hereinafter created to the proper class in the classification plan.

## RULE VI - THE PAY PLAN

Section 1. Establishment - The Personnel Board is required to establish, after consultation with the governing bodies of the city and county and the elective officers of the county, a pay plan for all classified positions in all services.

Section 2. Composition of the Pay Plan - The Pay Plan consists of:

- (a) A schedule of ranges of rates of pay in monthly amounts.
- (b) A schedule showing the pay range to which each class is assigned.
- (c) Policies, as embodied in these rules, showing the interpretation and application of the schedules of ranges of pay.

Section 3. Development of Pay Ranges - After consultation with appointing authorities and city and county fiscal officers, the Director is required to prepare and recommend to the Board a pay range for each class of employment in the classified service. Such ranges shall consist of a minimum and maximum rate, and such intermediate rates as the Director considers necessary or equitable. The rates for each class shall be those of the basic schedule of ranges of all rates (Section 2(a) ) which are proper. In establishing such rates the Director shall give consideration to the experience in recruiting for positions in the city and county services, the prevailing rates of pay for comparable services in other public and private employment, living costs, the financial condition and policies of the city and county, and the relationship in kind and level of duties and responsibilities of the several classes.

Section 4. Adoption of Plan - Upon receipt of the proposed pay plan, the Board may give opportunity to be heard to appointing authorities, employees and the general public. After incorporating any modifications, changes or amendments it considers desirable, the Board shall submit the plan to the governing bodies of the city and county, who, after making such changes as they deem necessary, resubmit it to the Board who shall accept or reject, and it shall take effect when approved.

Section 5. Adjustments at Time of Adoption - At a time designated by the Personnel Board after the official date of adoption of the Pay Plan:

- (a) Employees whose rate of pay is less than the prescribed minimum rate for the class shall be increased to the prescribed minimum rate.
- (b) Employees receiving rates within the salary range but not at a designated intermediate step shall be placed at a step within the range of the class, within one year from the official adoption of the pay plan.

- (c) Regular employees whose pay is in excess of the maximum rate prescribed shall not be automatically reduced in pay but shall not receive any increase as long as they occupy positions for which the pay rate maximum is the same as, or less than, the pay rate currently received. This provision shall not, however, prevent the application of service-wide blanket pay decreases or a decrease of any employee's pay for any valid reason recommended by the appointing authority.
- (d) Provisional or temporary employees whose pay is in excess of the minimum rate of the class, if qualifying for permanent appointment, shall be reduced to the minimum rate for the class except when appointment at a higher rate is approved by the Director in accordance with Section 6.

Section 6. Beginning Rates - The minimum rate of pay for a class shall be paid to any person on his original appointment to a position of the class except when determined by the Director as warranting employment at a higher rate.

Section 7. Within Range Adjustments -

- (a) The salary ranges are intended to furnish administrative flexibility in recognizing employee performance and service, in providing employee incentive, and in meeting special and emergency conditions in which increases or decreases of individual rates are required for the good of the city or county service. Within salary range adjustments shall not be automatic but shall be dependent upon specific recommendations of the appointing officer, provided, however, that the Personnel Board may approve a plan for increasing new employees to the second step of the range of a class upon satisfactory completion of the probationary period or other specified length of service following original appointment. No change in pay shall become effective until approved by the Personnel Director.
- (b) Ordinarily, increases in salaries shall not be more than one step and shall not be made more often than once each twelve months nor shall salary advancements be given to an employee until he has completed his first six months of service, except that an administrative officer may recommend to the Director salary increases of more than one step or more frequently than once each twelve months upon detailed written statements to the Director specifying the employee's exceptional performance or the unusual employment conditions that make such action necessary, and provided that sufficient funds have been budgeted.

Section 8. Interpretation of Pay Ranges - The schedules setting forth established ranges of pay and the assignment of each class to one of these ranges shall be regarded as gross compensation for full-time service in the several classes, in that there shall be deducted therefrom the value of any maintenance received by employees in the form of meals, lodging and the like, as partial compensation for services rendered, but not including reimbursement for expenses incurred by reason of authorized and

approved travel on city or county business. Full-time service in a class shall be considered to be service for that number of hours per day and days per week which represent the established working schedule for employment of the class.

Section 9. Pay for Part-time Employment -

- (a) Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or weeks per pay period, the amount paid shall be proportionate to the time actually employed.
- (b) Monthly rates of pay shall be paid except that on certification by an administrative officer that payment of monthly rates for certain classes of employment within his jurisdiction is not feasible because of the temporary or intermittent nature of the work, the Personnel Director may authorize the payment of weekly, daily or hourly rates for those employments. Such rates shall be determined in accordance with the following formulae:

$$\text{Hourly Rate} = \frac{(\text{monthly rate for the class})}{(\text{number of work hours per week for class} \times 4 \frac{1}{3})}$$

$$\text{Daily Rate} = \text{hourly rate} \times \text{number of work hours in established work day for the class}$$

$$\text{Weekly Rate} = \text{hourly rate} \times \text{number of hours in regularly established work week for the class}$$

- (c) Payments for less than a full payroll period to employees paid on a monthly salary basis, including payments for vacation and overtime accruals at separation, shall be determined by multiplying the established monthly rate by the number of days of work actually performed or included in the vacation or overtime accrual and dividing the result by the regularly established number of work days in the monthly pay period for the class.

Section 10. Pay Adjustments in Transfers, Promotions and Demotions - When an employee is transferred, promoted or demoted, his rate of pay for the next position shall be determined as follows:

- (a) If his rate of pay in his previous position was less than the minimum rate established for the class of the new position, his rate of pay shall be advanced to the minimum for the class of the new position.

- (b) If his rate of pay in his previous position was more than the maximum rate established for the class of the new position, his pay shall be reduced to a point within the range for the class of the new position to be determined by the department head subject to the recommendation of the Personnel Director.
- (c) If his rate of pay in his previous position falls within the range of pay established for the class of the new position and does not correspond to a step in the salary plan it shall be adjusted to the next higher step, but otherwise this rate of pay may remain unchanged or may be changed on the recommendation of the administrative officer in accordance with this rule.

Section 11. Amendment of the Pay Plan - The pay plan may be revised from time to time to meet changes in the classification plan, recruitment conditions, cost of living and economic conditions. Such revisions shall be made in the same manner as the original plan was prepared and adopted.

## RULE VII - RECRUITMENT AND EMPLOYMENT

Section 1. Recruitment by Competitive Examination - All permanent appointments to positions in the classified service shall be made according to merit and fitness ascertained by competitive examination. Examinations shall be prepared by or under the direction of the Personnel Director and may be, as determined by the Personnel Director after consultation with appointing authorities, assembled or unassembled and may include written, oral, physical, or performance tests. They may take into consideration such factors as education, experience, character, physical fitness, appearance or any other qualifications which the Personnel Director determines as entering into the testing of the relative fitness of applicants. Competitive promotional examinations shall take into consideration the quality and length of employment in the classified service in addition to any or all of the above factors.

Section 2. Notices of Examination - All examinations shall be publicized by the preparation and public notice of examination announcements. The public notice of examination shall specify the title and salary range of the class of employment, description of the nature of work and examples of duties, experience and training desirable for performance of the work, the time, place and manner of making application, closing date for receiving applications and other pertinent information as deemed desirable by the Personnel Director to attract qualified applicants. Examination announcements shall be distributed and given publicity as deemed desirable and appropriate by the Personnel Director for the attraction of qualified applicants for the class of employment.

Section 3. Employment Lists and Their Use - The Personnel Director shall establish and maintain such employment registers or lists for various classes of positions as are necessary to meet the needs of the service. The names of eligibles shall be placed on such a list in the order of their final earned rating in competitive examinations and they shall be notified by the Personnel Director of their grade and place on the list. Ties shall be resolved in original entrance examinations by priority in time of filing application and in promotional examinations by length of service. Employees having permanent status separated from the service by reason of shortage of work or funds, changes in organization, or other reasons not involving fault, delinquency or violation on their part shall at time of separation be placed on a re-employment list. Such employees shall be placed on the re-employment lists in order of separation from the service, i. e. the last employee separated shall be placed at the top of the appropriate re-employment list.

Section 4. Duration of Employment Lists - The Personnel Director shall determine the period during which employment lists shall remain in effect, but this period shall not exceed two years. When the Personnel Director deems it appropriate a new eligible list may be combined with an existing list by placing the names of eligibles in order of final earned rating on the competitive examinations. For classes of employment determined by the Personnel Director, continuous open competitive examinations may be held and names of eligibles placed on such eligible list in accordance with final earned rating without regard to time of examination.

Section 5. Removal from Eligible Register - The Personnel Director may remove from an eligible list the name of any eligible, who fails to respond to a notice of certification, who qualified for appointment through false or misleading statements, or who is not appointed after having been certified three times for appointment.

Section 6. Procedure for Filling Vacancies - All vacancies in the classified service shall be filled by original appointment, promotional appointment, temporary appointment, re-employment, transfer or demotion. Whenever a vacancy in a position in the classified service is to be filled, the appointing authority shall notify the Personnel Director whether such position is to be filled by original appointment promotion, re-employment, transfer or demotion. If such position is to be filled by original or promotional appointment, the Personnel Director shall certify the names of five persons who are highest in order of rank on the appropriate list, provided such list contains the names of five available applicants. In case of two or more vacancies, the Personnel Director shall certify four names more than the number of vacancies. Names shall be certified in order of standing without regard to sex or special qualifications, except that where a limitation to one sex or a requirement of special qualifications is specified by the appointing authority and approved by the Personnel Director, certification may be limited to the sex specified or to persons possessing the special qualifications. Appointments from a re-employment list shall be made from the top of the list.

Section 7. Temporary Appointment - In absence of appropriate employment lists, appointing authorities may make a temporary appointment of a person who is approved by the Personnel Director as being qualified to perform the work of the class. Temporary appointments shall be terminated at the end of ninety days or at such time as an appointment can be made from an eligible register, which ever shall occur first. No person shall receive more than one temporary appointment, in any one fiscal year.

Section 8. Transfer - A position may be filled by transferring an employee from one position of the same class or similar class with essentially the same basic qualifications and the same maximum salary limit. Transfers between departments must be approved by both appointing authorities and the Personnel Director.

Section 9. Emergency Appointments - To meet emergency conditions and take care of extra work loads, appointing authorities may appoint persons to take care of the situation, but no such appointments may exceed thirty working days in any fiscal year.

Section 10. Probationary Period - All original and promotional appointments are for a probationary period of six months. Such probationary period should be regarded as an integral part of the examination process and used for closely observing the employee's work, for securing the most effective adjustment of the new employee to his position and for rejecting any employee whose performance does not meet required work standards. At any time during the probationary period, an appointing authority may reject the probationary employee, provided he notifies the employee and the Personnel Director of

RULE VIII - WORKING CONDITIONS  
AND  
GENERAL PERSONNEL PRACTICES

Section 1. Working Hours - The Director shall administer regulations for maintaining uniform and equitable hours of work required of all employees in the City and County Services as adopted by the Board. The number of hours any employee is required to be on duty each day or in any week or month shall be uniform for all whose positions are allocated to the same class, unless specifically provided otherwise by action of the Board, and recorded in its minutes, together with its reason for each exception; but the hours for different classes may be different.

Section 2. Overtime -

- (a) Employees shall work over the stipulated hours whenever necessity demands additional service of an occasional nature. When such work becomes necessary, equivalent time off compensation may be granted for the time worked. Overtime shall include and be limited to that work actually performed by employees at the direction of the appointing authority or his authorized representative which, as a part of a single tour of duty or by reason of a call back, exceeds by one hour or more for the number of hours comprising the regular work week.
- (b) In the event that operating schedules are such to preclude the allowance of compensatory time off, the employee may accumulate to his credit compensatory time in the amount of the hours of his regular work week. When this maximum accumulation has been reached the appointing authority with the approval of the Personnel Director, may authorize payment in cash, on a straight time basis, for every hour of overtime worked in excess of his accumulation.
- (c) At the time of separation, employees shall be paid in cash for any unused accumulation of compensatory time off.
- (d) Employees compensated on an hourly rate basis shall be paid for hours actually worked during each pay period.
- (e) The overtime provisions shall not apply to uniformed members of the police and fire departments and to employees whose positions are compensated at the rate of Salary Range No. 23 or higher.

Section 3. Legal Holidays - Legal holidays observed by employees in the classified service, unless such employees are required to be on regular duty are: New Year's Day, Robert E. Lee's Birthday, Mardi Gras Day, George Washington's Birthday, Thomas Jefferson's Birthday, Confederate Memorial Day, Jefferson Davis' Birthday, Independence Day, Labor Day, Columbus Day, Armistice Day, Thanksgiving Day, and Christmas Day, and such other days as may be designated from time to time by the City Commission or by the Board of Revenue.

Section 4. Vacation Leave -

- (a) Each full time employee shall earn vacation leave at the rate of one day per month. Vacation leave may be used as earned and appointing authorities shall determine the time at which vacations may be taken. Employees may accrue vacation leave not in excess of the amount earned in two years. Vacation leave in any one calendar year may be taken not in excess of the total amount of vacation leave accrued. Regular days off which fall within the vacation leave shall not be counted as vacation.
- (b) Vacation leave shall accrue from July 1, 1948. Vacation leave that was taken during the calendar year 1949 shall be charged to the leave record of each employee and his balance credited as of January 1, 1950.
- (c) For the purpose of charging vacation leave for uniformed members of the Fire Department working twenty-four hour shifts, each working day off shall be counted as two days of vacation leave. Provided that such employees shall not be charged with more than 6 days vacation in any one week of absence.
- (d) Any permanent employee leaving the county or city service in good standing may be compensated for vacation accrued to the date of separation.

Section 5. Sick Leave -

- (a) Each employee shall earn sick leave at the rate of one day for each full month's service. Sick leave shall accrue from January 1, 1949 provided that:
  1. employees with one year's or more service prior to January 1, 1950 shall be credited with six days of sick leave for each year of service within the limitations set forth below
- (b) Sick leave shall be computed as earned but may not be accumulated in excess of 90 working days. Regular days off occurring during sick leave will not be charged as sick leave.
- (c) Sick leave may be granted only for absence due to personal illness, legal quarantine, or illness or death in the immediate family. An employee claiming sick leave may be required by the appointing authority to file a certificate from a physician stating the kind and nature of sickness or injury, that the employee was incapacitated for work for the period of his absence, that the employee is physically able to perform his duties, or that the employee has no contagious disease that might jeopardize the health of other employees.

(d) For the purpose of charging sick leave for uniformed members of the Fire Department working twenty-four hour shifts, each working day off shall be counted as two days of sick leave, provided, however, that such employees shall not be charged with more than six days sick leave in any one week of absence.

**Section 6. Special Leave** - Upon certification to the Board by the appointing authority that an employee is absent from duty because of bodily injury or occupational illness incurred in line of duty, the Board may grant such employee a special leave on full or part pay, subject to such conditions as it may impose. The certification by the appointing authority should be made to the Director at the end of the next pay period following the occurrence of such injury or illness. During the interim between the date of occurrence of such injury or illness and the next Board meeting, the employee whose injury or illness is certified shall be entitled to sick leave, which sick leave may be remitted by the Board at the time of hearing. Provided, that in no instance will special leave be granted for a period of more than twenty-six weeks. If at the end of twenty-six weeks the employee is unable to return to duty, the appointing authority may request the Board to grant additional extension of special leave.

**Section 7. Military Leave** - Employees who have completed their probationary period and who are active members of the Alabama National Guard or Naval Militia or of any reserve unit of the United States military forces shall be entitled to military leave with pay on days that they are engaged in training or service ordered under the military laws of Alabama or the United States, provided that no person granted such leave of absence with pay shall be paid for more than 15 days in any one fiscal year.

**Section 8. Other Leave With Pay** - Leave with pay may be authorized by appointing authorities for the attendance by employees of official meetings, or to serve required jury service, or to attend authorized training or educational courses, provided such leave is reported to the Personnel Director.

**Section 9. Leave Without Pay** - An employee may be granted leave without pay for a period not to exceed one year, unless a request for an extension approved by the appointing authority and Personnel Director, for sickness, disability, military service, education or other good and sufficient reasons which are considered to be in the best interests of the service.

**Section 10. Absence Reports** - Administrative officers shall make reports to the Personnel Director of all absences of each employee during each payroll period. Leave of absence with pay of one-half day or less may be granted and not reported provided equivalent time is made up.

**Section 11. Service Ratings** - The Personnel Director shall prescribe a form for the service rating of employees by administrative officers. Service ratings may be considered in determining salary adjustments within designated salary ranges, as a factor in the order of lay-offs, and in rating of employees for promotional purposes.

Section 11. Rights of Review and Appeal -

- (a) An employee may submit at any time a written statement to the head of his department regarding any situation related to his employment status or condition of employment. The department head and appointing authority shall give the employee full opportunity to present his views and shall take such action as he deems proper. If the employee desires, he may in writing request a review by the Personnel Board of the questions relating to his employment. The Board shall have investigated such requests and if required or requested hold an informal hearing on such questions and certify its finding within ten days.
- (b) A permanent employee dismissed or demoted by an appointing authority shall receive a written statement of the reasons for such action within three days and within three days from the date of such notice he may answer in writing such charges. Copies of both statements shall be furnished the Personnel Director. Within ten days from the time of filing his answer such employee may file a written request with the Personnel Director for a hearing before the Personnel Board. The Board shall conduct a hearing which shall be informal and in accordance with procedures established by the Board. If the Board shall find that such employee has been dismissed or demoted in violation of these rules, the Board shall order reinstatement and the employee shall receive full pay from the date of such action. The decision of the Board shall be final.

## RULE IX - SEPARATIONS AND DISCIPLINARY ACTION

Section 1. Resignation - Any employee wishing to leave the classified service in good standing shall file with his appointing authority, at least one week before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Such notice shall be promptly reported to the Personnel Director. The number of days less than seven given as notice of resignation may be subtracted from accrued vacation leave and failure to comply with the procedures may be the cause for denying the person future employment. Unauthorized or unreported absence from work for a period of three days or more may be considered by the appointing authority as a resignation.

Section 2. Lay-Off - An appointing authority may lay off any employee in the classified service when it is necessary by reason of shortage of funds or work, or changes in organization. No permanent employee shall be laid off while there are temporary, emergency or probationary employees serving in the same class of employment within the same department. A person with seniority over another employee may not be laid off first unless his services are inferior to those of other employees in the same class. The names of employees laid off shall be placed on a re-employment list for a period of two years. No one else may be appointed in that class in the Department concerned while the name of any "laid-off" employee remains on the reemployment register.

Section 3. Demotion - An appointing authority may demote an employee for inefficient performance of his duties, for disciplinary reasons or for other good cause. A reassignment to a class with a lower maximum salary range shall be considered a demotion.

Section 4. Suspension - An appointing authority may suspend a permanent employee without pay for cause. Such suspension shall not exceed 30 calendar days in any one fiscal year. A written statement of the reasons for suspension shall be submitted to the Personnel Director and furnished to the employee affected. Such employee shall have no right of appeal.

Section 5. Dismissal - Any permanent employee may be dismissed by an appointing authority for cause. A written statement of reasons for the dismissal shall be furnished to the employee affected and reported to the Personnel Director.

## RULE X - PROHIBITIONS ON POLITICAL ACTIVITY

Section 1. No person holding a position in the competitive service:

- (a) Shall seek or accept election, nomination or appointment as an officer of a county or municipal political club or organization, take an active part in or make any contribution or donation to, any county or municipal political campaign, or serve as a member of a committee of any political club or organization, or seek signatures to any petition, or distribute badges or pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or for nomination to public office, whether county or municipal.
- (b) Shall become a candidate for the nomination or election to any political or public office unless:
  - (1) He requests a leave of absence without pay from his competitive position prior to making a formal announcement that he is seeking nomination or election, beginning the solicitation of votes, or filing or otherwise qualifying as a candidate for nomination or election, whichever is earlier.
  - (2) Such leave of absence without pay shall extend through the campaign period and until it has been officially declared that the candidate has been nominated or defeated for such political or public office, at which time the employee may request reinstatement to his position in the competitive service, if he has been defeated.
- (c) Any wilful violation of these rules, or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any person in the competitive service.
- (d) Nothing in these rules shall be construed to prevent any officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying all freedom in casting his vote.

Section 2. Any employee in the competitive service, who is nominated, elected or appointed to a political or public office, shall resign his position in the competitive service on or before the date that it is officially declared or known that he has been nominated, elected or appointed to such office, provided that nothing in these rules shall prohibit any person in the competitive service from serving out the term of a political or public office to which he was elected or appointed prior to the time the Act (Act 528 of 1949, approved by the Governor September 2, 1949) became effective.

Section 3. No person shall be appointed, promoted, demoted or dismissed or in any way favored or discriminated against with respect to employment in the classified service for political or religious reasons.

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