

City of Dothan

Civil Service Act

Employee Handbook

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AN ACT

Enrolled, An Act

(a) To create and establish in the City of Dothan a Civil Service System effecting certain personnel whose compensation is now or may hereafter be payable, in full or in part, from the public funds of Dothan; (b) to create a Personnel Department consisting of a Citizens Supervisory Committee, a Personnel Board and a Personnel Director, for the supervision and administration of the system and department herein created; (c) to fix and define the powers and authority and to prescribe the duties of each; (d) to define the scope and extent of the operation of the system, of its powers and authority over the City of Dothan and its employees; (e) to provide for the payment of the expenses of the administration of this Act and the system and department created; (f) to provide for the adoption of reasonable Rules and Regulations; (g) to provide for the enforcement of the provisions of this Act and the Rules and Regulations adopted pursuant thereto and to provide penalties for their violation; (h) to authorize the discharge and suspension of employees; and (i) to repeal all laws and parts of laws and all ordinances and parts of ordinances in conflict with its provisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 3, 6, 8, 12, 13, 14, 19, 21, 23, 24, 26, and 31 of "the Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts of Alabama, 1947, p. 196), as amended, is amended to read as follows:

Section 2. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section, unless the context plainly indicates a different meaning: 'Masculine Gender' shall comprehend all other genders; 'Committee' means the Citizens Supervisory Committee herein created; 'Board' means the Personnel Board herein authorized; 'Director' means the Personnel Director herein created; 'Appointing Authority' means a Department Head; 'Employee' means a person in the Classified Service herein set up and appointed by the Appointing Authority, unless herein expressly excepted; 'Classified Service' includes all offices, positions and employment in the City of Dothan as these offices, positions and employment now or may hereafter exist, the holders of which are paid whether by salary, wages or fees, in whole or in part from funds of the City, except those expressly placed in the 'Unclassified Service'; 'Employment Register' means typewritten lists containing the names of those applicants who have successfully passed mental tests for initial employment within the Classified Service for any specific position and which names are listed in the order of final grades attained on such tests from the highest grade attained to the lowest grade attained; 'Roster' means a typewritten list showing the names of persons employed in the Classified Service by Departments and the position occupied by each employee concerned; 'Tests' mean written, oral or other methods of evaluation established by the Board or Director, to determine the merit, aptitude, knowledge of the job and general qualifications, other than physical, of applicants to fill initial positions within the Classified Service, or for the promotion of those Classified Employees presently assigned to higher positions within the Classified Service, or for the purpose of reclassification or transfer of such employees into new or existing positions within the Classified Service; 'Public Hearing' means a meeting of the Board open to the public, where any citizen, taxpayer or other interested party may appear and be heard, subject to the duly adopted Rules and Regulations; 'Public Record' means a record which the members of the Public shall have the right to inspect, within reason and during ordinary business hours; 'Department Heads' means (1) City Manager as the administrative head of the municipal government, (2) City Clerk-Treasurer in charge of the Administrative Department, (3) City Engineer in charge of the Engineering Department, (4) Electrical Superintendent in charge of the Electrical Department, (5) Fire Chief, (6) Chief of Police, (7) Superintendent of Recreation, (8) Superintendent of Sanitation, (9) Superintendent of Streets and (10) Superintendent of Water, and heads of such other functional departments that may be established or created to provide services required in the efficient and effective administration and operation of the municipal government, and to meet requirements imposed by state or Federal regulations and rules, whether such new department is created by the abolition of an existing department or departments, the consolidation of two or more departments into one department or by the creation of a completely new department or departments. Any proposed increase or decrease in the number of city departments shall be initiated by the city governing body and shall become effective when approved by the Personnel Board; 'Rules and Regulations' mean a prescribed course of procedure adopted by the Board to promote the administration of the provisions of this Act and the system hereby created; 'Promotional Register' means typewritten lists containing the names of those Classified Employees, presently assigned, who have successfully passed mental tests for promotion to higher positions within the Classified Service and which names are listed in the order of final grades

attained on such tests from the highest grade attained to the lowest grade attained; and 'Examinations' mean physical fitness evaluation to include annual or other physical examinations, physical fitness examinations, final physical examinations or any other type of physical examinations as prescribed by the Personnel Board or the Director to determine the physical fitness of initial applicants for employment within the Classified Service and the physical fitness of Classified Employees now assigned, to qualify physically for the positions they now occupy or expect to occupy within the Classified Service.

Section 3. UNCLASSIFIED SERVICE. The following named officials, persons and agencies of the City shall constitute the 'Unclassified Service'; (a) Officers elected by popular vote and their successors in office; (b) Principals, supervisors, teachers and instructors, engaged in supervising or teaching in the public schools, and all employees of the City Board of Education; (c) The Personnel Director provided for by this Act; (d) Independent contractors receiving their remuneration from public funds under contract awarded by competitive bidding; (e) Common or temporary laborers, school crossing guards and seasonal recreation employees; (f) Attorneys, physicians, surgeons, and dentists employed in their professional capacities; (g) The judge of any municipal court; (h) Members of Boards who are not employed on a full-time basis and not required to devote their entire service to the City; and (i) Department Heads consisting of but not limited to (1) City Manager as the administrative head of the municipal government, (2) City Clerk-Treasurer in charge of the Administrative Department, (3) City Engineer in charge of the Engineering Department, (4) Electrical Superintendent in charge of the Electrical Department, (5) Fire Chief, (6) Chief of Police, (7) Superintendent of Recreation, (8) Superintendent of Sanitation, (9) Superintendent of Streets, and (10) Superintendent of Water, and the heads of such other functional departments that may be established or created to provide services required in the efficient and effective administration and operation of the municipal government, and to meet requirements imposed by state or Federal regulations and rules whether such new department is created by the abolition of an existing department or departments, the consolidation of two or more departments into one department or by the creation of a completely new department or departments. Any proposed increase or decrease in the number of departments shall be initiated by the governing body and will become effective when approved by the Personnel Board.

Section 4. PERSONNEL DEPARTMENT CREATED. There is hereby created and established in and for the City of Dothan a Personnel Department, consisting of a "Citizens Supervisory Committee", a "Personnel Board", and a "Personnel Director", each of which shall have the power and authority, perform the duties and functions, and receive the remuneration hereinafter provided.

Section 5. PURPOSES OF PERSONNEL DEPARTMENT. Said Personnel Department shall, to the extent hereinafter provided, govern, supervise and control all individuals of the Classified Service, by Civil Service Rules and Regulations, and in the manner hereinafter authorized.

Section 6. CITIZENS SUPERVISORY COMMITTEE. The membership of the Citizens Supervisory Committee shall consist of qualified electors of the City of Dothan. The Citizens Supervisory Committee of the City of Dothan shall be composed of the following: One member or representative appointed or elected from the following respective federated, national or international organizations, associations or groups whose primary function is civic or service--as distinguished from social organizations,

associations or groups now existing in the City--and generally known as: (1) Altrusa Club (2) Association of Women and Youth (3) Dothan Area Chamber of Commerce (4) Civitan Club (5) Dothan Jaycees (6) Dothan Rotary Club (7) Dothan-Wiregrass NAACP (8) Exchange Club (9) Kiwanis Club [Dothan] (10) Kiwanis Club [Houston County] (11) Lions Club [Wiregrass] (12) Lions Club [Dothan] (13) Optimist (14) Pilot Club (15) Renaissance Wives Club (16) Rotary Club [Houston County] (17) Wiregrass Elks Lodge (18) Young Men's Civic Club, or any other like organization, association or group, after such organization, association or group shall have been approved for membership at a regular meeting of the then existing members by three-fourths of such membership present and voting. Each member shall be a bona fide resident of Dothan and a qualified elector of Dothan. No person shall be elected or appointed as a member of said committee if he is an elected or an appointed official or a classified or unclassified employee of the City of Dothan. Members of the Citizen Supervisory Committee, so appointed or elected from organizations one through eight above shall serve for a two-year term. The members of the Citizens Supervisory Committee so appointed or elected from organizations nine through eighteen above shall serve for a four-year term, and their successors in office shall serve for a term of four years and until their successors in office have been appointed or elected.

The organizational or first meeting of the Committee shall be held within ninety days from the day this act becomes effective. The Personnel Director shall mail notification of the passage of this act to each organization named above and each organization shall notify the Personnel Director by mail of the appointment or election of their organization's member to the Citizens Supervisory Committee. The first organizational meeting shall be held at City Hall.

At its first meeting, the Committee shall appoint or elect a chairperson and a vice-chairperson. The chairperson of the Committee shall preside at all meetings, or in the Chairperson's absence the Vice-Chairperson, and shall be entitled to vote only in the case of a tie. The proposed members of the Committee present, in the event less than a majority of the members attend any meeting, shall adjourn the meeting and call another meeting at a time and place to be then determined. The designated members of the Committee shall have the right, respectively, to serve as members of the Committee during the term of office in their respective organization, association or group above identified. Any qualified elector of the City of Dothan may file with the Chairperson of the Committee the written objection to the right of any person or organization to sit on the Committee. The Chairperson shall rule upon the objections in writing. The first order of business at the next meeting of the Committee shall be a report by the Chairperson of the objections and ruling thereon. The ruling shall be final unless the objecting party, within five days, duly appeals to the Committee; in which event the seated members shall, upon a hearing on the objection--after notice is duly given to the objecting party and party objected to--determine the qualifications of the party objected to.

The vote of the majority of the members of the Committee present shall govern in all matters if a quorum be present. The Committee may adopt, from time to time, such rules, regulations, and modes of procedure that it deems expedient to enable it to dispatch its business in an orderly manner. The Chairperson may call upon the Chief of Police of the City to attend the meetings of the Committee and preserve order and execute the decisions, rules, and orders of the Committee and of the Chairperson thereof. The Chairperson may punish for contempt of the Committee in like manner and extent as may be done by the judges of circuit courts of this state.

The Personnel Director shall act as secretary and such secretary shall be the keeper and custodian of the minutes, records, property and paraphernalia of the Committee, and he may call upon the Personnel Board to furnish such supplies and a safe place for keeping the records and property. The expense and cost of each meeting shall be paid in the manner as provided for in this act.

The Committee shall meet in regular session in each of the months of April and October, at such date and hour as the committee shall determine to receive reports of the Mayor, Personnel Board and City Manager and to make such recommendations to the Board as it shall deem in the interest of the sound administration of this act, to elect a successor of any member of the Personnel Board whose term of office expires before the next regular meeting of the committee and to transact such other business as may properly come before the committee. The Chairperson of the committee or a majority of the members thereof may call special meetings of the committee to transact any business which may have arisen. All meetings shall be held at the City Hall, or some other public meeting place designated by the Chairperson. Notice of all call meetings of the committee shall be given to members of the committee by certified mail giving at least five days notice of such meeting; such notice must be signed by the persons calling the meeting and the purpose thereof shall be briefly outlined. Notice of regular meetings shall be given to members of the committee by regular mail giving at least five days notice of such meeting, but failure of any member to receive notice of any meeting either regular or special shall not invalidate any act of the committee transacted at such meeting. A majority of persons serving as members of the committee shall constitute a quorum to do business, but less than that number may adjourn and may compel the attendance of the absent members, in such manner and under such penalties as may be prescribed by the rules and regulations promulgated by the committee. The committee shall serve without compensation and shall have general supervisory control of the Personnel Department.

Section 7. ALTERNATE METHOD OF SELECTING BOARD. In the event the Committee shall fail for any reason to elect the Personnel Board for a period of thirty (30) days after this Act becomes effective, or in the event the Committee shall fail to fill any vacancy on the Personnel Board within a period of thirty (30) days after such vacancy occurs, then, and in that event, the Governor is hereby empowered, authorized and directed to appoint the members of said Board or fill any vacancy thereon.

Section 8. PERSONNEL BOARD. The Personnel Board shall consist of five members and they and their successors in office shall be elected or appointed by the Citizens Supervisory Committee. The five members shall be designated respectively as member No. 1, member No. 2, member No. 3, member No. 4, and member No. 5. Provided that after the effective date of the 1992 amendment hereto, that those members in office on the effective date of said amendment may serve out the remainder of their unexpired terms and shall be designated as member No. 1, member No. 2, and member No. 3, in order of their original appointments. Member No. 4 shall be for a term of three years and until his successor is appointed. Member No. 5 shall be for a term of five years and until his successor is appointed, and their successors in office shall serve for a term of five years and until their successors in office have been appointed and qualified. Each member shall be: (a) Over 21 years of age, (b) Of recognized good character and executive ability, (c) A bona fide resident of Dothan and (d) A qualified elector of Dothan. No person shall be elected or appointed as a member of said Board if he or she, within three years next preceding the date of his appointment as a member of said Board, received an appointment to any public office in the City or Houston County or becomes elected for any public office in the City or Houston County; any member of said Board shall forthwith forfeit his position as a member of said Board. Each member of the Board shall receive \$50 per meeting attended and \$50 per day for attendance upon all trials and hearings by the Board. Such compensation shall be paid from the same funds as other expenses of the Personnel Department are paid.

The Personnel Board shall meet once a month on dates to be fixed by its Rules and Regulation and as often as shall be necessary for the orderly dispatch of its business. The Board shall have the power and authority and it shall be its duty to: (a) Select a Personnel Director of the City of Dothan; (b) Adopt rules and regulations for the administration of the provisions of this act; (c) Approve, modify, revise and reject recommendations made by the Director; (d) Make reasonable investigations of all charges or complaints presented to it concerning the observance of the provisions of this act; (e) Enforce the Provisions of this act and the provisions of the rules and regulations made in pursuant thereof; (f) Consider and determine all matters referred to it by the Director; (g) Do all things necessary and proper to improve the administration of the Classified Service hereby established; (h) Advise with and assist the Director in fostering and promoting the public interest; (i) Adopt rules providing for subrogation of the City to the rights of an employee against a third party to the extent of all salary and other expenditures made or to be made by the City to or for such employee because of injuries received while in the line of duty due to the negligence of such third party; (j) To conduct hearings and to render decisions, as hereafter provided, on charges preferred against persons in the classified service; (k) To elect at the regular monthly meeting in January of each year one of its members to serve as Chairperson of the Board of the ensuing twelve months; (l) To attend all regular meetings of the Citizen Supervisory Committee; and (m) Exercise all other powers, functions and duties provided by this act or essential to its effective administration.

Section 9. PERSONNEL DIRECTOR. The Personnel Director shall be elected or appointed by the Personnel Board and he shall serve at the pleasure of the said Board; he shall: (a) be over twenty-one years of age, (b) be of recognized good character and administrative ability, and (c) be or become within thirty days of appointment, a bona fide resident of Dothan. The salary of the Personnel Director shall be fixed by the Personnel Board. The Director shall have power and authority and it shall be his duty to: (a) direct and supervise the administrative and technical activities of the department; (b) appoint from the Employment Register, with the approval of the Board, such employees and special assistants as may be necessary to effectively organize the Department and the System herein created; (c) attend all meetings of the Board and provide for recording its official acts; (d) prepare and recommend Rules and Regulations for the administration of the provisions of this Act; (e) recommend and on its adoption establish, administer and execute a plan for a Classified Service in the City of Dothan; (f) submit to the Board a Compensation Plan for all positions in the Classified Service; (g) Conduct Tests, formulate Employment Registers and certify names of persons qualified for appointment under the Classified Service; (h) devise and administer an Employment Service Rating; (i) examine all payrolls or other compensation for personnel service, within the Classified Service, and to disapprove from time to time, any compensation which is not in line with the Compensation Plan adopted by the Board; (j) to establish and maintain a Roster of all of the officers and employees in the Classified Service; (k) make reasonable investigations pertaining to personnel, salary scales and employment conditions in the Classified Service as may be requested by the Board, the Citizens Supervisory Committee or by the Governing Body of the City; (l) make investigations concerning the administration and effect of this Act, the Rules and Regulations made thereunder and to report his findings and recommendations to the Board; (m) make at least one comprehensive annual report to the Board, which shall include the Efficiency Rating of each person employed under the Classified Service; and (n) perform any other act or acts required of him under provisions of this Act, by the Personnel Board or by the Citizens Supervisory Committee, which may be necessary or proper to carry into effect the purposes and objectives of this Act.

Section 10. RULES AND REGULATIONS. No Rule or Regulation shall be adopted by the Board unless it is proposed at a prior meeting and public notice thereof given by posting a copy of same for ten days within the vestibule of the City Hall. Any citizen or taxpayer in the City of Dothan may appear before the Board and advocate or protest the adoption of such Rule or Regulation. The scope of all Rules and Regulations shall be: (a) to provide a method for administering the Classification Service and the Compensation Plan, adopted by the Board; (b) to establish, maintain, consolidate and cancel Personnel lists; (c) to provide a system for receiving, accepting or rejecting applications for tests; (d) to prescribe the manner of giving tests, grading papers and otherwise determining the qualifications of applications for rating under the Classified Service; (e) pertaining to the adoption and application of a Service Rating System; (f) pertaining to uniform recommendations as to working conditions, hours of employment, leaves of absence and vacations of employees in the Classified Service; and (g) the order and manner in which suspension from service may be applied to persons in the Classified Service. All Rules and Regulations, duly adopted by the Board, if not inconsistent with the provisions of this Act, shall have the force and effect of law and shall become effective when a copy thereof is recorded in the office of the Clerk of the City.

Section 11. CLASSIFICATION OF POSITIONS. The Director shall, as soon as practicable after his appointment, ascertain and record an outline of the duties of each position to be filled from the Classified Service, and, after consultation with the Appointing Authority, recommend to the Board a Classification Plan, together with proposed Rules and Regulations for its administration. Such plan shall show each class of position in the Classified Service, separately stated as to each Appointing Authority, and, when approved by the Board, the plan together with the Rules and Regulations for its administration shall be made public. Each such class shall include positions requiring duties which are substantially similar in respect to the authority, responsibility and the character of the services required, and shall be designated by a title indicative of such duties. Each class shall be so defined that the same general requirements as to education, experience, capacity, knowledge, skill, and aptitude are demanded of incumbents, for the proper performance of their respective duties. The same test of fitness may be used in selecting qualified appointees, the same schedule of pay may apply where equitable and the same practical plan of promotion and demotion shall as far as practicable be followed. The Director shall have authority and it shall be his duty to investigate the number of employees in any department or office in the city and if in his opinion, after conference with the Department Head, there are an excessive number, or an insufficient number of employees, in proportion to the amount of work required in such department or office, the Director shall recommend to the Board that the excessive number of employees be laid off or transferred, either permanently or temporarily in accordance with the provisions of this Act; or the Director, if in his judgment there be an insufficient number of employees, may, with the approval of the Board, certify to the appointing Authority additional names to fill such positions, and the Appointing Authority shall forthwith put into effect the order of the Personnel Board, in such respect.

Section 12. COMPENSATION PLAN. The Director shall prepare and recommend to the Board, after consultation with the Appointing Authority and other officers, a uniform Compensation Plan for all employees in the Classified Service; such plan shall include, for each class of positions, a minimum and maximum rate not inconsistent with such rate or rates as may be fixed by law, in other specific instances. The Director, in establishing such rates, shall give consideration to the experience in recruiting for positions in the Classified Service, the prevailing rates of pay for comparable services in public and private employment, living costs, maintenance or other benefits received by employees, and the financial condition of the City. Such Compensation Plan shall take effect when approved by the Board, and same may be thereafter modified or revised at the pleasure of the Board. Each employee in the Classified Service shall be paid initially at the minimum rate fixed in the Compensation Plan for the Class of Positions in which he is employed, and the raising or lowering of the pay of an individual, within such limitations, shall be done upon request of the Appointing Authority, with a similar recommendation by the Director, and the approval of the city manager. The foregoing provisions may be relaxed by the Board in fixing the compensation of persons employed by the City at the time this Act becomes effective.

Section 13. TESTS.

I. General. The Director shall prepare and conduct tests for the purpose of enabling him to establish Employment Registers for the various classes of positions in the Classified Service. The tests shall be prepared and conducted so as to take into consideration elements of character, reputation, education, aptitude, experience, knowledge, physical fitness and other pertinent matters. Such tests may be given in writing, orally, or in any other manner which will enable the Director to determine the fitness of the applicant for acceptance into some class of position in the Classified Service. Public notice of the time, place and general scope of every test must be given by the Director. Promotional Tests shall be conducted in like manner and embrace the same subject-matter as initial tests for similar Classified Employment. Admissions to test shall be open to all persons who: (a) reasonably appear to the Director to possess the required qualifications, (b) may be lawfully appointed to a position in the class for which a list is to be established, and (c) pays the fees, if any, prescribed by the Rules. The Director may, however, reject the application of any person for admission to test, or may strike the name of any person from a list, or refuse to certify the name of a person on a list for a position, if he finds that such person: (a) lacks any of the required qualifications; (b) is physically unfit to perform any of the duties of the position in which he seeks employment; (c) is addicted to the habitual use of drugs or intoxicating liquors; (d) has been convicted of any crime involving moral turpitude; (e) has been dismissed from public services for delinquency; (f) has made a false statement of a material fact pertaining to his qualifications and service; and (g) practiced or attempted to practice any fraud or deception in his application or Test, or in attempting to secure appointment. The names of persons employed by the City at the time this Act becomes effective shall be placed on the Employment Roster without rating, and they shall be subject to all the provisions of this Act, except a certificate from the City Commission that any employee of the City has been employed in the same line of service for a period of two years and that such employee has rendered satisfactory service to the City shall relieve such person of taking any test authorized by the provisions of this Act, to continue to hold such position provided such employee is otherwise qualified.

II. Veteran. Upon successfully passing an entrance examination for a position in the Classified Service, five point preference is given to honorably separated veterans who served on active duty in the Armed Forces of the United States during any war (the official dates of war service are April 6, 1917 - July 2, 1921, and December 7, 1941 - April 28, 1952); during the Period April 28, 1952, through July 1, 1955; in any campaign or expedition for which a campaign badge or service medal has been authorized; for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976. (An initial period of active duty of training under the "six-month" Reserve or National Guard programs does not count.)

Ten point preference is given to veterans who served on active duty in the Armed Forces at any time, and who (1) have a service-connected disability or (2) are receiving compensation, disability retirement benefits, or pension under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or Marine Corps. A veteran who has been awarded the Purple Heart for wounds received in action is considered to have a service connected disability.

Section 14. FILLING VACANCIES. When any vacancy occurs in the Classified Service the Director, subject to the approval of the Personnel Board, may direct the filling of such vacancy by appointment, promotion, reappointment, transfer or demotion, where practical.

(a) Appointment: When it is necessary to fill a vacancy by appointment, the appointing authority shall submit to the director a personnel requisition containing a statement of the title of the position and the desired qualifications of the person to be appointed, and request the director to certify to him the names of persons eligible for appointment to the position. The Director shall certify to the appointing authority the names of three ranking eligibles from the most appropriate register and, if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy, or, if agreeable to the Appointing Authority all the names on the register, if there is less than the above required number. If it is impossible to locate any of the persons so certified or if any of the certified persons decline to accept the position, and there are by reason thereof less than the above required eligibles, the appointing authority may request that additional names be certified until the proper number of eligible persons have been certified. The appointing authority shall, within thirty days, appoint one of those whose names are certified to fill each vacancy. In the event the requested number of eligibles cannot be certified to the appointing authority, he may chose from the remaining certified names or may elect to make a provisional appointment as provided in this act. In the event there does not exist an employment register, which the Director deems appropriate for the class in which the position is established, he shall prepare such a register within a reasonable time after receipt of the request of the appointing authority that eligibles be certified. Whenever an eligible has been certified to and objected by the appointing authority as many as three times, the Director may remove the name of such person from the employment register.

(b) Promotion: Vacancies other than entry level positions shall be filled by promotion in so far as practicable, from the appropriate promotional register. The certification of individuals for promotion shall be the same as provided for in paragraph (a) above, with the exception that individuals certified to the appointing authority as many as three times shall not be removed from the promotional register.

Section 15. TRANSFER. The Appointing Authority may, when desirable, transfer a Classified Employee under his jurisdiction from one position to another in the same class. Any Classified Employee may be transferred from one department to another in the same class, provided the Director has authorized the transfer and it has been approved by the Appointing Authority concerned. The Appointing Authority shall give written notice to the Director of each Transfer made by him and same may be disapproved by the Board, after a hearing.

Section 16. DEMOTIONS. An Appointing Authority may, with the approval of the Director, Demote a Classified Employee under his jurisdiction from a position in one class to a position in a lower class, upon giving written notice stating the reasons thereof, but such Demotion may be disapproved by the Board, after a hearing.

Section 17. PROVISIONAL APPOINTMENTS. Whenever in the opinion of the Director it is impossible within a reasonable time to certify eligible persons for appointment to a vacancy in the Classified Service, the Appointing Authority may nominate a person for the vacancy to the Director. If such nominee is found by the director to have had experience and training which appear to qualify him for the position, the Director may authorize the Appointment of such person to such vacancy only until an appropriate eligible Register can be established and an Appointment made therefrom. Such Provisional Appointments shall be for a period of ninety (90) days and may, with the approval of the Director, be extended for an additional ninety (90) days, however, in no event shall a provisional Appointment be made for a period aggregating more than 180 days.

Section 18. WORKING TEST PERIOD.

(a) Every person appointed to a position in the Classified Service, after certification of his name from a Promotion List or an Employment Register, shall be tested by a Working Test while occupying such position. The period of such Working Test shall commence immediately upon appointment and shall continue for such time, not less than six months, as shall be determined by the Director. The Appointing Authority shall observe the employee's attitude toward his work, his capacity to perform the duties required of him, any habits which may affect in any manner the character of service performed by him, and his general dependability, during such Working Test Period, and report to the Director, periodically as required, in writing, the results of such observation. The Appointing Authority may remove an employee, after a reasonable Test Period, if in his opinion the employee is unable or unwilling to perform the prescribed duties satisfactorily, or if his habits or dependability do not merit his continuance in the service, subject to the approval of the Director. Notice of such removal, with the reasons assigned therefor, shall be given to the employee and the Director, at the time of the discharge. No more than two employees shall be removed successively from the same position by the same Appointing Authority, during their Working Test Period, without the approval of the Director. The Director may remove an employee during his Working Test Period if he finds, after notice and an opportunity to be heard, that such employee was appointed as a result of fraud or error.

(b) Ten days prior to the expiration of an employee's Working Test Period, unless the employee has been previously removed, the Appointing Authority shall notify the Director in writing whether the service of the employee has been satisfactory and whether he desires to continue the employee in his position, and a copy of such notice shall be given to the employee. If he is not to be continued in the position, after such notice the employee shall not be paid for work performed after the expiration of his Working Test Period.

(c) If any employee is removed from his position during his Working Test Period and the Director determines that he is suitable for appointment to another position, his name may be restored to the list from which it was certified. If any such employee was a regular employee in another position in the Classified Service immediately prior to his appointment and such position has not been filled, he shall be reinstated and if such position has been filled, his name shall be placed on the re-employment list.

Section 19. SERVICE RATINGS. The Director shall establish, in cooperation with the Appointing Authorities, a system of Service Ratings, based upon standards of employment and output of employees in each class of positions in the Classified Service, which may be amended from time to time as the necessity arises, and such Service Ratings shall be considered in such manner and with such weight as shall be provided by the Rules and Regulations: (a) in determining salary increases or decreases, within the established limits; (b) as a factor in Promotional Tests; (c) as a factor in determining Lay-offs, when forces should be reduced because of insufficient funds or work; (d) in determining the order in which names are to be placed on the Re-employment Lists; and (e) as a means of discovering employees who should be promoted, demoted, transferred or dismissed.

Each Appointing Authority shall report to the Director, in such manner and at such times as the Rules and Regulations require, the Service Ratings of Employees in his division or department and shall also disclose such other information as the Director may request, to enable the Director to determine the Service Ratings of all employees. Each employee shall be given reasonable opportunity to inspect the records of the Department which show his Service Ratings.

Section 20. LAY-OFFS. An Appointing Authority may Lay-Off employees in the Classified Service, in accordance with the Rules and Regulations adopted under the provisions of this Act, whenever he deems it expedient because of shortage of work or funds or material changes in duties or organization, and Seniority and Service Ratings of employees shall control in determining the order of Lay-Offs. The Appointing Authority shall give written notice to the Director of every proposed Lay-Off, at least ten days before the effective date thereof, and the Director shall make such orders relating thereto as he considers necessary to secure compliance with the established Rules and Regulations. The name of any regular employee laid-off shall be placed on the appropriate Re-employment List.

Section 21. DISCHARGES. (I) The Appointing Authority may discharge an employee in the Classified Service, whenever he considers the good of the service and the welfare of the city will be best served thereby, by making and filing in his office an order to that effect together with the reasons assigned for the discharge, however, the power to discharge shall not be capriciously or arbitrarily exercised in any case; a copy of such order and the reasons assigned shall be served upon each the employee and the Director before the effective date thereof; and a copy served upon the Director shall be filed and retained in this office as a Public Record. The discharged employee may, within ten days after receipt of the discharge notice, appeal the action of the Appointing Authority to the Board, by filing a written answer to the chairman with a demand for a hearing. It shall be the duty of the Board to fix a time and place for hearing on the appeal, and to give notice thereof to the employee and the Appointing Authority, which appeal shall be heard by the Board on a date not later than thirty days from the date the appeal is taken. The Personnel Board shall have the authority, after an appropriate hearing, and based upon a finding of the facts and applicable law involved, to reduce the severity of the disciplinary action taken by the Appointing Authority, and issue such orders and decrees with reference thereto as may be just and reasonable, and for the best interest of the City. The findings of fact by the Board, based upon its records, and the testimony taken before it, shall be conclusive if supported by substantial evidence. If the Appointing Authority is sustained by the Board, the discharge shall be final as of the date thereof; if the discharge is not sustained, the employee shall continue in the service of the City and shall be entitled to full compensation. (II) A person in the Classified Service may also be removed or disciplined in the following manner: Charges may be filed with the Director by any officer, citizen, or taxpayer of the city and the Director shall, after an investigation, certify the charges filed, together with the results of his investigation, to the Personnel Board and said Board shall set a day for a public hearing on such charges. The Board shall on the date fixed receive testimony offered in support of and in denial of such charges and from such testimony make a finding of the facts and applicable law involved, in writing, and make such orders and decrees with reference thereto as may be just and reasonable and for the best interest of the city.

The findings of fact by the Board, based upon its records and the testimony taken before it, shall be conclusive if supported by substantial evidence. (III) If a person in the Classified Service relies upon a direct order by a superior; (a) as a defense or excuse for the violation of any of the provisions of this Act or the Rules and Regulations adopted thereunder, or (b) an omission to observe the provisions of this Act or Rules and Regulations adopted thereunder, he must establish such direct order of a superior to the reasonable satisfaction of the Board.

Section 22. SUSPENSIONS. An appointing Authority may, from time to time, suspend an employee without pay or other compensation, as punishment for improper behavior, but no employee may be suspended for a period or periods within the aggregate of more that [sic] 30 days in any year's service. A Suspension may be effected by serving written notice upon the employee together with a statement clearly setting forth the causes thereof; a copy of which must be forthwith mailed or delivered to the Director. The suspended employee may file with the Board and the Appointing Authority a written answer or explanation of the assigned charges and such answer shall be preserved as a part of the Public Record and the Board may, for cause shown, set aside such suspension order.

Section 23. POLITICAL ACTIVITIES PROHIBITED. (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the Classified Service, or in any way favored or discriminated against with respect to employment in the Classified Service because of his political or religious opinions or affiliations. (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the Classified Service. (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment, or advantage in appointment, to a position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (d) No employee in the Classified Service shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (e) No employee in the Classified Service shall be a candidate for nomination or election to any City of Dothan municipal public office or shall take any part in the management in the affairs of any political party or any political campaign relating to City of Dothan municipal elections except to exercise his right as a citizen privately to express his opinion and to cast his vote. (f) Any officer or employee in the Classified Service who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan. The provisions of this Act shall not preclude any employee in the Classified Service who has been elected to public office or nominated or selected as a member of a committee of a political party prior to the effective date of this Act from discharging duties of his office.

Section 24. POLITICAL ACTIVITIES OF DEPARTMENT HEADS PROHIBITED. (a) No employee named in Section 3 (i) of this bill shall: (a) use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment, or advantage in appointment, to a

position in the Classified Service, or an increase in compensation or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any other consideration. (b) Directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization, or purpose, or solicit, or take any part in soliciting any such assessment, subscription or contribution. No person shall solicit any such assessment, subscription or contribution of any employee in the Classified Service. (c) Be a candidate for nomination or election to any public office or participate in any political campaign relating to City municipal elections, or shall take any part in the management of the affairs of any campaign committee, or any political campaign related to City of Dothan municipal elections, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any such officer or employee who violates any of the foregoing provisions of this Section shall forfeit his office or position and may not be again employed by the City of Dothan.

Section 25. INVESTIGATIONS. The Board and the Director shall make a study of all matters touching the administration and enforcement of the provisions of this Act and the Rules and Regulations adopted thereunder. To this end, the Board or the Director may visit all offices and places of employment to ascertain information and to advise with the heads of the various departments concerning their method of handling matters affecting the Service; and to ascertain if the provisions of this Act and the adopted Rules and Regulations are fully complied with. The Board or Director, in the course of such inquiries, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of records, books, papers and documents pertaining to the subject-matter under Investigations. The Board, or the Director, shall have the authority to inquire into the number of employees in any office or department and, after notice and an opportunity to be heard by the Appointing Authority and the employees affected, the Board may determine there is an excessive number of employees in such office or department, in proportion to the amount of work required, and, in that event, it shall issue an order in writing to the Appointing Authority to eliminate the number of employees found to be excessive, in the manner prescribed by this Act or the Rules and Regulations, and such order shall be forthwith complied with by the Appointing Authority. The Board and the Director shall also study the organization of the system, procedure of administration and other matters which affect the successful operation of the system and make such lawful changes as may increase efficiency or economy.

Section 26. CORRUPT PRACTICES. (a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this Act and the prescribed Rules and Regulations. (b) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the Classified Service. (c) No employee of the Department or other person shall defeat, deceive, or obstruct any person in his right to an examination, eligibility, certification or appointment under the provisions of this Act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any persons with respect to employment in the Classified Service. (d) No person shall be appointed or employed in any position in the Classified Service as defined in this Act in a department of the City if such person is related by blood or marriage within the second degree to a commissioner or to the

department head who is in charge of such department. This provision shall not be construed to require the dismissal of any employee in said Classified Service where, subsequent to his original employment in such service, the department head of the department in which such employee is working or Commissioner becomes related to such employee by blood or marriage within the second degree. The commission of any such corrupt practice shall constitute a misdemeanor and shall be punished in the manner provided by the general laws of the State.

Section 27. CERTIFICATIONS OF PAYROLLS. (a) It shall be unlawful for any City official, employee or other officer to pay or cause to be paid any salary or compensation to any person in the Classified Service of the City, for Personal services, unless the payroll estimate, voucher, or account, for such compensation, containing the name of the persons to be paid, shall bear the certification of such persons' Department Head or Appointing Authority that the person or persons named therein are employees of the City and are legally entitled to receive the sums stated therein and such payroll or voucher must be approved by the Director. (b) Any sum paid in violation to the provisions of this Act or the Rules and Regulations adopted thereunder may be recovered, in any action maintained in the name of the City, by the City Attorney, or by any Citizen or Taxpayer of the City, from the officer who made, authorized or approved such payment or who signed or countersigned any voucher, payroll, check or warrant for such payment, or from the sureties on the official bond of such officer, and all money recovered in such action shall be paid into the city treasury. (c) Any person appointed or employed in violation of the provisions of this Act, the Rules and Regulations adopted, or the orders of the Board, who performs service for which he cannot be lawfully paid out of the municipal funds, may maintain an action against the Appointing Authority to recover the agreed pay for such services, or the reasonable value thereof, and no officer shall be reimbursed by the City at any time for any such sum recovered and paid. (d) If the Director wrongfully withholds certification of the payroll voucher, or account of any employee, such employee may maintain a proceeding to compel the Director to certify such payroll, voucher or account. (e) A thirty day month shall be used for the purpose of calculating the pay of employees compensated on a monthly basis.

Section 28. ATTENDANCE OF WITNESSES: FEES: FALSE OATHS. Any person who shall be served with a subpoena, issued in the course of an investigation or hearing conducted under any provision of this Act, to appear and testify or to produce records, books, and papers, who shall disobey or neglect to obey any such subpoena shall be guilty of a misdemeanor and punished as provided by the general laws of the State. The fees of witnesses for attendance shall be the same as fees of witnesses before the courts of record and shall be paid as provided in this Act. Any judge of a court of record, upon application of a member of the Board or the Director, shall compel the attendance of witnesses, the production of records, books and papers and the giving of testimony before the Board, by attachment, contempt proceedings or otherwise, in the same manner as the production of evidence may be compelled before said court. Any person who, having taken oath or made affirmation in the cause of any investigation or hearing under the provisions of this Act, shall willfully and knowingly testify or declare falsely shall be guilty of perjury and upon conviction shall be punished as provided by the general laws of the State. The Director or the Board may require the Attendance of employees who are needed as witnesses without subpoena.

Section 29. EXPENSES OF THE DEPARTMENT. The salaries and other compensation herein authorized to be paid to the members of the department herein created, together with the necessary expenses actually incurred by such Committee,

Board or Director shall be paid by warrant or requisition drawn by the Personnel Board and signed by at least two members thereof; such warrant or requisition shall be drawn upon the same officer, payable in the same manner, and out of the same funds, as the salaries of the members of the City Commission are paid. Within 90 days after his appointment, the Personnel Director shall submit a budget of operating expenses to the Personnel Board, and furnish a copy thereof to the Governing Body of the City, for the fiscal year ending October 1, 1947. He shall likewise submit a budget of such operating expenses not less than 45 days before the beginning thereof for each subsequent fiscal year; and such budgets may include expenses incurred in any previous year and not duly paid. The Governing Body of the City may appear before the Board and protest the approval of any item which it deems unnecessary or excessive, however, the Board may adopt a reasonable budget over the protest of the Governing Body of the City.

Section 30. USE OF BUILDING. The officials of the City are hereby required to furnish the Personnel Department necessary facilities in City Hall for the conduct of its business, provided for under the Provisions of this Act, to include office space, office equipment and supplies.

Section 31. LEGAL SERVICE. It shall be the duty of the City Attorney to furnish legal advice and legal service to the Board and the Director, in the administration of the Provisions of this Act and the Rules and Regulations adopted in pursuance thereof. However, the Board is hereby authorized to employ special counsel when deemed necessary. The City is hereby required to pay reasonable compensation for such service.

Section 32. RECORDS OF THE DEPARTMENT. The records of the Department, except such records as the Rules and Regulations may require to be held confidential for reasons of public policy, shall be Public Records and open to Public inspection, subject to reasonable regulations as to the time and manner of inspection.

Section 33. COURT PROCEEDINGS. Orders of the Personnel Board may be enforced by mandamus, injunction, quo warranto or other appropriate proceedings, in any court of competent jurisdiction. Any person or City official directly interested may, within five days, appeal to the Circuit Court of Houston County from any order of said Board by filing notice thereof with the Board, whereupon said Board shall certify to a transcript of the proceedings before it and file the same in said Court. The findings of fact by said Board, duly set forth in the transcript, if supported by substantial evidence adduced before said Board, after notice to the interested party or parties and after affording such parties an opportunity to be heard, shall be conclusive on any appeal. The issues on such appeal shall be made up under the directions of the court and within thirty days after such transcript is filed in court; and the trial thereof shall proceed on the evidence contained in such transcript, if it appears that the evidence was taken after such notice and opportunity to be heard. If upon such appeal the court finds that the ruling, order or action appealed from is unlawful or unreasonable, within the meaning of this Act, it shall have power to vacate or modify the same.

Section 34. SEVERABILITY. This Act is hereby declared to be divisible and severable and the holding of any Provision thereof to be void, ineffective or unconstitutional for any cause, by any court of competent jurisdiction, shall not in any manner serve to affect the other Provisions thereof and such remaining portions of said Act shall remain in full force and effect.

Section 35. REPEALING CLAUSE. All laws or parts of laws and all ordinances or parts of ordinances inconsistent with any of the provisions of this Act are hereby expressly repealed.

Section 36. EFFECTIVE DATE. This Act shall become effective upon its adoption and approval or when it otherwise becomes law. However, a period of ninety days thereafter shall be allowed in which to organize and prepare for the administration of the provisions of the Act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

s/James S. Clark
Speaker of the House of Representatives

s/ Ryan DeGraffenried
President Pro Tem and Presiding Officer of the Senate
House of Representatives

I hereby certify that the within Act originated in and was passed by the House April 16, 1992

Greg Pappas
Clerk

Senate April 30 Amended and Passed

House May 5, 1992 Concurred in Senate Amendment

Approved 5-14-92
Time 11:51 a.m.

s/Guy Hunt
Governor

I hereby certify that the within Act originated in and was passed by the House March 8, 2018

Jeff Woodward
Clerk

Senate March 22, 2018 Passed

House March 8, 2018 Passed

Approved 4-06-18
Time 10:15 a.m.

s/Kay Ivey
Governor