

# **Establishing a Merit System for Municipal Personnel**

**Suggested Ordinances and Rules**

*Revised Edition  
January 1995*

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and  
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# Foreword

**T**he advantages of formal personnel procedures based on merit principles have been widely documented. However, some aspects of personnel procedures that have been developed for federal and state agencies and for large metropolitan cities and counties have proven not suitable for use in smaller jurisdictions.

The suggested personnel ordinance and rules presented in this manual have been prepared to provide a model or a guide which may be adapted to meet the individual needs of most Alabama cities.

The original edition of this manual was authorized by the Executive Committee of the Alabama League of Municipalities in the late 1970s. Members of the League staff studied existing procedures in Alabama cities and analyzed ordinances and rules that had been prepared for jurisdictions in other states. An advisory group reviewed these materials and made recommendations. Additionally, persons with professional training and experience in public personnel administration were retained as consultants. The accompanying ordinances and rules, therefore, embody recommendations and suggestions made by a number of personnel officers, city clerks, city managers/administrators, and elected officials. This manual was first revised in 1982, and this edition marks the second revision to the original.

Special thanks go to Ken Smith, Anne Christensen and Jennifer Matthews of the League Staff for their help in the production of this 1995 revision.

Perry C. Roquemore, Jr.  
Executive Director

January 1995

**NOTE:** The forms mentioned and included in this manual are intended solely as samples and should not be used without consultation with legal counsel. Any use of these forms is at the sole risk of the user. The Alabama League of Municipalities disclaims any responsibility or liability which may arise or result from the use of these forms or any portion thereof.

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# Introduction

**M**ost municipalities spend more for salaries and wages than for any other object of expenditure. Moreover, the administrative effectiveness of any city or town is dependent upon its personnel policies. Every municipality, regardless of its size or governmental structure, is necessarily engaged in personnel administration. It must establish policies and procedures for recruiting, selecting, and training qualified personnel as well as policies and procedures to eliminate incompetent personnel.

Position classification and pay plans are necessary in larger cities and are useful in all but the smallest cities to ensure equitable relationships between employees. Personnel administration involves also the establishment of disciplinary and grievance procedures and must be concerned with all aspects of employee relationships and morale. The formal establishment of personnel policies is desirable even in small cities and towns.

A suggested ordinance and supplementary rules establishing a merit system of personnel administration in small cities are presented in this manual. The ordinance has been drawn on the assumption that a personnel ordinance should set forth only the basic framework for a merit system and that optional details of the system should be prescribed by the rules called for in the ordinance. The suggested rules are presented as a supplement to the suggested ordinance. Any city that enacts a personnel ordinance patterned after the suggested ordinance will have material on hand to work out rules implementing the enacted ordinance.

Some of the rules cover subjects that concern only the larger cities of Alabama. The rules that address, for example, classification plans, transfers, demotions, and appeals probably contain details not needed by smaller cities. The smaller the city that adopts a personnel ordinance based on the suggested ordinance, probably the fewer are the suggested rules that it needs to implement the adopted ordinance.

Whatever the size of the city, the first step in the development of a personnel system should be the enactment of a personnel ordinance based. It may be based on the suggested ordinance or it may be drafted from other sources. A city should next seek professional assistance in developing and operating the system. Any rules deemed necessary to implement the ordinance should be developed to meet the specific needs of that city.

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# Outline of Procedures

## **Adopt an Ordinance, such as Exhibit A, to Establish a Personnel System.**

As the first step, the governing body of a municipality should formally adopt an ordinance. Exhibit A is provided as a starting point—most municipalities will want to tailor an ordinance to their own specific needs. Please note that both federal and state statutory and case law change over time as new laws are passed and old ones are reinterpreted. The ordinance suggested in this manual must be modified to incorporate these changes. The final ordinance must be published one time.

## **Adopt a Resolution, such as Exhibit B, to Establish Rules and Regulations.**

The second step is for the governing body of the municipality to formally adopt a resolution, similar to Exhibit B, to establish rules and regulations implementing the system. This resolution must be published one time.

While councils may use the suggested rules and regulations provided in this manual as a starting point, the League advises careful study and review before rules are finally adopted. Most cities and towns wish to write rules which are specifically designed for their own situations. As noted above, since state and federal statutory and case law change over time, the rules and regulations suggested in this manual must be modified to incorporate these changes.

## **Adopt a resolution Establishing a Classification Plan.**

The third step should be accomplished over a period of time by competent personnel specialists. This step entails writing individual job descriptions and then placing each job into a classification determined by similarities. This responsibility should be undertaken by the appointed personnel officer, as provided for in Section 5(a) of Exhibit A, for example. Upon request by a municipality, the Alabama League of Municipalities will provide the personnel officer with samples to help perform this task.

## **Adopt a Resolution Establishing a Uniform Pay Plan.**

The fourth and final step should be accomplished in essentially the same manner as the third step. The

information gathered when adopting a classification plan is essential to establishing a uniform pay plan. This is also the responsibility of the appointed personnel officer. Upon request from a municipality, the *Alabama League of Municipalities* will provide the personnel officer with samples to help perform this task.

At this point, the personnel system is ready for complete operation. It is suggested that handbooks, including the rules and regulations, position classifications and pay schedule, be attractively designed and printed. These should be given to each employee. It is a generally accepted axiom that an informed employee is a good employee.

Meetings should be scheduled to explain the system to all employees. A starting date for the new pay schedule should be announced at this time. It is a good idea to be extremely careful with the first payroll under the new schedule—this is important for employee confidence and morale.

# Exhibit A

## Ordinance Establishing a Personnel System

### AN ORDINANCE

BE IT ORDAINED BY THE CITY [TOWN] COUNCIL OF \_\_\_\_\_, ALABAMA, AS FOLLOWS:

#### **Section 1. Purpose.**

There is hereby established a personnel system for the City [Town] of \_\_\_\_\_, Alabama. Such system shall be established on the following merit principles:

- (a) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, and skills, including open competition of qualified applicants for initial appointment;
- (b) Establishing pay rates consistent with the principle of providing comparable pay for comparable work;
- (c) Training employees, as needed to assure high quality performance;
- (d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- (e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, creed, national origin or ancestry, sex or religion.

#### **Section 2. Classified service, exceptions.**

The classified service shall include all employees serving in continuing positions in the municipality except the following:

- (a) members of the municipal governing body and other elected officials;
- (b) members of appointed boards and commissions, municipal judges and municipal attorneys;
- (c) persons employed to work less than full-time;
- (d) administrative officials appointed by the mayor and/or municipal governing body, including but not limited to all department heads, the fire chief and the police chief;
- (e) volunteer personnel who receive no regular compensation from the municipality;
- (f) temporary positions scheduled for less than one year's duration unless specifically covered by the action of the mayor and municipal council;
- (g) persons performing work under contract for the municipality who are not carried on the payroll as employees.

Nothing herein shall be construed as precluding the mayor and/or municipal governing body from filling any excepted positions in the manner in which positions in the classified service are filled.

### **Section 3. Personnel Officer.**

The \_\_\_\_\_ is hereby designated to perform the duties of personnel officer. The personnel officer may have other staff members designated to assist him or her or may designate any member of his or her staff to assist.

### **Section 4. Duties of Personnel Officer.**

The personnel officer shall be responsible for the personnel administration system and shall direct all of its administrative and technical activities. The personnel officer's duties shall include, but not be limited to, the following:

- (a) encourage and exercise leadership in the development of effective personnel administration practices within the municipality;
- (b) investigate from time to time the operation and effect of this law and the policies made thereunder and to report those findings and recommendations to the mayor and municipal governing body;
- (c) establish and maintain comprehensive personnel records for each employee in the municipality's service, including each employee's classification, pay rate, date of employment and other relevant data;
- (d) advise the mayor and municipal governing body on matters affecting the most effective use of manpower resources;
- (e) make an annual report to the mayor and municipal governing body regarding the status of the personnel administration program.

### **Section 5. Preparation of Personnel Rules and Regulations.**

The personnel officer shall, not more than ninety (90) days after the effective date of this ordinance, draft or cause to be drafted the personnel rules and regulations for the municipality. Such rules shall become effective upon passage of an appropriate ordinance by the municipal governing body. The policies shall provide for:

- (a) the classification of all positions, based on duties, authority and responsibility of each position, with adequate provisions for reclassification of any positions warranted by changed circumstances;
- (b) a pay plan for classified service positions;
- (c) announcement of employee vacancies and acceptance of applications for employment;
- (d) preparation and administration of examinations, if appropriate;
- (e) establishment and use of eligibility lists, if appropriate;
- (f) establishment of promotion policies and procedures;
- (g) transfer, promotion and reinstatement of employees;
- (h) performance evaluations of employees, including those on probationary periods;

- (i) separation of employees from the classified service by resignation, suspension, dismissal, layoff, or incapacity to perform required duties;
- (j) grievance and appeal procedures;
- (k) establishment of hours of work, holidays, vacations, leave regulations and procedures;
- (l) outside employment of municipal employees;
- (m) establishment of a probationary period for all employees prior to final appointment;
- (n) development of employee morale, safety and training programs;
- (o) such other matters as may be necessary to carry out the intent and purpose of this ordinance.

**Section 6. Payroll Verification.**

The personnel officer or authorized agent shall be responsible for the certification of the payroll vouchers that the persons named therein have been appointed and employed in accordance with the provisions of this ordinance and the policies thereunder. The disbursing officer of the municipality shall not make or approve or take part in making or approving any payment for the personal service to any person holding a position in the municipality unless said payroll voucher or account of such pay bears the certification of the personnel officer or authorized agent.

**Section 7. Repealer.**

That any ordinance or part thereof in conflict with this ordinance be and the same is hereby repealed.

**Section 8. Severability.**

If any section or provision of this ordinance be declared to be invalid or unconstitutional by judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any other section or provision of this ordinance.

**Section 9. Effective Date—Publication.**

This ordinance shall take effect upon adoption and shall be published as required by law.

ADOPTED AND APPROVED THIS THE \_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
City [Town] Clerk

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**Exhibit B**

**Resolution Adopting Personnel Rules**

**A RESOLUTION**

BE IT RESOLVED BY THE CITY [TOWN] COUNCIL OF THE CITY [TOWN] OF \_\_\_\_\_,  
ALABAMA, AS FOLLOWS:

**Section 1.** That the Personnel Rules and Regulations which have been printed in booklet form and are attached hereto shall be adopted as the rules and regulations governing personnel actions of the City [Town] of \_\_\_\_\_, Alabama.

**Section 2.** That any Resolution or part thereof in conflict with this Resolution be and the same is hereby repealed.

**Section 3.** If any section or provision of this Resolution be declared to be invalid or unconstitutional by judgment or decree of a court of competent jurisdiction such judgment or decree shall not affect any other section or provision of this Resolution.

**Section 4.** This Resolution shall take effect upon adoption.

ADOPTED AND APPROVED THIS THE \_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
City [Town] Clerk

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# Exhibit C

## Sample Personnel Rules and Regulations

### TABLE OF CONTENTS FOR PERSONNEL RULES AND REGULATIONS

<b>I. INTRODUCTION .....</b>	<b>21</b>
1. Establishment of Rules	
2. Applicability of Rules	
3. Dissemination of Rules	
4. Definitions	
5. Administration of Personnel	
<b>II. APPOINTMENT AND PROMOTION .....</b>	<b>23</b>
1. General	
2. Tests	
3. Age	
4. Promotion	
5. Probationary Period	
6. Relatives in the Local Government Service	
<b>III. CLASSIFICATION OF POSITIONS .....</b>	<b>25</b>
1. Classification Plan	
2. Position Descriptions	
<b>IV. PAY OF EMPLOYEES .....</b>	<b>25</b>
1. Pay Plan	
2. Pay Steps	
3. Performance Evaluations	
4. Review of Performance Evaluations by Employees	
5. Six-Month Merit Increase	
6. Merit Increases	
7. Promotion	

- 8. Pay and Allowances
- 9. Overtime
- 10. Pay for Part-Time Employment
- 11. Deductions on Termination

**V. LEAVES OF ABSENCE ..... 27**

- 1. General Policy
- 2. Holidays
- 3. Annual Leave
- 4. Sick Leave
- 5. Military Leave
- 6. Leave Without Pay
- 7. Maternity Leave
- 8. Emergency Leave
- 9. Educational Leave
- 10. Official Duty Leave
- 11. Civil Leave
- 12. Leave Records
- 13. Office Hours

**VI. EMPLOYEE BENEFITS ..... 32**

- 1. Group Life Insurance
- 2. Group Health Insurance
- 3. Social Security
- 4. Retirement
- 5. Workers Compensation
- 6. Supplementary Training Program

**VII. IN-SERVICE ACTIVITIES ..... 33**

- 1. In-Service Training
- 2. Working Conditions; Foremanship

**VIII. RETIREMENT ..... 33**

- 1. Normal Retirement Age
- 2. Physical Requirements Beyond Normal Retirement Age

**IX. EMPLOYEE COMPLAINT OR GRIEVANCE PROCEDURE ..... 34**

- 1. Purpose
- 2. Definition

3. Grievance Policy

4. Protection

**X. CONDUCT, WORK HABITS, ATTITUDE ..... 35**

1. General

2. Discipline Policy

3. Disciplinary Action

4. Probationary Employee

5. Operators of City-Owned Motor Vehicles

**XI. POLITICAL ACTIVITY ..... 37**

1. Political Limitations

2. Affiliation

3. Disciplinary Action

**XII. OUTSIDE EMPLOYMENT ..... 38**

**XIII. PERSONNEL BOARD ..... 38**

1. Selection of Members

2. Qualifications

3. Removals and Vacancies

4. Duties

# PERSONNEL RULES AND REGULATIONS

CITY [TOWN] OF \_\_\_\_\_, ALABAMA

## I. INTRODUCTION

### SECTION 1. ESTABLISHMENT OF RULES

In accordance with the provisions of Resolution No. \_\_\_\_\_ of the City [Town] of \_\_\_\_\_, Alabama, the following rules, regulations, and other administrative provisions for personnel administration (hereinafter called "Rules") are established for the information and guidance of all concerned.

### SECTION 2. APPLICABILITY OF RULES

The rules herein established shall apply to all appointed paid employees of the City [Town] of \_\_\_\_\_, Alabama. The Personnel Officer has the authority to take appropriate action in dealing with cases of violation of the established rules.

### SECTION 3. DISSEMINATION OF RULES

Department heads will be furnished complete copies of all rules and changes thereto, and shall be responsible for maintaining a complete set of rules, and for bringing these rules to the attention of all employees under their supervision.

### SECTION 4. DEFINITIONS

Where used within these Personnel Rules, the following words and terms shall have the meanings indicated below:

#### (a) Allocation

The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

#### (b) Anniversary Date

One year from date of appointment to permanent full-time position and annually thereafter.

#### (c) Appointing Authority

That officer or body having authority under the laws of the State of Alabama or the ordinance of the City [Town] of \_\_\_\_\_ to make appointments to positions.

#### (d) Class or Class of Positions

A group of positions sufficiently alike in duties to justify the same class title and range of pay.

#### (e) Class Description

A written description of a class of positions containing a title, examples of work performed, required

knowledge, skills and abilities, and qualifications for applicants or incumbents to ensure satisfactory performance.

**(f) Classification**

The entire process of assigning and reassigning individuals to positions, positions to classes, and classes to grades, to the end that employees will be employed and compensated on the basis of merit, fitness, and actual duties performed so that there may exist equal pay for equal work.

**(g) Demotion**

The change of an employee from a position in one class to a position in another class having a lower pay grade and requiring the performance of less responsible duties.

**(h) Grade or Pay Grade**

The numerical designation of a fixed salary range assigned to a position, class or group of classes.

**(i) Merit Increase**

Advancement in pay of an employee to a higher step in a pay grade based upon display of merit in performance of duties and/or requiring a change in basic duties.

**(j) Merit System**

A uniform system of personnel administration and employee recognition which has been adopted by the City [Town] of \_\_\_\_\_, Alabama to recruit, employ, retain, and advance the best qualified persons available.

**(k) Position Description**

A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.

**(l) Probationary Period**

A working test period (six months for general employees and twelve months for police officers and firefighters) during which an employee is required to demonstrate by actual performance, fitness for the duties to which he or she is appointed, and the employee's general fitness and suitability as a public employee.

**(m) Promotion**

The change of an employee from a position in one class to a position in another class having a higher pay grade and requiring the performance of more responsible duties.

**(n) Reclassification**

The reallocation of a position to a different class of positions based upon substantial change in duties and responsibilities.

**(o) Regrading**

The assignment of a new grade to an entire class of positions.

**(p) Step or Pay steps**

The fixed rates of pay within a pay range authorized for a class of positions assigned to a particular grade, through which an employee may advance, while still performing the same duties.

**(q) Transfer**

The reassignment of an employee to a position in the same pay grade without increase or decrease in rate of pay.

**SECTION 5. ADMINISTRATION OF PERSONNEL**

The Personnel Officer is responsible for personnel administration within the City [Town] government. All matters dealing with personnel shall be routed through the Personnel Officer, who shall maintain a complete system of personnel files and records. The policy of the municipality is that all employee hiring, termination, classification, assignment and promotion shall be based on ability and suitability, and without regard to race, color, creed, religion, or sex.

**II. APPOINTMENT AND PROMOTION**

**SECTION 1. GENERAL**

Appointments and promotions to all classified positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's (1) training, education, experience and physical fitness, (2) oral interview and (3) whenever practical, an examination or demonstration performance test.

**SECTION 2. TESTS**

The Personnel Officer may establish tests or examinations which are warranted to determine whether or not an applicant or employee meets established standards. [NOTE: The Americans with Disabilities Act and other federal and state laws limit the range of testing to those necessary to meet essential job functions. The League recommends working closely with legal counsel when developing tests and examinations.]

**SECTION 3. AGE**

The minimum age for employment as a probationary employee shall be eighteen years of age. The minimum age for employment of seasonal employees shall be sixteen years of age.

**SECTION 4. PROMOTION**

All vacancies occurring in the classified service shall, whenever possible, be filled by promotion of a qualified employee within the public service. However, the Personnel Officer may recruit applicants from outside the public service whenever there is reason to believe that better qualified applicants are available than within the public service. Promotion within the public service shall be based on the

qualifications of the person being appointed. Usually, the first consideration in filling of vacancies will be given to the most qualified applicant in the department in which the vacancy exists. Next, consideration will be given to the most qualified applicant from outside the department. If no acceptable applicant is found within the public service, the vacancy will be filled from outside the public service. The criteria used in the selection of the most qualified applicant shall be based upon experience, performance, evaluation and, where feasible, examination.

#### **SECTION 5. PROBATIONARY PERIOD**

Each general employee receiving an appointment or a promotion to a position in the classified service must serve a probationary period of six (6) months before the individual's appointment or promotion shall be considered permanent. Probationary periods for police officers and firefighters shall be twelve (12) months upon appointment and six (6) months upon promotion. During the employee's probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by a supervisor, department head and other appropriate officials. If the probationary employee fails to meet required standards of performance, employment will be terminated, or if the individual is a promoted regular employee, the individual may be restored to the classification and position from which he or she was promoted or to a comparable position. Termination or demotion will be conditional, subject to review and approval of the appointing authority.

##### **(a) Termination**

If at any time during the probationary period the supervisor, or department head, determines that the services of the employee have been unsatisfactory, the employee may be terminated from the position, provided such termination is approved by the employee's appointing authority. The appointing authority shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation.

##### **(b) Probationary Reports**

At least ten (10) days prior to the end of each employee's probationary period, the department head shall complete a probationary report and notify the appointing authority in writing that either (a) the employee has successfully completed the probationary period and shall henceforth be considered a tenured regular employee with all rights and privileges due; or (b) the employee has not progressed as desired but it is recommended that the probationary period be extended for an additional 90 days, at the end of which the employee will be granted tenure (status), terminated from employment, or returned to the classification from which promoted; or (c) the employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from employment, or if promoted from another position returned to the previous or a similar classification.

#### **SECTION 6. RELATIVES IN THE LOCAL GOVERNMENT SERVICE**

Two or more members of an immediate family shall not be employed under the same supervisor;

neither shall two members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his or her immediate family. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section. "Immediate family" is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt.

### **III. CLASSIFICATION OF POSITIONS**

#### **SECTION 1. CLASSIFICATION PLAN**

A classification plan shall be established and maintained and filed within the office of the Personnel Officer. No deviation shall be made from the classification plan. Where circumstances warrant, the plan itself or the classification of a particular position or class or positions may be amended by the municipal governing body.

#### **SECTION 2. POSITION DESCRIPTIONS**

When a new position is created, departments shall furnish a tentative description of expected duties and essential job functions prior to employment to aid in the recruitment and the initial classification of that employee. The Personnel Officer shall furnish within thirty (30) days after employment a position description of any changes in duties performed by a new employee and shall furnish a new or supplementary position description whenever these duties change.

### **IV. PAY OF EMPLOYEES**

#### **SECTION 1. PAY PLAN**

The pay of all employees, other than those whose pay is fixed by the municipal governing body, is established by the pay plan for the class of position in which they are employed.

#### **SECTION 2. PAY STEPS**

For each class of positions, a pay grade is assigned, and for each class of positions within that grade a number of pay steps are provided. Initial employment is normally at the first pay step of the range but in exceptional circumstances, based upon experience or unusual qualifications of any applicant, and with the prior approval of the municipal governing body, an employee may be hired in a higher step.

### **SECTION 3. PERFORMANCE EVALUATIONS**

A performance evaluation form, approved by the appointing authority, must be completed annually for each employee and forwarded to the Personnel Officer. Each employee will be evaluated initially at the end of his or her probationary period, and thereafter during the thirty (30) day period before or after his or her employment anniversary date.

In addition to merit increases, all requests for pay changes (probationary, promotion, demotion, etc.) must be accompanied by a copy of the most recent performance evaluation for the employee.

### **SECTION 4. REVIEW OF PERFORMANCE EVALUATIONS BY EMPLOYEES**

An employee may request to review his or her performance evaluation with the Personnel Officer without prior approval by his or her supervisor; however, if there is evidence of a grievance, the employee is advised to follow the procedures as established in Chapter IX—"Employee Complaint or Grievance Procedure."

### **SECTION 5. SIX-MONTH MERIT INCREASE**

Upon satisfactory completion of the initial six months of employment, an employee may be recommended for a one-step adjustment, provided the employee is in the first step of the pay range.

### **SECTION 6. MERIT INCREASE**

Provided the maximum of the pay range has not been reached, an employee may be recommended to receive a merit increase whenever his or her supervisor considers that the employee's quality of job performance warrants such rewards. Factors to be considered for a merit increase are skill, ability, judgment, initiative, reliability, attitude, and increased educational qualifications.

Merit increases will be in writing to the appointing authority giving full justification. Merit increases are subject to approval of the municipal governing body.

### **SECTION 7. PROMOTION**

The pay of an employee promoted to a position of higher grade may be adjusted to that step in the new pay grade which is next higher than the former rate of pay.

### **SECTION 8. PAY AND ALLOWANCES**

Rates of pay established are gross and total compensation for full-time service in the various classifications. The hours of work for full-time service are established by the pay plan, although the appointing authority shall fix hours of work for employees and offices. Rates of pay established provide full compensation for whatever hours may be reasonably required in all classes of positions, and no position shall be subject to additional compensation as a result of any reasonable variation in hours worked. The appointing authority may authorize pay for overtime work in emergencies or other unusual occasions beyond reasonable requirements of hours worked.

## **SECTION 9. OVERTIME**

The standard work week shall be established by the appointing authority. Department heads should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The department head shall assign to each employee regular duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities. For department heads such overtime is considered part of their job responsibility and does not justify overtime pay. [NOTE: Employees must meet tests established under the Fair Labor Standards Act to be exempt from receiving overtime pay.] When regular, classified employees are required to work extra or prolonged shifts, they shall receive overtime pay equal to one and one half (1-1/2) normal pay rates.

### **(a) Overtime—Compensatory Time**

Overtime and compensatory time will be granted in accordance with the requirements of the Fair Labor Standards Act. Salaried employees not covered by the Fair Labor Standards Act, who are required to work on a holiday or who must participate in special overtime duties not included in their regular work program, may be granted compensatory time off in lieu of compensation. On occasion where the performance of normal duties requires overtime work neither compensation nor compensatory time off may be granted to employees who are not covered by the Fair Labor Standards Act. Any program of overtime work to be compensated by time off for these employees must have the prior approval of the appointing authority.

## **SECTION 10. PAY FOR PART-TIME EMPLOYMENT**

Whenever an employee, not on leave with pay, works for less than the regularly established number of hours per day, days per week, or weeks per month, suitable entry shall be made on the payroll, and the amount paid shall be proportionate to the time actually worked.

## **SECTION 11. DEDUCTIONS ON TERMINATION**

On termination of employment the municipality shall deduct and withhold from the final paycheck of any employee any amount owed the municipality in payment for unearned leave, unreturned equipment, or any other indebtedness to the municipality, and the final paycheck shall not be issued until the extent of any indebtedness to the municipality has been determined and cleared.

## **V. LEAVES OF ABSENCE**

### **SECTION 1. GENERAL POLICY**

The following types of leaves and no others are officially established: holidays, annual leave, sick leave, military leave, educational leave, emergency leave, civil leave, leave without pay, and official duty leave.

## **SECTION 2. HOLIDAYS [Local Determination]**

The following, and such other days as the governing body proclaims, are holidays for all employees except emergency employees:

New Year's Day—January 1

Independence Day—July 4

Labor Day—First Monday in September

Veteran's Day—November 11 [Date mandated by Section 1-3-8, Code of Alabama, 1975.]

Thanksgiving Day—Fourth Thursday in November

Christmas—December 24 and 25

When a holiday falls on a Saturday or Sunday, the holiday shall be observed on the following Monday, except for Veteran's Day. If Veteran's Day falls on a Saturday, the holiday shall be observed on the preceding Friday. If Veteran's Day falls on a Sunday, the holiday shall be observed on the following Monday

### **(a) Permanent employees**

For permanent employees on a work week other than Monday through Friday, the department head shall designate the work day that shall be observed as a holiday.

### **(b) Holidays on scheduled work days**

Employees who are required to work on the observed holiday shall be granted a work day of leave.

### **(c) Eligibility for holiday pay**

In order to receive pay for an observed holiday, an employee must not have been absent without leave either on the work day before or after the holiday.

## **SECTION 3. ANNUAL LEAVE [Local Determination]**

Each employee will be credited with six (6) days of annual leave upon satisfactory completion of the six-month [or twelve-month] probationary period. [Twelve months was previously established as the probationary period for police officers and firefighters.] Thereafter each employee will accrue annual leave at the rate of one working day for each month of service. Part-time employees accrue annual leave based on the total amount of time worked throughout the year.

### **(a) Extra annual leave**

Employees shall earn additional leave by reason of tenure based on the following schedule of continuous service: 10 to 15 years earn an additional three working days annually, and over 15 years earn an additional five working days annually.

### **(b) Scheduling**

Unless special permission is secured from the appointing authority, no employee may take annual leave until six months of employment has been completed. Annual leave cannot be accumulated in excess of 15 days for employees with less than 10 years of service; 18 days for employees with 10 to 15

years of service; and 20 days for employees with over 15 years of service, unless written approval is received from the appointing authority allowing additional accumulation. Annual leave must be taken at the convenience of the department.

**(c) Separation and Retirement**

Employees resigning voluntarily or retiring and who give reasonable notice of their intention to resign will receive any annual leave credit earned as of the date of resignation. Employees dismissed for incompetence or inefficiency not involving personal misconduct will also receive all earned annual leave. All earned annual leave of employees who die while employed shall be paid in cash to the spouse or the estate of said employee.

**(d) Annual leave for permanent part-time employees**

Permanent part-time employees shall receive annual leave on a basis proportional to the ratio of their work time to a 40-hour week. For example, a permanent part-time employee who works 20 hours per week would receive 20/40 of one working day per month or 6 working days per year. In figuring annual leave, a working day is a day in which an employee is scheduled to work whether or not the employee works for eight hours.

**SECTION 4. SICK LEAVE** [Local Determination, except where required by the Family and Medical Leave Act.]

All employees, after one month of service, are eligible for sick leave. Sick leave with pay shall be granted for the following reasons: personal illness and physical incapacity resulting from causes beyond employee's control; illness of a member of employee's household that requires employee's personal care and attention; enforced quarantine of the employee in accordance with community health regulations; to keep a doctor's or dentist's appointment; or a death of a member of the employee's immediate family. A doctor's certificate may be required at the discretion of the department head.

**(a) Amount of sick leave**

Each full-time employee accrues sick leave at the rate of one working day per month. After a probationary employee has worked one month, the employee shall be credited with six days of sick leave and shall not accrue additional days of sick leave until six months of employment have been completed. After completion of six month's time, the employee shall accrue sick leave at the same rate as prescribed for permanent employees. Each part-time employee accrues sick leave at the rate of one day for each 173 hours of work. Sick leave need not be used up within a specified leave year and may be accumulated up to a maximum of ninety (90) working days.

**(b) Workers compensation**

For absences for which workers compensation benefits are received, the employee may choose between receiving only the workers compensation benefit—in which case no sick leave will be deducted—or receiving the regular salary and turning in the workers compensation check to the city

treasurer and having the difference between the regular salary and the workers compensation check deducted from accumulated sick leave.

**(c) Disposition of sick leave at separation**

Upon separation from the service all sick leave is cancelled and is not transferable to annual leave.

**(d) Sick leave is not a right but a privilege and shall not be used as annual leave.**

The Personnel Officer and department heads are authorized to take all necessary steps to prevent abuses, to include dispatching a nurse or physician to verify illness or to require a medical examination as evidence of physical condition.

## **SECTION 5. MILITARY LEAVE**

Military leave means training and service duty performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the armed forces of the United States, to include time spent in reporting and returning from such training in service or, if rejection occurs, from the place of reporting for service. It also includes active duty training as a reservist in the armed forces of the United States or as a member of the National Guard of the United States.

**(a) Eligibility**

Any permanent employee who has completed the probationary period and who leaves the classified service for compulsory military duty shall be placed on military leave without pay; such leave to extend through a date of ninety (90) days after the employee is released from the classified service. Also, a permanent employee who has completed the probationary period shall be granted a leave of absence for the purpose of being inducted or otherwise entering military service. If not accepted for such duty, the employee shall be reinstated in his or her position without loss of status or reduction in pay.

**(b) Restoration**

An employee returning from military leave shall be entitled to restoration to his or her former position, provided the employee makes application within ninety (90) days after release from military duty and is physically and mentally capable of performing the duty involved.

**(c) Disposition of pay and sick leave**

A regular employee who leaves the service directly for such military leave without pay may elect to be paid for any accrued vacation leave to which the employee may be entitled as if he or she were actually separating from the service. If the employee elects not to be paid for such leave, the accrued leave credit shall be reinstated upon return of the employee. Employees returning to duty under this provision shall have unused sick leave credits restored for their use.

**(d) Leave with pay for training.**

Any employee who is a member of the National Guard of Alabama or who is a reserve officer or who is enlisted in the Army or Navy or Marine Corps or Air Force reserve shall be granted leave of absence

with pay for the purpose of attending an encampment of such organization for training when so ordered by military authority. The maximum military leave with pay shall not exceed twenty-one (21) days in any calendar year. Refer to Section 31-2-13, Code of Alabama, 1975.

#### **SECTION 6. LEAVE WITHOUT PAY**

The appointing authority may grant leaves without pay for a period not to exceed one year when it is in the interest of the local government to do so. At the expiration of the leave without pay, the employee has the right to, and shall be reinstated to, the position vacated if the position still exists, or, if not, to any other vacant position in the same class. Approved leave without pay shall not constitute a break in service.

##### **(a) Unexplained absence**

Unexplained absence shall not be compensable nor charged as paid leave time. Leave of any category in excess of that authorized shall be charged as leave without pay and deduction made from pay for that period.

#### **SECTION 7. MATERNITY LEAVE**

Any permanent employee who has completed the probationary period and who leaves the service because of disability caused or contributed to by pregnancy, miscarriage, childbirth and recovery therefrom may elect either of these options:

1. Use accrued sick leave and then be placed on maternity leave without pay, or
2. Retain sick leave and/or annual leave to be placed on maternity leave without pay.

Such leave shall not exceed twelve (12) weeks unless it is in the interest of the local government to retain the employee on leave without pay status or upon certification by a physician that such extension is necessary for the health of the employee or the child. The total period of leave without pay shall not exceed one year. At the expiration of the leave period the employee has the right to, and shall be reinstated to, the position vacated if the position still exists or, if not, to any other vacant position in the same class. Approved maternity leave shall not constitute a break in service. [NOTE: Municipalities should review the Family and Medical Leave Act to ensure compliance.]

#### **SECTION 8. EMERGENCY LEAVE**

The appointing authority may grant emergency leave with or without pay, at its discretion, for an employee who must be absent for reasons beyond his or her control, including but not limited to attending funerals, sickness in family, and other emergencies which might arise.

#### **SECTION 9. EDUCATIONAL LEAVE**

The appointing authority may grant leave with or without pay, at its discretion, for an employee to further his or her education when it is in the best interest of the City [Town] of \_\_\_\_\_.

## **SECTION 10. OFFICIAL DUTY LEAVE**

An employee who is absent from work while on official business for the municipality, or while participating in training courses to which the employee has been assigned by the municipality, or while attending professional conferences and meetings authorized by the appointing authority, shall be granted leave with full pay without charge against annual leave.

## **SECTION 11. CIVIL LEAVE**

An employee called for service on a jury may be granted leave with full pay for the duration of the period for which called, unless released earlier, without charge against annual leave.

## **SECTION 12. LEAVE RECORDS**

All leave records shall be maintained by the Personnel Officer and filed in the employee's personnel file. Leave slips shall be prepared for all forms of leave, including official duty leave and leave without pay. Leave slips to cover sick leave shall be prepared on the day of return. All other leave slips shall be prepared in advance.

## **SECTION 13. OFFICE HOURS [Local Determination]**

Normal office hours are a nine (9) hour day, between the hours of 8 a.m. and 5 p.m. Where activities of a particular department require some other schedule to meet work loads, the appointing authority may authorize a deviation from the normal schedule. A maximum of one hour is permitted for lunch and such time shall be considered noncompensable.

## **VI. EMPLOYEE BENEFITS [Local Determination]**

### **SECTION 1. GROUP LIFE INSURANCE**

### **SECTION 2. GROUP HEALTH INSURANCE**

### **SECTION 3. SOCIAL SECURITY**

### **SECTION 4. RETIREMENT**

### **SECTION 5. WORKERS COMPENSATION**

### **SECTION 6. SUPPLEMENTARY TRAINING PROGRAM**

The City [Town] recognizes that improved skills and capabilities of its employees can be valuable from the viewpoint of both the City [Town] and employee. Consequently, it is the City's [Town's] policy

to aid its employees to improve themselves through professional educational programs, seminars, workshops and conferences.

**(a) Eligibility**

All permanent employees will be eligible to attend programs for professional improvement.

**(b) Approved Courses**

A program may be eligible if, in the opinion of the appointing authority it will either:

- (1) improve the employee's ability to perform his or her present job, or
- (2) help prepare the employee for a job with the City [Town] which will demand a higher level of responsibility and/or skill.

**(c) Financial Considerations**

The City [Town] may pay the cost of tuition, registration fees, books, and laboratory fees, travel, and meals and lodging away from home.

**VII. IN-SERVICE ACTIVITIES**

**SECTION 1. IN-SERVICE TRAINING**

Department heads shall be responsible for developing the skills of their employees through in-service training, for investigating training programs outside the city government and referring municipal employees to those programs; and for making recommendations on whether the municipality should pay for such training.

**SECTION 2. WORKING CONDITIONS; FOREMANSHIP**

Department heads shall be held responsible for providing suitable and adequate working conditions within their means, and for making recommendations for correction not within their means of any conditions not suitable or adequate. Department heads shall further be held responsible for those matters normally associated with foremanship, such as providing employee safety training, handling employee complaints, explaining employee benefits and personnel systems, and development of employee morale and effectiveness.

**VIII. RETIREMENT**

**SECTION 1. NORMAL RETIREMENT AGE**

The normal retirement age for employees is 65. Extension of employment beyond the normal retirement age must be approved by the appointing authority upon the recommendation of the department head.

## **SECTION 2. PHYSICAL REQUIREMENTS BEYOND NORMAL RETIREMENT AGE**

Continued employment beyond the normal retirement age shall be conditioned upon satisfactory physical and mental condition for performance of the duties to which the person is assigned.

## **IX. EMPLOYEE COMPLAINT OR GRIEVANCE PROCEDURE**

### **SECTION 1. PURPOSE**

- (a) To ensure employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal.
- (b) To encourage the employee to express concern about the conditions of work as they affect him or her as an employee.
- (c) To promote better understanding of policies, practices, and procedures which affect employees.
- (d) To instill confidence in employees that personnel actions are taken in accord with established, fair and uniform policies and procedures.
- (e) To develop in supervisors a greater sense of responsibility in their dealings with employees.

### **SECTION 2. DEFINITION**

A grievance is a complaint, view or feeling that insufficient consideration or unfair treatment has been given to an individual or group within a department pertaining to employment conditions, to relationships between an employee and the supervisor, or to relationships between an employee and other employees.

### **SECTION 3. GRIEVANCE POLICY**

#### **(a) Purpose**

The most effective accomplishment of the work of the municipality requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the municipality to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

#### **(b) Procedure**

An employee must submit a grievance to his or her immediate supervisor for initial settlement. It may be either written or oral. If within five (5) working days a satisfactory solution has not been obtained, the employee may file a written appeal with the department head. The department head must provide a written statement of his or her findings and action taken within five (5) working days after notification of the appeal. If satisfaction is not obtained within five (5) working days following the date of appeal to the department head, the employee may appeal to the municipal governing body for a hearing before a grievance committee. Within five (5) working days after receipt by the municipal governing body of the employee's request for a grievance committee hearing, the municipal governing body shall cause to be formed a grievance committee of three persons to hear the employee's grievance and to make a

determination thereon. One member of the grievance committee shall be appointed by the appointing authority. One member of the grievance committee shall be appointed by the aggrieved party from among the other employees of the municipality. The two members so appointed shall select the third member of the grievance committee, who shall serve as chairman. Once formed, the grievance committee must meet and hear the employee's grievance and issue a written opinion on such grievance to the employee and the municipal governing body. The hearing by the grievance committee shall be open to the public at the discretion of the municipal governing body. It shall be conducted in an informal manner and the chairman shall make every effort to avoid the appearance of conducting a trial in a court of law. The employee shall have the right to appear and be heard in person or by counsel. Employee's failure to attend or failure to notify the chairman of the grievance committee of his or her inability to attend will constitute just cause for dismissal of the appeal. Within ten (10) calendar days of the receipt of the recommendation of the grievance committee, the municipal governing body shall make the final determination in the case. The decision of the municipal governing body shall be final. If the municipal governing body fails to take action on the report of the grievance committee within the prescribed time, the recommendations of the grievance committee shall be final.

#### **SECTION 4. PROTECTION**

No employee shall be disciplined or discriminated against in any way because of his or her proper use of the grievance procedure.

### **X. CONDUCT, WORK HABITS, ATTITUDE**

#### **SECTION 1. GENERAL**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the local government. Whenever work habits, attitude, production or personal conduct of any employee falls below the established standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

#### **SECTION 2. DISCIPLINE POLICY**

It shall be the duty of all public employees to comply with and to assist in carrying into effect the provisions of the personnel rules and regulations. No employee shall be disciplined except for violation of established rules and regulations; and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

**(a) Employee's and Supervisor's Responsibilities**

(1) It is the duty of every employee to attempt to correct any faults in performance when called to his or her attention and to make every effort to avoid conflict with the City [Town] of \_\_\_\_\_ rules and regulations.

(2) It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (a) reprimand, (b) suspension, (c) demotion, and (d) removal.

**(b) Grounds for Action**

The following are declared to be grounds for reprimanding, suspending, demoting or removing any permanent employee:

- (1) Conviction of a felony or other crime involving moral turpitude.
- (2) Acts of incompetency.
- (3) Absence without leave.
- (4) Acts of insubordination.
- (5) Intentional failure or refusal to carry out instructions.
- (6) Misappropriation, destruction, theft, or conversion of public property.
- (7) Employee subsequently becomes physically or mentally unfit for the performance of duties.  
[NOTE: The employee may have certain rights under the Americans with Disabilities Act.]
- (8) Willful disregard of orders.
- (9) Habitual tardiness and/or absenteeism.
- (10) Falsification of any information required by the local government.
- (11) Failure to properly report accidents or personal injuries.
- (12) Neglect or carelessness resulting in damage to public property, equipment, or injury to another human being.
- (13) Repeated convictions during employment of misdemeanor and/or traffic charges which affect employee ability to perform the job.
- (14) Introduction, possession, or use on government property or in government equipment of intoxicating liquors, or proceeding to or from work under the influence of liquor.
- (15) Gambling on City [Town] property.
- (16) Horseplay, fighting or deliberately injuring another employee.

**SECTION 3. DISCIPLINARY ACTION**

The following provisions shall govern disciplinary actions affecting employees in the classified service. A department head, **subject to the approval of the appointing authority** and appeal rights of the employee stated herein, shall have the following alternatives for disciplinary action. In every case of disciplinary action, the department head or appointing authority, as appropriate, shall provide both

probationary and permanent employees with a written notice of such action accompanied by appropriate justifications on or before the effective date of implementing disciplinary action, a copy of such notice to be filed in the employee's personnel file.

**(a) Reprimand**

A department head or an authorized designee may, for disciplinary purposes, reprimand an employee in his or her department for cause.

**(b) Suspensions**

A department head may, for disciplinary purposes, suspend without pay any employee in his or her department for a length of time the department head considers appropriate, up to thirty (30) days.

**(c) Demotions or Reduction in Salary**

With the prior approval of the appointing authority, a department head may reduce the salary of an employee within the range provided in the pay plan or demote the employee for cause to a lower grade.

**(d) Dismissals**

With the prior approval of the appointing authority, department heads may dismiss an employee for cause as defined in Section 2(b).

**SECTION 3. COMPENSATION DURING DISCRETIONARY SUSPENSION**

During investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the appointing authority may suspend the employee without pay for the duration of the proceedings as a nondisciplinary measure. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the governing body may authorize full recovery of pay and benefits for the entire, or for any lesser, period of the suspension.

**SECTION 4. PROBATIONARY EMPLOYEE**

Any probationary employee may be suspended, reduced in pay or class, or removed at any time by the department head or appointing authority. Probationary, temporary, seasonal or part-time employees shall not have the right of appeal from such action.

**SECTION 5. OPERATORS OF CITY-OWNED MOTOR VEHICLES (Local Determination)**

**XI. POLITICAL ACTIVITY**

**SECTION 1. POLITICAL LIMITATIONS**

No officer, agent, or employee of the City, other than persons subject to popular election shall:

- (a) become a candidate for election or appointment to political office in the municipality;

(b) take an active part in any political campaign, or distribute badges, pamphlets, or handbills of any kind favoring or opposing any candidate for nomination or election to municipal office.

(c) Except that any person who wishes to do (a) and/or (b) may take a leave of absence.

## **SECTION 2. AFFILIATION**

Nothing in this section shall be construed to prevent any employee from becoming or continuing to be a member of a political party or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting a vote. No officer, agent, or employee of the municipality shall make or solicit contributions or donations to any municipal political campaign.

### **(a) Political Pressure**

Employees of the City [Town] of \_\_\_\_\_ shall not be appointed or retained on the basis of their political activity, or affiliation. Employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any elected office.

## **SECTION 3. DISCIPLINARY ACTION**

An employee in violation of this section of the Personnel Rules and Regulations shall be subject to disciplinary action up to and including dismissal.

## **XII. OUTSIDE EMPLOYMENT [Local Determination]**

No full-time employee in the classified service shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the appointing authority. Each change in outside employment shall require separate approval. Approval shall not be granted when outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's public service. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his or her official duties.

## **XIII. PERSONNEL BOARD**

### **SECTION 1. SELECTION OF MEMBERS**

The appointing authority shall, with the approval of the governing body, and within thirty (30) days after the effective date of these rules and regulations, appoint a Personnel Board consisting of three members. The initial members shall be appointed on a basis as follows:

The first member shall be appointed for a term of one year.

The second member shall be appointed for a term of two years.

The third member shall be appointed for a term of three years.  
Each successor appointment shall be for a term of three years.

## **SECTION 2. QUALIFICATIONS**

### **(a) Persons appointed to the Board:**

- (1) Shall be in agreement with the basic policies and principles of merit employment.
- (2) Shall be qualified voters of the municipality.
- (3) Shall have resided in the municipality for at least four years immediately prior to their appointment.

### **(b) Persons may not be a member of the Board while:**

- (1) Residing outside the corporate limits.
- (2) Employed by the municipality.
- (3) Holding an appointive or elective office of the municipality.
- (4) Running for an elective public office.
- (5) Serving as an officer of a political party.

## **SECTION 3. REMOVALS AND VACANCIES**

If during the term for which the member is appointed to the Board, he or she is absent from three of its meetings without excuse from the appointing authority, the absent member's position on the Board shall become vacant.

A member of the Board may be removed from the Board for just cause by the appointing authority with the approval of two-thirds of the members of the governing body.

The appointing authority, by appointment approved by the governing body, fills all vacancies on the Board. A person appointed to fill such a vacancy shall hold the position on the Board for the remainder of the unexpired term of the person who leaves the position vacant.

## **SECTION 4. DUTIES**

The Board shall elect its own chairman and establish its own rules of procedure which shall include a minimum of one meeting per month at a time and place set by the Board. The chairman shall convene the Board at anytime upon receipt of a written request signed by two members of the Board or signed by the appointing authority within a period not exceeding seventy-two (72) hours.

The Board shall upon the request of the local governing body or upon its own initiative, inquire into the administration of the personnel system and, on the basis of the inquiry, make written recommendations regarding the system to the governing body. The Board, as a whole, shall have access to any records necessary for its inquiry.

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