

Proposed Changes to the Personnel Board Rules & Regulations

The Personnel Board of Jefferson County is proposing changes to its Rules & Regulations, last revised April 27, 2023. The Personnel Board is **inviting written comments on the proposed changes through close of business on September 27, 2024**. Pursuant to Rules 2.1 and 2.2 of the Rules & Regulations of the Personnel Board of Jefferson County, a Public Hearing will be scheduled to consider and vote on the adoption of proposed changes. Once set, the date of that Public Hearing will be communicated in accordance with public notice requirements. Changes are proposed for the following rules:

- 1.3 DEFINITIONS (addition of two definitions only)
- 2.2 NOTICE
- 8.2 ADMINISTRATION OF THE PAY PLAN (subsection a.(1) only)
- 8.3 PROCEDURE FOR THE ANNUAL ADOPTION OR AMENDMENT OF THE PAY PLAN
- 11.4 USE OF INDEPENDENT CONTRACTORS (subsection b. only)
- 11.6 PROBATIONARY STATUS OF APPOINTMENTS (subsection b. only)
- 11.11 ASSIGNMENT OF DUTIES OUT OF CLASS (subsection a. only)
- 11.12 REDUCTION IN FORCE (subsection a. only)
- 12.8 SUBPOENAS (subsection a. only)
- 13.19 DISPOSITION OF LEAVE UPON RESIGNATION OR RETIREMENT (subsection b. only)

The proposed changes to the above listed rules are presented within the table in rule number order on the following pages. The table includes the wording of the current rule, a redline version of the proposed rule change, and a short description of the purpose or rationale for the proposed change. A "red-line" version of each proposed change is presented to allow you to see how the rule will be modified if the changes are adopted. The text under the "Proposed Change" column, presents the redline version of the proposed rule change. Below is a legend to aid in interpreting the changes proposed:

- Text listed in ~~red~~ font with strikethrough indicates language deleted from the proposed rule.
- Text listed in **blue** font indicates language that has been added to the proposed rule.

Rules that are not presented are intended to remain the same as currently adopted. You can view the current version of the Rules & Regulations in their entirety [here](#).

Rule #	Current Version (Adopted 4/27/23)	Proposed Change (redline)	Rationale for Revision
<p>1.3 (addition of new definitions)</p>	<p>1.3 DEFINITIONS <i>No current definitions for listed terms.</i></p>	<p>1.3 DEFINITIONS <u>Department. A work unit formally recognized by an Appointing Authority that has: its own allocated budget, resources, and personnel; a clearly defined area of responsibility; a formal organizational structure with a designated executive-level head who has a reasonable level of authority and autonomy to make decisions and implement strategies within the department's scope; and a sufficient scale and complexity to warrant a structured management approach.</u> <u>Department Head. The duly appointed head or manager of a designated Department.</u></p>	<p>Adding definitions to clarify terms used throughout the Rules & Regulations</p>
<p>2.2</p>	<p>2.2 NOTICE Prior to the adoption, amendment, or repeal of any of these Rules, the Board or the Director shall give at least twenty (20) calendar days Public Notice of the Board's intended action. The Public Notice shall include a brief description of the subjects and issues involved and shall specify a comment period ending not less than ten (10) calendar days prior to the Public Hearing, in which interested persons may present their views in writing on the proposed rule changes. The Board shall consider fully all such written comments respecting the proposed rule changes. It shall be the responsibility of each employee association to provide the name and address of the association's representative to the Board for proper mailing.</p>	<p>2.2 NOTICE Prior to the adoption, amendment, or repeal of any of these Rules, the Board or the Director shall give at least twenty (20) calendar days Public Notice of the Board's intended action. The Public Notice shall include a brief description of the subjects and issues involved and shall specify a comment period <u>no less than ten (10) calendar days</u>, ending not less than ten (10) calendar days prior to the Public Hearing, in which interested persons may present their views in writing on the proposed rule changes. The Board shall consider fully all such written comments respecting the proposed rule changes. It shall be the responsibility of each employee association to provide the name and address of the association's representative to the Board for proper mailing.</p>	<p>Adding a defined number of days for the written comment period.</p>

Rule #	Current Version (Adopted 4/27/23)	Proposed Change (redline)	Rationale for Revision
<p>8.2 (subsection a.1 only)</p>	<p>8.2 ADMINISTRATION OF THE PAY PLAN</p> <p>Each Classified Employee shall be paid at one of the steps within the Pay Grade set forth in the Pay Plan for the position in which he or she serves, in accordance with these Rules and the special provisions for administering the Pay Plan.</p> <p>a. <u>Initial Rate of Pay Upon Appointment to a Classified Position.</u></p> <p>1. Salary Rate for Job Classes Requiring State Certification or Licensure. In no event shall an individual who does not possess a State of Alabama licensure or certification that is required to fully function in the assigned job Class (including but not limited to Police Officer and Firefighter) be appointed above Step 1 of the Pay Grade assigned for the position to which the appointment is made.</p>	<p>8.2 ADMINISTRATION OF THE PAY PLAN</p> <p>Each Classified Employee shall be paid at one of the steps within the Pay Grade set forth in the Pay Plan for the position in which he or she serves, in accordance with these Rules and the special provisions for administering the Pay Plan.</p> <p>a. <u>Initial Rate of Pay Upon Appointment to a Classified Position.</u></p> <p>1. Salary Rate for Job Classes Requiring State Certification or Licensure. In no event shall a An individual who does not possess a State of Alabama licensure or certification that is required to fully function in the assigned job Class (including but not limited to Police Officer and Firefighter) <u>may, at the discretion of the Appointing Authority,</u> be appointed above <u>up to Step 4+</u> of the Pay Grade assigned for the position to which the appointment is made; <u>however, such individual shall not be eligible for an authorized advanced step outlined in Rule 8.2(b).</u></p>	<p>Modifying to allow the flexibility to hire up to step 4 at the discretion of the Appointing Authority.</p>
<p>8.3</p>	<p>8.3 PROCEDURE FOR THE ANNUAL ADOPTION OR AMENDMENT OF THE PAY PLAN</p> <p>The Director shall submit a proposed Pay Plan to the Board for annual approval no later than thirty (30) calendar days following its completion. Upon receipt of the proposed Pay Plan, the Board shall hold a Public Hearing upon no less than twenty (20) calendar days notice to all Appointing Authorities, Department Heads, Classified Employees, and the public, in order to provide an opportunity for comment. The Board shall adopt, modify, or return the proposed Pay Plan to the Director for further revisions consistent with the Board's recommendations. The Pay Plan shall become effective thirty (30) calendar days after adoption by the Board. Upon final approval by the Board, the Director shall certify the Pay Plan, and make available a copy to each Appointing Authority.</p>	<p>8.3 PROCEDURE FOR THE ANNUAL ADOPTION OR AMENDMENT OF THE PAY PLAN</p> <p>The Director shall submit a proposed Pay Plan to the Board for annual approval no later than thirty (30) calendar days following its completion. Upon receipt of the proposed Pay Plan, the Board shall hold a Public Hearing upon no less than twenty (20) calendar days notice to all Appointing Authorities, Department Heads, Classified Employees, and the public, in order to provide an opportunity for comment. The Board shall adopt, modify, or return the proposed Pay Plan to the Director for further revisions consistent with the Board's recommendations. The Pay Plan shall become effective <u>within</u> thirty (30) calendar days after adoption by the Board. Upon final approval by the Board, the Director shall certify the Pay Plan, and make available a copy to each Appointing Authority</p>	<p>Changing for consistency with wording of Enabling Act.</p>

Rule #	Current Version (Adopted 4/27/23)	Proposed Change (redline)	Rationale for Revision
<p>11.4 (subsection b. only)</p>	<p>11.4 USE OF INDEPENDENT CONTRACTORS</p> <p>a. <u>Prohibition on Use of Independent Contractors.</u> No Appointing Authority shall retain the services of an Independent Contractor except as provided in this Rule 11.4.</p> <p>b. <u>Request.</u> Prior to retaining the services of an Independent Contractor, the Appointing Authority shall submit a written request to the Director, along with a copy of any proposed contract(s) or general description of the services to be provided by the Independent Contractor, along with a detailed description as to why the services of the Independent Contractor are necessary. Upon receipt of the request, the Director shall forward the request to the Board for its approval. The Board may grant such request with or without conditions, restrictions, or limitations. The Board shall consider the following factors in reaching its decision on any request made by the Appointing Authority:</p> <ol style="list-style-type: none"> 1. Whether qualified persons are available for appointment under the Act or these Rules for performance of the type of work to be performed by the Independent Contractor at issue; 2. Whether the type of work at issue is such as may reasonably be expected to be continuous for an indefinite time, or whether it is periodic or sporadic in nature; 3. Whether the work performed, or to be performed, is customarily and generally given to Independent Contractors; and 4. Whether the Appointing Authority at issue has the physical facilities to perform the work for which the Independent Contractor is to be retained. <p>c. <u>Exception.</u> For purposes of this Rule 11.4, the term “Independent Contractor” shall not include any person, firm, or entity retained by the Appointing Authority for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities.</p>	<p>11.4 USE OF INDEPENDENT CONTRACTORS</p> <p>a. <u>Prohibition on Use of Independent Contractors.</u> No Appointing Authority shall retain the services of an Independent Contractor except as provided in this Rule 11.4.</p> <p>b. <u>Request.</u> Prior to retaining the services of an Independent Contractor, the Appointing Authority shall submit a written request to the Director <u>in accordance with adopted Board policy</u>, along with a copy of any proposed contract(s) or general description of the services to be provided by the Independent Contractor, along with a detailed description as to why the services of the Independent Contractor are necessary. Upon receipt of the request, the Director shall forward the request to the Board for its approval. The Board may grant such request with or without conditions, restrictions, or limitations. The Board shall consider the following factors in reaching its decision on any request made by the Appointing Authority:</p> <ol style="list-style-type: none"> 1. Whether qualified persons are available for appointment under the Act or these Rules for performance of the type of work to be performed by the Independent Contractor at issue; 2. Whether the type of work at issue is such as may reasonably be expected to be continuous for an indefinite time, or whether it is periodic or sporadic in nature; 3. Whether the work performed, or to be performed, is customarily and generally given to Independent Contractors; and 4. Whether the Appointing Authority at issue has the physical facilities to perform the work for which the Independent Contractor is to be retained. <p>c. <u>Exception.</u> For purposes of this Rule 11.4, the term “Independent Contractor” shall not include any person, firm, or entity retained by the Appointing Authority for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities.</p>	<p>Clarifying that the Appointing Authority must adhere to Board policy.</p>

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<p>11.6 (subsection b. only)</p>	<p>11.6 PROBATIONARY STATUS OF APPOINTMENTS</p> <p>a. Any employment in a Position in the Classified Service shall be subject to the satisfactory completion of a Probationary Period:</p> <ol style="list-style-type: none"> 1. Following any Standard Appointment; 2. Following a Lateral Appointment from an Eligibility List; 3. Following a Promotion; and 4. Following a Demotion to a Class, pursuant to Rule 11.7, for which the employee did not previously complete a Probationary Period. <p>b. During the Probationary Period following a Promotion, Lateral Appointment, or Demotion, a Regular Employee may be returned to his or her last held class if the position is still vacant and agreed upon by the Appointing Authority over the formerly held Class. A Regular Employee who is provided the opportunity to return to the formerly held Class does not have the right to appeal under Rule 12.2.</p>	<p>11.6 PROBATIONARY STATUS OF APPOINTMENTS</p> <p>a. Any employment in a Position in the Classified Service shall be subject to the satisfactory completion of a Probationary Period:</p> <ol style="list-style-type: none"> 1. Following any Standard Appointment; 2. Following a Lateral Appointment from an Eligibility List; 3. Following a Promotion; and 4. Following a Demotion to a Class, pursuant to Rule 11.7, for which the employee did not previously complete a Probationary Period. <p>b. During the Probationary Period following a Promotion, Lateral Appointment, or Demotion, a Regular Employee may be returned to his or her last held class if the position is still vacant and agreed upon by the Appointing Authority over the formerly held Class. A Regular Employee who is provided the opportunity to returned <u>during the probationary period following a promotion</u> to their formerly held Class <u>shall be placed at the rate of pay received in the former class at the time of the promotion, plus any annual merit increase that would have been due had the promotion not occurred. An employee returned to the former class under this rule</u> does not have the right to appeal under Rule 12.2.</p>	<p>Modifying to clarify the pay rate for employees who, during their probationary period, are returned to a position in their previously held job class.</p>
<p>11.11 (subsection a. only)</p>	<p>11.11 ASSIGNMENT OF DUTIES OUT OF CLASS</p> <p>a. Unless otherwise provided in these Rules, no Classified Employee may be assigned duties of a different Class for a period in excess of thirty (30) calendar days or 240 working hours in any twelve (12)-month period, except with the approval of the Director. Due to the unique scheduling arrangements of firefighting personnel, no firefighter in the Classified Service may be assigned duties of a higher Class for more than four hundred thirty-two (432) hours in a twelve (12) month period, without approval of the Director. If a Classified Employee reasonably believes that an Appointing Authority has required him or her to perform duties of a different Class in excess of the limits allowed in this Rule 11.11, the Classified Employee shall, within thirty (30) Calendar Days, notify the Director in writing. The Director shall undertake such review as deemed necessary and shall report his or her findings to the Board, which shall take such actions as deemed appropriate and notify the employee of its decision. Designation of an individual as “Acting” shall not circumvent this Rule 11.11.</p>	<p>11.11 ASSIGNMENT OF DUTIES OUT OF CLASS</p> <p>a. Unless otherwise provided in these Rules, no Classified Employee may be assigned duties of a different Class for a period in excess of thirty (30) calendar days or 240 working hours in any twelve (12)-month period, except with the approval of the Director. Due to the unique scheduling arrangements of firefighting personnel, no firefighter in the Classified Service may be assigned duties of a higher Class for more than four hundred thirty-two (432) hours in a twelve (12) month period <u>calendar year</u>, without approval of the Director. If a Classified Employee reasonably believes that an Appointing Authority has required him or her to perform duties of a different Class in excess of the limits allowed in this Rule 11.11, the Classified Employee shall, within thirty (30) Calendar Days, notify the Director in writing. The Director shall undertake such review as deemed necessary and shall report his or her findings to the Board, which shall take such actions as deemed appropriate and notify the employee of its decision. Designation of an individual as “Acting” shall not circumvent this Rule 11.11.</p>	<p>Defining calendar year rather than 12-month period.</p>

Rule #	Current Version (Adopted 4/27/23)	Proposed Change (redline)	Rationale for Revision
11.12 (subsection a. only)	<p>11.12 REDUCTION IN FORCE</p> <p>a. Scope. Reductions in force shall be implemented on a departmental basis. The Appointing Authority shall be responsible for defining its departments. The Appointing Authority shall notify the Director in writing of: (1) each department within the Appointing Authority that will be affected by the reduction in force, (2) each Class within each department to be affected by the reduction in force, and (3) the number of positions to be eliminated in each Class. Such notice shall include the organizational structure of the Appointing Authority and the reason for the reduction in force.</p>	<p>11.12 REDUCTION IN FORCE</p> <p>a. Scope. Reductions in force shall be implemented on a departmental basis. The Appointing Authority shall be responsible for defining its departmentsDepartments consistent with the definition provided in Rule 1.3 and for maintaining an accurate Departmental listing and structure on file with the Personnel Board. The Appointing Authority shall notify the Director in writing of: (1) each department within the Appointing Authority that will be affected by the reduction in force, (2) each Class within each department to be affected by the reduction in force, and (3) the number of positions to be eliminated in each Class. Such notice shall include the organizational structure of the Appointing Authority and the reason for the reduction in force.</p>	Adding reference to department definition.
12.8 (subsection a. only)	<p>12.8 SUBPOENAS</p> <p>a. <u>Requests for Subpoenas.</u> Parties who wish to obtain subpoenas requiring the attendance and testimony of witnesses, or subpoenas requiring the production of documents or other evidence should file a written request, along with an affidavit establishing that the witness or evidence is necessary, with the Hearing Officer no less than 30 days prior to the hearing. Any party requesting the issuance of more than ten (10) subpoenas must timely file a motion, directed to the Hearing Officer, showing good cause therefor.</p> <p>b. <u>Preparation of Subpoenas.</u> It shall be the duty of the Director to prepare subpoenas upon the timely request of a party and approval by the Hearing Officer and provide the prepared subpoenas to the requesting party for appropriate service.</p> <p>c. <u>Petition to Revoke Subpoenas.</u> Any person to whom a subpoena is directed, or any party, may file a petition to revoke or limit the subpoena. The motion must be filed with the Hearing Officer, and it must include the reasons why compliance with the subpoena should not be required or the reasons why the scope of the subpoena should be limited. The Hearing Officer, shall immediately render a decision whether to revoke or limit the subpoena.</p>	<p>12.8 SUBPOENAS</p> <p>a. <u>Requests for Subpoenas.</u> Parties who wish to obtain subpoenas requiring the attendance and testimony of witnesses, or subpoenas requiring the production of documents or other evidence should file a written request, along with an affidavit establishing that the witness or evidence is necessary, with the Hearing Officer no less than 30 days prior to the hearing. Any party requesting the issuance of more than ten (10) subpoenas must timely file a motion, directed to the Hearing Officer, showing good cause therefor.</p> <p>b. <u>Preparation of Subpoenas.</u> It shall be the duty of the Director to prepare subpoenas upon the timely request of a party and approval by the Hearing Officer and provide the prepared subpoenas to the requesting party for appropriate service.</p> <p>c. <u>Petition to Revoke Subpoenas.</u> Any person to whom a subpoena is directed, or any party, may file a petition to revoke or limit the subpoena. The motion must be filed with the Hearing Officer, and it must include the reasons why compliance with the subpoena should not be required or the reasons why the scope of the subpoena should be limited. The Hearing Officer, shall immediately render a decision whether to revoke or limit the subpoena.</p>	Removing affidavit requirement.

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<p>13.19 (subsection b. only)</p>	<p>13.19 DISPOSITION OF LEAVE UPON RESIGNATION OR RETIREMENT</p> <p>b. A Regular Employee who separates from a Classified Position within a Jurisdiction in Good Standing through resignation, retirement, hire or transfer into another Jurisdiction, or a reduction in force shall receive terminal pay from the Jurisdiction for accrued vacation, up to a maximum of 320 hours. A Regular Employee who transfers into or is directly hired into another Jurisdiction may transfer to the new Jurisdiction, at the discretion of that Appointing Authority, any accrued vacation hours in excess of the 320 maximum not paid out by the separating Jurisdiction.</p>	<p>13.19 DISPOSITION OF LEAVE UPON RESIGNATION OR RETIREMENT</p> <p>b. A Regular Employee who separates from a Classified Position within a Jurisdiction in Good Standing through resignation, retirement, hire or transfer into another Jurisdiction, or a reduction in force shall receive terminal pay from the Jurisdiction for accrued vacation, up to a maximum of 320 hours. A Regular Employee who transfers into or is directly hired into another Jurisdiction may transfer to the new Jurisdiction, at the discretion of that Appointing Authority, any accrued vacation hours in excess of the 320 maximum not paid out by the separating Jurisdiction. <u>An employee who transfers accrued vacation leave time under this rule to the new Jurisdiction must be employed by the new Jurisdiction for a minimum of one year for the transferred leave to be required to be paid out in accordance with this rule by the new Jurisdiction upon separation of the employee.</u></p>	<p>Modifying to limit payout of transferred leave time to only employees who remain with the new employing agency for a minimum of one year.</p>