

## Repeal of Mandatory Personnel Boards

### Background

In 1935, the Alabama Legislature passed a bill to unify Jefferson County's disjointed civil service system under a personnel board structure.<sup>1</sup> Four years later, the legislature passed a local act of the same nature that applied to Mobile County.<sup>2</sup> These bills were passed in response to a perceived "spoils system" within local government whereby newly elected officials were regularly replacing experienced employees with their political friends. The acts were designed to bring stability to the civil service systems that they encompassed.

In 1945, the legislature codified Jefferson County's Personnel Board in a law known as the Enabling Act.<sup>3</sup> The Enabling Act is a statewide law requiring that every county in Alabama with 400,000 or more residents establish a unified civil service system.<sup>4</sup> In practice, this unified system is governed by a personnel board that inserts burdensome and mostly arbitrary steps into the hiring and firing process of local personnel. The laws mandating personnel boards have eroded the authority of Alabama's largest local governments over employment-related matters to the detriment of these localities.

### Policy Consideration

Personnel boards have been described as dysfunctional, inefficient, ineffective, and expensive by those who have had to work within their guidelines.<sup>5</sup> When a jurisdiction wishes to fill a vacancy, it must submit a request to the personnel board which then sends a list of qualified candidates, selected through an oral or written examination. A jurisdiction is then required to make its selection from the list, but this lengthy process often results in the chosen candidate having taken other employment. When this occurs, the jurisdiction must request a new list of candidates and start over.

### ISSUE SNAPSHOT

Personnel Boards were created in response to a perceived "spoils system" within local government whereby newly elected officials were regularly replacing experienced employees with their political friends.

Today, these boards are described as dysfunctional, inefficient, ineffective, and expensive by those who have had to work within their guidelines.

The laws mandating personnel boards eroded the authority of Alabama's largest local governments over employment-related matters to the detriment of these localities.

The firing process under the personnel board structure is no better. Any full-time employee who is dismissed, demoted, or suspended for cause has the right of appeal. A hearing officer is appointed to the case by the personnel board and takes testimony and evidence from both sides.<sup>6</sup> The personnel board then makes a decision. If the outcome is unsatisfactory to the employee, the decision can be appealed to the Circuit Court.

In one instance, a local employee was terminated due to incompetency and for violating orders given by a superior.<sup>7</sup> When the employee appealed to the personnel board, her termination was modified to a suspension, and she was reinstated. One year later, the same employee filed a grievance against a particular department after receiving an unsatisfactory rating. When her grievance was denied by the personnel board, she appealed to the Circuit Court. While that was pending, she was terminated again and appealed. After almost four years of

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litigation, her cases were ultimately resolved in favor of the city.

The personalization and accountability that makes the private sector effective in employment decisions is completely removed for local government leaders under the mandatory personnel board system.

## Recommendation

With hundreds of bills considered every year and with thousands of laws already on the books, it can be a daunting exercise to pinpoint those laws that have outlived their usefulness. The Enabling Act's mandate of personnel boards should be repealed, giving localities the opportunity to "opt in" if they desire. State and local leaders must be allowed to make employment decisions that are best for their departments and that give the public the best return on their tax dollars.

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<sup>1</sup> Act No. 284 (1935).

<sup>2</sup> Act No. 470 (1939).

<sup>3</sup> Act No. 248 (1945).

<sup>4</sup> *Bowie v. Personnel Board of Jefferson Co., et al.*, 203-mc-03081-CLS,n.3 (N.D. Ala. 2005) available at [www.gpo.gov/fdsys/pkg/USCOURTS-alnd-2\\_03-mc-03081/pdf/USCOURTS-alnd-2\\_03-mc-03081-0.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-alnd-2_03-mc-03081/pdf/USCOURTS-alnd-2_03-mc-03081-0.pdf)

<sup>5</sup> Katherine Robertson & Mark Gaines, *Legislature Should Consider Repeal of Personnel Board Structure*, (Jan. 12, 2015) available at <http://www.alabamapolicy.org/legislature-consider-repeal-personnel-board-structure/>

<sup>6</sup> Jefferson County Personnel Board, *The Rules & Regulations of the Personnel Board of Jefferson County*, pgs. 40-44 (Nov. 13, 2012) available at [www.pjbc.al.org/documents/rules/2012\\_Rules\\_Regs.pdf](http://www.pjbc.al.org/documents/rules/2012_Rules_Regs.pdf)