

## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency State Personnel Board  
Rule No. 670-X-19  
Rule Title: Employee Work Rules  
\_\_\_\_\_ New  \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No \_\_\_\_\_

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No \_\_\_\_\_

Is there another, less restrictive method of regulation available that could adequately protect the public? No \_\_\_\_\_

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No \_\_\_\_\_

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No \_\_\_\_\_

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes \_\_\_\_\_

\*\*\*\*\*  
Does the proposed rule have an economic impact? No \_\_\_\_\_

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer \_\_\_\_\_ *Jackie Graham* \_\_\_\_\_  
Date 3/19/19 \_\_\_\_\_

(DATE FILED)  
(STAMP)

APA-2  
07/04

**ALABAMA STATE PERSONNEL BOARD**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama State Personnel Board

**RULE NO. & TITLE:**

670-X-1: Organization  
670-X-2: Application of Policy and Rules  
670-X-3: Definitions  
670-X-4: Prohibition of Discrimination  
670-X-5: Meetings, Minutes and Hearing Procedure  
670-X-6: Responsibilities of the State Personnel Director  
670-X-7: Position Classification Plan  
670-X-8: Pay Plan and Pay Administration  
670-X-9: Personnel Selection Procedures  
670-X-10: The Working Test (Probationary) Period  
670-X-11: Hours of Work  
670-X-12: Holidays  
670-X-13: Annual Leave (Vacation)  
670-X-14: Sick Leave  
670-X-15: Other Types of Leave  
670-X-16: Performance (Service) Ratings  
670-X-17: Records and Reports  
670-X-18: Separations from Service  
670-X-19: Employee Work Rules

**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

**670-X-1: Organization**

The changes are not substantive and are only grammatical.

**670-X-2: Application of Policy and Rules**

The change will mirror the statutory language of Ala. Code, 1975, § 36-26-9.

**670-X-3: Definitions**

The changes are clarification changes, such as adding the definitions of job abandonment, separation during probation, and retirement.

**670-X-4: Prohibition of Discrimination**

The changes are simply updates to terminology.

#### 670-X-5: Meetings, Minutes and Hearing Procedure

There are minor changes that reference statutory authority or clarify the hearing procedure. One addition was made to allow the hearing officer to dismiss an appeal should the employee fail to prosecute his or her case. Also, if the employee fails to attend the hearing, he or she forfeits his or her right to oral argument before the Board.

#### 670-X-6: Responsibilities of the State Personnel Director

The changes are simple language clarifications.

#### 670-X-7: Position Classification Plan

There are minor word changes throughout. There is an addition that the Governor must approve new classes and pay range changes. There will be a change under 670-X-7-.06 to increase the time that an incumbent must perform the duties for the reallocated classification from three months to one year. There is also an addition that an employee that is reallocated will be given permanent status in the new class and will not be eligible for a promotional or probationary increase. Paragraphs 6 and 7 under 670-X-7-.06 will be deleted.

#### 670-X-8: Pay Plan and Pay Administration

There are minor wording changes throughout the chapter. There is an addition to 670-X-8-.01 that the State fiscal officer will be consulted on all of the maintenance and administration of the pay plan. Delete the archaic “impossibility” language in 670-X-8-.02. Also, there is an addition that an above the minimum appointment will be based on the employee’s prior salary or experience of the new employee or competitive market. Under 670-X-8-.04(2), there is clarification of the procedures in the event raises are frozen. Also, there will be a cap of two steps for annual merit raises. There is a complete revision of demotions. There is a provision added to allow an employee to voluntarily diminish his or her salary under 670-X-8-.09(b). Under 670-X-8-.11, there is a provision that an employee will not receive a salary increase upon a transfer to a new agency.

#### 670-X-9: Personnel Selection Procedures

There are wording and clarification changes throughout the chapter. Under 670-X-9-.01, an applicant must certify the truthfulness of his or her application. Any falsification may result in removal and bar from any and all employment registers. Under 670-X-9-.02, a probationary employee that is laid off will have to finish his or her probationary period upon reemployment. An applicant may request to be placed inactive on a register rather than be removed from the register. Limited tenure has been added under 670-X-9-.03. Under 670-X-9-.04, the State Personnel Director will be allowed to place an employee in a comparable classification for demotion purposes. Also, the rule is redefined to be more specific as to the rights of classified employees appointed to unclassified and exempt positions.

#### 670-X-10: The Working Test (Probationary) Period

Clarification changes were made. Rule 670-X-10-.03 is deleted due to duplication in a previous rule.

#### 670-X-11: Hours of Work

There are wording and clarification changes throughout the chapter. The requirement of the same number of hours for all positions in a classification is being deleted. The additions are as follows: (1) that FLSA exempt employees do not earn paid overtime or compensatory time without the approval of the State Personnel Board; (2) that the employee will be liable for any repayment of time improperly credited or paid; (3) that compensatory time may not be taken to work a second job during his or her regular work schedule; and (4) that subsistence for authorized law enforcement officers will be prorated in accordance with the actual time that the employee performs his or her duties as a law enforcement officer.

#### 670-X-12: Holidays

The changes bring the chapter into statutory compliance with Ala. Code, 1975, § 1-3-8.

#### 670-X-13: Annual Leave (Vacation)

There are statutory updates throughout this chapter. The additions are as follows: that employment time where leave was not accumulated in accordance with these rules will not be used in length of service calculations, and that an employee may not use annual leave to work a second job during his or her regular work schedule. There are clarification that an employee will be paid a maximum of 480 hours of accumulated annual leave in his or her career, and that an employee may not return to State service until he or she has been absent from State service for longer than the payment of annual leave.

#### 670-X-14: Sick Leave

There are wording and clarification changes as well as changes to bring the chapter into statutory compliance. There is an addition that an employee will only be compensated for a maximum of 600 hours of accumulated sick leave in his or her career. There is an addition that an appointing authority may require an employee to maintain a minimum number of sick leave hours.

#### 670-X-15: Other Types of Leave

There are wording and clarification changes as well as changes to bring the chapter into statutory compliance. One addition states that leave without pay may not be used for the employee to work during his or her regular work schedule.

#### 670-X-16: Performance (Service) Ratings

The changes are clarification changes.

#### 670-X-17: Records and Reports

The changes bring the chapter into statutory compliance.

#### 670-X-18: Separations from Service

There are clarification and statutory changes throughout this chapter. There are additional changes that at the discretion of the appointing authority, an employee in an abolished position may move to a position in a lower classification and that at the discretion of the appointing authority and the approval of the State Personnel Director, a permanent employee may bump another employee during a layoff. Another change adds that an employee who abandons his or her position will have his or her action treated as a voluntary resignation.

670-X-19: Employee Work Rules

The changes remove outdated work rules, add new work rules, and move some work rules to the section that allows for suspension or discharge on the first offense, including “conduct unbecoming a State employee.”

TIME, PLACE, MANNER OF PRESENTING VIEWS:


Comments can be presented at the public hearing scheduled at 9:00 am on Thursday, April 30, 2015 at the Alabama State Personnel Department located at the Folsom Administrative Building, 64 North Union Street, Room 319, Montgomery, Alabama 36130. Written comments may be addressed to the Tara Hetzel, Alabama State Personnel Department, at the same address or at [www.personnel.alabama.gov](http://www.personnel.alabama.gov). Written comments must be received by the close of business on Tuesday, May 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 5, 2015

CONTACT PERSON AT AGENCY:

Tara Hetzel, General Counsel  
334-353-0046

  
\_\_\_\_\_  
(Signature of officer authorized to  
promulgate and adopt rules)

**CHAPTER 670-X-19  
EMPLOYEE WORK RULES**

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**670-X-19-.01 General Work Rules**  
**670-X-19-.02 Prohibition of Political Activities**  
**670-X-19-.03 Other Employment**

**670-X-19-.01 General Work Rules.**

(1) In addition to any special rules issued by the various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees:

(a) Violations that normally result in disciplinary actions of increasing severity:

~~1. Violations of safety rules.~~

2 1. Absenteeism - Unexcused absence, unreported absence, a pattern of absences, or excessive absences.

3 2. Tardiness - Not on the job ready to work at the beginning of the shift.

4 3. Inattention to job - Doing anything distracting while on the job.

5 4. Failure to perform job properly.

~~6. Leaving job station without permission.~~

~~7. Disruptive conduct of any sort.~~

8 5. Abuse of equipment.

9 6. Unauthorized and/or unlicensed operation of vehicles, machinery, or equipment.

10 7. Participation in unauthorized activity or solicitations on work premises.

~~11. Poor housekeeping.~~

~~12. Unauthorized use of telephones.~~

~~13. Unauthorized use of bulletin boards.~~

~~14~~ 8. Violation of specific department rules.

(b) More serious violations that may result in suspension or discharge on the first offense, ~~considering work record and length of service.~~

1. Violations of safety rules ~~which endanger life or property.~~

2. Insubordination - Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words, with the one exception of not following an order which the employee has good reason to believe is unsafe or illegal.

3. Theft or unauthorized possession of company property.

4. Fighting.

5. Use of abusive or threatening language.

6. Falsification of records - Application for Employment, time card, doctor's excuse, etc.

7. Possession and/or use of alcohol, narcotics, or ~~dangerous weapons~~ other illegal substance on/in state property.

8. Sleeping on the job.

9. Leaving before the end of the ~~shift~~ normal scheduled work hours/walking off the job.

10. Serious violation of any other department rule.

11. ~~Job abandonment which consists of three days of unexcused, unreported absence.~~ Leaving job station without permission.

12. Disruptive conduct of any sort.

13. Conduct unbecoming a state employee.

14. Destruction of state documents or records.

15. Unauthorized possession of a firearm in a state building.

(2) The listing of violations above is not meant to be all inclusive and does not imply that discipline may not be imposed for other sufficient reasons nor does it mean that termination cannot occur for the first violation.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § 36-26-9.

**History:** Filed September 29, 1981. **Amended:** Filed May 24, 1985. **Amended:** March 19, 2015, effective\_\_\_\_\_.

**670-X-19-.02 Prohibition Of Political Activities.**

(1) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations.

(2) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(3) No person shall use or promise to use, directly, or indirectly, any official authority or influence whether possessed or anticipated, to secure or attempt to secure, for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(4) No employee in the classified service and no member of the Board shall, directly or indirectly, pay or promise to pay any assessment, subscription or contribution for any political organization or purpose or solicit to take any part in soliciting any such assessment, subscription or contribution under coercion; provided, however, it shall be unlawful for any officer or employee to solicit any type political campaign contributions from other employees who work for said officer or employee in a subordinate capacity.



(5) No employee in the classified service shall be a member of any national, state or local committee of a political party or an officer of a partisan political club or a candidate for nomination or election to any public office or shall take any part in the management or affairs of any political party or in any political campaign, except on his personal time and to exercise his right as a citizen privately to express his opinion and to cast his vote; provided, however, that nothing in this section shall prohibit any person in the classified service from serving at the time this chapter goes into effect.

(6) Any employee in the classified service may engage in political action or political activities on personal time before and after work, holidays and during approved leave.

(7) Any officer or employee in the classified service who violates any of the foregoing provisions of this section shall forfeit his office or position. Revised by Act No. 83-497, 1983 Regular Session of the Alabama State Legislature.

**Author:**

**Statutory Authority:** Code of Ala. 1975, §§ 36-26-1, et seq.

**History:** Filed September 29, 1981. **Amended:** March 19, 2015, effective\_\_\_\_\_.

**670-X-19-.03 Other Employment.**

No employee shall engage in any other employment during his normally scheduled work hours. Scheduled work hours includes those hours for which leave must be taken.

**Author:** Jackie B. Graham

**Statutory Authority:** Code of Ala. 1975, §§ 36-26-1, et seq.; 36-1-11.

**History:** March 19, 2015, Filed \_\_\_\_\_.