

Proposed Changes to the Personnel Board Rules & Regulations

The Personnel Board of Jefferson County is proposing changes to its Rules & Regulations, last revised December 3, 2024. The Personnel Board is **inviting written comments on the proposed changes through close of business on August 12, 2026**. Pursuant to Rules 2.1 and 2.2 of the Rules & Regulations of the Personnel Board of Jefferson County, a Public Hearing will be held on August 27, 2026 to consider and vote on the adoption of proposed changes. Changes are proposed for the following rules:

- 1.3 Definitions (modified one definition)
- 3.1 Membership (Citizens Supervisory Commission)
- 7.7 Reclassification of Positions
- NEW Job Class Restructure (newly added)
- 7.8 Creation of a New Job Class (content and number change)
- 9.6 Methods of Recruitment (subpart a.3 only)
- 9.16 Rescheduling and Makeup Examinations
- 10.4 Certification (subparts a.2, a.3, and a.4 only)
- 11.6 Probationary Status of Appointments (subpart b only)
- 11.7 Demotions
- 11.13 Secondary Appointment (subpart b.2)
- 12.1 Disciplinary Policy
- 12.3 Notice and Service (subpart a, b, and c only)
- 12.4 Appeal procedure
- 12.5 Hearing (subpart b, c, and f only)
- 12.6 Decision by the Board
- 12.7 Witnesses
- 12.8 Subpoenas
- 12.10 Citizen Complaint
- 12.11 Charges Filed by the Director
- 12.12 Confirmation of Compliance (number change only)
- 12.13 Judicial Review (number change only)
- 12.14 Suspensions Not Exceeding Five Days (number change only)
- 13.9 Vacation Leave (subpart a only – footnote added)
- 13.19 Disposition of Leave Upon Resignation or Retirement (subparts b and c only)
- 13.20 Administrative Leave
- 15.4 Grievance Procedure

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, the wording of the proposed rule, and a short description of the purpose or rationale for the proposed change. 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](#). You can view a redlined version of the proposed changes to the Rules & Regulations on our website at www.pbjcal.org.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
1.3 Revision to definition (Rank)	1.3 DEFINITIONS Rank. The relative positioning of a candidate on an Eligibility List determined by the candidate’s final score on an examination or assessment, including any applicable Seniority points.	1.3 DEFINITIONS Rank. The relative positioning of a candidate on an Eligibility List determined by the candidate’s final score on an examination or assessment, including any applicable Years of Service or Eligible Veteran’s points.	Proposed change to establish consistent terminology for Years of Service points and to clarify application of eligible veteran’s points where appropriate.
3.1	3.1 MEMBERSHIP The membership of the Citizens Supervisory Commission (hereinafter the “CSC”) shall consist of the following members: a. The Probate Judge of Jefferson County, who shall serve as chairperson of the CSC. b. The presidents, or other chief executive officers by whatever name called, of institutions of higher learning in Jefferson County not operated for profit and offering two or more years of instruction in a general level curriculum. These presently include the following: 1. The President of the University of Alabama at Birmingham; 2. The President of Birmingham-Southern College; 3. The President of Miles College; 4. The President of Lawson State Community College; 5. The President of Jefferson State Junior College; 6. The President of Samford University. c. A representative of the municipal employees as provided for in Act No. 684, 1977 Ala. Acts (Election and terms of office for employment members shall be in accordance with Section 5 of the Act as amended); d. A representative of the county employees as provided for in Act No. 684, 1977 Ala. Acts; e. The president of the trades council, group, society, or association in Jefferson County with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in the county as provided for in Act No. 684, 1977 Ala. Acts; f. The president of the largest chamber of commerce situated within Jefferson County as provided for in Act No. 684, 1977 Ala. Acts; g. The president of the Jefferson County Medical Society as provided for in Act No. 684, 1977 Ala. Acts; h. The president of any council of parent-teacher associations of the entire Jefferson County school system as provided for in Act No. 684, 1977 Ala. Acts; i. The president of the National Association for the Advancement of Colored People (NAACP) branches situated in Jefferson County; j. The president of the Birmingham Urban League, Inc.; k. The president of the Bessemer Association of Women and Youth Clubs; l. The president of the Interdenominational Ministers’ Alliance of Greater Birmingham.	3.1 MEMBERSHIP The membership of the Citizens Supervisory Commission (hereinafter the “CSC”) shall consist of members as outlined within Act No. 248, H. 580, of the Alabama Legislature of 1945, as amended.	Change intended to avoid potential conflict between the rule and the actual composition of the CSC as defined by the Enabling Act (Act No. 248, H. 580, of the Alabama Legislature of 1945). This proposed rule change would <u>not</u> alter the composition of the CSC.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
7.7	7.7 RECLASSIFICATION OF POSITIONS The reclassification of any position from one Class to another Class shall be implemented in accordance with the procedures set forth in this Rule 7.7. a. First, in all cases, the Appointing Authority shall have the option of changing, refining, or limiting the duties performed by the position in question to coincide with those of the current Class. If the Appointing Authority selects this option, the position, Class, grade, incumbent, and anniversary date will remain unchanged, and it is not necessary for the incumbent to take any examination to remain employed in the position. b. If the Appointing Authority does not elect to change, refine, or limit the duties performed by the position in question to coincide with those of the current Class, then the Board will reclassify the position to the new Class. The incumbent’s status in the new Class will be determined as follows: 1. If the change in Class results in a reduction in grade (i.e., a downward reclassification) or in the same grade (i.e., a lateral reclassification), then the incumbent employee must meet all minimum qualifications established for selection purposes, excluding any promotional eligibility requirements, such as permanent status in a particular Class and/or time in Class or grade. If the employee meets those minimum qualifications, then he or she will remain in the position in the new Class. If no minimum qualifications have been established, then the employee may hold the new Class in temporary status until those minimum qualifications have been established. If minimum qualifications have been or are later established and the incumbent does not meet the qualifications, then the employee will be treated in accordance with paragraph (b)(3), below. (i) In the event of a lateral reclassification, the employee shall carry his or her anniversary date, Pay Grade, and Pay Step forward into the new Class, and no Probationary Period shall be necessary. (ii) In the event of a downward reclassification, the employee shall carry his or her anniversary date into the new Class and no Probationary Period shall be necessary. If an employee’s current pay rate falls within the Pay Grade for the new Class, then the employee’s Pay Grade will be made consistent with the new Class and the Pay Step shall be set at the level that results in no change in the employee’s rate of pay. If an employee’s current pay rate exceeds the maximum Pay Step of the Pay Grade assigned to the new Class, then his or her pay rate shall be reduced to the highest step within the Pay Grade assigned to the new Class. 2. If the change in Class results in an increase in Pay Grade, then it is necessary for the incumbent employee to meet all eligibility requirements for the new Class, including any minimum qualifications established for selection purposes and any applicable promotional eligibility requirements, such as permanent status in a particular Class, and/or time in Class or Pay Grade; and to complete and pass any examination(s) for the new Class. (i) If an active Eligibility List for the new Class exists, the incumbent’s name appears on the Eligibility List, and the incumbent meets all other eligibility requirements, a Certificate of Eligibles shall be certified to the Appointing Authority in accordance with the Enabling Act, these Rules, and other provisions governing certification, to which the name of	7.7 RECLASSIFICATION OF POSITIONS The reclassification of any Position from one Class to another Class shall be implemented as set forth in this Rule 7.7. a. When a Position is recommended for reclassification to a different job Class, the Appointing Authority shall have the option of reclassifying the Position to the recommended Class or changing, refining, or limiting the duties performed by the Position in question to coincide with those of the current Class. The Appointing Authority’s decision to either reclassify the Position or refine the Position’s job duties to be consistent with the assigned Class shall be communicated in writing to the Personnel Board within ten (10) Business Days of the date of the written notice of the reclassification recommendation. b. If the Appointing Authority elects to reclassify the Position to the recommended Class, then the Board will reclassify the Position to the new Class. The incumbent’s status in the reclassified Position will be determined as follows: 1. If the reclassification is to a job Class of the same Pay Grade (i.e., a lateral reclassification), then the incumbent employee may be considered for placement in the reclassified Position so long as the employee meets all minimum qualifications, excluding any promotional eligibility requirements, such as permanent status in a particular Class and/or time in Class or grade. If the employee meets those minimum qualifications, then the Appointing Authority may request to place the employee into the Position in the reclassified Class through written request to the Personnel Board. If the employee does not meet the minimum qualifications or is otherwise not selected by the Appointing Authority to be placed into the reclassified Position, then the employee shall be treated in accordance with paragraph (b)(3) of this Rule. In the event of a lateral reclassification, the employee shall carry his or her anniversary date, Pay Grade, and Pay Step forward into the reclassified Position, and no Probationary Period shall be necessary. 2. If a Position is reclassified to a Class assigned a higher Pay Grade, the incumbent employee may be considered for appointment to the reclassified position as provided in subparagraphs (i) through (iii). Appointment of the incumbent employee to the reclassified Position shall constitute a Promotion under these Rules. The Appointing Authority may request to fill the reclassified Position by submitting a request for a Certificate of Eligibles to the Personnel Board. (i) If the incumbent employee is on an active Eligibility List for the reclassified Class, a Certificate of Eligibles shall be certified to the Appointing Authority upon request in accordance with these Rules and shall include the incumbent employee if not otherwise listed. (ii) If no Eligibility List for the reclassified Class exists, the Personnel Board shall establish an Eligibility List as expeditiously as is feasible by posting the job for application. The incumbent employee must apply during the posting period, meet the minimum qualifications, and successfully complete and pass any required competitive examination. A Certificate of Eligibles shall be issued to the Appointing Authority in accordance with these Rules along with the name of the incumbent employee, if not otherwise included. If an Eligibility List cannot be established within 30 Calendar Days after the Appointing Authority requests the reclassification, the incumbent employee may be placed in a	Change is intended to clarify the procedural application of the rule and to create a more efficient process for executing a reclassification. Intent is to also remove downward reclassification to avoid the potential for executing a demotion via reclassification through removal of job responsibilities.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	the incumbent employee has been added, if not otherwise included. If the incumbent employee is selected from the list, the employee's new anniversary date will be the date of appointment to the new Class. The employee's new rate of pay will be determined by reference to Rule 8.2(a). The employee will serve a one year Probationary Period in the new Class, commencing with the date of the employee's regular appointment from the Eligibility List. (ii) If no Eligibility List for the New Class exists, or if an Eligibility List exists but the incumbent employee is not on the list, the incumbent employee must sit for competitive examination into the reclassified position, including satisfying any minimum qualifications established as part of the examination and selection process. The incumbent employee may remain in the reclassified position in temporary or provisional status, as appropriate, until the next examination is given, and during that time shall be compensated as any other temporary or provisional employee would be compensated under ordinary circumstances. When the next examination is given for the new Class, the incumbent employee must take the examination. If the incumbent employee meets all the eligibility requirements, successfully completes the testing process for the Class, and attains a score sufficient to have his or her name added to the Eligibility List for the Class, he or she shall be treated in accordance with paragraph (i) above. The employee's new anniversary date will be the date of appointment to the new Class. The employee's new rate of pay will be determined by reference to Rule 8.2(a). The employee will serve a one year Probationary Period in the new Class, commencing with the date of the employee's regular appointment from the Eligibility List. If the employee fails to sit for the examination or fails to achieve a score sufficient to be included on the Eligibility List, then he or she shall not be eligible for regular appointment to the Class or for continuation in a temporary, emergency, or provisional appointment. 3. In the case of an incumbent employee who for any reason fails to qualify for appointment to the reclassified position, the incumbent may not remain in the reclassified position. In this circumstance, the Appointing Authority may: (i) Revert to the initial option of changing, refining, or limiting the duties performed by the position in question to coincide with those of the initial Class, and not reclassify the position; (ii) Reassign the incumbent to any vacant position of the same or lower grade for which the incumbent satisfies the minimum qualifications established for selection purposes; (iii) In consultation with the Board, take any other actions in accordance with the Act and these Rules and Regulations.	Temporary Reclass Appointment pursuant to Rule 11.3(c), provided the employee meets the minimum qualifications for the position. The Temporary Reclass Appointment shall continue until such time as the Eligibility List is established. (iii) If an Eligibility List exists but the incumbent employee is not on the list, the Personnel Board shall permit the incumbent employee to submit an application to be placed on the Eligibility List. The employee must meet the minimum qualifications and successfully complete and pass any required competitive examination. The incumbent may be scheduled to complete the competitive examination at a date and time as approved by the Director. If the incumbent employee passes the examination, then the employee shall be placed on the Eligibility List and a Certificate of Eligibles shall be issued to the Appointing Authority in accordance with these Rules along with the name of the incumbent employee, if not otherwise included. If the Personnel Board cannot administer any required competitive examination within 30 Calendar Days after the Appointing Authority requests the reclassification, the incumbent employee may be placed in a Temporary Reclass Appointment pursuant to Rule 11.3(c), provided the employee meets the minimum qualifications. The Temporary Reclass Appointment shall continue until the required Competitive Examination has been administered. 3. In the case of an incumbent employee who for any reason fails to qualify for appointment to the reclassified Position, the incumbent may not remain in the reclassified Position. In this circumstance, the Appointing Authority may: (i) Revert to the initial option of changing, refining, or limiting the duties performed by the Position in question to coincide with those of the initial Class, and not reclassify the Position; or (ii) Reassign the incumbent to any vacant Position within the previously assigned job or a job of the same Pay Grade for which the incumbent satisfies the minimum qualifications.	
NEW ADDITION	NO CURRENT RULE	7.8 JOB CLASS RESTRUCTURE In order to maintain an efficient and effective Classification plan, it may be necessary at times for the Personnel Board to restructure an established job Class(es) by combining two or more existing classes into a single job Class, referred to as a job Class collapse, or separating	Proposing new rule to formalize established practice of job collapse and job separation.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
		a single job Class into two or more Classes, referred to as a job Class split. Positions within any job Class(es) affected by a job Class restructure shall be handled in accordance with the procedures set forth in this Rule. a. When the Personnel Board executes a job Class collapse or job Class split as part of maintaining the Classification plan, the movement of positions from the affected Class(es) into the surviving, revised, or newly created Class(es) shall be treated as a Classification structure change and not as a new appointment, promotion, demotion, transfer, or separation from the Classified Service. b. An incumbent within a Position assigned to a Class affected by a job Class collapse or a job Class split, shall be moved with the Position into the surviving, revised, or newly created Class. Such movement shall be made with the retention of all Seniority time and rights of Seniority in the previously held Class, including anniversary date, pay rate (unless modification is required to be placed within pay range of the established Pay Grade of the Class to which the Position is moved), applied premium pay, and accrued vacation and sick leave. The employee shall not be required to serve a new Probationary Period as a result of the job Class collapse or job Class split.	
7.8	7.8 CREATION OF NEW JOB CLASSES The Board shall not create any new job Class or position without conferring with the affected Appointing Authority that the job Class or position is needed. Prior to approving the new Class or position, the Board shall determine that the new Class or position is necessary.	7.9 CREATION OF NEW JOB CLASSES No new job Class shall be created without prior approval of the Board.	Proposed change to clarify the need for approval of Three-Member Board for new job class establishment. Proposed change includes renumbering rule to 7.9 due to the addition of another subpart to Rule 7 (see previous revision above).
9.6. Subpart a.3	9.6 METHODS OF RECRUITMENT (Subpart a.3 only) 3. <u>Open-Promotional</u>. In Open-Promotional recruitment, competition is open to all applicants within and outside of the Classified Service who meet the announced minimum qualifications for the examination. Applicants within the promotional sequence are treated as promotional candidates under Rule 9.8(b) for their employing Jurisdiction. Applicants outside the promotional sequence, outside the employing Jurisdiction, or outside the Classified Service are treated as open competitive candidates.	9.6 METHODS OF RECRUITMENT (Subpart a.3 only) 3. <u>Open-Promotional</u>. In Open-Promotional recruitment, competition is open to all applicants within and outside of the Classified Service who meet the announced minimum qualifications for the examination. Applicants within the promotional sequence are treated as promotional candidates under Rule 9.8(b) for vacancies within their employing Jurisdiction. Applicants outside the promotional sequence, outside the employing Jurisdiction, or outside the Classified Service are treated as open competitive candidates.	Added context for clarity.
9.16	9.16 RESCHEDULING AND MAKEUP EXAMINATIONS Unless required by state or federal law, the Director shall not allow an Applicant to take an examination at a time or date other than the time(s) or date(s) set for all other Applicants.	9.16 RESCHEDULING AND MAKEUP EXAMINATIONS Unless required by state or federal law or explicitly allowed under these Rules, the Director shall not allow an Applicant to take an examination at a time or date other than the time(s) or date(s) set for all other Applicants.	Proposed change to accommodate proposed change to Rule 7.7.
10.4 Subparts a.2, a.3, and a.4 only	10.4 CERTIFICATION (Subpart a.2 through a.4 only) 2. If a promotional list exists: (a) Eligible Candidates presently employed by the Appointing Authority in which the vacancy exists, in Rank order, then	10.4 CERTIFICATION (Subpart a.2 through a.4 only) 2. If a promotional list exists: (c) Eligible Candidates presently employed by the Jurisdiction in which the vacancy exists, in Rank order	Proposed change for clarity in the certification process and clarity on application of years of service and/or eligible veteran points.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	(b) Eligible Candidates presently employed by other Appointing Authorities, in Rank order. 3. If an open-promotional list exists: (a) Eligible Candidates presently employed by the Appointing Authority in which the vacancy exists, in Rank order, then (b) Eligible Candidates not employed by the Appointing Authority in which the vacancy exists, in Rank order. 4. If an open-competitive list exists, Eligible Candidates from the open-competitive list, in Rank order.	based on test score including Years of Service points, then (d) Eligible Candidates presently employed by other Jurisdictions, in Rank order based on test score including Years of Service points. 3. If an open-promotional list exists: (c) Eligible Candidates who are presently employed within the Classified Service of the Jurisdiction in which the vacancy exists and who are employed in a Class within the defined promotional sequence, in Rank order including Years of Service points, then (d) Eligible Candidates who are presently employed within the Classified Service of the Jurisdiction in which the vacancy exists, but who are not within a Class in the defined promotional sequence, in Rank order excluding Years of Service points, then (e) Eligible Candidates not employed by the Jurisdiction in which the vacancy exists, in Rank order excluding Years of Service points. 4. If an open-competitive list exists, Eligible Candidates from the open-competitive list, in Rank order based on test score including any Eligible Veteran Points.	
11.6 Subpart b only	11.6 PROBATIONARY STATUS OF APPOINTMENTS (Subpart b only) 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 a position is vacant and agreed upon by the Appointing Authority over the formerly held Class. A Regular Employee who is returned during the probationary period following a promotion to their formerly held Class 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 does not have the right to appeal under Rule 12.2.	11.6 PROBATIONARY STATUS OF APPOINTMENTS (Subpart b only) <u>Rollback to formerly held class.</u> 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 a position is vacant and agreed upon by the Appointing Authority over the formerly held Class. A Regular Employee who is returned to their formerly held Class during the probationary period following any of the aforementioned appointment types shall be placed at the rate of pay received in the former Class at the time of the appointment, plus any annual merit increase that would have been due had the appointment not occurred. An employee returned to the former Class under this rule does not have the right to appeal under Rule 12.2.	Proposed change intended to clarify terminology and align language with phrasing used within the Merit System.
11.7	11.7 DEMOTIONS A Demotion may occur for any of the following reasons: a. When a Regular Employee is demoted for cause as defined in Rule 12.2; b. When a Regular Employee voluntarily requests or accepts the demotion; c. When a Regular Employee would otherwise be laid off pursuant to Rule 11.12; or, d. When a Classified Employee’s Position is reclassified downward or reclassified such that he or she is not qualified to hold the reclassified Position pursuant to Rule 7.7.	11.7 DEMOTIONS A Demotion may occur for any of the following reasons: a. <u>Demotion for cause.</u> A Classified Employee may be demoted for cause as defined in Rule 12.2. Demotion for cause may be to any lower graded Class so long as the employee meets the required qualifications for the position. Demotion for cause from a Class for which a Regular Employee has completed the Probationary Period is an appealable event under Rule 12. b. <u>Voluntary Demotion.</u> A Regular Employee may voluntarily request or accept a Demotion upon the approval of the Appointing Authority and the Personnel Board. A voluntary Demotion may only occur to a Class formerly held by the employee. c. <u>Demotion resulting from a reduction in force.</u> A Regular Employee may be demoted as part of a reduction in force as outlined in Rule 11.12(c) of these Rules.	Proposed change intended to clarify classes to which a demotion may occur and clarify appeal rights of Regular Employees of a demotion.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
11.13 Subpart b.2	11.13 SECONDARY EMPLOYMENT (Subpart b.2 only) 2. The individual seeking a secondary appointment is on a duly issued Certification List for the job class for which the secondary appointment is to occur or the individual is currently within the same job Class for which the secondary appointment is to occur.	11.13 SECONDARY EMPLOYMENT (Subpart b.2 only) 2. The individual seeking a secondary appointment is on a duly issued Certification List for the job class for which the secondary appointment is to occur or the individual currently holds a position within the same job Class for which the secondary appointment is to occur.	Proposed change intended to improve wording for clarity
12.1	12.1 DISCIPLINARY POLICY The tenure of every Classified Employee shall be conditioned upon his or her satisfactory conduct and efficient performance of assigned duties and responsibilities. A Regular Employee who, for cause, is dismissed, demoted (except as governed by Rule 11.6 (b)), or suspended (other than a suspension governed by Rule 12.14), or placed on Administrative Leave Without Pay for more than five (5) working days pursuant to Rule 13.20(c), shall have the right of appeal as set forth in this Rule 12.	12.1 DISCIPLINARY POLICY The tenure of every Classified Employee shall be conditioned upon his or her satisfactory conduct and efficient performance of assigned duties and responsibilities. A Classified Employee may be disciplined for cause, as defined by Rule 12.2, by the Appointing Authority over the Position held². A Regular Employee who, for cause, is dismissed, demoted (except as governed by Rule 11.6 (b)), or suspended (other than a suspension governed by Rule 12.14), or placed on Administrative Leave Without Pay for more than five (5) working days pursuant to Rule 13.20(c), shall have the right of appeal as set forth in this Rule 12. Footnote: ² Pursuant with Section 22 of the Enabling Act, charges may also be made against a Classified Employee by the Director or by an officer or citizen of the state.	Proposed change intended to clarify authority of the Appointing Authority to discipline a Classified Employee for just cause under Rule 12.2 and to add footnote regarding other charges (change would result in deletion of Rule 12.10 and 12.11 as seen below).
12.3 Subparts a, b, and c only	12.3 NOTICE AND SERVICE (subparts a, b, and c only) a. <u>Notice</u>. Where these Rules provide for appeal, a notice of dismissal, suspension for more than five (5) scheduled working days, or demotion of a Regular Employee shall be in writing and shall set forth: 1. The factual basis for the action to be taken; 2. The date termination, suspension, or demotion is to become effective; and 3. Any other information deemed appropriate. b. <u>Service on Employee</u>. The Appointing Authority shall serve the notice on the employee. Service may be in person or by U.S. Mail, or both. Provided, if service is by U.S. Mail, deposit of the notification in the U.S. Mail no later than the effective date of the action shall constitute service. Any form of mail receipt or a sworn affidavit of the server shall constitute <i>prima facie</i> evidence of timely mail deposit. c. <u>Service on the Director</u>. The Appointing Authority shall serve a copy of the written notice on the Director within three (3) Business Days of the effective date of the action. Provided, if service on the employee is by U. S. Mail, the notice should be mailed to the Director at the same time it is mailed to the employee. Deposit of the copy in the U. S. Mail within three (3) Business Days of the effective date of the action addressed to the Director at the Board offices shall constitute service. Any form of mail receipt or a sworn affidavit of the server shall constitute <i>prima facie</i> evidence of timely mail deposit.	12.3 NOTICE AND SERVICE (subparts a, b, and c only) a. <u>Notice</u>. Where these Rules provide for appeal, a notice of dismissal, suspension, or demotion of a Regular Employee shall be in writing and shall set forth: 1. The factual basis for the action to be taken; 2. The date termination, suspension, or demotion is to become effective; and 3. Any other information deemed appropriate. b. <u>Service on Employee</u>. The Appointing Authority shall serve the notice on the employee on or before the effective date of the disciplinary action. Service may be in person or by U.S. Certified Mail, or both. Provided, if service is by U.S. Certified Mail, deposit of the notification in the U.S. Mail no later than the effective date of the action shall constitute service. Any form of mail receipt or a sworn affidavit of the server shall constitute <i>prima facie</i> evidence of timely mail deposit. c. <u>Service on the Director</u>. The Appointing Authority shall serve a copy of the written notice on the Director through electronic mail or hand-delivery within three (3) Business Days of the effective date of the action.	Proposed change is to require certified mail when delivery to employee is through US Mail. Also revised to require service to the Director to be through email or hand-delivery.
12.4	12.4 APPEAL PROCEDURE An employee desiring to appeal shall within ten (10) calendar days after notice thereof, file with the Director, in duplicate, a written answer to the charges and request a hearing.	12.4 APPEAL PROCEDURE An employee desiring to appeal shall within ten (10) calendar days after notice under 12.3, file the appeal through appropriate written or electronic means as prescribed by the Director.	Proposed change is to be consistent with anticipated submission changes resulting from implementation of electronic appeal submission system.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	a. <u>Content</u>. Appeals may be in any written format, including letter form, but they must contain the following information: 1. The name, address, and telephone number of the person filing the appeal, and the name and address of the Appointing Authority that took the action being appealed; 2. A description of the action the Appointing Authority took and its effective date; 3. A concise statement of the reasons why the employee believes the action by the Appointing Authority is wrong; and 4. The signature of the employee or his or her representative. b. <u>Service</u>. Within five (5) Business Days of receipt of the appeal, the Director shall mail a copy of the appeal to each party to the proceeding other than the employee.	a. <u>Content</u>. Appeals must contain the following information: 1. The name, address, email address and telephone number of the person filing the appeal, and the name and address of the Appointing Authority that took the action being appealed; 2. A copy of the written notice of disciplinary action issued by the Appointing Authority and its effective date; and 3. The signature of the employee or his or her representative. b. <u>Service</u>. Within five (5) Business Days of receipt of the appeal, the Director shall send via electronic mail a copy of the appeal to each party to the proceeding other than the employee.	
12.5 Subparts b, c, and f	12.5 HEARING (Subparts b, c, and f only) b. <u>Requests for Continuance of Hearing</u>. A request by either party to continue a hearing must be received by the Board and the appointed Hearing Officer at least seventy-two hours prior to the time set for the hearing. Requests for continuance shall not be interposed for delay and will be granted only for good cause. c. <u>Conduct of Hearing by Hearing Officer</u>. The hearing shall be before a Hearing Officer appointed by the Board. The Hearing Officer shall take testimony and other evidence offered in support and denial of such charges. Within five (5) Business Days of the close of the hearing, the Hearing Officer shall submit a Report and Recommendation to the Board, which shall contain findings of fact and conclusions therefrom upon all material issues presented at the hearing. f. <u>Representation</u>. Any party at interest may be represented at the hearing by one representative or attorney of his or her own choosing.	12.5 HEARING (Subparts b, c, and f only) b. <u>Requests for Continuance of Hearing</u>. A request by either party to continue a hearing must be received by the Board and the appointed Hearing Officer at least three (3) Business Days prior to the time set for the hearing. Requests for continuance shall not be interposed for delay and will be granted only for good cause. c. <u>Conduct of Hearing by Hearing Officer</u>. The hearing shall be before a Hearing Officer appointed by the Board. The Hearing Officer shall take testimony and other evidence offered in support and denial of the charges upon which the disciplinary action was taken. Within five (5) Business Days of the close of the hearing, the Hearing Officer shall submit a Report and Recommendation to the Board, which shall contain findings of fact and conclusions therefrom upon all material issues presented at the hearing. f. <u>Representation</u>. Any party at interest may be represented at the hearing by legal counsel of his or her own choosing or designated employee association representative.	Proposed change intended to clarify (a) timeframe for request for continuance, (b) the focus of the hearing, and (f) the representation of parties during the hearing.
12.6	12.6 DECISION BY THE BOARD A Hearing Officer’s Report and Recommendation shall be deemed received by the Three-Member Board at the first regular or special meeting of the Board occurring at least ten (10) business days after the date on which the Report and Recommendation is stamped received by the PBJC Employee Relations Department. The Board shall consider the Hearing Officer’s Report and Recommendation, and modify, alter, set aside, remand or affirm said report and certify its findings to the Appointing Authority, who shall forthwith put the same into effect. If the Board fails to act within forty-five (45) calendar days after receipt of the Hearing Officer’s Report and Recommendation, the Report and Recommendation shall become the order of the Board. While the Board encourages the parties to resolve their disputes, it cautions the parties that: (a) any resolution must be consistent with the Rules and Regulations of the Personnel Board and the Enabling Act; and (b) the parties to a disciplinary appeal may not bind the Personnel Board to take or refrain from any action without the express consent of the Board. Any party who has a question regarding the extent to which a proposed resolution complies with the Rules and Regulations of the Personnel Board and the Enabling Act should contact the Employee Relations Department.	12.6 DECISION BY THE BOARD A Hearing Officer’s Report and Recommendation shall be deemed received by the Three-Member Board at the first regular or special meeting of the Board occurring at least ten (10) Business Days after the date on which the Report and Recommendation is stamped received by the Personnel Board Employee Relations Department. The Board shall consider the Hearing Officer’s Report and Recommendation, and modify, alter, set aside, remand or affirm said report and certify its findings to the Appointing Authority, who shall forthwith put the same into effect. If the Three-Member Board fails to act within forty-five (45) calendar days after receipt of the Hearing Officer’s Report and Recommendation, the Report and Recommendation shall become the order of the Board. While the Board encourages the parties to resolve their disputes, it cautions the parties that: (a) any resolution must be consistent with the Rules and Regulations of the Personnel Board and the Enabling Act; and (b) the parties to a disciplinary appeal may not bind the Personnel Board to take or refrain from any action without the express consent of the Board. Any party who has a question regarding the extent to which a proposed resolution complies with the Rules and Regulations of the Personnel Board and the Enabling Act should contact the Employee Relations Department.	Proposed change includes minor wording changes to clarify interpretation.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
12.7	12.7 WITNESSES Each party to an administrative hearing shall be limited to no more than 10 witnesses unless a written motion establishing good cause for additional witnesses is filed no less than 30 days prior to the hearing with the Hearing Officer. Should a party call more than ten (10) witnesses without an order from the Hearing Officer permitting additional witnesses, only the first 10 witnesses shall be allowed.	12.7 WITNESSES Each party to an administrative hearing shall be limited to no more than ten (10) witnesses unless a written motion establishing good cause for additional witnesses is filed no less than thirty (30) calendar days prior to the hearing and granted by the Hearing Officer. Should a party call more than ten (10) witnesses without an order from the Hearing Officer permitting additional witnesses, only the first ten (10) witnesses shall be allowed.	Proposed change is to clarify that motion must be approved by the hearing officer for more than 10 witness.
12.8	12.8 SUBPOENAS 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 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 therefore. 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. 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.	12.8 SUBPOENAS 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 establishing that the witness or evidence is necessary, with the Hearing Officer no less than thirty (30) calendar days prior to the hearing. 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. It shall be the responsibility of the requesting party to arrange for appropriate service of the subpoenas. 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 timely render a decision whether to revoke or limit the subpoena.	Proposed change is to (a) remove redundancy with Rule 12.7, (b) clarify responsibility for service of subpoenas, and (c) clarify terminology in rendering a decision.
12.10 <i>Removed</i>	12.10 CITIZEN COMPLAINTS	12.10 CITIZEN COMPLAINTS - <i>REMOVED</i>	Proposed change is removal of Rule 12.10 based on applicable footnote added under Rule 12.1
12.11 <i>Removed</i>	12.10 CHARGES FILED BY THE DIRECTOR	12.10 CHARGES FILED BY THE DIRECTOR - <i>REMOVED</i>	Proposed change is removal of Rule 12.11 based on applicable footnote added under Rule 12.1
12.12 Renumbered	12.12 CONFIRMATION OF COMPLIANCE	12.10 CONFIRMATION OF COMPLIANCE – <i>RENUMBERING ONLY</i>	Renumbering of rule based on removal of 12.10 and 12.11 as outlined above
12.13 Renumbered	12.13 JUDICIAL REVIEW	12.11 JUDICIAL REVIEW – <i>RENUMBERING ONLY</i>	Renumbering of rule based on removal of 12.10 and 12.11 as outlined above

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision																								
13.9 Subpart a - addition of footnote	13.9 VACATION LEAVE (subpart a) Unless the Appointing Authority has an established policy to the contrary, which is on file with the Board, accrual, accumulation, and use of vacation leave shall be governed by the following Rules:² a. <u>Accrual of Vacation Leave.</u> All full-time Classified Employees shall accrue paid vacation leave. Vacation leave shall accrue at the following rates: <table><tr><th>Years of Service Completed</th><th>Hours of Vacation Time Accrued per Month</th><th>Hours of Vacation Time Accrued per Month (Firefighting Personnel)</th></tr><tr><td>Less than 12</td><td>8</td><td>10.64</td></tr><tr><td>At least 12, but less than 25</td><td>12</td><td>15.96</td></tr><tr><td>25 or more</td><td>16</td><td>21.28</td></tr></table> An employee shall not accrue vacation leave during any month in which, for more than fifty percent (50%) of his or her normally scheduled work time, the employee is on a leave of absence without pay, is suspended, or is otherwise in a non-pay status. ² Pursuant to 1989 Ala. Acts 765, the provisions of Rule 13.9 (and the corresponding provisions of Section 19 of the Enabling Act), relating to accrual, accumulation, use, disposition, and forfeiture of annual vacation leave, are applicable at the option of each Appointing Authority. The Board strongly encourages Appointing Authorities to abide by these Rules, which are intended to implement Section 19 of the Enabling Act. If an Appointing Authority elects not to apply this Rule or any part thereof, it must so notify the Board in writing, and must provide a copy of the rule(s) to be applied by the Appointing Authority in lieu of this Rule.	Years of Service Completed	Hours of Vacation Time Accrued per Month	Hours of Vacation Time Accrued per Month (Firefighting Personnel)	Less than 12	8	10.64	At least 12, but less than 25	12	15.96	25 or more	16	21.28	13.9 VACATION LEAVE (subpart a) Unless the Appointing Authority has an established policy to the contrary, which is on file with the Board, accrual, accumulation, and use of vacation leave shall be governed by the following Rules:³ a. <u>Accrual of Vacation Leave.</u> All full-time Classified Employees shall accrue paid vacation leave. Vacation leave shall accrue at the following rates: <table><tr><th>Years of Service Completed</th><th>Hours of Vacation Time Accrued per Month</th><th>Hours of Vacation Time Accrued per Month (Firefighting Personnel)⁴</th></tr><tr><td>Less than 12</td><td>8</td><td>10.64</td></tr><tr><td>At least 12, but less than 25</td><td>12</td><td>15.96</td></tr><tr><td>25 or more</td><td>16</td><td>21.28</td></tr></table> An employee shall not accrue vacation leave during any month in which, for more than fifty percent (50%) of his or her normally scheduled work time, the employee is on a leave of absence without pay, is suspended, or is otherwise in a non-pay status. ³ Pursuant to 1989 Ala. Acts 765, the provisions of Rule 13.9 (and the corresponding provisions of Section 19 of the Enabling Act), relating to accrual, accumulation, use, disposition, and forfeiture of annual vacation leave, are applicable at the option of each Appointing Authority. The Board strongly encourages Appointing Authorities to abide by these Rules, which are intended to implement Section 19 of the Enabling Act. If an Appointing Authority elects not to apply this Rule or any part thereof, it must so notify the Board in writing, and must provide a copy of the rule(s) to be applied by the Appointing Authority in lieu of this Rule ⁴ References to “Firefighting Personnel” under this Rule apply only to those firefighting employees assigned to the Firefighter pay schedule based on a 24-hour shift schedule.	Years of Service Completed	Hours of Vacation Time Accrued per Month	Hours of Vacation Time Accrued per Month (Firefighting Personnel) ⁴	Less than 12	8	10.64	At least 12, but less than 25	12	15.96	25 or more	16	21.28	Proposed change includes renumbering of footnote #2 to footnote #3 due to addition of prior footnote in Rule 12.1 above. Proposed change to add footnote #4 to clarify that firefighting personnel for leave purposes includes only firefighters scheduled based on a 24-hour shift.
Years of Service Completed	Hours of Vacation Time Accrued per Month	Hours of Vacation Time Accrued per Month (Firefighting Personnel)																									
Less than 12	8	10.64																									
At least 12, but less than 25	12	15.96																									
25 or more	16	21.28																									
Years of Service Completed	Hours of Vacation Time Accrued per Month	Hours of Vacation Time Accrued per Month (Firefighting Personnel) ⁴																									
Less than 12	8	10.64																									
At least 12, but less than 25	12	15.96																									
25 or more	16	21.28																									
13.19	13.19 DISPOSITION OF LEAVE UPON RESIGNATION OR RETIREMENT (subparts b and c only) a. A Regular Employee who wishes to resign or retire from the Classified Service in Good Standing shall provide written notice to the Appointing Authority not less than fourteen (14) days prior to the effective date of the resignation or retirement. The Appointing Authority may reduce the length of advance notice required. 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. 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	13.19 DISPOSITION OF LEAVE UPON RESIGNATION OR RETIREMENT (subparts b and c only) 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 (424 hours for firefighting personnel assigned to the Firefighter pay schedule based on a 24-hour shift schedule). 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. 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.	Proposed change intended to create consistency between disposition of leave for firefighters scheduled based on a 24-hour shift and the maximum carryover outlined in Rule 13.9.																								

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	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. c. A Regular Employee who separates from a Classified Position within a Jurisdiction in Good Standing after five (5) years of service through resignation, retirement, hire or transfer into another Jurisdiction, or a reduction in force may, subject to the approval of the Appointing Authority, receive terminal pay for 50% of the first 480 hours of accrued sick leave. A Regular Employee who transfers into or is hired directly into another Jurisdiction may transfer to the new Jurisdiction, at the discretion of that Appointing Authority, any accrued sick hours not paid out by the separating Jurisdiction. d. If a Regular Employee with at least five (5) years of service is separated from the Classified Service through a reduction in force and is subsequently rehired from a Layoff List into the Jurisdiction from which he or she was laid off, that portion of the employee’s accrued sick leave beyond the accrued sick leave included in the terminal pay calculation shall be reinstated.	c. A Regular Employee who separates from a Classified Position within a Jurisdiction in Good Standing after five (5) years of service through resignation, retirement, hire or transfer into another Jurisdiction, or a reduction in force may, subject to the approval of the Appointing Authority, receive terminal pay for 50% of the first 480 hours (624 hours for firefighting personnel assigned to the Firefighter pay schedule based on a 24-hour shift schedule) of accrued sick leave. A Regular Employee who transfers into or is hired directly into another Jurisdiction may transfer to the new Jurisdiction, at the discretion of that Appointing Authority, any accrued sick hours not paid out by the separating Jurisdiction.	
13.20	13.20 ADMINISTRATIVE LEAVE Unless the Appointing Authority has an established policy to the contrary, which is on file with the Board, administrative leave shall be governed by the following Rules:⁹ a. <u>General Rule.</u> The Appointing Authority may place a Full-time employee on administrative leave, with or without pay. An employee placed on administrative leave, either with or without pay, shall not attend work and shall not perform his or her regular job duties. Administrative leave records must be created and maintained as required by Rule 13.4. b. <u>Administrative Leave With Pay.</u> While on administrative leave with pay, an employee shall be entitled to all compensation, service time, and benefits earned and accruing to his or her Class. Administrative leave with pay may be authorized as follows: 1. <u>Up to Five (5) Days Authorized by Appointing Authority.</u> On its own initiative, the Appointing Authority may place an employee on administrative leave with pay for a period of time not to exceed five (5) working days. Prior to placing an employee on administrative leave with pay, the Appointing Authority must forward to the Director a written statement of the reason(s) for the action. 2. <u>Up to Ten (10) Additional Days Authorized by the Director.</u> Should the Appointing Authority desire to keep an employee on administrative leave with pay for more than five (5) working days, the Appointing Authority must, in advance, forward a written request to the Director setting forth the reasons justifying the extension of administrative leave with pay. The Director may extend administrative leave with pay for up to ten (10) additional working days in addition to the five (5) days authorized by the preceding paragraph. The approval of the Director must be obtained prior to the extension of any period of administrative leave with pay beyond the five (5) days authorized by the preceding paragraph. 3. <u>Up to Thirty (30) Additional Days Authorized by the Board.</u> Should the Appointing Authority desire to keep an employee in the status of administrative leave with pay beyond the fifteen (15) days authorized by the preceding paragraphs, the request shall be presented to the Board in writing and shall include the reasons for the request. The Board shall either approve or deny said request, in writing. The Board may extend administrative leave with pay for up to	13.20 ADMINISTRATIVE LEAVE Unless the Appointing Authority has an established policy to the contrary, which is on file with the Board, administrative leave shall be governed by the following Rules.⁹ For the purposes of this Rule 13.20, all references to “working day” shall be considered as any day that the employing agency is open for business regardless of the working schedule of the affected employee. a. <u>General Rule.</u> The Appointing Authority may place a Full-time employee on administrative leave, with or without pay. An employee placed on administrative leave, either with or without pay, shall not attend work and shall not perform his or her regular job duties. Administrative leave records must be created and maintained as required by Rule 13.4. b. <u>Administrative Leave With Pay.</u> While on administrative leave with pay, an employee shall be entitled to all compensation, service time, and benefits earned and accruing to his or her Class. Administrative leave with pay may be authorized as follows: 1. <u>Up to Five (5) Working Days Authorized by Appointing Authority.</u> On its own initiative, the Appointing Authority may place an employee on administrative leave with pay for a period of time not to exceed five (5) working days. Prior to placing an employee on administrative leave with pay, the Appointing Authority must forward to the Director a written statement of the reason(s) for the action. 2. <u>Up to Ten (10) Additional Working Days Authorized by the Director.</u> Should the Appointing Authority desire to keep an employee on administrative leave with pay for more than five (5) working days, the Appointing Authority must, in advance, forward a written request to the Director setting forth the reasons justifying the extension of administrative leave with pay. The Director may extend administrative leave with pay for up to ten (10) additional working days in addition to the five (5) working days authorized by the preceding paragraph. The approval of the Director must be obtained prior to the extension of any period of administrative leave with pay beyond the five (5) working days authorized by the preceding paragraph. 3. <u>Up to Thirty (30) Additional Working Days Authorized by the Board.</u> Should the Appointing Authority desire to keep an employee in the status of	Proposed rule chang is intended to clarify the definition of days for administrative leave calculations

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	thirty (30) additional working days in addition to the fifteen (15) days authorized by the preceding paragraphs. c. <u>Administrative Leave Without Pay</u>. The Appointing Authority may place an employee on administrative leave without pay for a period of up to one (1) year for any reason deemed to be in the best interest of the service. A Regular Employee who is involuntarily placed on administrative leave without pay for a period exceeding five (5) working days may appeal to the Board under Rule 12.	administrative leave with pay beyond the fifteen (15) working days authorized by the preceding paragraphs, the request shall be presented to the Board in writing and shall include the reasons for the request. The Board shall either approve or deny said request, in writing. The Board may extend administrative leave with pay for up to thirty (30) additional working days in addition to the fifteen (15) working days authorized by the preceding paragraphs. c. <u>Administrative Leave Without Pay</u>. The Appointing Authority may place an employee on administrative leave without pay for a period of up to one (1) year for any reason deemed to be in the best interest of the service. A Regular Employee who is involuntarily placed on administrative leave without pay for a period exceeding five (5) working days may appeal to the Board under Rule 12.	
15.4	15.4 GRIEVANCE PROCEDURE Grievants are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance. Counsel or other persons of his or her choosing through the grievance process may represent the grievant through the grievance process. The Grievance shall be conducted according to the following process: a. Step One: 1. The Grievance, to be properly commenced, must be submitted to the grievant’s immediate supervisor within seven (7) calendar days of the incident giving rise to the grievance. A copy of the grievance must be filed with the Employee Relations Department of the Board. All such complaints shall cite with specificity the reason and nature of the complaint. 2. Within seven (7) calendar days of receipt of the grievance, the grievant’s immediate supervisor shall reply to the grievant in writing in a form approved by the Director. A copy of his or her reply shall be furnished to the Employee Relations Department of the Board. 3. In lieu of replying, the grievant’s immediate supervisor may elect to refer the complaint to his or her immediate superior within the time period of his or her reply, and must acknowledge receipt of the grievance in writing to the grievant no later than the next business day after receipt of the referred grievance. Failure to reply shall result in submission of the grievance to Step Two. 4. Should the supervisor and/or his or her immediate superior not return an answer on official forms within the established time limits, the grievant may proceed to the next step within the time limit outlined below. b. Step Two: If the grievant is not satisfied with Step One, the grievant may submit, within five (5) calendar days of the answer or its due date, whichever occurs first, the grievance to the department head in which he or she works. Such departmental head shall reply to the grievant within five (5) calendar days of receipt or referral of the grievance in writing. A copy of the reply by the department head shall be furnished to the Employee Relations Department of the Board. c. Step Three: 1. If unresolved by the department head’s answer, the grievant may submit the grievance to the Director on official forms, signed by the grievant, within five (5) calendar days of the Step II answer or its due date. The Director shall then	15.4 GRIEVANCE PROCEDURE Grievants are assured of freedom from restraint, interference, discrimination or reprisal for presenting a grievance. Counsel or other persons of his or her choosing through the grievance process may represent the grievant through the grievance process. The Grievance shall be conducted according to the following process: a. Step One: 1. The Grievance, to be properly commenced, must be submitted to the grievant’s immediate supervisor within seven (7) calendar days of the incident giving rise to the grievance. If the grievance is against the immediate supervisor, the employee may bypass the immediate supervisor and submit the grievance to the next level supervisor. A copy of the grievance must be filed with the Employee Relations Department of the Board. All such complaints shall cite with specificity the reason and nature of the complaint. 2. Within seven (7) calendar days of receipt of the grievance, the grievant’s immediate supervisor (or next level supervisor, if the grievance is against the immediate supervisor) shall reply to the grievant in writing in a form approved by the Director. A copy of his or her reply shall be furnished to the Employee Relations Department of the Board. 3. In lieu of replying, the grievant’s immediate supervisor may elect to refer the complaint to his or her immediate superior within the time period of his or her reply, and must acknowledge receipt of the grievance in writing to the grievant no later than the next business day after receipt of the referred grievance. Failure to reply shall result in submission of the grievance to Step Two. 4. Should the supervisor and/or his or her immediate superior not return an answer on official forms within the established time limits, the grievant may proceed to the next step within the time limit outlined below. b. Step Two: If the grievant is not satisfied with Step One, the grievant may submit, within five (5) calendar days of the answer or its due date, whichever occurs first, the grievance to the department head in which he or she works. If Step One was submitted to the Department Head, then Step Two may proceed to the next level supervisor. Such departmental head shall reply to the grievant within five (5) calendar days of receipt or referral of the grievance in writing. A copy of the reply by the department head shall be furnished to the Employee Relations Department of the Board.	Proposed change is intended to provide an alternate path for submission for a grievance against an immediate supervisor.

Rule #	Current Version (Adopted 12/3/24)	Proposed Change (redline)	Rationale for Revision
	determine whether the grievance is adjustable under this Rule. The Director shall notify the grievant in writing of his or her decision. Either party to the grievance may appeal the Director’s determination to the Board within ten (10) calendar days from date of receipt. 2. Hearing Procedures. If the Director determines that the matter is subject to adjustment under Rule 15, the matter shall be assigned to a Hearing Officer, selected from a list of local attorneys who are trained to conduct Personnel Board administrative hearings, who shall conduct a hearing in the manner consistent with Rule 12.5. After a formal hearing, the Hearing Officer shall render findings of fact and a recommendation to the Board within ten (10) calendar days of the completion of taking testimony and evidence. The Board shall render a decision at its next occurring regular Board meeting.	c. Step Three: 1. If unresolved by the answer in Step 2, the grievant may submit the grievance to the Director on official forms, signed by the grievant, within five (5) calendar days of the Step II answer or its due date. The Director shall then determine whether the grievance is adjustable under this Rule. The Director shall notify the grievant in writing of his or her decision. Either party to the grievance may appeal the Director’s determination to the Board within ten (10) calendar days from date of receipt. 2. Hearing Procedures. If the Director determines that the matter is subject to adjustment under Rule 15, the matter shall be assigned to a Hearing Officer, selected from a list of local attorneys who are trained to conduct Personnel Board administrative hearings, who shall conduct a hearing in the manner consistent with Rule 12.5. After a formal hearing, the Hearing Officer shall render findings of fact and a recommendation to the Board within ten (10) calendar days of the completion of taking testimony and evidence. The Board shall render a decision at its next occurring regular Board meeting.	