

Derrick Mostella  
Mayor



P.O. Box 70  
211 8<sup>th</sup> Street  
Ashville, AL 35953

Chrystal St. John  
City Clerk

Phone 205-594-4151  
Fax 205-594-4292

County Seat of St. Clair County

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## ORDINANCE 2022-013

### AN ORDINANCE TO AMEND THE CITY OF ASHVILLE, ALABAMA PERSONNEL POLICIES AND PROCEDURES HANDBOOK

**WHEREAS**, the City of Ashville, Alabama (the “City”), has previously adopted a document entitled Personnel Policies and Procedures (the Handbook”); and

**WHEREAS**, it is necessary from time to time to make changes to the Handbook to fairly, equitably and efficiently regulate employment related matters; and

**WHEREAS**, the City finds and determines that it is in the best interest of the City, its citizens, and its employees to amend the Handbook as set out in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Ashville, Alabama, as follows:

- Section 1:** That the **SECTION 3 – EMPLOYMENT CLASSES: “3.1 CLASSES OF EMPLOYEES”** within the Handbook be and is hereby amended to state as shown on Exhibit “A” to this Ordinance, which is incorporated herein as if set out fully here.
- Section 2:** That the **SECTION 3 – EMPLOYMENT CLASSES: “3.2 EMPLOYMENT STATUS.”** within the Handbook be and is hereby amended to state as shown on Exhibit “B” to this Ordinance, which is incorporated herein as if set out fully here.
- Section 3:** If any provision in this Ordinance shall be or be declared to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
- Section 4:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- Section 5:** That this ordinance shall become effective as provided by law after passage, approval and publication.

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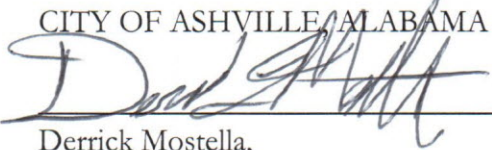
Council Members

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Robin L. Bowlin - Edward Roscoe Lane - Sue Price - Shirley Smith - R. Denise Williams

ORDAINED, ADOPTED and APPROVED this the 5 day of July, 2022.



CITY OF ASHVILLE, ALABAMA  
  
Derrick Mostella,  
Mayor

ATTEST:

Chrystal St. John  
City Clerk

## Exhibit A

### 3.1 CLASSES OF EMPLOYEES

The following classes of employment are hereby established in the City of Ashville:

a. **Exempt Service:** Individuals to whom established personnel policies and procedures in no way apply, except as how they govern their actions and relationships with covered employees. The exempt service includes:

(1) Members of the Governing Body of the City, including but not limited to: the Mayor, City Attorney, Prosecutor, members of the City Council, Municipal Judge and other elected Officials and Officers;

(2) Members of appointed boards, commissions and committees; and

(3) Other individuals filling jobs in the City service who come under the tent of these policies and procedures and have been designated by the City Council as exempt. Included in this Class are volunteer personnel who receive no regular compensation from the City, except Police and Fire Department volunteers, persons performing work under contract for the City who are not carried on the payroll as classified regular employees, and positions appointed by the Mayor and City Council.

b. **Unclassified Service:** City Clerk, Chief of Police, Fire Chief, Superintendent of Public Works, Building and Zoning Director or other individuals in jobs which have been or may be designated by the City Council as "unclassified" by ordinance or resolution. Established personnel policies and procedures will apply to these employees the same as classified employees, except as follows:

(1) An unclassified employee's tenure of service is at the pleasure of the Mayor or City Council; and

(2) If the individual is a regular status classified employee at the time of appointment to an unclassified position, the individual will retain the right to reinstatement as a classified employee in an available position for which the individual is qualified upon termination from the unclassified service, unless separated for cause; and

(3) If the individual was not a regular status classified employee at the time of appointment to the unclassified service, he or she will have no right to employment in the classified service after termination from the unclassified service. However, the employee may apply for and be considered along with other qualified applicants for any vacancy for which the individual is qualified.

c. **Classified Service:** The classified service includes those positions that have been approved by the City council in which the individual regularly works at least thirty-two (32) hours or an average of thirty-two (32) hours in a workweek. Classified service employees are eligible for all City provided employee benefits in accordance with guidelines established by the City Council for such benefits.

d. **Part-time Service:** The part-time service includes those positions that have been approved by the City Council in which the individual regularly works during each pay period but, except for Police and Fire Department personnel, works less than twenty-nine (29) hours or an average of twenty-nine (29) hours in a workweek. The actual number of hours worked each workweek will be established at the employee's time of employment. Part-time employees may be transferred to an equivalent job in the classified service if qualified and a vacancy exists. Part-time employees are not eligible for any City provided employee benefits unless provided by law; except that, part-time employees who work, on average, at least thirty (30) hours in a work week shall be allowed to participate in the group insurance programs as long as they are eligible according to the provisions of such programs and they pay the applicable premium costs. Employees in this classification do not accrue benefits of any kind, and their employment will not count as continuous years of service.

e. **Temporary Service:** The temporary service includes those positions that have been approved by the Mayor for performing temporary functions or filling established jobs for a limited period of time. Temporary employees may also be used to fill critical vacancies, when due to unforeseen circumstances an eligible candidate is not available. Individuals in the temporary service employment category will not exceed six (6) consecutive months duration. However, temporary employment may be extended six (6) additional months when approved by the Mayor, but under no condition will it be extended

beyond one year. Temporary employees will not count as continuous years of service or accrue benefits of any kind. Temporary service employees will not be converted from the temporary service to the classified or part-time service unless they apply and are selected in accordance with the staffing guidelines of these policies and procedures. Temporary employees will not be given preferential consideration over any other applicant. The purpose of this requirement is to ensure that temporary service employment is not used to by-pass the required selection criteria established by these policies and procedures and federal laws.

f. **Contract Service:** Those employees, full-time or part-time, whose employment is governed through a legal binding contract between the City and the employee. Compensation and Benefits for contract employees will be outlined within the employee's contract.

Every job within the City service will be designated by the City Council in accordance with one of the above classes.

## Exhibit B

### **3.2 EMPLOYMENT STATUS.**

Employment in the classified and part-time service will be in accordance with one of the following designations, except for Contract Service employees whose employment is governed by their contract:

a. Regular. Employees who have successfully completed the City's established probationary period for their job. The Mayor approves regular status for all eligible employees. Such approval will be in writing to the employee, with a copy of the notice filed in the employee's personnel file.

b. Probationary. Employees who have not completed the City's established twelve-month probationary period for their job.

c. Trainee: Individuals who have been hired for positions who do not meet all of the established requirements of their position may be appointed with the approval of the Mayor. Such individuals will be paid five percent (5%) below the minimum rate for their job excluding Fire and Police Department trainees. An employee designated as a trainee will continue to receive a reduced salary until the Department Head certifies that the individual is qualified to assume full responsibilities and perform all duties of the position and the Mayor approves such change. Trainee status will count toward the City approved probationary period. However, no individual may be designated as a regular status employee while still classified as a trainee. Trainee status will not exceed a one-year period.