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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE
ATTORNEY GENERAL

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501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
WWW.AGO.ALABAMA.GOV

Honorable James E. Turnbach
Attorney, City of Rainbow City
Turnbach, Warren, Lloyd, Frederick & Smith
Chestnut at Second/Suite A
Post Office Box 129/200 Chestnut Street
Gadsden, Alabama 35902

Municipalities – Employees,
Employers, Employment – Tuition –
Education – Programs – Funds –
Etowah County

The City of Rainbow City (“City”) may establish a tuition assistance program for the employees of the City provided that the City determines that courses of study provided for therein are related to the duties of the employee seeking assistance and that the expenditure serves a public purpose.

The City of Rainbow City may establish, by ordinance, a tuition assistance program for employees whose compensation is not otherwise fixed by statute.

Dear Mr. Turnbach:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Rainbow City.

QUESTION

May the City of Rainbow City create a higher education tuition assistance program for

its employees wherein the degree being sought would serve a public purpose within the City?

FACTS AND ANALYSIS

According to your request, a current employee of the fire department has requested that the City pay his expenses for furthering his education toward a degree in "Fire Administration." The curriculum for the degree follows the Fire and Emergency Services Higher Education curriculum that has been established by the National Fire Academy in the U.S. Fire Administration. The degree would provide the employee knowledge in fire science, education, and management. The degree also includes study in community risk reduction and tactical fireground considerations. The City would benefit from the additional expertise of one of its employees, but the degree is not a requirement for the continued employment of the employee.

This Office has previously determined that public funds could be used to pay for the training of public employees. See, *e.g.*, the following opinions:

- Honorable Bradley E. Byrne, Member, Alabama State Senate, dated June 28, 2004, A.G. No. 2004-169 (local board of education may pay expenses of incoming board members to attend training);
- Honorable Richard H. Ramsey, III, Houston County Attorney, dated May 10, 1982, A.G. No. 82-00328 (county may pay expenses associated with deputy attending law enforcement academy);
- Mr. Billy Joe Camp, President, Alabama Public Service Commission, dated February 10, 1982, A.G. No. 82-00183 (Public Service Commission may pay the tuition for employee to take CPA review course where such course is related to his duties with the Commission).

The training must be related to the duties of the employee. *Camp* at 2. Moreover, the expenditure must be for a public purpose. *Ramsey* at 2. An agency must make a determination of public purpose based upon individual facts related to the employee and the specific training. *Byrne* at 5.

Honorable James E. Turnbach
Page 3

Although the degree sought is not required for the continued employment of an employee, if the City determines that the course of study is related to the duties of the employee and that the expenditure furthers a public purpose, the City may provide tuition assistance for the employee.

Alternatively, a city council has the authority to establish, by ordinance, compensation plans for all employees of the city unless the compensation for that employee is fixed by law. ALA. CODE § 11-43-7 (2008); opinion to Honorable Milton C. Davis, Attorney, City of Tuskegee, dated May 2, 2001, A.G. No. 2001-171. Thus, the City may adopt an ordinance establishing a tuition assistance program as part of its overall employee compensation plan.

CONCLUSION

The City of Rainbow City may establish a tuition assistance program for the employees of the City provided that the City determines that courses of study provided for therein are related to the duties of the employee seeking assistance and that the expenditure serves a public purpose.

The City of Rainbow City may establish, by ordinance, a tuition assistance program for employees whose compensation is not otherwise fixed by statute.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ben Baxley of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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