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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 Marks
Secretary, Civil Service Board of Sheffield
Post Office Box 607
Sheffield, Alabama 35660

Municipalities – Civil Service Board –
Employees, Employers, Employment –
Colbert County

The Civil Service Board of Sheffield is
required to establish a classification for
public safety director.

Dear Mr. Marks:

This opinion of the Attorney General is issued in response to your request
on behalf of the Civil Service Board of Sheffield.

QUESTION

Should the Civil Service Board of Sheffield
perform the duties in section 8 of Act 321 (1949) as to
the position of public safety director and accept the
applications filed by, and proceed to examine and rate,
applicants therefore?

FACTS AND ANALYSIS

Your request states that the Sheffield City Council adopted a resolution
requesting the Civil Service Board of Sheffield (“Board”) to establish the
position of public safety director. This Office understands that the council
wishes the public safety director to be an employee of the police department, the
fire department, and the city clerk’s office. This Office further understands that
the council wishes the police and fire chiefs and the city clerk, as to the
Building Department within the clerk’s office, to report directly to the public
safety director.

Section 11-43-5 of the Code of Alabama states that a city council may provide for the appointment of a fire chief and a police chief. The council, by municipal ordinance, may prescribe the duties for these positions. ALA. CODE § 11-43-5 (2008). This Office has concluded that, pursuant to this provision, “the council has the authority to establish the office of director of public safety and specify the duties of the office.” Opinion to Honorable Guy F. Gunter, III, Attorney, City of Opelika, dated April 7, 1992, A.G. No. 92-00234 at 5.

Act 321 of the 1949 Regular Session of the Alabama Legislature is a local act, applicable to the City of Sheffield, creating the Civil Service Board of Sheffield. 1949 Ala. Acts No. 321, 460. Section 1 of the act limits its application “to the police department, the fire department and the city clerk’s office of such city.” *Id.* at 461. Section 2 reiterates that an “employee” subject to the act “means any person (including the head of department) who is employed in the service of the city . . . in the city clerk’s office, the fire department or the police department.” *Id.*

The powers of the Board are provided for in section 8 as follows:

The board shall make rules and regulations to carry out the purposes of this act, and to provide for examinations, appointments and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotion persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall: ***(1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class.*** The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, vacations and leaves of absence, and such rules and regulations shall govern in such matters. Except in connection with a reduction in force, demotion, suspension, or a general decrease in the

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salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. . . .

Id. at 462 (emphasis added).

Accordingly, as the public safety director will be an employee of the police department, the fire department, and the city clerk's office, the position is subject to the civil service system for the City of Sheffield, and the Board is required to classify the position.

CONCLUSION

The Civil Service Board of Sheffield is required to establish a classification for public safety director.

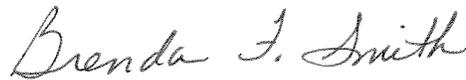
I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:



BRENDA F. SMITH

Chief, Opinions Division

LS/GWB

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