



A SELECTED READING

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State-Mandated Training for Municipal Personnel

The Alabama Legislature has enacted legislation to regulate the employment of peace officers, firefighters, emergency medical technicians and water and wastewater treatment personnel. This article summarizes the state laws and regulations applicable to each of these classes of municipal employees.

Peace Officers

A 1971 act of the state Legislature established the Alabama Peace Officers Standards and Training Commission (APOSTC) a seven-member body which regulates the employment and training of peace officers at the state and local levels. The Act, which is codified at Sections 36-21-40 through 36-21-51, Code of Alabama 1975, gives the commission numerous functions and duties including the power to promulgate regulations to implement the provisions of the law relating to the hiring and training of peace officers.

All persons applying for a position as a law enforcement officer must meet the minimum standards prescribed by the act and by commission regulations. The applicant for a position as a law enforcement officer shall be not less than 19 years old and must be a graduate of a high school accredited with or approved by the State Department of Education or hold a GED certificate. Furthermore, an applicant must be a citizen of the United States, have a valid driver's license, and, if a veteran, his or her discharge from the service must be honorable. The applicant must be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of the duties of a law enforcement officer. The applicant must be a person of good moral character and reputation. In making this determination, the commission must consider convictions for misdemeanors and other factors set forth in its duly adopted and promulgated rules. No person who has been convicted of a felony shall be certified, employed, appointed or approved by the commission as a law enforcement officer. Section 36-21-46, Code of Alabama 1975.

Prior to certification, the applicant shall complete the required course of training established by the commission. According to commission regulations, the trainee must complete 480 hours of training at an approved academy. An applicant may be provisionally appointed for a period of six months. No individual may be employed for an additional period until that individual is certified by the commission. Section 36-21-46, Code of Alabama 1975; *see also*, Rule 650-X-4-.01.

Training Rules

Section 36-21-45(3), Code of Alabama 1975, gives the Alabama Peace Officers Standards and Training Commission (APOSTC) the power to promulgate rules related to the physical, mental and moral fitness of law enforcement candidates in Alabama.

Rule 650-X-2-.01 provides that applicants are provisionally appointed only for a period of six months. This amounts to a total of 180 days during a two-year period (730 days) from the time the applicant is first appointed by *any* law enforcement agency. Each day of the six-month provisional appointment is cumulative, no matter how many law enforcement agencies the applicant has worked for during his or her six-month appointment. This means that the six-month period cannot be extended or restarted by an applicant being terminated or rehired by the same or another law enforcement agency or by the applicant's voluntarily changing employment from one agency to another.

Additionally, this rule limits the activities untrained officers may perform during this provisional period to activities that are similar to those which reserve officers may perform under Section 11-43-210 Code of Alabama 1975. Applicants are limited in the following ways:

- Applicants who are involved in patrol operations for the purpose of crime detection, prevention or suppression, or for the enforcement of traffic laws, must be under the direct supervision of a certified law enforcement officer.

- Applicants involved in traffic direction and crowd control may act without direct supervision, but supervisory control must be exercised by a certified officer whose total span of control would be considered within reasonable limits.
- Applicants may render crowd control assistance at public gatherings or governmental functions as directed by their employing law enforcement agency provided supervisory control will be exercised by a certified law enforcement officer whose span of control would be considered within reasonable limits.

The provisional appointment does not apply to unpaid volunteers and auxiliary or officers who do not have the power of arrest. The provisional appointment of any applicant who does not complete the required training within six months from the date of his or her initial hiring is void. Applicants who do not attain certification may not re-apply for employment/appointment as a law enforcement officer for two years following the expiration of their provisional appointment time. In addition to these requirements, applicants must be gainfully employed as full-time law enforcement officers at the time they apply to attend a training academy. Full-time employment means that the applicant must work an average of 40 hours per week during the pay period. Applicants who work less than this must request a waiver. Rule 650-X-2-.01.

Physical Agility

APOSTC requires that each applicant take a physical/agility/ability test. As an applicant you are required to pass a test of physical agility and ability as an entry-level requirement to the law enforcement training academy condition of certification. The test is composed of two phases, physical agility and physical ability components, with both parts being administered on the same day. The test is formatted in a pass/fail structure. Failure to successfully complete any part of phase one or two means failure of the entire physical agility and ability test. After failure of any part of the exam, the applicant will be given an opportunity for one (1) retest within forty-eight (48) to seventy-two (72) hours (determined at the test administrator's discretion). The examination will be conducted at the Police Academy during your 480 hours of basic training. Each event will be videotaped. The physical agility/ability test is to be administered within the first five class days of the academy. *Alabama Peace Officers Standards and Training Commission Physical Agility/Ability Examination Test Outline and Script*, <https://www.apostc.alabama.gov/wp-content/uploads/2019/12/PAAT-Script-STUDENT-HANDOUT.pdf>.

Character Issues

Rule 650-X-2-.05 provides that the applicant shall be a person of good moral character and reputation. Conviction of any felony pursuant to any state or federal law shall be a complete and absolute bar to certification, employment, appointment or approval as a law enforcement officer. The existence of a pardon does not nullify a conviction for the purpose of this rule. An applicant having pleaded guilty or nolo contendere to any felony pursuant to state or federal law is not eligible for certification, employment, appointment or approval as a law enforcement officer, notwithstanding suspension of sentence or withholding of adjudication. Conviction of any conduct, including by a plea of guilty or nolo contendere, in any other jurisdiction that would have constituted a felony in Alabama and been punishable by a sentence exceeding one year in Alabama shall be a complete and absolute bar to certification, employment, appointment or approval as a law enforcement officer, notwithstanding suspension of sentence, withholding of adjudication or the existence of a pardon. An applicant must disclose and produce to the Commission, any expunged record of any arrest, regardless of the disposition of the case. For the purpose of certification and regulation of law enforcement and correctional officers the Commission must have access to any expunged records sealed or archived. In *Gilbert v. Homar*, 520 U.S. 924 (1997), the U.S. Supreme Court held that tenured employees in positions of public trust and visibility – such as police officers in this case – who are charged with felonies, are not entitled by due process to notice and a hearing prior to suspension without pay.

Conviction of a misdemeanor pursuant to any municipal, state or federal law shall not automatically disqualify a person as a law enforcement officer. Such a conviction may be considered as a factor among several in evaluating fitness as a law enforcement officer, which factors shall include but not be limited to the nature and gravity of the offense or offenses, the time that has passed since the conviction and/or completion of the sentence and the nature of the job held or sought and such other factors as to affect the applicant's character. In the case of a misdemeanor conviction, involving a guilty plea or plea of nolo contendere, involving force, violence, moral turpitude, perjury, or false statements, notwithstanding suspension of sentence or withholding of adjudication, results of psychological testing shall also be considered as a factor in considering the applicant's fitness as a law enforcement officer.

The psychological test administered to law enforcement officers will be approved by the commission. At the request of the agency, and at the expense of the applicant or agency, a complete comprehensive psychological evaluation may be approved for an applicant who fails the psychological test. This complete comprehensive psychological evaluation will be administered by an agency selected by the Commission and must be given immediately after failure of the first test.

The results of the psychological test will be furnished to the commission. The psychological test results must include a statement of whether or not the person is recommended for law enforcement. If an applicant fails the psychological test, he/she must wait one year to be eligible to submit a new application package requesting to attend the academy. This does not exempt the applicant from Alabama Peace Officers Rule 650-X-2-.01. Adjudication as a youthful offender or juvenile shall not be considered as a conviction for the purpose of these rules.

Any person who is prohibited by state or federal law from owning, possessing, or carrying a firearm, including but not limited to a pistol, handgun, rifle or shotgun, shall not be employed or certified as a law enforcement officer. Any person who is required to register as a convicted sex offender as defined in Title 13A-11-200, Code of Alabama 1975, as amended, shall not be employed or certified as a law enforcement officer.

The arrest of any certified law enforcement officer, provisionally appointed law enforcement officer or applicant for any felony or misdemeanor offense shall be immediately reported to the commission by the employing agency, arresting agency and the law enforcement officer. No law enforcement officer, either certified or provisionally appointed, shall knowingly and willfully provide false or misleading information to the Commission or any of its agents. No law enforcement officer shall knowingly and willfully violate the Rules and Regulations of the Commission. Any law enforcement officer who knowingly and willfully provides false or misleading information to the Commission or its agents, or who knowing and willfully violates the Rules and Regulations of the Commission, shall be subject to having their Certification suspended or revoked by the Commission. Applicants who falsify their application must wait two years to be eligible to submit a new application package requesting to attend the academy

Failure to Complete Training

An applicant may have two attempts to complete the requisite training. If a trainee fails the police academy physically or academically, the hiring agency may request that the trainee be allowed to attend another session. If an applicant fails the academy twice, he or she is ineligible to attend an academy for two years from the date of the second failure. If, after two years, the applicant is rehired as a law enforcement officer, a new application must be submitted. Alabama Peace Officers Rule 650-X-11-.01

Continuing Education

Under Rule 650-X-12-.02 certified law enforcement officers in this state shall annually complete 12 hours of continuing education courses as approved by the hiring agency. In 2023 the Legislature passed Act 2023-354, which beginning January 1, 2024, requires certified law enforcement officers to complete one hour of training on interacting with individuals with sensory needs or invisible disabilities every other year in addition to the annual 12 hours of continuing education. Law enforcement officer includes all officers certified by the Alabama Peace Officers Standards and Training Commission who have arrest powers to include reserve officers who are certified and have the power of arrest. The Alabama Peace Officers Standards and Training Commission may, for sufficient cause, grant an extension of time in which to complete said courses.

Any certified law enforcement officer who is a member of the Alabama National Guard or U.S. Military Reserve and who is ordered to active duty because of a declared state of emergency shall be exempt from continuing education requirements while he or she is serving on active military duty, provided the certified law enforcement officer's continuing education is current and not delinquent at the time he or she is called to active military service.

The chief law enforcement officer of the employing agency must file a written request to the Executive Secretary stating that the officer is currently employed and has been ordered to active military duty because of a national emergency. A copy of the officer's military orders shall be included with the request. The military exemption shall not extend beyond twenty-four months.

A certified law enforcement officer in this state may keep up or maintain their continuing education courses for two years without being employed as a law enforcement officer to allow them to re-enter the field of law enforcement without having to take the recertification training. The training will be maintained by the law enforcement officer and sent to the Alabama Peace Officers Standards and Training Commission immediately after reemployment as a law enforcement officer within the two-year period. The courses must be acceptable and approved by the commission.

After a two year absence from employment as a law enforcement officer in this state, a previously certified law enforcement officer in this state shall be required to apply for renewal of his/her certification which will require successful completion of an approved 80-hour academy recertification course. A previously certified law enforcement officer in this state, who has not been employed as a law enforcement officer for two years or more in this state, may be provisionally appointed for six months by the employing agency upon their submitting a notice to the commission as required by Rule

650-X-1-.16(5) and an application for training as set out in Rule 650-X-2-.09, requesting to attend the next available 80-hour academy recertification course.

If the commission is unable to provide an 80-hour academy recertification course within the state, during the six-month provisional appointment period for a previously certified officer, the commission may through the executive secretary extend the provisional appointment period for a period up to 180 days.

The provisional appointment of any law enforcement officer shall be null and void at the end of one year after appointment unless that person has completed the 80-hour academy recertification course. Said person shall then be required to attend the regular basic law enforcement training course (480 hours). Continuing education credit may not be granted for recertification training, i.e., chemical aerosol, firearms qualification, defensive driving, etc.

No more than six hours of continuing education credit may be obtained through video, computer, multimedia, or satellite-based training and the training must:

- a. Be approved by the agency head in advance, and
- b. Be directly related to law enforcement, and
- c. Occur in a classroom setting, and
- d. Have a training coordinator or department official present, and
- e. The student achieves a minimum passing score of 70 percent or above on a post-viewing examination.

Continuing education shall be reported to the commission by each agency head in the manner prescribed by the commission. Permanent training records verifying course of study, including syllabus listing instructor(s), institution sponsoring name, date and time of training and proof of officer attendance shall be maintained by the law enforcement agency. All training records shall be available to inspection and verification by the Commission.

The certification of any law enforcement officer, not otherwise exempt, shall be suspended if the law enforcement officer's continuing education becomes delinquent twenty-four or more hours. The law enforcement officer shall then be required to complete the Alabama Peace Officers Standards and Training Commission 80-hour refresher training program before having his/her certification reinstated. The executive secretary shall notify the law enforcement officer and the chief law enforcement officer of the employing agency, 30 days before the effective date of said suspension.

The certification of any law enforcement officer shall be automatically suspended if the law enforcement officer's employment is terminated and he/she is in violation of this section at the time of termination. Any law enforcement officer who fails or refuses to comply with the provisions of this section or who falsely reports training shall be subject to having his/her certification revoked by the Alabama Peace Officers Standards and Training Commission. Law enforcement officers who have honorably retired from law enforcement in this state, and who qualify under Title 36-21-9, Code of Alabama, with 20 years or more of service, are exempt from Sections (3) and (4) of this rule. Any law enforcement officer who is aggrieved by any order or ruling made under the provisions of this section shall have the same rights and procedure of appeal as from any other order or ruling of the Alabama Peace Officers Standards and Training Commission.

Executive Continuing Education

Rule 650-X-12-.01 provides that each chief of police or acting chief of police of any municipality in Alabama must annually complete 20 hours of executive level continuing education courses approved by APOSTC. Any chief of police or acting chief of police who fails or refuses to comply with this requirement or who falsely reports executive training is subject to having his or her certification revoked by APOSTC. APOSTC may, for sufficient cause, grant an extension of time in which to complete said courses. Any chief or acting chief who is aggrieved by any order or ruling made under this section may appeal using procedures that apply to any APOSTC order or ruling.

Responsibilities of Law Enforcement Agencies

Rule 650-X-1-.16 provides that law enforcement agencies are responsible for submitting all required forms and information in a timely manner. The agency must submit an application to POST on the day an applicant is hired. The agency must also notify APOSTC within 10 days of hiring any officer who has previously been certified by APOSTC and must notify APOSTC within 10 days of firing any law enforcement officer.

Section 36-21-50

Section 36-21-50, Code of Alabama 1975, establishes harsh penalties for those who knowingly recommend or pay officers who fail to meet state standards. This section provides:

Any person who shall appoint any applicant who, to the knowledge of the appointer, fails to meet the qualifications as a law enforcement officer provided in Section 36-21-46 or the standards, rules and regulations issued by the commission under this article and any person who signs the warrant or check for the payment of the salary of the person who, to the knowledge of the signer, fails to meet the qualifications as a law enforcement officer provided in Section 36-21-46 or any standard, rule or regulation issued pursuant to this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$1,000.

Although it appears that this section is rarely, if ever, applied, it remains on the books and places responsibility for recommending qualified individuals squarely on the individuals who recommend or pay those officers. Even without this section, the League strongly recommends conducting thorough background checks on all law enforcement applicants before hiring them and sending them to the academy. Taking these steps ahead of time can help the municipality avoid liability and disciplinary problems. And the possibility of conviction under 36-21-50, Code of Alabama 1975.

The foregoing requirements shall not apply to any person who is presently employed as a law enforcement officer in the state and who continues to be so employed when he or she makes application for or is employed as a law enforcement officer in a different capacity or for a different employer.

Reserve Law Enforcement Officers

Section 11-43-210, Code of Alabama 1975, governs the appointment of reserve law enforcement officers. The appointing authority of any municipality may appoint, with or without compensation, one or more reserve law enforcement officers to assist or aid full-time or part-time certified law enforcement officers.

“Certified law enforcement officer” means a municipal police officer who has completed the training requirements of the Alabama Peace Officers Standards and Training Commission. Reserve law enforcement officers appointed pursuant to this section shall serve at the pleasure of the municipal appointing authority. Therefore, it is the League’s opinion that reserve officers are “at will” employees.

Any person desiring appointment as a reserve law enforcement officer shall submit a written application to the municipal appointing authority certifying that the applicant is 19 years of age or older, of good moral character and reputation and that he or she has never been convicted of a felony or of a misdemeanor involving force, violence or moral turpitude. The applicant must also consent in writing to a fingerprint and background search.

The functions of a reserve law enforcement officer shall be confined to the following:

- Patrol operations performed for the purpose of detection, prevention and suppression of crime or enforcement of the traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct control and supervision of a certified law enforcement officer.
- Traffic direction and control may be performed without direct supervision, provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.
- Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the municipality provided supervisory control will be exercised by a certified law enforcement officer whose span of control would be considered within reasonable limits.

No reserve law enforcement officer shall have authority to exercise any power of arrest unless he or she has completed the training requirements of the Alabama Peace Officers Standards and Training Commission as set out in Section 36-21-46, Code of Alabama 1975. Commission regulations mandate 480 hours of training in order to meet those requirements.

No reserve law enforcement officer shall carry any firearm unless he or she has obtained a properly issued permit for such firearm and the appointing authority has approved his or her use of the firearm. Reserve law enforcement officers may use such firearms only to the extent permitted by properly promulgated regulations of the appointing authority.

For more information on peace officer training, contact the Alabama Peace Officers Standards and Training Commission, P. O. Box 300075, Montgomery, Alabama 36130-0075; phone (334) 242-4045.

Firefighters

In 1975, the state legislature established the Alabama Firefighters Personnel Standards and Education Commission, a seven-member body which regulates the employment and training of firefighters at the state and local levels. Sections 36-32-1 through 36-32-13, Code of Alabama 1975, empowers the commission to adopt rules and regulations to implement the law.

All trainees (recruit firefighters who have not been certified by the commission as having met the basic training

requirements) must be certified to be in good health and physically fit for the performance of duties as a firefighter. Fitness must be determined by a licensed physician deemed satisfactory to the appointing authority. The firefighter trainee must also meet the employment qualifications of the appointing authority.

All persons permanently employed in fire administration, fire prevention, fire suppression, fire education, arson investigation and emergency medical services must, prior to permanent employment or a period not exceeding 12 months after the date of employment, meet the requirements for certification as prescribed by the commission. Commission regulations require candidates for the position of Firefighter I to complete 360 hours of approved training. Training must be given by an instructor approved by the commission and may be administered within the department in which the applicant seeks to serve, if the department meets the requirements of the commission for a training center.

Prior to entering the certification course, the candidate must meet the Entrance Requirements and the general knowledge, skill, performance and additional requirements for Fire Fighter I set out in the National Fire Protection Association (NFPA) 1001, Standard for Fire Fighter Professional Qualifications, as adopted by the Commission. The candidate must have a high school diploma or GED and be at least 18 years old. Prior to certification, the candidate must be a Certified Hazardous Materials First Responder: Awareness and Operations. The candidate must provide proof of successful completion of a course of instruction equivalent to or exceeding the requirements of NFPA 1001, current edition prior to entering the certification course.

The Fire Fighter I certification course must be conducted over a period of not less than forty-five (45) training days with attendance required eight (8) hours per day, five (5) days per week (weekends and holidays excepted). After the training is completed, the commission shall administer a comprehensive written test to each applicant and each applicant must pass this test as a condition of completion of training.

An overall score of 70% is required for the successful completion of this examination. Re-test may be taken after 30 days of the date of the original examination for state certification and within 12 months of employment date. Section 36-32-7, Code of Alabama 1975; Alabama Fire College & Personnel Standards Commission Rule 360-X-2-.02.

Volunteer firefighters may be certified by the commission, although certification is not mandated. Candidates for volunteer firefighters must complete 160 hours of training within a 24-month period at a training center approved by the commission. An overall score of 70% is required for the successful completion of this examination. Re-test may be taken after 30 days and within 12 months of the date of course completion. This training need not be taken during continuous sessions. Section 36-32-7, Code of Alabama 1975; Alabama Fire College & Personnel Standards Commission Rule 360-X-2-.01.

Further information may be obtained from the Alabama Firefighters Personnel Standards and Education Commission, 2015 McFarland Boulevard East, Tuscaloosa, Alabama 35202; phone (205) 391-3776.

Ambulances and Ambulance Personnel

The Alabama Legislature in 1971 adopted an act which is codified at Sections 22-18-1 through 22-18-9, Code of Alabama 1975. The Act directed the State Board of Health, with advice and recommendation of a 10-member advisory board, to establish and publish reasonable rules and regulations for the training, qualification and licensing of ambulance drivers, ambulance attendants, ambulance driver-attendants and ambulance operators and for the operation, design, equipment and licensing of ambulances. The Committee of Public Health has promulgated regulations in compliance with the 1971 act. Section 22-18-2, Code of Alabama 1975 and Alabama State Board of Health Rule 420-2-1-.03 provide that these regulations **do not** apply to:

- Volunteer rescue squads that are members of the Alabama Association of Rescue Squads, Inc.
- Ambulances operated by a federal agency of the United States and ambulance drivers and attendants of such ambulances.
- Ambulances which are rendering assistance to licensed ambulances in the case of a major catastrophe, emergency or natural disaster in which the licensed ambulances of Alabama are insufficient or unable to cope.
- Ambulances which are operated from a location or headquarters outside of Alabama in order to transport patients who are picked up outside the state and transported to locations within the state.
- Basic life support ambulances operated free of charge by private business or industry exclusively for employees of that business or industry.

The regulations provide that each ambulance owned and operated by an ambulance service operator for which a license has been issued shall be inspected by the Office of Emergency Medical Services and Trauma (OEMS&T) or by persons designated by the OEMS&T). The OEMS&T) shall have the authority to investigate and determine the qualifications of

ambulance drivers, ambulance attendants, ambulance driver-attendants and of ambulance operators. Alabama State Board of Health Rule 420-2-1-.07.

The regulations provide that no person shall be employed as an ambulance attendant, ambulance driver or ambulance driver-attendant nor shall any person, firm or corporation operate an ambulance on the streets, alleys or other public ways in the state of Alabama without having first obtained a valid license from the Board of Health. The amount of the license fee is set by Section 22-18-4, Code of Alabama 1975. Each license shall be valid for a period of 12 months from the date of issuance for Emergency Medical Services Personnel (EMSP).

Licenses for ambulance drivers, attendants or driver-attendants may be classified according to the qualifications and capabilities of the individual.

The Initial EMSP qualifications are:

- The license candidate shall be 18 years of age within one year of the course completion date of the entry level course;
- The license candidate shall meet the essential functions of an EMSP as outlined in the Functional Job Analysis. The Functional Job Analysis was developed and adopted for the State examination accommodations to meet the requirements of the Americans with Disabilities Act (“ADA”). A copy of these functions may be reviewed in the U.S. Department of Transportation, National Highway Traffic Safety Administration’s Emergency Medical Technician: EMT, National Standard Curriculum: Appendix A;
- The license candidate shall disclose any felony convictions during enrollment procedures and gain clearance through the OEMS & T prior to beginning any classes;
- The licensure candidate shall complete the current National Standard Curriculum approved by the Board. Alabama State Board of Health Rule 420-2-1-.20.
- Driver qualifications include:
- A valid Driver license;
- A current emergency vehicle operations certificate from an approved course that shall be maintained in the emergency medical provider service’s employee file;
- A current approved CPR card (approved list available at <https://www.alabamapublichealth.gov/ems/>); and;
- A certificate of completion from a Department Of Transportation Emergency Medical Responder Curriculum Course (effective March 31, 2013.) Alabama State Board of Health Rule 420-2-1-.19

More information may be obtained from the Office of Emergency Management Services (OEMS), Alabama Department of Public Health, 201 Monroe Street, Suite 1100, Montgomery, Alabama 36104; phone (334) 206-5300.

Water-Sewer Operators

The state Legislature adopted legislation in 1971 to regulate water and wastewater systems, treatment plants and their operators. This act is codified at Sections 22-25-1 through 22-25-16, Code of Alabama 1975. A number of these sections were repealed or amended by a 1982 act which transferred the responsibility for administration of the law from the state Department of Public Health to the Alabama Department of Environmental Management.

It is illegal for any person, firm, corporation, municipal corporation or other government subdivision or agency operating a water treatment plant, water distribution system or wastewater treatment plant to operate same unless the competency of the operator is duly certified by the director of the Alabama Department of Environmental Management. It is also unlawful for any person, except a trainee as defined in Section 22-25-1, Code of Alabama 1975 and Alabama Department of Environmental Management Rule 335-10-1-.14, to perform the duties of an operator without being duly certified by the Alabama Department of Environmental Management.

The Alabama Department of Environmental Management must hold at least one certification examination each year at a time and place designated by the department. When the director of the department is satisfied that the applicant is qualified, by examination or otherwise, the director shall issue a certificate attesting to the competency of the applicant as an operator. The certificate shall indicate the classification of works which the operator is qualified to supervise. Alabama Department of Environmental Management Rule 335-10-1-.07

Certificates of proper classifications shall be issued without examination to persons certified by a governing body or system owner to have been the operator of a treatment plant or a water distribution system on September 28, 1971. A certificate so issued will be valid only for that particular treatment plant or system but shall remain in effect for three

years unless revoked by the director as provided in the act. All certificates must be renewed every three years. Alabama Department of Environmental Management Rule 335-10-1-.11

The act gives the department the authority to promulgate rules and regulations necessary to carry out the provisions of the law.

Any person or corporation who violates any of the provisions of the act or any rule promulgated there under, after written notice by the director, is guilty of a misdemeanor. Section 22-25-15, Code of Alabama 1975; Alabama Department of Environmental Management Rule 335-10-1-.13.

Further information may be obtained from the Alabama Department of Environmental Management, Operator Certification Program, Water Supply Branch, P.O. Box 301463, Montgomery, Alabama 36130-1463; phone (334) 271-7796.

Judges

In 2011 the Alabama Supreme Court adopted Rules for Mandatory Continuing Judicial Education for Alabama Municipal Court Judges. All municipal court judges must complete a minimum of six hours of approved continuing judicial education (including one hour of judicial ethics) specifically relating to municipal court practice and procedure per calendar year. Newly appointed municipal court judges must complete the six-hour mandatory judicial education requirements within the first full year of their appointment to the office.

Judicial education credits for each municipal judge shall be reported in writing to the Alabama Judicial College director by December 31 annually. Alabama Mand. Cont. Jud. Ed. Rule 2. In the event that a municipal court judge fails to comply with these Rules, the AJC director will promptly notify the municipal court judge and the mayor or other equivalent executive official of the municipality of the noncompliance by sending a notice thereof to the official's principal office. The statement of noncompliance shall advise the judge and the mayor or municipal official that within 30 days a plan to correct the noncompliance must be submitted to the AJC director for consideration and approval. Should a municipal court judge fail to correct the noncompliance within a period approved by the AJC director, the AJC director shall make the fact of the noncompliance open for public view and inspection. Alabama Mand. Cont. Jud. Ed. Rule 4.

Rule 5 of the Rules for Mandatory Continuing Judicial Education for Alabama Municipal Court Judges requires that the cost of meeting the mandatory judicial education requirements established in these Rules for municipal court judges shall be the responsibility of the municipality employing the municipal court judges. Municipal courts may apply to the Administrative Director of Courts for a waiver in the event funds are not available to comply with these Rules. Waivers must be submitted and approved by December 31 annually for the following year.

Reimbursement of Training Costs

When a state or local governmental entity hires law enforcement officers, firefighters, emergency medical personnel, water or wastewater operators and court clerks or magistrates within two years from the date those personnel complete their mandatory training, the hiring entity shall be required to reimburse the governmental entity which paid for the training an amount equal to the total expense of the training, including, but not limited to, salary paid during training, transportation costs paid to the trainee for travel to and from the training facility, room, board, tuition, overtime paid to other employees who fill in for the trainee during his or her absence, and any other related training expenses.

Section 36-21-7, Code of Alabama 1975, provides for the reimbursement to a municipality of mandated training costs incurred by that municipality for training law enforcement officers, certified corrections officers, fire protection personnel, or firefighters when those employees are hired by other governmental entities within 36 months of their training. The 36-month period for reimbursing police training costs in Section 36-21-7, Code of Alabama 1975, is computed from the time an individual completes the APOSTC training. AGO 1997-117. Section 36-21-7 requires that the governmental entity that paid for the training, within 12 months of the former trainee's first day of employment with their new employer, submit an itemized sworn statement to the new employer demanding reimbursement. Only training mandated by Sections 36-21-40 through 36-21-51, Code of Alabama 1975, is required to be reimbursed by a municipality who hires an officer within 36 months after another municipality has paid for that training. The salary of the trainee is to be reimbursed only when the trainee was not providing services to the governmental entity he or she transferred from during the training in consideration for the salary. In addition, the cost of any customized personal protective ensemble or custom fitted uniform item purchased by the governmental entity the trainee transferred from for use by the trainee, either during or after training shall be reimbursed. However, costs of any extra training the municipality elects to provide are not required to be reimbursed by the hiring municipality. AGO 1991-195. A governmental entity does not have to reimburse a municipality for expenses incurred in training a former city employee under the Peace Officers Standards and Training Act, when the entity employs the individual in a position where such training is not required. AGO 1987-138.

Section 22-18-8, Code of Alabama 1975, provides for the reimbursement of training expenses for ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, or emergency medical technicians, when those employees are hired by other governmental entities within 24 months of completing their training.

Section 22-25-16, Code of Alabama 1975, provides for the reimbursement of training expenses for water or wastewater operators of any municipality or municipal utility board, when those employees are hired by other governmental entities within 24 months of completing their training. A water and wastewater board which hired away an employee who had been trained by a city for certification as a grade I distribution system operator was required to reimburse the city for the salary and related training expenses rather than just expenses related to classroom or formal instruction. Section 22-25-16, Code of Alabama 1975, requires a city to be reimbursed for training expenses if a municipal utility board hires a water operator away within 24 months after completing the certification requirements. The statute does not limit reimbursable expenses to only formal or classroom training, and the definition of “trainee” in a related statute indicated that the reimbursable expenses were restricted to the one period during which an employee was considered a trainee. *Water and Wastewater Bd. of City of Madison v. City of Athens*, 17 So.3d 241 (Ala.Civ.App.2009)

Section 12-14-53, Code of Alabama 1975, provides for the reimbursement of training expenses for municipal court clerks or municipal court magistrates, when those employees are hired by other governmental entities within 24 months of completing their training.

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