HB183
134910-2
By Representative Ford
RFD: Ways and Means General Fund
First Read: 07-FEB-12
This bill would provide a four percent cost-of-living salary increase for certain state and public education employees in the fiscal year beginning October 1, 2012.

This bill would provide that the four percent cost-of-living salary increase would be contingent upon the passage and enactment of House Bill ___ which would require taxpayers who are part of a unitary business to use a combined report to determine their Alabama taxable income, limit the Alabama deductions by corporations to seven percent of qualifying income, and 50 percent of the adjusted basis of qualified property.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local
governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. If this bill is not enacted by a 2/3 vote, it will not become effective with regard to a local entity unless approved by the local entity or until, and only as long as, the Legislature appropriates funds or provides for a local source of revenue.

A BILL
TO BE ENTITLED
AN ACT

To provide for a four percent cost-of-living salary increase for certain state and public education employees in the fiscal year beginning October 1, 2012; to provide for a revision of the State Minimum Salary Schedule and to reflect pay increases of four percent in the fiscal year beginning October 1, 2012; to provide that each certificated employee of certain boards of education shall receive the pay increase according to placement on the appropriate salary step and in
addition to the salary earned during the previous year; to require the appropriate increases on the State Minimum Salary Schedule; to provide support employees with a four percent cost-of-living adjustment; to provide the employees of other public educational institutions and schools with a four percent cost-of-living adjustment; to provide for an across-the-board salary increase of all two-year postsecondary salary schedules, and to establish other requirements on the two-year postsecondary salary schedules; to provide that the four percent cost-of-living salary increase would be contingent upon the passage and enactment of House Bill ___ which would require taxpayers who are part of a unitary business to use a combined report to determine their Alabama taxable income, limit the Alabama deductions by corporations to seven percent of qualifying income, and 50 percent of the adjusted basis of qualified property; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

   Section 1. (a) Beginning with the first payday on or after October 1, 2012, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all
other state employees and hourly employees of the state, and
all legislative personnel, officers, and employees, including,
but not limited to, Legislative Reference Service personnel,
whether subject to the state Merit System or not, and all
employees of the county health departments who are employed
subject to the state Merit System and whose compensation is
paid out of a budget provided and agreed upon by the state,
county, or other contributing agency under the direction of
the State Board of Health, except those set out in subsection
(b), shall receive a four percent salary increase.

(b) Any salary increase granted under this section
shall not apply to elected officials, including but not
limited to, legislators, judges, and executive branch
officials. The salary increase granted under this section shall
not apply to, or increase the compensation of, any local
employee whose salary is tied to that of any state employee.

(c) The salary increase granted under this section
shall not apply to any Merit System employee or hourly
employee whose service or rate of pay is covered by any labor
agreement or contract.

(d) The Director of the State Personnel Department
shall revise the schedule of rates set forth in the pay plan
for state employees and shall certify the same to the state
Comptroller, who shall issue warrants in accordance therewith.
With respect to all court officials and employees within the
Unified Judicial System who serve the trial and appellate
courts of the state and the Administrative Office of Courts,
the Administrative Director of Courts shall revise the
schedule of rates set forth in the pay plan for these court
officials and employees to reflect the increase provided in
this act, and shall certify the same to the state Comptroller,
who shall issue warrants in accordance therewith. With respect
to the legislative employees, the Secretary of the Senate for
employees of the Senate, the Clerk of the House of
Representatives for employees of the House of Representatives, the
Director of the Legislative Reference Service for
employees of the Legislative Reference Service, and the
Director of the Legislative Fiscal Office for employees of the
Legislative Fiscal Office, shall revise the schedule of rates
set forth in the pay plan for these legislative employees to
reflect the increase provided in this act, and shall certify
the same to the state Comptroller, who shall issue warrants in
accordance therewith.

Section 2. PAY INCREASES, FY 2012-2013. (a) The
State Budget Officer shall allocate to the State Board of
Education, the Board of Trustees of the Alabama Institute for
Deaf and Blind, the Board of Youth Services School District,
the Board of Directors of the Alabama School of Fine Arts, and
the Board of Trustees of the Alabama School of Mathematics and
Science for disbursement to the employees thereof funds based
on the criteria established in this act.

(1) Certificated personnel (K-12). For the fiscal
year beginning October 1, 2012, and each year thereafter, each
certificated employee at all city and county school systems
and the teachers at the Department of Youth Services School District shall receive a four percent salary increase. Each step and cell on the State Minimum Salary Schedule contained in the annual budget section for the public schools shall be increased by the amounts below for the fiscal year 2012-2013, the State Minimum Salary Schedule shall reflect the following percentage increases:

<table>
<thead>
<tr>
<th>Step</th>
<th>Years of Experience</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Less than 3</td>
<td>4.0%</td>
</tr>
<tr>
<td>2</td>
<td>3 but less than 6</td>
<td>4.0%</td>
</tr>
<tr>
<td>3</td>
<td>6 but less than 9</td>
<td>4.0%</td>
</tr>
<tr>
<td>4</td>
<td>9 but less than 12</td>
<td>4.0%</td>
</tr>
<tr>
<td>5</td>
<td>12 but less than 15</td>
<td>4.0%</td>
</tr>
<tr>
<td>6</td>
<td>15 but less than 18</td>
<td>4.0%</td>
</tr>
<tr>
<td>7</td>
<td>18 but less than 21</td>
<td>4.0%</td>
</tr>
<tr>
<td>8</td>
<td>21 or greater</td>
<td>4.0%</td>
</tr>
</tbody>
</table>

(2) All certificated employees, including Adult Basic Education and Science in Motion employees, shall be guaranteed pay increases in the amounts indicated above for their years of experience and degrees earned, and the corresponding pay increases shall be reflected in the appropriate local salary schedule and paid to each certificated employee. The provisions and requirements of this
section shall be in addition to the provisions of Section 16-13-231.1, Code of Alabama 1975, relating to the State Minimum Salary Schedule. Each certificated employee shall be properly placed on the local salary schedule according to degree earned and years of public education service, either in-state or out-of-state, which shall be not less than the amounts appropriated for the State Minimum Salary Schedule. The employee shall be paid according to degree earned and length of public education experience. The pay increase shall be given to each person employed for the 2012-2013 fiscal year in addition to any state or local step increase to which the employee is otherwise entitled. The local board of education shall transmit to the State Department of Education the appropriate notice of the earned advanced degree for each employee in a timely fashion; thereafter, the employee shall be paid for the advanced degree as soon as the degree is certified to the State Department of Education as being earned.

(3) Education support personnel (K-12). A four percent salary increase shall be paid to each public education support worker and adult bus driver, including Adult Basic Education and Science in Motion personnel, employed for the 2012-2013 fiscal year in addition to the salary received during the 2011-2012 fiscal year, except employees covered under the state's Merit System at the Department of Youth Services District. Each governing body of authority shall establish and maintain a salary schedule for each class and
type of employee and each step of each salary schedule shall be increased to reflect a four percent pay increase which shall be given to the person employed for the 2012-2013 fiscal year and each year employed thereafter. A separate salary schedule shall be established and maintained for each job. No salary increase or state-provided fringe benefits for any lunchroom worker shall be paid from lunchroom sales or from any other aspect of the Child Nutrition Program. Salary increases provided herein and state-provided fringe benefits are funded from the annual budget act for the public schools and shall not be taken from the Child Nutrition Program.

(4) AIDB. For the fiscal year 2012-2013, employees at the Alabama Institute for Deaf and Blind shall receive pay increases which shall be in excess of their salaries received during the 2011-2012 fiscal year. The increases shall be as follows:

a. Certificated. The salary schedule for certificated employees shall be revised to reflect at least the following amount of raises:

<table>
<thead>
<tr>
<th>Step</th>
<th>Years of Experience</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Less than 3</td>
<td>4.0%</td>
</tr>
<tr>
<td>2</td>
<td>3 but less than 6</td>
<td>4.0%</td>
</tr>
<tr>
<td>3</td>
<td>6 but less than 9</td>
<td>4.0%</td>
</tr>
<tr>
<td>4</td>
<td>9 but less than 12</td>
<td>4.0%</td>
</tr>
<tr>
<td>5</td>
<td>12 but less than 15</td>
<td>4.0%</td>
</tr>
<tr>
<td>Age Range</td>
<td>Percentage</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>15 but less than 18</td>
<td>4.0%</td>
<td></td>
</tr>
<tr>
<td>18 but less than 21</td>
<td>4.0%</td>
<td></td>
</tr>
<tr>
<td>21 or greater</td>
<td>4.0%</td>
<td></td>
</tr>
</tbody>
</table>

b. Support. A four percent salary increase shall be given to each support worker employed.

c. Miscellaneous requirements. The board shall establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule shall be increased to reflect the pay increases above which shall be given to each person employed for the 2012-2013 fiscal year and each year employed thereafter. The raises contained in this subsection shall be paid to each employee. A separate salary schedule shall be established and maintained for each job and position.

(5) Two-year postsecondary institutions. The State Board of Education shall revise all salary schedules of the two-year postsecondary institutions to reflect an increase of three percent for the 2012-2013 fiscal year. The pay increases shall be given to each person employed in addition to any step increase to which the employee is otherwise entitled. The Postsecondary Education Department shall take proper steps to ensure that employees on all salary schedules are given full credit for prior work experience in the public schools and colleges, and shall take care to ensure proper placements on the salary schedules. Placement on the revised salary
schedules shall be in accordance with the employee's length of service in public education. No pay increase shall be given to any two-year postsecondary employee in excess of three percent, except as specifically provided in this section. Every employee on Salary Schedules C-3 shall receive at least a three percent COLA.

(6) Miscellaneous provisions. The following provisions are hereby established:

a. Fiscal year. All salaries and salary increases which are established by the Legislature or authorized by the State Board of Education shall be paid in full to each person employed before the end of the applicable fiscal year as defined in Section 16-1-1 of the Code of Alabama of 1975, as amended.

b. Extended work. Public school employees on contracts which extend beyond 182 days shall be given a prorata salary increment for each day or partial day of work extending beyond 182 days.

c. Local increment. Any cost-of-living adjustment or increase on the State Minimum Salary Schedule for teachers as provided in this act shall be exclusive of any local pay increase granted or due to teachers under provisions of the local salary schedule. Any cost-of-living adjustment or pay increase required by this act for public school support personnel shall be in addition to any pay increase granted or due to the employees under provisions of the local salary schedules. The pay raise provisions of this act shall not
apply to the federal portion of the salary paid to a Junior
Reserve Officer Training Corps (JROTC) instructor employed by
a local school board.

d. Reduced pay. No employee shall be dismissed or
have his or her work hours reduced or extended or have his or
her salary reduced due to the provisions of any pay raise
required by the Legislature or by the State Board of
Education.

e. Community education. Each county and city board
of education shall have the option to exclude from the
provisions of this act any community education or
school-sponsored child care or child enrichment program which
is supplemental to the state-required educational program.

f. Local chief executive officers. The pay raise
provisions of this act shall not apply to superintendents of
education of any school system. Any pay increase given to the
superintendent shall be by recorded vote of the governing
board of authority.

g. Career technical programs. There shall be no
cutbacks or decreases in the Career Technical Programs of any
board as a result of this or any preceding pay raise act of
the Legislature. Neither the salaries nor the number of career
technical employee positions are to be reduced or diminished
in any manner or method as a result of the passage of this act
or any prior act after the 1995 fiscal year granting pay
increase to any employee of the board. It shall be strictly
prohibited for any board or chief executive officer to take
monies from the Career Technical Program to finance, in whole
or in part, the programs or the salaries of the employees in
the Career Technical Program of the board, and the State Board
of Education shall take care to protect the viability of the
Career Technical Program of each board.

h. Anniversary date of employment. The employee
shall be placed on the appropriate salary schedule according
to length of service and degree earned as contained in this
act. The length of employment shall include both in-state and
out-of-state years of public education experience. Placement
on the salary schedule shall be calculated according to the
anniversary date of employment.

Section 3. The granting of the additional four
percent cost-of-living salary increase is conditioned upon the
passage and enactment of House Bill ___ which would require
taxpayers who are part of a unitary business to use a combined
report to determine their Alabama taxable income, limit the
Alabama deductions by corporations to seven percent of
qualifying income, and 50 percent of the adjusted basis of
qualified property.

Section 4. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621 because the
bill requires expenditures only by a school board.

Section 5. All laws or parts of laws which conflict
with this act are repealed.
Section 6. The provisions of this act are severable.
If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.