HB173
147658-1
By Representative Ford
RFD: Ways and Means General Fund
First Read: 06-FEB-13
SYNOPSIS: This bill provides for cost-of-living increases for public education employees and certain retirees and beneficiaries under the Teachers' Retirement System. 

A BILL TO BE ENTITLED

AN ACT

Relating to the salaries of public education employees, to provide for a revision of the State Minimum Salary Schedule to reflect pay increases of at least five percent beginning with the fiscal year 2013-14, two and one-half percent beginning with the fiscal year 2014-15 and two and one-half percent beginning with the fiscal year 2015-16; to provide that each employee of certain boards of education shall receive the pay increases according to placement on the appropriate salary step; to require the appropriate increases on the State Minimum Salary Schedule; to provide support employees with at least a $1,000 pay increase
or a five percent cost-of-living adjustment (whichever amount is greater) beginning with the fiscal year 2013-14, two and one-half percent beginning with the fiscal year 2014-15 and two and one-half percent beginning with the fiscal year 2015-16; to require salary schedules; to provide the employees of certain other public educational institutions and schools with a five percent cost-of-living adjustment for the fiscal year beginning with 2013-14, two and one-half percent beginning with the fiscal year 2014-15 and two and one-half percent beginning with the fiscal year 2015-16; to provide for an across-the-board salary increase on all two-year postsecondary salary schedules, to establish other requirements on the two-year postsecondary salary schedules; to provide for a five percent cost-of-living adjustment for retirees of the Teachers' Retirement System beginning October 1, 2013, a two and one-half percent cost-of-living adjustment for retirees of the Teachers' Retirement System beginning October 1, 2014 and a two and one-half percent cost-of-living adjustment for retirees of the Teachers' Retirement System beginning October 1, 2015 to establish miscellaneous pay provisions; to require appropriations in the annual Education Budget Act to meet the requirements of this act; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of state and local funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. PAY INCREASES, FY 2013-14, 2014-15, and 2015-16. (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 and for disbursement to the employees thereof funds based on the criteria established in this act. It is not the intent of this act to make appropriations, but the appropriations required by this act shall be made in the annual budget act for the public schools and colleges for the designated fiscal years.

(1)(a) Certificated Personnel (K-12). For the fiscal year beginning October 1, 2013, 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 five percent salary increase. Each step and cell on the State Minimum Salary Schedule contained in the annual budget act for the public schools shall be increased by the amounts below for fiscal year 2013-14, 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>5.0%</td>
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<tr>
<td>2</td>
<td>3 but less than 6</td>
<td>5.0%</td>
</tr>
</tbody>
</table>
(b) For the fiscal year beginning October 1, 2014, 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 two and one-half percent salary increase. Each step and cell on the State Minimum Salary Schedule contained in the annual budget act for the public schools shall be increased by the amounts below for fiscal year 2014-15; the State Minimum Salary Schedule shall reflect the following percent increases:

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<tr>
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</thead>
<tbody>
<tr>
<td>19</td>
<td>Less than 3</td>
<td>2.5%</td>
</tr>
<tr>
<td>20</td>
<td>3 but less than 6</td>
<td>2.5%</td>
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<tr>
<td>21</td>
<td>6 but less than 9</td>
<td>2.5%</td>
</tr>
<tr>
<td>22</td>
<td>9 but less than 12</td>
<td>2.5%</td>
</tr>
</tbody>
</table>
(c) For the fiscal year beginning October 1, 2015, 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 two and one-half percent salary increase. Each step and cell on the State Minimum Salary Schedule contained in the annual budget act for the public schools shall be increased by the amounts below for fiscal year 2015-16; the State Minimum Salary Schedule shall reflect the following percent increases:

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<td>2</td>
<td>3 but less than 6</td>
<td>2.5%</td>
</tr>
<tr>
<td>3</td>
<td>6 but less than 9</td>
<td>2.5%</td>
</tr>
<tr>
<td>4</td>
<td>9 but less than 12</td>
<td>2.5%</td>
</tr>
<tr>
<td>5</td>
<td>12 but less than 15</td>
<td>2.5%</td>
</tr>
<tr>
<td>6</td>
<td>15 but less than 18</td>
<td>2.5%</td>
</tr>
</tbody>
</table>
All certificated employees, including the Adult Basic Education and Science in Motion employees, shall be guaranteed pay increases in the amounts indicated above in subsections (a), (b) and (c) 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 act 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 five percent pay increase shall be given to each person employed for the 2013-14 fiscal year in addition to any state or local step increase to which the employee is otherwise entitled. The two and one-half percent pay increase shall be given to each
person employed for the 2014-15 fiscal year in addition to any state or local step increase to which the employee is otherwise entitled. The two and one-half percent pay increase shall be given to each person employed for the 2015-16 fiscal year in addition to any state or local step increase to which the employee is otherwise entitled. The local boards 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. The annual budget act for public education shall contain an appropriation of at least five thousand dollars ($5,000) for each teacher and principal who has successfully completed the certification process offered by the National Board of Professional Teaching Standards (NBPTS). Payment for passing the NBPTS test shall be appropriated from the Education Trust Fund and shall be given to the qualified teacher or principal.

(2) Education Support Personnel (K-12). A five percent salary increase or one thousand dollars ($1,000), whichever amount is greater, beginning with fiscal year 2013-14, 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 2013-14 fiscal year in addition to the salary received during the 2013-14 fiscal year, except employees covered under the state's Merit
System at the Department of Youth Services District. A two and one-half percent salary increase beginning with fiscal year 2014-15 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 2014-15 fiscal year in addition to the salary received during the 2014-15 year, except employees covered under the state's Merit System at the Department of Youth Services District. A two and one-half percent salary increase beginning with fiscal year 2015-16 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 2015-16 fiscal year in addition to the salary received during the 2015-16 year, except employees covered under the state's Merit System at the Department of Youth Services District. Each governing body or 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 (i) a five percent salary increase or a minimum of one thousand dollars ($1,000), whichever amount is greater, beginning with fiscal year 2013-14 which shall be given to the persons employed full-time for the 2013-14 fiscal year and each year employed full-time thereafter, (ii) a two and one-half percent salary increase beginning with fiscal year 2014-15, which shall be given to the persons employed full-time for the 2014-15 fiscal year and each year employed full-time thereafter, and (iii) a two and one-half percent salary increase beginning with fiscal
year 2015-16, which shall be given to the persons employed
full-time for the 2015-16 fiscal year and each year employed
full-time thereafter. The base rate of pay for part-time
support employees shall be increased by five percent beginning
with fiscal year 2013-14, two and one-half percent beginning
with fiscal year 2014-15 and two and one-half percent
beginning with fiscal year 2015-16. A separate local salary
schedule shall be established and maintained for each specific
job performed. Child Nutrition Program workers shall be fully
funded from the Foundation Program appropriation in the
Education Trust Fund appropriation act, and shall therefore be
subsequently fully funded by all local boards of education
from funds provided in Other Current Expense and not from
funds generated by the Child Nutrition Program unless the
local school system's Child Nutrition Program has in excess of
a three-month operating reserve. Before any funds may be
utilized by the local board of education to pay for salaries
or fringe benefits, the State Department of Education Child
Nutrition Program Administrator shall conduct an analysis of
each local board of education's Child Nutrition Program, and
certify that the program meets the three-month balance as of
the end of the previous fiscal year and shall therefore insure
that the use of the funds in excess of a three-month balance
will not be detrimental to the local Child Nutrition Program.
The State Department of Education Child Nutrition Program
Administrator shall certify to the State Superintendent of
Education that funds utilized in excess of a three-month
balance as of the end of the previous fiscal year are in excess of any funds contained in an approved corrective plan submitted by the local school system's Child Nutrition Program for expenditures at each applicable school site for facilities, equipment, personnel, and/or salary schedule adjustments.

(3) AIDB. For fiscal years 2013-14, 2014-15 and 2015-16, employees at the Alabama Institute for Deaf and Blind shall receive pay increases which shall be in excess of their salaries received during the 2012-13, 2013-14 and 2014-15 fiscal years. 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 beginning with the fiscal year 2013-14:

<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>5.0%</td>
</tr>
<tr>
<td>2</td>
<td>3 but less than 6</td>
<td>5.0%</td>
</tr>
<tr>
<td>3</td>
<td>6 but less than 9</td>
<td>5.0%</td>
</tr>
<tr>
<td>4</td>
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</tr>
<tr>
<td>5</td>
<td>12 but less than 15</td>
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</tr>
<tr>
<td>6</td>
<td>15 but less than 18</td>
<td>5.0%</td>
</tr>
<tr>
<td>7</td>
<td>18 but less than 21</td>
<td>5.0%</td>
</tr>
<tr>
<td>8</td>
<td>21 or greater</td>
<td>5.0%</td>
</tr>
</tbody>
</table>
The salary schedule for certificated employees shall be revised to reflect at least the following amount of raises beginning with the fiscal year 2014-15:

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Less than 3</td>
<td>2.5%</td>
</tr>
<tr>
<td>2</td>
<td>3 but less than 6</td>
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</tr>
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<tr>
<td>8</td>
<td>21 or greater</td>
<td>2.5%</td>
</tr>
<tr>
<td>9</td>
<td>24 but less than 27</td>
<td>2.5%</td>
</tr>
<tr>
<td>10</td>
<td>27 or more</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

The salary schedule for certificated employees shall be revised to reflect at least the following amount of raises beginning with the fiscal year 2015-16:
### Years of Experience Increase

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</tr>
<tr>
<td>11</td>
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<td>2.5%</td>
</tr>
</tbody>
</table>

### Support

b. Support. A five percent salary increase or one thousand dollars ($1,000), whichever amount is greater, beginning with the fiscal year 2013-14 shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A two and one half percent salary increase beginning with the fiscal year 2014-2015, shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A two and one half percent salary increase beginning with the fiscal year 2015-16, shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A separate local salary schedule shall be established and maintained for each specific
job performed. The pay increases in this act shall be incorporated into the support employees' salary schedules. The base rate of pay for part-time support employees shall be increased by five percent for the 2013-14 fiscal year, two and one-half percent for the 2014-15 fiscal year and two and one-half percent for the 2015-16 fiscal year.

c. Miscellaneous Requirements. The AIDB board shall establish and maintain a salary schedule for each class and type of employee and each step of each salary schedule for fiscal years 2013-14, 2014-15 and 2015-16 shall be increased to reflect the pay increases above to be given to each person employed for the 2013-14 fiscal year, 2014-15 fiscal year and 2015-16 fiscal year and each year employed thereafter. The raises contained in this subsection shall be paid to each employee.

(4) Two-Year Postsecondary Institution. The State Board of Education shall revise all salary schedules of the two-year postsecondary institutions to reflect an increase of five percent for the 2013-14 fiscal year, two and one-half percent for the 2014-15 fiscal year and two and one-half percent for the 2015-16 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 (including the C-3 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 increases shall be given to any two-year postsecondary employee in excess of five percent for the 2013-14 fiscal year, two and one-half percent for the 2014-15 fiscal year and two and one-half percent for the 2015-16 fiscal year, except as specifically provided in this act.

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

a. Fiscal Year. All salaries and salary increases which are established 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 1975, as amended.

b. Extended Work. Public K-12 school employees on contracts which extend beyond 187 days or the hourly equivalent thereof shall be given a pro rata salary increment for each or partial day of work extending beyond 187 days.

c. Local Increment. Any cost-of-living adjustment and/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 any local salary schedule. Any cost-of-living adjustment and/or pay increase required by this act for public school support personnel shall be in addition to any pay increase due or granted to the employee under provisions of any local
salary schedules. The pay raise provisions of this act shall not apply to any salary supplements granted by local boards of education, bonuses earned for certification by the National Board of Professional Teaching Standards, or 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 because of the provisions of any pay raise enacted by the Legislature or required 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 part-time employees of 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 or institution. Any pay increase given to the superintendent shall be by majority recorded vote of the governing body or 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 a 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 Programs of each board.

Section 2. (a) Commencing October 1, 2013, there is provided a cost-of-living adjustment (COLA) in the amount of five percent of the current gross benefit, but not less than fifteen dollars ($15) per month to each person currently receiving benefits whose effective date of retirement was prior to October 1, 2012, for purposes of receiving benefits, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retiree or deceased member was prior to October 1, 2012, for purposes of receiving benefits from the Teachers' Retirement System.

(b) Commencing October 1, 2014, there is provided a cost-of-living adjustment (COLA) in the amount of two and one-half percent of the current gross benefit, to each person currently receiving benefits whose effective date of retirement was prior to October 1, 2013, for purposes of receiving benefits, and to certain beneficiaries of deceased
members and deceased retirees currently receiving survivor
benefits, if the effective date of retirement or death for the
dead retiree or deceased member was prior to October 1,
2013, for purposes of receiving benefits from the Teachers'
Retirement System.

(c) Commencing October 1, 2015, there is provided a
cost-of-living adjustment (COLA) in the amount of two and
one-half percent of the current gross benefit, to each person
currently receiving benefits whose effective date of
retirement was prior to October 1, 2014, for purposes of
receiving benefits, and to certain beneficiaries of deceased
members and deceased retirees currently receiving survivor
benefits, if the effective date of retirement or death for the
dead retiree or deceased member was prior to October 1,
2014, for purposes of receiving benefits from the Teachers'
Retirement System.

(d) Any future survivor allowance shall be adjusted
as provided in the members' original option selection for
those eligible retirees who have selected a monthly survivor
allowance payable to a designated beneficiary upon the death
of the retiree, or otherwise provided by law in the case of a
qualifying member who dies prior to the effective date of this
act.

(e) Any person who receives benefits under the
Medicaid program and whose eligibility for the benefits would
be impaired by the cost-of-living increase provided by this
act shall not be entitled to receive the increase. Any person
who shall subsequently apply for benefits under the Medicaid
program and who would have his or her eligibility to receive
benefits impaired by the cost-of-living increase provided by
this act, shall not be entitled to receive the increase after
the date that the member files application for benefits under
the Medicaid program.

(f) The Board of Control of the Teachers' Retirement
System shall determine annually the amount required to pay the
cost of the increased allowance provided under this act, and
shall notify the chief financial officer of each employer of
the per centum rates of earnable compensation of the members
required to be paid to the retirement system. Each employer of
members of the Teachers' Retirement System shall pay on
account of the increase provided in this act in the same
manner and from the same sources of funds as provided in
Section 16-25-21, Code of Alabama 1975, it being the intent of
the Legislature that the cost of providing the increase in
this act shall be distributed from all funds in proportion to
the salaries paid therefrom for active members.

Section 3. 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 4. This act shall take precedence over any
other act of law.
Section 5. 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 6. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.