HB401

147841-1

By Representatives Chesteen, Lee, Patterson, Shiver, Drake and Faust

RFD: Military and Veterans Affairs

First Read: 07-MAR-13
SYNOPSIS: Under existing law, state employees and public education employees receive compensation when called into active duty status by the United States.

This bill would extend the salary differential for any state employee, employee of a public education entity, or employee of a local government entity, who is called into active service in any of the Armed Forces of the United States.

To amend Sections 31-12-5 and 31-12-6, Code of Alabama 1975, to extend the salary differential for any state employee, employee of a public educational entity, or employee of a local government entity, who is called into active service in any of the Armed Forces of the United States.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-12-5 and 31-12-6 of the Code of Alabama 1975, are amended to read as follows:

"§31-12-5.

"In addition to any other benefits provided in this chapter, any state employee or any employee of a public educational entity in this state who is called into active service in any of the Armed Forces of the United States during the war on terrorism which commenced in September 2001, shall receive from his or her employer department or agency compensation in an amount which is equal to the difference between the lower active duty military pay and the higher public salary which he or she would have continued to receive if not called to active service. The amount of compensation required to be paid to an employee called into active service under this section shall be paid for the duration of the active military service, the length of which shall be determined by the Adjutant General of the Alabama National Guard, from the date of activation and shall be paid from funds appropriated to the employer. The provisions of this section shall be construed to provide for such payments retroactive to September 11, 2001, if applicable.

"§31-12-6.

"The governing body of any local governmental entity in this state may provide for any public employee of the entity who is called into active service in the Armed Forces of the United States during the war on terrorism which
commenced in September 2001, to receive from his or her
employer compensation in an amount which is equal to the
difference between the lower active duty military pay and the
higher public employment salary which he or she would have
received if not called to active service. The amount of
compensation which may be paid under this section to a local
public employee called into active service may be paid for a
period as determined by the local governing body under rules
and regulations for processing claims for and payments of the
compensation promulgated and implemented by the local
governing body."

Section 2. 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 3. All laws or parts of laws which conflict
with this act are repealed.

Section 4. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.