

1 HB635
2 118827-1
3 By Representative Hall
4 RFD: Government Operations
5 First Read: 25-FEB-10

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8 SYNOPSIS: This bill would clarify the definition of
9 sick leave for state employees, provide further for
10 bereavement leave, and for the donation of leave
11 for catastrophic illness of state employees.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Sections 36-26-35.2, 36-26-36.2, and
18 36-26-36.3, Code of Alabama 1975, relating to leave of state
19 employees, to clarify the definition of sick leave, provide
20 further for bereavement leave, and for the donation of leave
21 for catastrophic illness.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 36-26-35.2, 36-26-36.2, and
24 36-26-36.3, Code of Alabama 1975, are amended to read as
25 follows:

26 "§36-26-35.2.

1 "a) Notwithstanding any other laws to the contrary,
2 a state employee employed in any branch of state government
3 may donate his or her accrued and unused annual, sick, or
4 compensatory leave to another state employee who has qualified
5 for catastrophic sick leave or maternity leave. The state
6 employee receiving the donated leave may be in a position with
7 an equal, a higher, or a lower pay grade than the position of
8 the donor employee. Donated leave shall be calculated on an
9 hour for hour basis. There shall be no limitation on the
10 number of hours a state employee may donate or receive. All
11 leave donated to an employee shall remain in effect for 12
12 months after donation or until used by such employee,
13 whichever occurs first; provided however, such employee must
14 remain employed with the State of Alabama. In the event of the
15 death of an immediate family member of a state employee who
16 has qualified for catastrophic sick leave or maternity leave,
17 a minimum of three days and a maximum of five days of donated
18 catastrophic sick leave may be used immediately following the
19 death for bereavement purposes.

20 "b) Sick leave is hereby defined to mean the
21 absence from duty of an employee because of any of the
22 following:

23 "1) Illness.

24 "2) Bodily injury not incurred in the line of duty,
25 or bodily injury or occupational illness incurred in the line
26 of duty but for which special leave is not granted.

1 "(3) Attendance upon members of the immediate family
2 whose illness required the care of the employee.

3 "(4) Death in the immediate family of the employee.
4 Immediate family is hereby defined to include spouse,
5 children, including foster children, grandchildren, parents or
6 grandparents, sister or brother, mother-in-law, father-in-law,
7 daughter-in-law, and son-in-law.

8 "(5) Where unusually strong personal ties exist due
9 to an employee's having been supported or educated by a person
10 of some relationship other than those listed herein, the
11 relationship may be recognized for leave purposes. In each
12 such case the employee concerned shall file with his or her
13 appointing authority a written statement of the circumstances
14 which justify an exception to the general rule.

15 "§36-26-36.2.

16 "(a) Annual leave, compensatory leave, and sick
17 leave donation programs for catastrophic illnesses or
18 maternity leave of qualified state employees shall provide for
19 donations of leave to occur between all state employees
20 employed in the Executive, Legislative, and Judicial Branches
21 of state government ~~so long as the state employee receiving~~
22 ~~the donated leave is in a position with an equal or lower pay~~
23 ~~grade than the donor state employee. The state employee~~
24 receiving the donated leave may be in a position with an
25 equal, a higher, or a lower pay grade than the position of the
26 donor of the leave. Donated leave shall be calculated on an
27 hour for hour basis.

1 "(b) The personnel departments of all branches of
2 state government shall coordinate efforts to promulgate and
3 implement the administrative rules and procedures necessary to
4 implement this section.

5 "§36-26-36.3.

6 "(a) All persons who are regularly employed by the
7 state, and who are subject to the provisions of the state
8 Merit System, and all legislative personnel, officers, and
9 employees, including, but not limited to, Legislative
10 Reference Service personnel, whether subject to the state
11 Merit System or not, may be granted bereavement leave with pay
12 for the death of a person related by blood, adoption, or
13 marriage, or as otherwise provided for by the Alabama State
14 Personnel Board. Bereavement leave may be granted only to an
15 employee who does not have accrued sick leave available for
16 such use.

17 "(b) For any one occurrence, the bereavement leave
18 shall not exceed ~~three~~ five days.

19 "(c) Any bereavement leave granted to an employee
20 must be reimbursed to the state in the form of leave days,
21 including sick leave, annual leave, and personal leave, within
22 one calendar year of the use of the bereavement leave.

23 "(d) In the event an employee leaves state service
24 before repaying any bereavement leave used, he or she shall
25 have the leave deducted from his or her final pay check."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.