- 1 НВ678
- 2 117681-4
- 3 By Representative Love
- 4 RFD: Government Appropriations
- 5 First Read: 04-MAR-10

1	ENGROSSED
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3	
4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 36-26-26, Code of Alabama 1975, as
9	amended by Act No. 2009-502, 2009 Regular Session (Acts 2009,
10	p. 928), relating to furloughs of state employees, to
11	establish terms of furloughs for Merit System employees.
12	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
13	Section 1. Section 36-26-26, Code of Alabama 1975,
14	as amended by Act No. 2009-502, 2009 Regular Session (Acts
15	2009, p. 928), is amended to read as follows:
16	"§36-26-26.
17	"(a) In accordance with the rules, an appointing
18	authority may lay off an employee in the classified service
19	whenever he deems it necessary by reason of shortage of work
20	or funds or the abolition of a position or other material
21	change in duties or organization. The seniority and service
22	ratings of employees shall be considered, in such manner as
23	the rules shall provide, among the factors in determining the
24	order of layoffs. The appointing authority shall give written
25	notice to the director of every proposed layoff a reasonable
26	time before the effective date thereof, and the director shall

make such orders relating thereto as he considers necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate reemployment list.

5 "(b) In addition to any rights currently provided to 6 state employees, any permanent state employee who is laid off 7 from a position under the state Merit System shall have 8 priority for any other position in the same class filled from 9 an open competitive register by any appointing authority in 10 accordance with rules adopted by the State Personnel Board.

11 "(c) No state agency or appointing authority may 12 abolish a classified position through the layoff provisions if the state agency or appointing authority is employing an 13 individual or individuals outside the Merit System to perform 14 15 similar duties, as determined by the State Personnel 16 Department. In the event of a layoff, the non-merit employee 17 shall be separated before a classified employee is laid off. This subsection shall not apply if there is no classified 18 employee in a substantially similar position, as determined by 19 the State Personnel Department, who will accept the duties and 20 conditions of the non-merit employee who would otherwise be 21 22 separated.

"(d) A non-merit employee shall not be hired until
all classified employees who have been laid off from a
substantially similar position, as determined by the State

Personnel Department, have been offered the position and have
 likewise rejected the offer for the position.

3 "(e) A state department or appointing authority may
4 enact a voluntary furlough plan for employees if the voluntary
5 furlough plan is approved by the State Personnel Department.

6 "(f) Any furlough plan adopted by a state department
7 or appointing authority shall be applicable to the entire
8 department affected and shall be voluntary at the sole

9 <u>discretion of the employee.</u>

10 (g) Any state employee subject to this section shall 11 otherwise remain whole, including, but not limited to, his or 12 her state retirement, state insurance, including, but not 13 limited to, family coverage, other state benefits, leave, time 14 of service, and status.

15 "(e) (g) (h) The provisions of this section are 16 supplemental and shall not be construed to repeal any law not 17 in direct conflict."

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

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on Government Ap- propriations 04-MAR-10
9 10 11	Read for the second time and placed on the calendar 11-MAR-10
12 13 14	Read for the third time and passed as amended 06-APR-10 Yeas 101, Nays 0, Abstains 0

15 16 Greg Pappas 17 Clerk 18

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