

1 HB678  
2 117681-5  
3 By Representative Love  
4 RFD: Government Appropriations  
5 First Read: 04-MAR-10

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ENROLLED, An Act,

To amend Section 36-26-26, Code of Alabama 1975, as amended by Act No. 2009-502, 2009 Regular Session (Acts 2009, p. 928), relating to furloughs of state employees, to establish terms of furloughs for Merit System employees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-26-26, Code of Alabama 1975, as amended by Act No. 2009-502, 2009 Regular Session (Acts 2009, p. 928), is amended to read as follows:

"§36-26-26.

"(a) In accordance with the rules, an appointing authority may lay off an employee in the classified service whenever he deems it necessary by reason of shortage of work or funds or the abolition of a position or other material change in duties or organization. The seniority and service ratings of employees shall be considered, in such manner as the rules shall provide, among the factors in determining the order of layoffs. The appointing authority shall give written notice to the director of every proposed layoff a reasonable 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.

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

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

19           "(d) A non-merit employee shall not be hired until  
20 all classified employees who have been laid off from a  
21 substantially similar position, as determined by the State  
22 Personnel Department, have been offered the position and have  
23 likewise rejected the offer for the position.

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

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

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

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

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives  
I hereby certify that the within Act originated in and  
was passed by the House 06-APR-10, as amended.

Greg Pappas  
Clerk

Senate	<hr/> 13-APR-10 <hr/>	Amended and Passed
House	22-APR-10	Passed, the Governor's objections to the contrary notwithstanding
		Yeas 60, Nays 8, Abstains 0
Senate	<hr/> 22-APR-2010 <hr/>	Passed, the Governor's objections to the contrary notwithstanding
		Yeas 22, Nays 7, Abstains 0