

1 SB462  
2 117684-1  
3 By Senator Ross  
4 RFD: Finance and Taxation General Fund  
5 First Read: 23-FEB-10

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Currently, state employees earn annual  
9 leave based on their years of service with the  
10 state.

11 This bill would provide that state employees  
12 may be entitled to receive payment for any accrued  
13 and unused annual leave days in excess of 60 days,  
14 up to a maximum of 10 days per year.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Section 36-26-35, Code of Alabama 1975,  
21 relating to the accumulation of leave by state employees, to  
22 provide that state employees may be entitled to receive  
23 payment for any accrued and unused annual leave days in excess  
24 of 60 days, up to a maximum of 10 days per year.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 36-26-35, Code of Alabama 1975,  
27 is amended to read as follows:

1           "§36-26-35.

2           "(a) All persons who are regularly employed by the  
3 state and who are subject to the provisions of the state Merit  
4 System, and all legislative personnel, officers, and employ-  
5 ees, including, but not limited to, Legislative Reference Ser-  
6 vice personnel, whether subject to the state Merit System or  
7 not, shall be entitled to accumulate annual leave on the basis  
8 of biweekly pay periods through the payday on March 17, 2006,  
9 as follows:

10	"Employee's total	Accumulation of	
11	service with:	leave per pay period	Annual Accumulation
12	Fewer than five	4 hours	13 days
13	years' service		
14	Five but less than	5 hours	16 days 2 hours
15	10 years' service		
16	10 but less than	6 hours	19 days 4 hours
17	15 years' service		
18	15 but less than	7 hours	22 days 6 hours
19	20 years' service		
20	20 but less than	8 hours	26 days
21	25 years' service		
22	25 years of ser-	9 hours	29 days 2 hours
23	vice or more		

1           "(b) Beginning with the payday on April 3, 2006, all  
 2 persons who are regularly employed by the state and who are  
 3 subject to the provisions of the state Merit System, and all  
 4 legislative personnel, officers, and employees, including, but  
 5 not limited to, Legislative Reference Service personnel,  
 6 whether subject to the state Merit System or not, shall be en-  
 7 titled to accumulate annual leave on the basis of semi-monthly  
 8 pay periods as follows:

	"Employee's total service with:	Accumulation of leave per pay period	Annual Accumulation
11 12	Fewer than five years' service	4 hours 20 minutes	13 days
13 14	Five but less than 10 years' service	5 hours 25 minutes	16 days 2 hours
15 16	10 but less than 15 years' service	6 hours 30 minutes	19 days 4 hours
17 18	15 but less than 20 years' service	7 hours 35 minutes	22 days 6 hours
19 20	20 but less than 25 years' service	8 hours 40 minutes	26 days
21 22	25 years of ser- vice or more	9 hours 45 minutes	29 days 2 hours

1           "(c) Maximum accrued leave after 25 years of service  
2 shall be limited to 29 1/4 days per year, and the maximum  
3 number of days of annual leave which may be carried over at  
4 the end of each year shall be limited to 60 days.

5           "(d) Any law enforcement officer in the Department  
6 of Public Safety shall be entitled to receive payment for any  
7 accrued and unused annual leave days in excess of 60 days, up  
8 to a maximum of 10 days per year. Payment shall be calculated  
9 using the officer's regular rate of pay.

10           "(e) Except as provided in subsection (d), all  
11 persons who are regularly employed by the state and who are  
12 subject to the state Merit System, and all legislative  
13 personnel, officers, and employees, including, but not limited  
14 to, Legislative Reference Service personnel, whether subject  
15 to the state Merit System or not, may be entitled to receive  
16 payment for any accrued and unused annual leave days in excess  
17 of 60 days, up to a maximum of 10 days per year, provided,  
18 however that proration has not been declared. Payment shall be  
19 calculated using the employee's regular rate of pay; provided,  
20 however, no department, agency, board, or commission of the  
21 state may make such payments if the payment causes a  
22 department, agency, board, or commission to be unable to pay  
23 merit raises to its employees. Each department, agency, board,  
24 or commission shall have the sole authority and discretion to  
25 determine to pay zero days of accrued and unused annual leave  
26 in excess of 60 days, or any amount of additional days deemed

1 appropriate, not to exceed 10 days provided all qualifying  
2 employees in each department, agency, board, or commission are  
3 treated equally."

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