

1 SB236
2 127602-1
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 22-MAR-11

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8 SYNOPSIS: This bill would provide a mandatory furlough
9 provision for State employees in times of budget
10 shortfalls. A furlough permits the State to
11 continue essential public services and functions
12 while saving funds necessary to balance the State
13 budget and avoid layoffs.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To add Section 36-26-26.1 to the Code of Alabama,
20 1975, providing for the authority of both the Governor and
21 individual agencies to furlough State employees in times of
22 economic distress.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 36-26-26.1 is added to the Code
25 of Alabama, 1975, to read as follows:

26 Section 36-26-26.1. Mandatory Furloughs.

1 (a) A State department or appointing authority may
2 enact a furlough plan to be implemented either agency wide or
3 by classification or classification series within the agency.
4 The plan must be approved by the State Personnel Department,
5 which shall establish procedures for the furlough of employees
6 in the affected classifications. With any such proposed
7 furlough plan submitted to the State Personnel Department, the
8 appointing authority must include a statement of the
9 circumstances for implementing the furlough; a length of time
10 that the furlough will be utilized, including the
11 implementation date; and a certification that the furlough is
12 not discreditable to an employee and that the furlough will
13 not be used as a disciplinary action against an employee. For
14 the purposes of this subsection, a furlough shall be defined
15 as any unpaid regularly scheduled work day.

16 (b) After consultation with the State Personnel
17 Department, the State Finance Director, and other State fiscal
18 officers, the Governor may enact a furlough. For the purposes
19 of this subsection, a furlough shall be defined as any unpaid
20 regularly scheduled work day or unpaid legal public holiday.
21 Should the Governor mandate a furlough on a legal public
22 holiday, as enumerated in Section 1-3-8(a), those employees
23 who are required to work shall only receive regular
24 compensation for those hours which are physically worked.
25 Nothing in this subsection shall be deemed to supersede the
26 rights granted to employees under the Fair Labor Standards Act
27 of 1938, 29 U.S.C. 201, et seq.

1 (c) Regardless of whether a furlough plan is enacted
2 by the appointing authority or by the Governor, any employee
3 who is included in a furlough plan shall be considered in full
4 pay status for benefit purposes, including, but not limited
5 to, leave accruals and seniority rights provided that the
6 employee is not furloughed for more than one regularly
7 scheduled work day per semi-monthly pay period.

8 Section 2. The provisions of this section are
9 supplemental and shall not be construed to repeal any law not
10 in direct conflict.

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