

1 SB450
2 136788-4
3 By Senators Sanford, Marsh, Orr, Waggoner, Bussman and
4 Brewbaker
5 RFD: Governmental Affairs
6 First Read: 22-MAR-12

1 SB450

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Sections 25-2-1, 25-2-2, 25-2-6, and 25-2-7
12 of the Code of Alabama 1975, relating to merging the
13 Department of Labor and the Department of Industrial Relations
14 into the Department of Labor; to provide that whenever any
15 act, section of the Code of Alabama 1975, or any other
16 provision of law refers to the "Department of Industrial
17 Relations" or the "Department of Labor," it shall be deemed a
18 reference to the Department of Labor; and to provide that,
19 whenever any act, section of the Code of Alabama 1975, or any
20 other provision of law refers to the Director of Industrial
21 Relations or the Commissioner of Labor shall be deemed a
22 reference to the Commissioner of Labor; and to repeal Sections
23 25-3-1, 25-3-2, 25-3-3, 25-5-4, and 25-5-5, Code of Alabama
24 1975, relating to the Department of Labor.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 25-2-1, 25-2-2, 25-2-6, and
2 25-2-7 of the Code of Alabama 1975, are amended to read as
3 follows:

4 "§25-2-1.

5 "There shall be a Department of ~~Industrial Relations~~
6 Labor of the State of Alabama, which shall be an executive and
7 administrative department of the state. The Department of
8 ~~Industrial Relations~~ Labor shall have a seal, which shall be
9 affixed by the ~~director~~ commissioner to his or her official
10 acts and deeds and to those of the Department of ~~Industrial~~
11 ~~Relations~~ Labor.

12 "§25-2-2.

13 " (a) The general functions and duties of the
14 Department of ~~Industrial Relations~~ Labor shall be as follows:

15 "(1) To administer all labor laws and all laws
16 relating to the relationship between employer and employee,
17 including laws relating to hours of work, and working
18 conditions in places of employment.

19 "(2) To make or cause to be made all necessary
20 inspections to determine whether or not the laws, the
21 administration of which is delegated to the Department of
22 ~~Industrial Relations~~ Labor, and rules and regulations issued
23 pursuant thereto, are being complied with by employers and
24 employees, and to take such action as may be necessary to
25 enforce compliance; provided, however, that there shall be no
26 inspection of boilers which have been inspected, approved, and

1 insured by an insurance company authorized to do business in
2 the State of Alabama. Provided, however, that this provision
3 may not prevent compliance verification by the department.

4 "(3) To propose to the board of appeals, provided
5 for in this chapter, such rules and regulations, or amendments
6 as may be deemed advisable for the prevention of accidents or
7 the prevention of sickness and diseases in mines. The ~~Director~~
8 Commissioner of Industrial Relations Labor may appoint
9 committees composed of employers, employees, and experts to
10 suggest and assist in the preparation of rules and regulations
11 or amendments.

12 "(4) To administer and perform, by and under the
13 direction of the ~~Director~~ Commissioner of Industrial Relations
14 Labor, all functions and duties of Chapter 4 of this title,
15 and it shall have power and authority to adopt and enforce all
16 reasonable rules and orders necessary or suitable to that end,
17 and to require any reports, and to take any other action,
18 consistent with Chapter 4 of this title, necessary or suitable
19 to that end.

20 "(5) To cooperate with all authorities of the United
21 States having powers and duties under the Wagner-Peyser Act,
22 approved June 6, 1933 (48 Stat. 113, United States Code, Title
23 29, Section 49) entitled "An Act to provide for the
24 establishment of a national employment system and for
25 cooperation with the states in the promotion of such system
26 and for other purposes," and to do and perform all things

1 necessary to secure for the State of Alabama the benefits of
2 such act and the promotion and maintenance of a system of
3 public employment offices. The Department of ~~Industrial~~
4 ~~Relations~~ Labor is hereby designated as the state agency and
5 vested with all powers necessary to cooperate with the United
6 States Employment Service or its successor.

7 "(6) To administer and perform, by and under the
8 direction of the Commissioner of Labor, all functions and
9 duties of Chapter 5 of this title, and it shall have power and
10 authority to adopt and enforce all reasonable rules and orders
11 necessary or suitable to that end, and to require any reports,
12 and to take any other action, consistent with ~~the provisions~~
13 ~~of~~ Chapter 5 of this title, necessary or suitable to that end.

14 "(7) To make investigations and studies and to
15 collect, collate, and compile statistical information and to
16 make and publish reports concerning the conditions of labor
17 generally, including living conditions, hours of work, wages
18 paid, and all matters relating to the enforcement and effect
19 of the provisions of this title coming under the jurisdiction
20 of the Department of ~~Industrial Relations~~ Labor and the rules
21 and regulations issued pursuant thereto and other laws
22 relating to the Department of ~~Industrial Relations~~ Labor. The
23 ~~Director~~ Commissioner of ~~Industrial Relations~~ Labor shall
24 deliver a copy of each such report to every person making
25 application therefor.

1 "(8) To make an annual report to the Governor
2 covering the activities and accomplishments of the Department
3 of ~~Industrial Relations~~ Labor during the preceding fiscal
4 year, accompanied by the recommendations of the ~~Director~~
5 Commissioner of ~~Industrial Relations~~ Labor. The report shall
6 be printed and the ~~Director~~ Commissioner of ~~Industrial~~
7 ~~Relations~~ Labor shall deliver a copy to every person making
8 application therefor.

9 "(9) To make recommendations to the Legislature for
10 the enactment of laws which, on the basis of information and
11 statistics compiled by the Department of ~~Industrial Relations~~
12 Labor, appear to be desirable for the protection of laborers
13 and for promoting and fostering amicable relations between
14 employers and employees.

15 "(10) To administer and perform, by and under the
16 direction of the Commissioner of Labor, all functions and
17 duties of Section 25-2-7, and it shall have power and
18 authority to adopt and enforce all reasonable rules and orders
19 necessary or suitable to that end, and to require any reports,
20 and to take any other action, consistent with Section 25-2-7,
21 necessary or suitable to that end.

22 "(11) To administer and perform, by and under the
23 direction of the Commissioner of Labor, all functions and
24 duties of Chapter 7 of this title and such other statutes as
25 may be provided by law and to advise the Governor with respect
26 to the provisions thereof, and it shall have power and

1 authority to adopt and enforce all reasonable rules and orders
2 necessary or suitable to that end, and to require any reports,
3 and to take any other action, consistent with Chapter 7 of
4 this title, necessary or suitable to that end.

5 "(12) To administer and perform, by and under the
6 direction of the Commissioner of Labor, all functions and
7 duties of Chapter 8 of this title, and it shall have the power
8 and authority to adopt and enforce all reasonable rules and
9 orders necessary or suitable to that end, and to require any
10 reports, and to take any other action, consistent with Chapter
11 8 of this title, necessary or suitable to that end.

12 "(13) To administer and perform, by and under the
13 direction of the Commissioner of Labor, all functions and
14 duties of Chapter 9 of this title, and it shall have power and
15 authority to adopt and enforce all reasonable rules and orders
16 necessary or suitable to that end, and to require any reports,
17 and to take any other action, consistent with Chapter 9 of
18 this title, necessary or suitable to that end.

19 "(14) To administer and perform, by and under the
20 direction of the Commissioner of Labor, all functions and
21 duties of Chapter 10 of this title, and it shall have power
22 and authority to adopt and enforce all reasonable rules and
23 orders necessary or suitable to that end, and to require any
24 reports, and to take any other action, consistent with Chapter
25 10 of this title, necessary or suitable to that end.

1 "(15) To administer and perform, by and under the
2 direction of the Commissioner of Labor, all functions and
3 duties of Chapter 11 of this title, and it shall have power
4 and authority to adopt and enforce all reasonable rules and
5 orders necessary or suitable to that end, and to require any
6 reports, and to take any other action, consistent with Chapter
7 11 of this title, necessary or suitable to that end.

8 "(16) To administer and perform, by and under the
9 direction of the Commissioner of Labor, all functions and
10 duties of Chapter 12 of this title, and it shall have power
11 and authority to adopt and enforce all reasonable rules and
12 orders necessary or suitable to that end, and to require any
13 reports, and to take any other action, consistent with Chapter
14 12 of this title, necessary or suitable to that end.

15 "(17) To administer and perform, by and under the
16 direction of the Commissioner of Labor, all functions and
17 duties of Chapter 13 of this title, and to require any
18 reports, and to take any other action, consistent with Chapter
19 13 of this title, necessary or suitable to that end.

20 "(18) To administer and perform, by and under the
21 direction of the Commissioner of Labor, all functions and
22 duties of Chapter 14 of this title, and it shall have power
23 and authority to adopt and enforce all reasonable rules and
24 orders necessary or suitable to that end, and to require any
25 reports, and to take any other action, consistent with Chapter
26 14 of this title, necessary or suitable to that end.

1 (b) The combining of the functions of the Department
2 of Industrial Relations and Department of Labor made by the
3 act adding this subsection shall reduce administrative costs
4 and expenses paid from the State General Fund by an amount
5 equal to at least 20 percent of the amount appropriated from
6 the State General Fund to the Department of Labor for the
7 fiscal year ending September 30, 2012.

8 "§25-2-6.

9 "The Department of ~~Industrial Relations~~ Labor shall
10 be headed by and shall be under the direction, supervision and
11 control of an officer who shall be known and designated as the
12 ~~Director Commissioner~~ of ~~Industrial Relations~~ Labor. The
13 ~~Director Commissioner~~ of ~~Industrial Relations~~ Labor shall be
14 the advisor of the Governor and the Legislature in matters
15 relating to employer-employee relations and the welfare of the
16 wage earners of the state. He or she shall be responsible to
17 the Governor for the administration of the Department of
18 ~~Industrial Relations~~ Labor. The ~~Director Commissioner~~ of
19 ~~Industrial Relations~~ Labor shall be appointed by and shall
20 hold office at the pleasure of the Governor. Vacancies for any
21 reason shall be filled in the same manner as original
22 appointments are made. Before entering upon the discharge of
23 his or her duties, the ~~Director Commissioner~~ of ~~Industrial~~
24 ~~Relations~~ Labor shall take the constitutional oath of office.
25 Before entering upon the duties of ~~his~~ office, the ~~Director~~
26 ~~Commissioner~~ of ~~Industrial Relations~~ Labor shall execute to

1 the State of Alabama a bond, to be approved by the Governor,
2 in an amount to be fixed by the Governor, but not less than
3 \$10,000.00, for the faithful performance of ~~his~~ the duties of of
4 the office. The annual salary of the ~~Director~~ Commissioner of
5 ~~Industrial Relations~~ Labor shall be fixed by the Governor at a
6 sum comparable to salaries paid similar officers in other
7 states, notwithstanding any limitation or maximum in any other
8 law, \$1,200.00 of which sum shall be paid from moneys of the
9 State of Alabama and the remainder from grants of the United
10 States of America to this state. Such salary shall be payable
11 at the same time and in the same manner as the salaries of
12 other state officers. The ~~Director~~ Commissioner of ~~Industrial~~
13 ~~Relations~~ Labor is authorized and empowered to make such
14 agreements as may be necessary or proper with the United
15 States of America with respect to the proration of funds from
16 the State of Alabama and funds from the federal government for
17 the salary paid to the ~~Director~~ Commissioner of ~~Industrial~~
18 ~~Relations~~ Labor by virtue of the provisions of this section.
19 The ~~Director~~ Commissioner of ~~Industrial Relations~~ Labor shall
20 devote ~~his~~ full time to his or her official duties and shall
21 not hold another office under the government of the United
22 States, or under any other state, or of this state or any
23 political subdivision thereof, during his or her incumbency in
24 such office, and shall not hold any position of trust or
25 profit, or engage in any occupation or business the conduct of
26 which shall interfere or be inconsistent with his or her

1 duties as ~~Director~~ Commissioner of ~~Industrial Relations~~ Labor
2 under the provisions of this title.

3 "§25-2-7.

4 "(a) All functions and duties of the Department of
5 ~~Industrial Relations~~ Labor shall be exercised by the ~~Director~~
6 Commissioner of ~~Industrial Relations~~ Labor acting ~~by himself~~
7 personally or by and through such administrative divisions or
8 such officers or employees as he or she may designate. The
9 ~~Director~~ Commissioner of ~~Industrial Relations~~ Labor shall have
10 all power and authority necessary or convenient to carry out
11 the functions and duties of the Department of ~~Industrial~~
12 ~~Relations~~ Labor. It shall be the duty of the ~~Director~~
13 Commissioner of ~~Industrial Relations~~ Labor to administer
14 Chapter 4 of this title and he or she shall have power and
15 authority to adopt and enforce all reasonable rules and orders
16 necessary or suitable to that end, require any reports and
17 take any other action consistent with the provisions of said
18 Chapter 4 necessary or suitable to that end.

19 "(b) To the end that strikes, lockouts, boycotts,
20 blacklists, and discriminations may be avoided, the
21 commissioner shall have authority and it shall be his or her
22 duty to investigate labor disputes and to promote the peaceful
23 and voluntary adjustment and settlement thereof.

24 "(c) It shall be the duty of the commissioner to
25 make available to any board of mediation appointed by the
26 Governor pursuant to Section 25-7-4 all data and information

1 in his or her custody or possession relevant or pertinent to
2 any matter which such board of mediation may have been
3 appointed to consider, and to render to any such board of
4 mediation such assistance as it may request of him or her in
5 the discharge of its official duties.

6 "(d) It shall be the duty of the commissioner to
7 administer and enforce the Alabama child labor law relating to
8 minimum age of employment, hours of work, places of
9 employment, and prohibited occupations.

10 "(e) It shall be the duty of the commissioner to
11 investigate and attempt equitably to adjust controversies in
12 respect to wage claims or alleged wage claims."

13 Section 2. All powers, duties, and functions and all
14 related records, property, equipment of, employees of, and all
15 contractual rights, obligations of, and unexpended balances of
16 appropriations and other funds or allocations of the
17 Department of Industrial Relations which shall be renamed the
18 Department of Labor on the effective date of this act.

19 Section 3. (a) In order to assist employees who
20 become unemployed or underemployed as the result of a
21 substantial layoff at or the closing of any plant or industry
22 in Alabama, the Commissioner of Labor is hereby directed to
23 provide written material which deals with these problems and
24 offers appropriate suggestions to such workers and to meet
25 with management at such plants or industries and with labor
26 organizations or other organizations including such employees

1 in an attempt to minimize the financial burden on such
2 employees.

3 (b) The Commissioner of Labor is authorized to
4 assist and organize cooperative efforts of such employees or
5 groups to which such employees belong in an effort to minimize
6 the adverse impact of such plant or industry layoff or closing
7 upon such employees and the Commissioner of Labor is further
8 directed and authorized, to the extent he or she deems
9 advisable, to engage in whatever other acts or agreements
10 which are appropriate to assist financially such employees and
11 groups made up of such employees, provided that the
12 Commissioner of Labor is not authorized to require any
13 employer or employee group to involuntarily contribute to a
14 fund or involuntarily take any other action towards such a
15 goal.

16 (c) If deemed advisable by the Commissioner of
17 Labor, the Commissioner of Labor shall assist a plant or
18 industry which closes or has a substantial layoff in
19 endeavoring to communicate with the creditors of its
20 unemployed workers concerning the financial difficulty caused
21 to its ex-employees by such layoff or closing. If there is a
22 substantial layoff at a plant or industry or if there is a
23 closing of a plant or industry and if a state chartered credit
24 union includes within its field of membership the employees of
25 such plant or industry, then the board of directors of such
26 state chartered credit union shall determine whether such

1 layoff or closing has adversely affected the credit union. If
2 the board of directors determines that such layoff or closing
3 has adversely affected the credit union, then such credit
4 union may include within its field of membership persons
5 residing in the general geographic areas surrounding the
6 plants or industries served by such credit union. Any such
7 expansion of the field of membership of such credit union
8 shall not be denied or restricted by any provisions of the law
9 of Alabama heretofore enacted. Any such credit union shall
10 endeavor to assist all such unemployed members by granting
11 them extended periods within which to pay indebtedness owed to
12 the credit union, to the extent deemed advisable by its board
13 of directors.

14 (d) In order to stabilize the share and deposit base
15 of credit unions which may or could be affected by plant or
16 industry closings or by substantial layoffs, any credit union
17 which includes in its field of membership employees of any
18 particular company or companies shall be authorized to accept
19 shares and deposits from such company or companies, subject to
20 such terms and conditions as the board of directors of the
21 credit union may establish, and such company or companies may
22 become a member of the credit union, subject to such terms and
23 conditions as the board of directors of the credit union may
24 establish.

25 (e) The Commissioner of Labor is further directed
26 and authorized to issue rules, to the extent he or she deems

1 advisable, concerning the instances in which employees at
2 plants or industries which have been closed or have been the
3 subject of substantial layoffs and organizations which include
4 employees of such plants or industries may make appropriate
5 disclosures of the financial situation of such employees and
6 may assist the creditors of such workers in locating them and
7 in arranging voluntary payment plans for their debts; provided
8 however that nothing contained in this section shall be
9 construed so as to authorize any activity which violates any
10 federal act or regulation.

11 Section 4. Notwithstanding any other provision of
12 law, whenever any act, section of the Code of Alabama 1975, or
13 any other provision of law refers to the Department of
14 Industrial Relations or the Department of Labor or the
15 Director of Industrial Relations or the Commissioner of Labor,
16 it shall be deemed a reference to the Department of Labor and
17 the Commissioner of Labor created by this act.

18 Section 5. Sections 25-3-1, 25-3-2, 25-3-3, 25-5-4,
19 and 25-5-5, Code of Alabama 1975, are hereby repealed.

20 Section 6. This act shall become effective on
21 October 1, 2012, following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 22-MAR-12

Read for the second time and placed on the calen-
dar 1 amendment..... 10-APR-12

Read for the third time and passed as amended 26-APR-12

Yeas 32
Nays 0

Patrick Harris
Secretary