

1 SB450
2 136788-5
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 ENROLLED, An Act,

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

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 25-2-1, 25-2-2, 25-2-6, and
21 25-2-7 of the Code of Alabama 1975, are amended to read as
22 follows:

23 "§25-2-1.

24 "There shall be a Department of Labor of the State
25 of Alabama, which shall be an executive and administrative

1 department of the state. The Department of Labor shall have a
2 seal, which shall be affixed by the commissioner to his or her
3 official acts and deeds and to those of the Department of
4 Labor.

5 "§25-2-2.

6 " (a) The general functions and duties of the
7 Department of Labor shall be as follows:

8 "(1) To administer all labor laws and all laws
9 relating to the relationship between employer and employee,
10 including laws relating to hours of work, and working
11 conditions in places of employment.

12 "(2) To make or cause to be made all necessary
13 inspections to determine whether or not the laws, the
14 administration of which is delegated to the Department of
15 Labor, and rules and regulations issued pursuant thereto, are
16 being complied with by employers and employees, and to take
17 such action as may be necessary to enforce compliance;
18 provided, however, that there shall be no inspection of
19 boilers which have been inspected, approved, and insured by an
20 insurance company authorized to do business in the State of
21 Alabama. Provided, however, that this provision may not
22 prevent compliance verification by the department.

23 "(3) To propose to the board of appeals, provided
24 for in this chapter, such rules and regulations, or amendments
25 as may be deemed advisable for the prevention of accidents or

1 the prevention of sickness and diseases in mines. The
2 Commissioner of Labor may appoint committees composed of
3 employers, employees, and experts to suggest and assist in the
4 preparation of rules and regulations or amendments.

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

12 "(5) To cooperate with all authorities of the United
13 States having powers and duties under the Wagner-Peyser Act,
14 approved June 6, 1933 (48 Stat. 113, United States Code, Title
15 29, Section 49) entitled "An Act to provide for the
16 establishment of a national employment system and for
17 cooperation with the states in the promotion of such system
18 and for other purposes," and to do and perform all things
19 necessary to secure for the State of Alabama the benefits of
20 such act and the promotion and maintenance of a system of
21 public employment offices. The Department of Labor is hereby
22 designated as the state agency and vested with all powers
23 necessary to cooperate with the United States Employment
24 Service or its successor.

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

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

19 "(8) To make an annual report to the Governor
20 covering the activities and accomplishments of the Department
21 of Labor during the preceding fiscal year, accompanied by the
22 recommendations of the Commissioner of Labor. The report shall
23 be printed and the Commissioner of Labor shall deliver a copy
24 to every person making application therefor.

1 "(9) To make recommendations to the Legislature for
2 the enactment of laws which, on the basis of information and
3 statistics compiled by the Department of Labor, appear to be
4 desirable for the protection of laborers and for promoting and
5 fostering amicable relations between employers and employees.

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

13 "(11) To administer and perform, by and under the
14 direction of the Commissioner of Labor, all functions and
15 duties of Chapter 7 of this title and such other statutes as
16 may be provided by law and to advise the Governor with respect
17 to the provisions thereof, 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 Chapter 7 of
21 this title, necessary or suitable to that end.

22 "(12) To administer and perform, by and under the
23 direction of the Commissioner of Labor, all functions and
24 duties of Chapter 8 of this title, and it shall have the power
25 and authority to adopt and enforce all reasonable rules and

1 orders necessary or suitable to that end, and to require any
2 reports, and to take any other action, consistent with Chapter
3 8 of this title, necessary or suitable to that end.

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

11 "(14) To administer and perform, by and under the
12 direction of the Commissioner of Labor, all functions and
13 duties of Chapter 10 of this title, and it shall have power
14 and authority to adopt and enforce all reasonable rules and
15 orders necessary or suitable to that end, and to require any
16 reports, and to take any other action, consistent with Chapter
17 10 of this title, necessary or suitable to that end.

18 "(15) To administer and perform, by and under the
19 direction of the Commissioner of Labor, all functions and
20 duties of Chapter 11 of this title, and it shall have power
21 and authority to adopt and enforce all reasonable rules and
22 orders necessary or suitable to that end, and to require any
23 reports, and to take any other action, consistent with Chapter
24 11 of this title, necessary or suitable to that end.

1 "(16) To administer and perform, by and under the
2 direction of the Commissioner of Labor, all functions and
3 duties of Chapter 12 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 12 of this title, necessary or suitable to that end.

8 "(17) To administer and perform, by and under the
9 direction of the Commissioner of Labor, all functions and
10 duties of Chapter 13 of this title, and to require any
11 reports, and to take any other action, consistent with Chapter
12 13 of this title, necessary or suitable to that end.

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

20 (b) The combining of the functions of the Department
21 of Industrial Relations and Department of Labor made by the
22 act adding this subsection shall reduce administrative costs
23 and expenses paid from the State General Fund by an amount
24 equal to at least 20 percent of the amount appropriated from

1 the State General Fund to the Department of Labor for the
2 fiscal year ending September 30, 2012.

3 "§25-2-6.

4 "The Department of Labor shall be headed by and
5 shall be under the direction, supervision and control of an
6 officer who shall be known and designated as the Commissioner
7 of Labor. The Commissioner of Labor shall be the advisor of
8 the Governor and the Legislature in matters relating to
9 employer-employee relations and the welfare of the wage
10 earners of the state. He or she shall be responsible to the
11 Governor for the administration of the Department of Labor.
12 The Commissioner of Labor shall be appointed by and shall hold
13 office at the pleasure of the Governor. Vacancies for any
14 reason shall be filled in the same manner as original
15 appointments are made. Before entering upon the discharge of
16 his or her duties, the Commissioner of Labor shall take the
17 constitutional oath of office. Before entering upon the duties
18 of office, the Commissioner of Labor shall execute to the
19 State of Alabama a bond, to be approved by the Governor, in an
20 amount to be fixed by the Governor, but not less than
21 \$10,000.00, for the faithful performance of the duties of the
22 office. The annual salary of the Commissioner of Labor shall
23 be fixed by the Governor at a sum comparable to salaries paid
24 similar officers in other states, notwithstanding any
25 limitation or maximum in any other law, \$1,200.00 of which sum

1 shall be paid from moneys of the State of Alabama and the
2 remainder from grants of the United States of America to this
3 state. Such salary shall be payable at the same time and in
4 the same manner as the salaries of other state officers. The
5 Commissioner of Labor is authorized and empowered to make such
6 agreements as may be necessary or proper with the United
7 States of America with respect to the proration of funds from
8 the State of Alabama and funds from the federal government for
9 the salary paid to the Commissioner of Labor by virtue of the
10 provisions of this section. The Commissioner of Labor shall
11 devote full time to his or her official duties and shall not
12 hold another office under the government of the United States,
13 or under any other state, or of this state or any political
14 subdivision thereof, during his or her incumbency in such
15 office, and shall not hold any position of trust or profit, or
16 engage in any occupation or business the conduct of which
17 shall interfere or be inconsistent with his or her duties as
18 Commissioner of Labor under the provisions of this title.

19 "§25-2-7.

20 "(a) All functions and duties of the Department of
21 Labor shall be exercised by the Commissioner of Labor acting
22 personally or by and through such administrative divisions or
23 such officers or employees as he or she may designate. The
24 Commissioner of Labor shall have all power and authority
25 necessary or convenient to carry out the functions and duties

1 of the Department of Labor. It shall be the duty of the
2 Commissioner of Labor to administer Chapter 4 of this title
3 and he or she shall have power and authority to adopt and
4 enforce all reasonable rules and orders necessary or suitable
5 to that end, require any reports and take any other action
6 consistent with the provisions of said Chapter 4 necessary or
7 suitable to that end.

8 "(b) To the end that strikes, lockouts, boycotts,
9 blacklists, and discriminations may be avoided, the
10 commissioner shall have authority and it shall be his or her
11 duty to investigate labor disputes and to promote the peaceful
12 and voluntary adjustment and settlement thereof.

13 "(c) It shall be the duty of the commissioner to
14 make available to any board of mediation appointed by the
15 Governor pursuant to Section 25-7-4 all data and information
16 in his or her custody or possession relevant or pertinent to
17 any matter which such board of mediation may have been
18 appointed to consider, and to render to any such board of
19 mediation such assistance as it may request of him or her in
20 the discharge of its official duties.

21 "(d) It shall be the duty of the commissioner to
22 administer and enforce the Alabama child labor law relating to
23 minimum age of employment, hours of work, places of
24 employment, and prohibited occupations.

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

4 Section 2. All powers, duties, and functions and all
5 related records, property, equipment of, employees of, and all
6 contractual rights, obligations of, and unexpended balances of
7 appropriations and other funds or allocations of the
8 Department of Industrial Relations which shall be renamed the
9 Department of Labor on the effective date of this act.

10 Section 3. (a) In order to assist employees who
11 become unemployed or underemployed as the result of a
12 substantial layoff at or the closing of any plant or industry
13 in Alabama, the Commissioner of Labor is hereby directed to
14 provide written material which deals with these problems and
15 offers appropriate suggestions to such workers and to meet
16 with management at such plants or industries and with labor
17 organizations or other organizations including such employees
18 in an attempt to minimize the financial burden on such
19 employees.

20 (b) The Commissioner of Labor is authorized to
21 assist and organize cooperative efforts of such employees or
22 groups to which such employees belong in an effort to minimize
23 the adverse impact of such plant or industry layoff or closing
24 upon such employees and the Commissioner of Labor is further
25 directed and authorized, to the extent he or she deems

1 advisable, to engage in whatever other acts or agreements
2 which are appropriate to assist financially such employees and
3 groups made up of such employees, provided that the
4 Commissioner of Labor is not authorized to require any
5 employer or employee group to involuntarily contribute to a
6 fund or involuntarily take any other action towards such a
7 goal.

8 (c) If deemed advisable by the Commissioner of
9 Labor, the Commissioner of Labor shall assist a plant or
10 industry which closes or has a substantial layoff in
11 endeavoring to communicate with the creditors of its
12 unemployed workers concerning the financial difficulty caused
13 to its ex-employees by such layoff or closing. If there is a
14 substantial layoff at a plant or industry or if there is a
15 closing of a plant or industry and if a state chartered credit
16 union includes within its field of membership the employees of
17 such plant or industry, then the board of directors of such
18 state chartered credit union shall determine whether such
19 layoff or closing has adversely affected the credit union. If
20 the board of directors determines that such layoff or closing
21 has adversely affected the credit union, then such credit
22 union may include within its field of membership persons
23 residing in the general geographic areas surrounding the
24 plants or industries served by such credit union. Any such
25 expansion of the field of membership of such credit union

1 shall not be denied or restricted by any provisions of the law
2 of Alabama heretofore enacted. Any such credit union shall
3 endeavor to assist all such unemployed members by granting
4 them extended periods within which to pay indebtedness owed to
5 the credit union, to the extent deemed advisable by its board
6 of directors.

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

18 (e) The Commissioner of Labor is further directed
19 and authorized to issue rules, to the extent he or she deems
20 advisable, concerning the instances in which employees at
21 plants or industries which have been closed or have been the
22 subject of substantial layoffs and organizations which include
23 employees of such plants or industries may make appropriate
24 disclosures of the financial situation of such employees and
25 may assist the creditors of such workers in locating them and

1 in arranging voluntary payment plans for their debts; provided
2 however that nothing contained in this section shall be
3 construed so as to authorize any activity which violates any
4 federal act or regulation.

5 Section 4. Notwithstanding any other provision of
6 law, whenever any act, section of the Code of Alabama 1975, or
7 any other provision of law refers to the Department of
8 Industrial Relations or the Department of Labor or the
9 Director of Industrial Relations or the Commissioner of Labor,
10 it shall be deemed a reference to the Department of Labor and
11 the Commissioner of Labor created by this act.

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB450

Senate 26-APR-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 16-MAY-12

By: Senator Sanford