

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

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8 SYNOPSIS: This bill would merge the Department of  
9 Industrial Relations and Department of Labor into  
10 the Department of Labor.

11 This bill would provide that whenever any  
12 act, section of the Code of Alabama 1975, or any  
13 other provision of law refers to the "Department of  
14 Industrial Relations" or the "Department of Labor,"  
15 it shall be deemed a reference to the Department of  
16 Labor.

17 This bill would provide that whenever any  
18 act, section of the Code of Alabama 1975, or any  
19 other provision of law refers to the Director of  
20 Industrial Relations or the Commissioner of Labor  
21 shall be deemed a reference to the Commissioner of  
22 Labor.

23 This bill would repeal Sections 25-3-1,  
24 25-3-2, 25-3-3, 25-5-4, and 25-5-5, Code of Alabama  
25 1975, relating to the duties of the Department of  
26 Labor.  
27

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

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 ~~Industrial Relations~~  
25 Labor of the State of Alabama, which shall be an executive and  
26 administrative department of the state. The Department of  
27 ~~Industrial Relations~~ Labor shall have a seal, which shall be

1 affixed by the ~~director~~ commissioner to his or her official  
2 acts and deeds and to those of the Department of ~~Industrial~~  
3 ~~Relations~~ Labor.

4 "\$25-2-2.

5 "The general functions and duties of the Department  
6 of ~~Industrial Relations~~ Labor shall be as follows:

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

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

21 "(3) To propose to the board of appeals, provided  
22 for in this chapter, such rules and regulations, or amendments  
23 as may be deemed advisable for the prevention of accidents or  
24 the prevention of sickness and diseases in mines. The ~~Director~~  
25 Commissioner of ~~Industrial Relations~~ Labor may appoint  
26 committees composed of employers, employees, and experts to

1 suggest and assist in the preparation of rules and regulations  
2 or amendments.

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

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

24 "(6) To administer and perform, by and under the  
25 direction of the Commissioner of Labor, all functions and  
26 duties of Chapter 5 of this title, and it shall have power and  
27 authority to adopt and enforce all reasonable rules and orders

1 necessary or suitable to that end, and to require any reports,  
2 and to take any other action, consistent with ~~the provisions~~  
3 of Chapter 5 of this title, necessary or suitable to that end.

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

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

24 "(9) To make recommendations to the Legislature for  
25 the enactment of laws which, on the basis of information and  
26 statistics compiled by the Department of ~~Industrial Relations~~  
27 Labor, appear to be desirable for the protection of laborers

1 and for promoting and fostering amicable relations between  
2 employers and employees.

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

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

19 "(12) To administer and perform, by and under the  
20 direction of the Commissioner of Labor, all functions and  
21 duties of Chapter 8 of this title, and it shall have the 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 8 of this title, necessary or suitable to that end.

26 "(13) To administer and perform, by and under the  
27 direction of the Commissioner of Labor, all functions and

1 duties of Chapter 9 of this title, and it shall have power and  
2 authority to adopt and enforce all reasonable rules and orders  
3 necessary or suitable to that end, and to require any reports,  
4 and to take any other action, consistent with Chapter 9 of  
5 this title, necessary or suitable to that end.

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

13 "(15) To administer and perform, by and under the  
14 direction of the Commissioner of Labor, all functions and  
15 duties of Chapter 11 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 11 of this title, necessary or suitable to that end.

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



1           "(17) To administer and perform, by and under the  
2 direction of the Commissioner of Labor, all functions and  
3 duties of Chapter 13 of this title, and to require any  
4 reports, and to take any other action, consistent with Chapter  
5 13 of this title, necessary or suitable to that end.

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

13           "\$25-2-6.

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

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

1 such office, and shall not hold any position of trust or  
2 profit, or engage in any occupation or business the conduct of  
3 which shall interfere or be inconsistent with his or her  
4 duties as ~~Director~~ Commissioner of ~~Industrial Relations~~ Labor  
5 under the provisions of this title.

6 "§25-2-7.

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

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

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

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

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

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

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

1 with management at such plants or industries and with labor  
2 organizations or other organizations including such employees  
3 in an attempt to minimize the financial burden on such  
4 employees.

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

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

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

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

26 (e) The Commissioner of Labor is further directed  
27 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.