

1 SB328
2 157487-2
3 By Senators Coleman, Sanders, and Singleton
4 RFD: Business and Labor
5 First Read: 11-FEB-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 25-2-12, Code of Alabama 1975,
12 relating to the Board of Appeals of the Department of Labor;
13 to increase the maximum daily compensation of members of the
14 board from \$100 to \$150 per day; and to increase the maximum
15 annual compensation of members of the board from \$24,000 to
16 \$36,000 per year.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 25-2-12 of the Code of Alabama
19 1975, is amended to read as follows:

20 "§25-2-12.

21 "There shall be a board of appeals for the
22 Department of ~~Industrial Relations~~ Labor. The board of appeals
23 shall exercise its own judgment and discretion in all matters
24 entrusted to it, and, to that extent, shall be entirely
25 separate and distinct from and independent of the Department
26 of ~~Industrial Relations~~ Labor, but it shall have offices with
27 the Department of ~~Industrial Relations~~ Labor, and an employee

1 of the Department of ~~Industrial Relations~~ Labor shall act as
2 its clerk. All proper expenses of the board of appeals shall
3 be paid from the appropriations to the Department of
4 ~~Industrial Relations~~ Labor in the same manner as expenses of
5 the department are paid. There shall be three members of the
6 board of appeals, all of whom shall be appointed by the
7 Governor, subject to confirmation by the Senate, for a term of
8 office of six years or until their successors are appointed;
9 except, that the first appointments of members of the board of
10 appeals shall be for terms of two, four and six years
11 respectively. One member of the board shall be a person who,
12 on account of his or her previous employment or affiliations,
13 shall be generally classified as a representative of
14 employers. One member of the board shall be a person who, on
15 account of his or her previous employment or affiliations,
16 shall be generally classified as a representative of
17 employees. One member of the board shall represent the
18 interest of the public, shall not be generally classified as a
19 representative of employers or of employees and shall be the
20 chair of the board of appeals. Before entering upon the
21 discharge of his or her duties, each member of the board of
22 appeals shall take the constitutional oath of office. No
23 member of the board of appeals shall be employed by the
24 federal government or the state. Members of the board of
25 appeals shall receive no salary but shall be paid for each day
26 or part thereof necessarily spent in the discharge of their
27 official duties, including travel time, an amount to be agreed

1 upon by the Director of ~~Industrial Relations~~ the Department of
2 Labor and the Governor, the same not to exceed ~~one hundred~~
3 ~~dollars (\$100)~~ one hundred fifty dollars (\$150) per day. The
4 sum total to be paid to each member of the board in any
5 calendar year shall not exceed ~~twenty-four thousand dollars~~
6 ~~(\$24,000)~~ thirty-six thousand dollars (\$36,000) plus travel
7 allowance and expense allowance as provided in Article 2 of
8 Chapter 7 of Title 36. The board of appeals may meet as
9 necessary when it has been determined by the Director of
10 ~~Industrial Relations~~ the Department of Labor that the number
11 of appeals pending before the board of appeals shall require
12 that the board meet and hold hearings or review cases. Members
13 of the board of appeals shall be subject to impeachment as are
14 other state officers. Vacancies for any reason shall be filled
15 by appointment by the Governor for the unexpired term, and any
16 appointments made while the Senate is not in regular session
17 shall be effective ad interim. No member of the board of
18 appeals shall hear or determine an appeal in any case in which
19 he or she is a directly interested party. The board of appeals
20 shall not hear or determine any appeal unless each of the
21 three members thereof or their alternates are present. The
22 Governor shall immediately, whenever it is shown to his or her
23 satisfaction that a member of the board of appeals is
24 disqualified for any reason or cannot attend a session of the
25 board of appeals, appoint an alternate or alternates for the
26 member or members so disqualified or absent."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Business and Labor..... 11-FEB-14

Read for the second time and placed on the calen-
dar..... 25-FEB-14

Read for the third time and passed as amended 04-MAR-14

Yeas 26
Nays 4

Patrick Harris
Secretary