

1 SB81
2 155290-2
3 By Senator Whatley
4 RFD: Veterans and Military Affairs
5 First Read: 14-JAN-14
6 PFD: 01/09/2014

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8 SYNOPSIS: Under existing law, state and public
9 education employees must receive a salary
10 differential from their employers to compensate for
11 the difference between the higher public salary and
12 the lower active duty military pay when called into
13 active duty status by the United States during the
14 war on terrorism which commenced in September 2001.

15 Also under existing law, employees of local
16 governmental entities may receive a salary
17 differential from their employers to compensate the
18 difference between the higher public salary and the
19 lower active duty military pay when called into
20 active duty status by the United States during the
21 war on terrorism which commenced in September 2001,
22 if the local governmental entity chooses to pay the
23 salary differential.

24 This bill would extend the mandatory salary
25 differential for any state or public education
26 employee and the discretionary salary differential
27 for a local governmental entity employee, to any

1 active service in any of the Armed Forces of the
2 United States.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Sections 31-12-5 and 31-12-6, Code of
9 Alabama 1975, to extend the salary differential for any state
10 employee, employee of a public educational entity, or employee
11 of a local government entity, who is called into active
12 service in any of the Armed Forces of the United States.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 31-12-5 and 31-12-6 of the Code
15 of Alabama 1975, are amended to read as follows:

16 "§31-12-5.

17 "(a) In addition to any other benefits provided in
18 this chapter, any state employee or any employee of a public
19 educational entity in this state who is called into active
20 service in any of the Armed Forces of the United States ~~during~~
21 ~~the war on terrorism which commenced in September 2001, under~~
22 10 U.S.C. § 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304
23 shall receive from his or her employer department or agency
24 compensation in an amount which is equal to the difference
25 between the lower active duty military base pay and the higher
26 public salary which he or she would have continued to receive
27 if not called to active service under 10 U.S.C. § 12301, 10

1 U.S.C. § 12302, or 10 U.S.C. § 12304. The amount of
2 compensation required to be paid to an employee called into
3 active service under 10 U.S.C. § 12301, 10 U.S.C. § 12302, or
4 10 U.S.C. § 12304 and this section shall be paid for the
5 ~~duration of the active military service, the length of which~~
6 ~~shall be determined by the Adjutant General of the Alabama~~
7 ~~National Guard, from the date of activation~~ length of time set
8 forth in the Uniformed Services Employment Rights Act, 38
9 U.S.C. § 4312(c) and shall be paid from funds appropriated to
10 the employer. ~~The provisions of this section shall be~~
11 ~~construed to provide for such payments retroactive to~~
12 ~~September 11, 2001, if applicable.~~

13 "(b) The personnel departments of the various
14 entities of the executive, legislative, and judicial branches
15 of state government shall coordinate efforts to adopt and
16 implement the administrative rules and procedures necessary to
17 implement this section for state employees.

18 "(c) The local school boards or other appropriate
19 governing bodies shall coordinate efforts to adopt and
20 implement the administrative rules and procedures necessary to
21 implement this section for employees of public educational
22 entities.

23 "§31-12-6.

24 "The governing body of any local governmental entity
25 in this state may provide for any public employee of the
26 entity who is called into active service in the Armed Forces
27 of the United States ~~during the war on terrorism which~~

1 ~~commenced in September 2001, under 10 U.S.C. § 12301, 10~~
2 ~~U.S.C. § 12302, or 10 U.S.C. § 12304~~ to receive from his or
3 her employer compensation in an amount which is equal to the
4 difference between the lower active duty military base pay and
5 the higher public employment salary which he or she would have
6 received if not called to active service under 10 U.S.C. §
7 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304. The amount of
8 compensation which may be paid under this section to a local
9 public employee called into active service under 10 U.S.C. §
10 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304 may be paid for
11 the length of time set forth in the Uniformed Services
12 Employment Rights Act, 38 U.S.C. § 4312(c). ~~a period as~~
13 ~~determined by the~~ The local governing body ~~under~~ shall
14 determine rules and regulations for processing claims for and
15 payments of the compensation promulgated and implemented by
16 the local governing body."

17 Section 2. The provisions of this act are severable.
18 If any part of this act is declared invalid or
19 unconstitutional, that declaration shall not affect the part
20 which remains.

21 Section 3. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 4. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.