

1 HB226
2 181368-1
3 By Representatives Rogers and Moore (M)
4 RFD: State Government
5 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, Robert E. Lee's birthday
9 is an enumerated legal public holiday observed on
10 the third Monday in January.

11 This bill would specify that Robert E. Lee's
12 birthday would be observed on the fourth Monday in
13 April.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to state holidays; to amend Section 1-3-8
20 of the Code of Alabama 1975, to specify that Robert E. Lee's
21 birthday would be observed on the fourth Monday in April.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 1-3-8, Code of Alabama 1975, is
24 amended to read as follows:

25 "§1-3-8.

26 "(a) Sunday, Christmas Day, New Year's Day, Martin
27 Luther King, Jr.'s birthday, ~~Robert E. Lee's birthday,~~ George

1 Washington's birthday, Thomas Jefferson's birthday,
2 Confederate Memorial Day, Robert E. Lee's birthday, National
3 Memorial Day, Jefferson Davis' birthday, the Fourth day of
4 July, Labor Day, Columbus Day and Fraternal Day, Veterans'
5 Day, American Indian Heritage Day, and the day designated by
6 the Governor for public thanksgiving shall each be deemed a
7 holiday. If any holiday falls on Sunday, the following day is
8 the holiday. If any holiday falls on Saturday, the preceding
9 day is the holiday. Veterans' Day shall be observed by the
10 closing of all state, county, and municipal offices, all banks
11 located within this state, and the public schools on such day.
12 Public schools, grades K to 12, inclusive, and all public
13 two-year institutions of higher education shall also be closed
14 on National Memorial Day, and such closing shall be applicable
15 to all students and non-essential employees. The
16 Superintendent of Banks, with the concurrence of not less than
17 two members of the state Banking Board, may authorize any
18 state bank to close on National Memorial Day, the last Monday
19 in May, and on such other days as may be declared by the
20 Governor to be state holidays in honor of a special event. If
21 any authorized state holiday falls on Friday, the
22 Superintendent of Banks may authorize the Saturday following
23 that Friday to be a holiday. The superintendent may also
24 authorize the closing of banks at 12:00 noon on the day prior
25 to Christmas Day, and the day prior to New Year's Day, if such
26 days fall on business days.

1 "(b) Of the above enumerated legal public holidays,
2 the following shall be observed on the dates herein
3 prescribed:

4 "(1) Robert E. Lee's birthday - the ~~third Monday in~~
5 January fourth Monday in April.

6 "(2) George Washington's birthday - the third Monday
7 in February.

8 "(3) Confederate Memorial Day - the fourth Monday in
9 April.

10 "(4) Jefferson Davis' birthday - the first Monday in
11 June.

12 "(5) Columbus Day and Fraternal Day - the second
13 Monday in October.

14 "(6) Veterans' Day - the eleventh day of November.

15 "(7) Martin Luther King, Jr.'s birthday - the third
16 Monday in January.

17 "(8) National Memorial Day - the last Monday in May.

18 "(9) Thomas Jefferson's birthday - the third Monday
19 in February.

20 "(10) American Indian Heritage Day - the second
21 Monday in October.

22 "(c) In addition to the legal holidays provided
23 above, Mardi Gras shall be deemed a holiday in Mobile and
24 Baldwin Counties and all state offices shall be closed in
25 those counties on Mardi Gras.

26 "(d) In addition to the legal holidays provided
27 above all state employees, except those employed in Baldwin

1 and Mobile Counties, shall be granted one personal leave day
2 per year. The personal leave day shall be granted on January 1
3 of each year. All state employees employed in Baldwin and
4 Mobile Counties shall be granted no personal leave day. All
5 such personal leave days granted in any year shall be used by
6 the end of the calendar year. All such personal leave days
7 shall be scheduled during the year with the approval of the
8 supervisor. Supervisors failing to schedule personal leave
9 days for employees shall justify that action in writing to the
10 Director of State Personnel and the employee shall receive pay
11 at a rate not less than the employee's usual and customary
12 rate of pay for any personal leave day not taken by December
13 31 of each year.

14 "(e) All state holidays shall be observed by the
15 closing of all state offices. Any state office may remain open
16 on a state holiday upon written notice by the appointing
17 authority to the State Personnel Board at least 60 days in
18 advance of the holiday. Provided, that any state office may be
19 opened in the event of an emergency and the State Personnel
20 Board may grant a blanket approval for the openings of state
21 offices needing to be open on holidays on a regular basis for
22 essential services. Any state employee working on a state
23 holiday shall receive a day of compensatory leave or paid
24 compensation in lieu of the holiday as provided herein.

25 "(f) Each employee shall attempt to schedule any
26 compensatory leave day provided in lieu of a regularly
27 scheduled holiday, subject to the approval of the supervisor,

1 during the quarter that the regularly scheduled holiday
2 occurred. If any compensatory leave day cannot be scheduled
3 during the designated quarter, the compensatory leave day may
4 be accumulated at the request of the employee for up to one
5 year. Supervisors failing to schedule compensatory leave days
6 for employees within the quarter, unless the day is carried
7 forward at the request of the employee, shall justify that
8 action in writing to the Director of State Personnel and the
9 employee shall receive pay at a rate not less than the
10 employee's usual and customary rate of pay for any
11 compensatory leave day to which the employee may be entitled
12 and which has not been taken."

13 Section 2. This act shall become effective on the
14 first day of January following its passage and approval by the
15 Governor, or its otherwise becoming law.