

1 HB468  
2 197976-2  
3 By Representatives England and Hill  
4 RFD: Ways and Means General Fund  
5 First Read: 18-APR-19

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8 SYNOPSIS: This bill would provide a two-step salary  
9 increase for certain employees in specified  
10 classifications of the Department of Corrections.

11 This bill would also allow certain officers  
12 and employees of the department to receive payment  
13 for any accrued and unused annual leave day in  
14 excess of 480 hours, up to a maximum of 80 hours  
15 per year.

16 Under existing law, the department is  
17 authorized to implement a pilot program designed to  
18 increase correctional officer hiring and retention  
19 by offering bonuses or educational incentives, or a  
20 combination of both, to correctional officers and  
21 trainees under certain conditions.

22 This bill would expand this program to  
23 include the payment of bonuses for additional  
24 training achievements and certain milestones  
25 achieved by employees in specified classifications  
26 under certain conditions.

1                   This bill would also revise the cap on the  
2                   amount of bonuses that may be paid to the officers  
3                   under the program and would provide that no bonuses  
4                   may be paid by the department after December 31,  
5                   2025.

6  
7                   A BILL  
8                   TO BE ENTITLED  
9                   AN ACT

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11                   Relating to the Department of Corrections; to  
12                   provide a two-step salary increase for certain employees of  
13                   the Department of Corrections in specified classifications; to  
14                   amend Section 36-26-35, Code of Alabama 1975, to allow certain  
15                   officers and employees of the department to receive payment  
16                   for any accrued and unused annual leave in excess of 480  
17                   hours, up to a specified amount; to amend Section 14-1-20,  
18                   Code of Alabama 1975, to expand the bonus incentive program of  
19                   the department to include the payment of bonuses for  
20                   additional training achievements and certain milestones  
21                   achieved by employees in specified classifications under  
22                   certain conditions; to revise the cap on the amount of bonuses  
23                   that may be paid to the officers under the program; and to  
24                   specify the time frame in which bonuses may be paid by the  
25                   department.

26                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) Effective October 1, 2019, all  
2 employees of the Department of Corrections in the correctional  
3 officer classification series, as recommended by the  
4 Department of Corrections and approved by the State Personnel  
5 Department, shall receive a one-time two-step salary increase  
6 without affecting normal annual merit raise considerations,  
7 provided that the increases are within established pay ranges  
8 for the respective classifications.

9           (b) The Director of the State Personnel Department  
10 shall certify that the increases provided for in subsection  
11 (a) are within the established pay ranges for the respective  
12 classifications to the State Comptroller who shall issue  
13 warrants in accordance with this section.

14           Section 2. Sections 36-26-35 and 14-1-20, Code of  
15 Alabama 1975, are amended to read as follows:

16           "§36-26-35.

17           (a) All persons who are regularly employed by the  
18 state and who are subject to the provisions of the state Merit  
19 System, and all legislative personnel, officers, and employ-  
20 ees, including, but not limited to, Legislative Reference Ser-  
21 vice personnel, whether subject to the state Merit System or  
22 not, shall be entitled to accumulate annual leave on the basis  
23 of biweekly pay periods through the payday on March 17, 2006,  
24 as follows:

25           Employee's total	Accumulation of	
26           service with:	leave per pay period	Annual Accumulation

1	Fewer than five	4 hours	13 days
2	years' service		
3	Five but less than	5 hours	16 days 2 hours
4	10 years' service		
5	10 but less than	6 hours	19 days 4 hours
6	15 years' service		
7	15 but less than	7 hours	22 days 6 hours
8	20 years' service		
9	20 but less than	8 hours	26 days
10	25 years' service		
11	25 years of ser-	9 hours	29 days 2 hours
12	vice or more		

13 (b) Beginning with the payday on April 3, 2006, all  
14 persons who are regularly employed by the state and who are  
15 subject to the provisions of the state Merit System, and all  
16 legislative personnel, officers, and employees, including, but  
17 not limited to, Legislative Reference Service personnel,  
18 whether subject to the state Merit System or not, shall be en-  
19 titled to accumulate annual leave on the basis of semi-monthly  
20 pay periods as follows:

21	Employee's total	Accumulation of	
22	service with:	leave per pay period	Annual Accumulation
23	Fewer than five	4 hours 20 minutes	13 days

	Employee's total service with: years' service	Accumulation of leave per pay period	Annual Accumulation
1			
2	Five but less than	5 hours 25 minutes	16 days 2 hours
3	10 years' service		
4	10 but less than	6 hours 30 minutes	19 days 4 hours
5	15 years' service		
6	15 but less than	7 hours 35 minutes	22 days 6 hours
7	20 years' service		
8	20 but less than	8 hours 40 minutes	26 days
9	25 years' service		
10	25 years of ser-	9 hours 45 minutes	29 days 2 hours
11	vice or more		

12 (c) Maximum accrued leave after 25 years of service  
13 shall be limited to 29 1/4 days per year, and the maximum  
14 number of days of annual leave which may be carried over at  
15 the end of each year shall be limited to 60 days.

16 (d) Any law enforcement officer in the Department of  
17 Public Safety shall be entitled to receive payment for any  
18 accrued and unused annual leave days in excess of 60 days, up  
19 to a maximum of 10 days per year. Payment shall be calculated  
20 using the officer's regular rate of pay.

21 (e) Any merit classification of employee of the  
22 Department of Corrections requiring certification as

1 correctional or law enforcement officers by the Alabama Peace  
2 Officers' Standards and Training Commission may receive  
3 payment for any accrued and unused annual leave hours in  
4 excess of 480 hours, up to a maximum of 80 hours per year.  
5 Payment shall be calculated using the employee's regular rate  
6 of pay.

7 "§14-1-20.

8 (a) The Alabama Department of Corrections ~~shall have~~  
9 ~~the authority to~~ may establish a ~~pilot~~ program designed to  
10 increase correctional officer hiring and retention by offering  
11 bonuses or ~~educational~~ training incentives, or a combination  
12 of both, to ~~correctional officers~~ employees in specified  
13 correction officer classifications for remaining employed by  
14 the department for consecutive terms of employment.

15 (b) ~~(1) It is the intent of this section to authorize~~  
16 ~~the~~ The department to ~~may~~ grant a ~~one-time bonus~~ bonuses to  
17 employees ~~in the correctional officer trainee classification~~  
18 of the department, to be paid incrementally, upon successful  
19 completion of ~~the Alabama Department of Corrections Training~~  
20 Academy. certain training programs and upon the attainment of  
21 certain career milestones, provided the employee is an active  
22 employee of the department on the date the bonus payment is  
23 made, to be granted as follows:

24 (1)a. Correctional Officer bonuses shall be awarded  
25 as follows:

26 1. A one thousand five hundred dollar (\$1,500) bonus  
27 for successful completion of an Alabama Department of

1 Corrections Training Academy class or successful completion of  
2 an Alabama Peace Officers' and Standards Training Commission  
3 law enforcement refresher class.

4 2. A one thousand five hundred dollar (\$1,500) bonus  
5 for attainment of status as a Correctional Officer.

6 3. A one thousand eight hundred seventy-five dollar  
7 (\$1,875) bonus for attainment of status as a Correctional  
8 Officer Senior upon creation of the position by the State  
9 Personnel Board.

10 4. A two thousand six hundred twenty-five dollar  
11 (\$2,625) bonus upon the one-year anniversary of the attainment  
12 of status as a Correctional Officer Senior upon creation of  
13 the position by the State Personnel Board.

14 b. Other Correctional Officers of the Department of  
15 Corrections may receive promotional or retention bonuses  
16 subject to the limitation in subdivision (3), upon  
17 recommendation of the Department of Corrections and approval  
18 by the State Personnel Department.

19 ~~(2) The department may also grant an annual bonus to~~  
20 ~~employees of the department who are in the correctional~~  
21 ~~officer trainee classification or the correctional officer~~  
22 ~~classification, have less than six years of service, and~~  
23 ~~successfully complete one year of employment with the~~  
24 ~~department~~

25 (2) The bonuses described in subdivision (1) shall  
26 be paid by the department to new appointments, transfers, and  
27 promotions as provided in subdivision (1) beginning on the



1 effective date of the act adding this amendatory language and  
2 continuing through December 31, 2022. No bonus payment  
3 pursuant to this section may be made by the department after  
4 December 31, 2025. If the staffing targets of the department  
5 are achieved prior to December 31, 2022, the department may  
6 discontinue the bonus program for any further appointments.

7 (3) In no event shall the total bonus payments under  
8 ~~the program~~ this section total more than ~~three~~ seven thousand  
9 five hundred dollars ~~(\$3,500)~~ (\$7,500) per ~~person~~ employee.

10 (4) In no event shall any employee of the department  
11 who separates from the department after April 1, 2019, be  
12 eligible for any incentives under this program.

13 ~~(c) Unless otherwise authorized by an act of the~~  
14 ~~Legislature, the program established under this section shall~~  
15 ~~expire on December 31, 2020.~~

16 ~~(d)~~ (c) No bonus payments received by an employee of  
17 the Department of Corrections under this section shall be used  
18 in the computation of retirement or other benefits.

19 ~~(e) Prior to the implementation of a pilot program,~~  
20 ~~the proposed plan of the Department of Corrections shall be~~  
21 ~~reviewed and approved by the Joint Legislative Prison~~  
22 ~~Oversight Committee for conformity with the recommendations of~~  
23 ~~Warren Averett related to recruitment and retention pursuant~~  
24 ~~to the Phase 2A Understaffing Remedial Order of the federal~~  
25 ~~court in the case of Braggs v. Dunn, Civil Action No.~~  
26 ~~2:14cv601-MHT.~~

1           ~~(f)~~(d) The department shall report annually on the  
2 first legislative day of the Regular Session of the  
3 Legislature to the Chairs of the House Ways and Means, General  
4 Fund Committee, the Senate Committee on Finance and Taxation,  
5 General Fund, and the Joint Legislative Prison Oversight  
6 Committee on the number and amount of bonuses paid under the  
7 program.

8           ~~(g)~~(e) It is not the intention of this section to  
9 make appropriations, but the program established by the  
10 department is subject to the appropriations made for the  
11 department in the annual ~~budget~~ appropriations act.

12           Section 3. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.