

1 HB588  
2 168577-1  
3 By Representatives Greer, Mooney, Moore (B), Chesteen, Sells,  
4 Wood, Holmes (M), Williams (JW), Carns, Martin, Brown, Davis,  
5 Clouse, Lee, Faust, Williams (JD), Wilcox, Butler,  
6 Williams (P), Garrett, Fridy and Weaver  
7 RFD: Ways and Means General Fund  
8 First Read: 30-APR-15

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8 SYNOPSIS: This bill would require the Governor to  
9 order two mandatory furlough days for state  
10 employees during the 2015-2016 Fiscal Year on days  
11 designated as state holidays.

12 This bill would limit the number of paid  
13 state holidays for state employees during a  
14 calendar year to 13.

15 This bill would also limit leave or  
16 compensation for those working on a state holiday  
17 to the lessor of eight hours of the time worked and  
18 would define a state holiday as an eight-hour day.

19  
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23  
24 To require the Governor to order two mandatory  
25 furlough days for state employees during the 2015-2016 Fiscal  
26 Year on days designated as state holidays; to amend Section  
27 1-3-8, Code of Alabama 1975, to limit the number of paid state

1 holidays for state employees; to limit the leave or  
2 compensation to the lessor of eight hours or the time worked;  
3 and to define a state holiday as an eight-hour day.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) During the 2015-2016 Fiscal Year, the  
6 Governor shall order two mandatory furlough days for state  
7 employees on days, other than a Saturday or Sunday, that are  
8 designated state holidays under Section 1-3-8(a), Code of  
9 Alabama 1975.

10 (b) Employees who are deemed essential to the  
11 operation of state government and are required to work on a  
12 furlough day shall only receive regular compensation for those  
13 hours which are physically worked.

14 (c) Nothing in this section shall be deemed to  
15 supersede the rights granted to employees under the Fair Labor  
16 Standards Act of 1938, 29 U.S.C. 201, et seq.

17 (d) Except for an employee covered by subsection  
18 (b), an employee who is included in a furlough under  
19 subsection (a) shall not receive any compensation for the  
20 furlough day but shall be considered in full pay status for  
21 benefit purposes, including, but not limited to, leave  
22 accruals and seniority rights.

23 Section 2. Section 1-3-8, Code of Alabama 1975, is  
24 amended to read as follows:

25 "§1-3-8.

26 "(a) (1) Sunday, Christmas Day, New Year's Day,  
27 Martin Luther King, Jr.'s birthday, Robert E. Lee's birthday,

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

26 (2) Notwithstanding subdivision (1), there shall be  
27 no more than 13 paid state holidays in a calendar year for

1 state employees. If the Governor declares more than 13 state  
2 holidays, the additional holidays shall be unpaid.

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

6 "(1) Robert E. Lee's birthday - the third Monday in  
7 January.

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

10 "(3) Confederate Memorial Day - the fourth Monday in  
11 April.

12 "(4) Jefferson Davis' birthday - the first Monday in  
13 June.

14 "(5) Columbus Day and Fraternal Day - the second  
15 Monday in October.

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

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

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

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

22 "(10) American Indian Heritage Day - the second  
23 Monday in October.

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

1           "(d) In addition to the legal holidays provided  
2 above all state employees, except those employed in Baldwin  
3 and Mobile Counties, shall be granted one personal leave day  
4 per year. The personal leave day shall be granted on January 1  
5 of each year. All state employees employed in Baldwin and  
6 Mobile Counties shall be granted no personal leave day. All  
7 such personal leave days granted in any year shall be used by  
8 the end of the calendar year. All such personal leave days  
9 shall be scheduled during the year with the approval of the  
10 supervisor. Supervisors failing to schedule personal leave  
11 days for employees shall justify that action in writing to the  
12 Director of State Personnel and the employee shall receive pay  
13 at a rate not less than the employee's usual and customary  
14 rate of pay for any personal leave day not taken by December  
15 31 of each year.

16           "(e) (1) All state holidays shall be observed by the  
17 closing of all state offices. Any state office may remain open  
18 on a state holiday upon written notice by the appointing  
19 authority to the State Personnel Board at least 60 days in  
20 advance of the holiday. Provided, that any state office may be  
21 opened in the event of an emergency and the State Personnel  
22 Board may grant a blanket approval for the openings of state  
23 offices needing to be open on holidays on a regular basis for  
24 essential services. Any state employee working on a state  
25 holiday shall receive ~~a day~~ one hour of compensatory leave or  
26 paid compensation for each hour worked up to a maximum of  
27 eight hours in lieu of the holiday as provided herein.

1                   "(2) For the purposes of this subsection, a "state  
2                   holiday" means an eight-hour day.

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

18                  Section 3. This act shall become effective  
19                  immediately following its passage and approval by the  
20                  Governor, or its otherwise becoming law.