

1 HB314  
2 156602-1  
3 By Representatives Black, Burdine, Scott, Jackson, McCampbell,  
4 Melton, Coleman-Evans, Buskey, Ford and Boyd  
5 RFD: Ways and Means Education  
6 First Read: 21-JAN-14

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8 SYNOPSIS: This bill provides for a cost-of-living  
9 increase for public education employees and certain  
10 retirees and beneficiaries under the Teachers'  
11 Retirement System.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
17 Relating to the salaries of public education  
18 employees, to provide for a revision of the State Minimum  
19 Salary Schedule to reflect a pay increase of at least six  
20 percent beginning with the fiscal year 2014-15; to provide  
21 that each employee of certain boards of education shall  
22 receive the pay increase according to placement on the  
23 appropriate salary step; to require the appropriate increase  
24 on the State Minimum Salary Schedule; to provide support  
25 employees with at least a \$1,000 pay increase or a six percent  
26 cost-of-living adjustment (whichever amount is greater)  
27 beginning with the fiscal year 2014-15; to require salary

1 schedules; to provide the employees of certain other public  
2 educational institutions and schools with a six percent  
3 cost-of-living adjustment for the fiscal year beginning with  
4 2014-15; to provide for an across-the-board salary increase on  
5 all two-year postsecondary salary schedules; to establish  
6 other requirements on the two-year postsecondary salary  
7 schedules; to provide for a six percent cost-of-living  
8 adjustment for retirees of the Teachers' Retirement System  
9 beginning October 1, 2014; to establish miscellaneous pay  
10 provisions; to require appropriations in the annual Education  
11 Budget Act to meet the requirements of this act; and in  
12 connection therewith would have as its purpose or effect the  
13 requirement of a new or increased expenditure of state and  
14 local funds.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. PAY INCREASE, FY 2014-15. (a) The State  
17 Budget Officer shall allocate to the State Board of Education,  
18 the Board of Trustees of the Alabama Institute for Deaf and  
19 Blind, the Board of Youth Services School District, the Board  
20 of Directors of the Alabama School of Fine Arts, and the Board  
21 of Trustees of the Alabama School of Mathematics and Science  
22 and for disbursement to the employees thereof funds based on  
23 the criteria established in this act. It is not the intent of  
24 this act to make appropriations, but the appropriations  
25 required by this act shall be made in the annual budget act  
26 for the public schools and colleges for the designated fiscal  
27 years.

1                   (1) (a) Certificated Personnel (K-12). For the fiscal  
2 year beginning October 1, 2014, and each year thereafter, each  
3 certificated employee at all city and county school systems  
4 and the teachers at the Department of Youth Services School  
5 District shall receive a six percent salary increase. Each  
6 step and cell on the State Minimum Salary Schedule contained  
7 in the annual budget act for the public schools shall be in-  
8 creased by the amounts below for fiscal year 2014-15, the  
9 State Minimum Salary Schedule shall reflect the following per-  
10 centage increases:

11	Step	Years of Experience	Increase
12	1	Less than 3	6.0%
13	2	3 but less than 6	6.0%
14	3	6 but less than 9	6.0%
15	4	9 but less than 12	6.0%
16	5	12 but less than 15	6.0%
17	6	15 but less than 18	6.0%
18	7	18 but less than 21	6.0%
19	8	21 or greater	6.0%
20	9	24 but less than 27	6.0%
21	10	27 or more	6.0%

1 All certificated employees, including the Adult  
2 Basic Education and Science in Motion employees, shall be  
3 guaranteed the pay increase in the amounts indicated above in  
4 subsection (a) for their years of experience and degrees  
5 earned and the corresponding pay increase shall be reflected  
6 in the appropriate local salary schedule and paid to each  
7 certificated employee. The provisions and requirements of this  
8 act shall be in addition to the provisions of Section  
9 16-13-231.1, Code of Alabama 1975, relating to the State  
10 Minimum Salary Schedule. Each certificated employee shall be  
11 properly placed on the local salary schedule according to  
12 degree earned and years of public education service (either  
13 in-state or out-of-state), which shall be not less than the  
14 amounts appropriated for the State Minimum Salary Schedule.  
15 The employee shall be paid according to degree earned and  
16 length of public education experience. A six percent pay  
17 increase shall be given to each person employed for the  
18 2014-15 fiscal year in addition to any state or local step  
19 increase to which the employee is otherwise entitled. The  
20 local boards of education shall transmit to the State  
21 Department of Education the appropriate notice of the earned  
22 advanced degree for each employee in a timely fashion;  
23 thereafter, the employee shall be paid for the advanced degree  
24 as soon as the degree is certified to the State Department of  
25 Education as being earned. The annual budget act for public  
26 education shall contain an appropriation of at least five

1 thousand dollars (\$5,000) for each teacher and principal who  
2 has successfully completed the certification process offered  
3 by the National Board of Professional Teaching Standards  
4 (NBPTS). Payment for passing the NBPTS test shall be  
5 appropriated from the Education Trust Fund and shall be given  
6 to the qualified teacher or principal.

7 (2) Education Support Personnel (K-12). A six  
8 percent salary increase or one thousand dollars (\$1,000),  
9 whichever amount is greater, beginning with fiscal year  
10 2014-15, shall be paid to each public education support worker  
11 and adult bus driver, including Adult Basic Education and  
12 Science in Motion personnel, employed for the 2014-15 fiscal  
13 year in addition to the salary received during the 2014-15  
14 fiscal year, except employees covered under the state's Merit  
15 System at the Department of Youth Services District. Each  
16 governing body or authority shall establish and maintain a  
17 salary schedule for each class and type of employee and each  
18 step of each salary schedule shall be increased to reflect a  
19 six percent salary increase or a minimum of one thousand  
20 dollars (\$1,000), whichever amount is greater, beginning with  
21 fiscal year 2014-15 which shall be given to the persons  
22 employed full-time for the 2014-15 fiscal year and each year  
23 employed full-time thereafter. The base rate of pay for  
24 part-time support employees shall be increased by six percent  
25 beginning with fiscal year 2014-15. A separate local salary  
26 schedule shall be established and maintained for each specific  
27 job performed. Child Nutrition Program workers shall be fully

1 funded from the Foundation Program appropriation in the  
2 Education Trust Fund appropriation act, and shall therefore be  
3 subsequently fully funded by all local boards of education  
4 from funds provided in Other Current Expense and not from  
5 funds generated by the Child Nutrition Program unless the  
6 local school system's Child Nutrition Program has in excess of  
7 a three-month operating reserve. Before any funds may be  
8 utilized by the local board of education to pay for salaries  
9 or fringe benefits, the State Department of Education Child  
10 Nutrition Program Administrator shall conduct an analysis of  
11 each local board of education's Child Nutrition Program, and  
12 certify that the program meets the three-month balance as of  
13 the end of the previous fiscal year and shall therefore insure  
14 that the use of the funds in excess of a three-month balance  
15 will not be detrimental to the local Child Nutrition Program.  
16 The State Department of Education Child Nutrition Program  
17 Administrator shall certify to the State Superintendent of  
18 Education that funds utilized in excess of a three-month  
19 balance as of the end of the previous fiscal year are in  
20 excess of any funds contained in an approved corrective plan  
21 submitted by the local school system's Child Nutrition Program  
22 for expenditures at each applicable school site for  
23 facilities, equipment, personnel, and/or salary schedule  
24 adjustments.

25 (3) AIDB. For fiscal years 2014-15, employees at the  
26 Alabama Institute for Deaf and Blind shall receive a pay  
27 increase which shall be in excess of their salaries received

1 during the 2014-15 fiscal year. The increase shall be as  
2 follows:

3 a. Certificated. The salary schedule for certifi-  
4 cated employees shall be revised to reflect at least the fol-  
5 lowing amount of raises beginning with the fiscal year  
6 2014-15:

7	Step	Years of Experience	Increase
8	1	Less than 3	6.0%
9	2	3 but less than 6	6.0%
10	3	6 but less than 9	6.0%
11	4	9 but less than 12	6.0%
12	5	12 but less than 15	6.0%
13	6	15 but less than 18	6.0%
14	7	18 but less than 21	6.0%
15	8	21 or greater	6.0%
16	9	24 but less than 27	6.0%
17	10	27 or more	6.0%

18 b. Support. A six percent salary increase or one  
19 thousand dollars (\$1,000), whichever amount is greater,  
20 beginning with the fiscal year 2014-15 shall be given to each  
21 support worker employed full-time by the Alabama Institute for  
22 Deaf and Blind. A separate local salary schedule shall be



1 established and maintained for each specific job performed.  
2 The pay increases in this act shall be incorporated into the  
3 support employees' salary schedules. The base rate of pay for  
4 part-time support employees shall be increased by six percent  
5 for the 2014-15 fiscal year.

6 c. Miscellaneous Requirements. The AIDB board shall  
7 establish and maintain a salary schedule for each class and  
8 type of employee and each step of each salary schedule for  
9 fiscal year 2014-15 shall be increased to reflect the pay  
10 increases above to be given to each person employed for the  
11 2014-15 fiscal year and each year employed thereafter. The  
12 raises contained in this subsection shall be paid to each  
13 employee.

14 (4) Two-Year Postsecondary Institutions. The State  
15 Board of Education shall revise all salary schedules of the  
16 two-year postsecondary institutions to reflect an increase of  
17 six percent for the 2014-15 fiscal year. The pay increase  
18 shall be given to each person employed in addition to any step  
19 increase to which the employee is otherwise entitled. The  
20 Postsecondary Education Department shall take proper steps to  
21 ensure that employees on all salary schedules (including the  
22 C-3 schedules) are given full credit for prior work experience  
23 in the public schools and colleges, and shall take care to  
24 ensure proper placements on the salary schedules. Placement on  
25 the revised salary schedules shall be in accordance with the  
26 employee's length of service in public education. No pay  
27 increase shall be given to any two-year postsecondary employee

1 in excess of six percent for the 2014-15 fiscal year, except  
2 as specifically provided in this act.

3 (5) Miscellaneous provisions. The following  
4 provisions are hereby established:

5 a. Fiscal Year. All salaries and salary increases  
6 which are established by the State Board of Education shall be  
7 paid in full to each person employed before the end of the  
8 applicable fiscal year as defined in Section 16-1-1 of the  
9 Code of Alabama 1975, as amended.

10 b. Extended Work. Public K-12 school employees on  
11 contracts which extend beyond 187 days or the hourly  
12 equivalent thereof shall be given a pro rata salary increment  
13 for each or partial day of work extending beyond 187 days.

14 c. Local Increment. Any cost-of-living adjustment  
15 and/or increase on the State Minimum Salary Schedule for  
16 teachers as provided in this act shall be exclusive of any  
17 local pay increase granted or due to teachers under provisions  
18 of any local salary schedule. Any cost-of-living adjustment  
19 and/or pay increase required by this act for public school  
20 support personnel shall be in addition to any pay increase due  
21 or granted to the employee under provisions of any local  
22 salary schedules. The pay raise provisions of this act shall  
23 not apply to any salary supplements granted by local boards of  
24 education, bonuses earned for certification by the National  
25 Board of Professional Teaching Standards, or the federal  
26 portion of the salary paid to a Junior Reserve Officer

1 Training Corps (JROTC) instructor employed by a local school  
2 board.

3 d. Reduced Pay. No employee shall be dismissed or  
4 have his or her work hours reduced or extended or have his or  
5 her salary reduced because of the provisions of any pay raise  
6 enacted by the Legislature or required by the State Board of  
7 Education.

8 e. Community Education. Each county and city board  
9 of education shall have the option to exclude from the  
10 provisions of this act any part-time employees of community  
11 education or school-sponsored child care or child enrichment  
12 program which is supplemental to the state-required  
13 educational program.

14 f. Local Chief Executive Officers. The pay raise  
15 provisions of this act shall not apply to superintendents of  
16 education of any school system or institution. Any pay  
17 increase given to a superintendent shall be by majority  
18 recorded vote of the governing body or authority.

19 g. Career-Technical Programs. There shall be no  
20 cutbacks or decreases in the Career-Technical Programs of any  
21 board as a result of this or any preceding pay raise act of  
22 the Legislature. Neither the salaries nor the number of career  
23 technical employee positions are to be reduced or diminished  
24 in any manner or method as a result of the passage of this act  
25 or any prior act after the 1995 fiscal year granting a pay  
26 increase to any employee of the board. It shall be strictly  
27 prohibited for any board or chief executive officer to take

1 monies from the Career-Technical Program to finance, in whole  
2 or in part, the programs or the salaries of the employees in  
3 the Career-Technical Program of the board, and the State Board  
4 of Education shall take care to protect the viability of the  
5 Career-Technical Programs of each board.

6 Section 2. (a) Beginning October 1, 2014, there is  
7 provided a cost-of-living adjustment (COLA) in the amount of  
8 six percent of the current gross benefit, but not less than  
9 fifteen dollars (\$15) per month to each person currently  
10 receiving benefits whose effective date of retirement was  
11 prior to October 1, 2013, for purposes of receiving benefits,  
12 and to certain beneficiaries of deceased members and deceased  
13 retirees currently receiving survivor benefits, if the  
14 effective date of retirement or death for the deceased retiree  
15 or deceased member was prior to October 1, 2013, for purposes  
16 of receiving benefits from the Teachers' Retirement System.

17 (b) Any future survivor allowance shall be adjusted  
18 as provided in the members' original option selection for  
19 those eligible retirees who have selected a monthly survivor  
20 allowance payable to a designated beneficiary upon the death  
21 of the retiree, or otherwise provided by law in the case of a  
22 qualifying member who dies prior to the effective date of this  
23 act.

24 (c) Any person who receives benefits under the  
25 Medicaid program and whose eligibility for the benefits would  
26 be impaired by the cost-of-living increase provided by this  
27 act shall not be entitled to receive the increase. Any person

1 who shall subsequently apply for benefits under the Medicaid  
2 program and who would have his or her eligibility to receive  
3 benefits impaired by the cost-of-living increase provided by  
4 this act, shall not be entitled to receive the increase after  
5 the date that the member files application for benefits under  
6 the Medicaid program.

7 (d) The Board of Control of the Teachers' Retirement  
8 System shall determine annually the amount required to pay the  
9 cost of the increased allowance provided under this act, and  
10 shall notify the chief financial officer of each employer of  
11 the per centum rates of earnable compensation of the members  
12 required to be paid to the retirement system. Each employer of  
13 members of the Teachers' Retirement System shall pay on  
14 account of the increase provided in this act in the same  
15 manner and from the same sources of funds as provided in  
16 Section 16-25-21, Code of Alabama 1975, it being the intent of  
17 the Legislature that the cost of providing the increase in  
18 this act shall be distributed from all funds in proportion to  
19 the salaries paid therefrom for active members.

20 Section 3. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621 because the  
24 bill requires expenditures only by a school board.

25 Section 4. This act shall take precedence over any  
26 other act of law.

1                   Section 5. The provisions of this act are severable.  
2                   If any part of this act is declared invalid or  
3                   unconstitutional, that declaration shall not affect the part  
4                   which remains.

5                   Section 6. This act shall become effective  
6                   immediately following its passage and approval by the  
7                   Governor, or its otherwise becoming law.