

1 SB365
2 156774-1
3 By Senator Keahey
4 RFD: Finance and Taxation Education
5 First Read: 13-FEB-14

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8 SYNOPSIS: This bill would provide for a revision of
9 the State Minimum Salary Schedule to reflect pay
10 increases of at least six percent beginning with
11 the fiscal year 2014-2015.

12 This bill would provide that each employee
13 of certain boards of education shall receive the
14 pay increase according to placement on the
15 appropriate salary step.

16 This bill would require the appropriate
17 increases on the State Minimum Salary Schedule.

18 This bill would provide support employees
19 with a one thousand dollar (\$1,000) or a six
20 percent pay increase, whichever amount is greater.

21 This bill would require salary schedules.

22 This bill would provide the employees of
23 certain other public educational institutions and
24 schools with a six percent pay increase.

25 This bill would provide for an
26 across-the-board pay increase on all two-year
27 postsecondary salary schedules.

1 This bill would establish other requirements
2 on the two-year postsecondary salary schedules.

3 This bill would establish miscellaneous pay
4 provisions.

5 This bill would also provide for a
6 cost-of-living adjustment to the retirement
7 benefits of certain retirees and beneficiaries.

8 Amendment 621 of the Constitution of Alabama
9 of 1901, now appearing as Section 111.05 of the
10 Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, prohibits a general
12 law whose purpose or effect would be to require a
13 new or increased expenditure of local funds from
14 becoming effective with regard to a local
15 governmental entity without enactment by a 2/3 vote
16 unless: it comes within one of a number of
17 specified exceptions; it is approved by the
18 affected entity; or the Legislature appropriates
19 funds, or provides a local source of revenue, to
20 the entity for the purpose.

21 The purpose or effect of this bill would be
22 to require a new or increased expenditure of local
23 funds within the meaning of the amendment. However,
24 the bill does not require approval of a local
25 governmental entity or enactment by a 2/3 vote to
26 become effective because the bill requires
27 expenditures only by a school board.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT

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6 Relating to the salaries of public education
7 employees; to provide for a revision of the State Minimum
8 Salary Schedule to reflect pay increases of at least six
9 percent beginning with the fiscal year 2014-2015; to provide
10 that each employee of certain boards of education shall
11 receive the pay increase according to placement on the
12 appropriate salary step; to require the appropriate increases
13 on the State Minimum Salary Schedule; to provide support
14 employees with a one thousand dollar (\$1,000) or a six percent
15 pay increase, whichever amount is greater; to require salary
16 schedules; to provide the employees of certain other public
17 educational institutions and schools with a six percent pay
18 increase; to provide for an across-the-board pay increase on
19 all two-year postsecondary salary schedules; to establish
20 other requirements on the two-year postsecondary salary
21 schedules; to establish miscellaneous pay provisions; to
22 provide for a cost-of-living adjustment to the retirement
23 benefits of certain retirees and beneficiaries; and in
24 connection therewith would have as its purpose or effect the
25 requirement of a new or increased expenditure of local funds
26 within the meaning of Amendment 621 of the Constitution of
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) PAY INCREASES, FY 2014-2015. The
5 State Budget Officer shall allocate to the State Board of
6 Education, the Board of Trustees of the Alabama Institute for
7 Deaf and Blind, the Board of Youth Services School District,
8 the Board of Directors of the Alabama School of Fine Arts, and
9 the Board of Trustees of the Alabama School of Mathematics and
10 Science and for disbursement to the employees thereof funds
11 based on the criteria established in this section. It is not
12 the intent of this act to make appropriations, but the
13 appropriations required by this section shall be made in the
14 annual budget act for the public schools and colleges for the
15 designated fiscal year.

16 (1) Certificated Personnel (K-12). For the fiscal
17 year beginning October 1, 2014, and each year thereafter, each
18 certificated employee at all city and county school systems
19 and the teachers at the Department of Youth Services School
20 District shall receive a six percent salary increase. Each
21 step and cell on the State Minimum Salary Schedule contained
22 in the annual budget act for the public schools shall be in-
23 creased by the amounts below for fiscal year 2014-2015, the
24 State Minimum Salary Schedule shall reflect the following per-
25 centage increase:

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

All certificated employees, including the Adult Basic Education and Science in Motion employees, shall be guaranteed pay increases in the amounts indicated above for their years of experience and degrees earned and the corresponding pay increases shall be reflected in the appropriate local salary schedule and paid to each certificated employee. The provisions and requirements of this section shall be in addition to the provisions of Section 16-13-231.1, Code of Alabama 1975, relating to the State Minimum Salary Schedule. Each certificated employee shall be properly placed on the local salary schedule according to degree earned and years of public education service (either

1 in-state or out-of-state), which shall be not less than the
2 amounts appropriated for the State Minimum Salary Schedule.
3 The employee shall be paid according to degree earned and
4 length of public education experience. The pay increase shall
5 be given to each person employed for the 2014-2015 fiscal
6 year, and subsequent fiscal years, in addition to any state or
7 local step increase to which the employee is otherwise
8 entitled. The local board of education shall transmit to the
9 State Department of Education the appropriate notice of the
10 earned advanced degree for each employee in a timely fashion;
11 thereafter, the employee shall be paid for the advanced degree
12 as soon as the degree is certified to the State Department of
13 Education as being earned. The annual budget act for public
14 education shall contain an appropriation of at least five
15 thousand dollars (\$5,000) for each teacher who has
16 successfully completed the certification process offered by
17 the National Board of Professional Teaching Standards (NBPTS).
18 Payment for passing the NBPTS test shall be appropriated from
19 the Education Trust Fund and shall be given to the qualified
20 teacher.

21 (2) Education Support Personnel (K-12). A six
22 percent salary increase or one thousand dollars (\$1,000),
23 whichever amount is greater, shall be paid to each public
24 education support worker and adult bus driver, including Adult
25 Basic Education and Science in Motion personnel, employed for
26 the 2014-2015 fiscal year in addition to the salary received
27 during the 2013-2014 fiscal year, except employees covered

1 under the state's Merit System at the Department of Youth
2 Services District. Each governing body or authority shall
3 establish and maintain a salary schedule for each class and
4 type of employee and each step of each salary schedule shall
5 be increased to reflect a six percent pay increase or a
6 minimum of one thousand dollars (\$1,000), whichever is
7 greater, which shall be given to the person employed full-time
8 for the 2014-2015 fiscal year and each year employed full-time
9 thereafter. The base rate of pay for part-time support
10 employees shall be increased by six percent. A separate local
11 salary schedule based upon objective criteria shall be
12 established and maintained for each specific job performed.
13 Child Nutrition Program workers shall be fully funded from the
14 Foundation Program appropriation in the Education Trust Fund
15 appropriation act, and shall therefore be subsequently fully
16 funded by all local boards of education from funds provided in
17 Other Current Expenses and not from funds generated by the
18 Child Nutrition Program unless the local school system's Child
19 Nutrition Program has in excess of a three-month operating
20 reserve. Before any funds may be utilized by the local board
21 of education to pay salary or fringe benefits, the State
22 Department of Education Child Nutrition Program Administrator
23 shall conduct an analysis of each local board of education's
24 Child Nutrition Program, and certify that the program meets
25 the three-month balance as of the end of the previous fiscal
26 year and shall therefore insure that the use of the funds in
27 excess of a three-month balance will not be detrimental to the

1 local Child Nutrition Program. The State Department of
2 Education Child Nutrition Program Administrator shall certify
3 to the State Superintendent of Education that funds utilized in
4 excess of a three-month balance as of the end of the previous
5 fiscal year are in excess of any funds contained in an
6 approved corrective plan submitted by the local school
7 system's Child Nutrition Program for expenditures at each
8 applicable school site for facilities, equipment, personnel,
9 or salary schedule adjustments.

10 (3) AIDB. For the fiscal year 2014-2015, employees
11 at the Alabama Institute for Deaf and Blind shall receive pay
12 increases which shall be in excess of their salaries received
13 during the 2013-2014 fiscal year. The increase shall be as
14 follows:

15 a. Certificated. The salary schedule for certifi-
16 cated employees shall be revised to reflect at least the fol-
17 lowing amounts of raises:

| 18 | Step | Years of Experience | Increase |
|----|------|---------------------|----------|
| 19 | 1 | Less than 3 | 6.0% |
| 20 | 2 | 3 but less than 6 | 6.0% |
| 21 | 3 | 6 but less than 9 | 6.0% |
| 22 | 4 | 9 but less than 12 | 6.0% |
| 23 | 5 | 12 but less than 15 | 6.0% |
| 24 | 6 | 15 but less than 18 | 6.0% |

| | | | |
|---|----|---------------------|------|
| 1 | 7 | 18 but less than 21 | 6.0% |
| 2 | 8 | 21 or greater | 6.0% |
| 3 | 9 | 24 but less than 27 | 6.0% |
| 4 | 10 | 27 or more | 6.0% |

5 b. Support. A six percent salary increase or one
6 thousand dollars (\$1,000), whichever amount is greater, shall
7 be given to each support worker employed full-time by the
8 Alabama Institute for Deaf and Blind for the fiscal year
9 2014-2015. A separate local salary schedule shall be
10 established and maintained for each specific job performed.
11 The pay increase in this section shall be incorporated into
12 the support employees' salary schedules. The base rate of pay
13 for part-time support employees shall be increased by six
14 percent for the 2014-2015 fiscal year.

15 c. Miscellaneous Requirements. The AIDB board shall
16 establish and maintain a salary schedule for each class and
17 type of employee based upon objective criteria and each step
18 of each salary schedule for fiscal year 2014-2015 shall be
19 increased to reflect the pay increase above to be given to
20 each person employed for the 2014-2015 fiscal year and each
21 year employed thereafter. The raises contained in this
22 subsection shall be paid to each employee.

23 (4) Two-Year Postsecondary Institutions. The State
24 Board of Education shall revise all salary schedules of the

1 two-year postsecondary institutions to reflect an increase of
2 eight percent or one thousand dollars (\$1,000), whichever is
3 greater, for the 2014-2015 fiscal year. The pay increase shall
4 be given to each person employed in addition to any step
5 increase to which the employee is otherwise entitled. The
6 Department of Postsecondary Education shall take proper steps
7 to ensure that employees on all salary schedules (including
8 the C-3 schedule) are given full credit for prior work
9 experience in the public schools and colleges, and shall take
10 care to ensure proper placements on the salary schedules.
11 Placement on the revised salary schedules shall be in
12 accordance with the employee's length of service in public
13 education and highest degree earned from an accredited
14 institution. No pay increase shall be given to any two-year
15 postsecondary employee in excess of the percentages set forth
16 in this act, except as specifically provided in this act.

17 (b) MISCELLANEOUS PROVISIONS. The following
18 provisions are hereby established:

19 (1) Fiscal Year. All salaries and salary increases
20 which are established by the State Board of Education shall be
21 paid in full to each person employed before the end of the
22 applicable fiscal year as defined in Section 16-1-1.

23 (2) Extended Work. Public K-12 school employees on
24 contracts which extend beyond 187 days shall be given a pro
25 rata salary increment for each or partial day of work
26 extending beyond 187 days.

1 (3) Local Increment. Any cost-of-living adjustment
2 and/or increase on the State Minimum Salary Schedule for
3 teachers as provided in this act shall be exclusive of any
4 local pay increase granted or due to teachers under provisions
5 of any local salary schedule. Any cost-of-living adjustment
6 and/or pay increase required by this section for public school
7 support personnel shall be in addition to any pay increase due
8 or granted to the employee under provisions of any local
9 salary schedules. The pay increase provisions of this section
10 shall not apply to any salary supplements granted by local
11 boards of education, bonuses earned for certification by the
12 National Board of Professional Teaching Standards, or the
13 federal portion of the salary paid to a Junior Reserve Officer
14 Training Corps (JROTC) instructor employed by a local school
15 board.

16 (4) Reduced Pay. No employee shall be dismissed or
17 have his or her work hours reduced or extended or have his or
18 her salary reduced because of the provisions of any pay raise
19 enacted by the Legislature or required by the State Board of
20 Education.

21 (5) Community Education. Each county and city board
22 of education shall have the option to exclude from the
23 provisions of this act any part-time employees of community
24 education or school-sponsored child care or child enrichment
25 program which is supplemental to the state-required
26 educational program.

1 (6) Local Chief Executive Officers. The pay increase
2 provisions of this act shall not apply to superintendents of
3 education of any school system or institution. Any pay
4 increase given to the superintendent shall be by majority
5 recorded vote of the governing body or authority.

6 (7) Career-Technical Programs. There shall be no
7 cutbacks or decreases in the Career-Technical Programs of any
8 board as a result of this or any preceding pay raise act of
9 the Legislature. Neither the salaries nor the number of career
10 technical employee positions are to be reduced or diminished
11 in any manner or method as a result of the passage of this act
12 or any prior act after the 1995 fiscal year granting a pay
13 increase to any employee of the board. It shall be strictly
14 prohibited for any board or chief executive officer to take
15 monies from the Career-Technical Program to finance, in whole
16 or in part, the programs or the salaries of the employees in
17 the Career-Technical Program of the board, and the State Board
18 of Education shall take care to protect the viability of the
19 Career-Technical Programs of each board.

20 Section 2. (a) Commencing October 1, 2014, there is
21 provided a cost-of-living adjustment (COLA) in the amount of
22 six percent of the current gross benefit, but not less than
23 twenty-five dollars (\$25) per month to each person currently
24 receiving benefits from the Teachers' Retirement System of
25 Alabama whose effective date of retirement was prior to
26 October 1, 2013, for purposes of receiving benefits, and to
27 certain beneficiaries of deceased members and deceased

1 retirees currently receiving survivor benefits, if the
2 effective date of retirement or death for the deceased retiree
3 or deceased member was prior to October 1, 2013, for purposes
4 of receiving benefits from the Teachers' Retirement System.

5 (b) Any future survivor allowance shall be adjusted
6 as provided in the members' original option selection for
7 those eligible retirees who have selected a monthly survivor
8 allowance payable to a designated beneficiary upon the death
9 of the retiree, or otherwise provided by law in the case of a
10 qualifying member who dies prior to the effective date of this
11 act.

12 (c) Any person who receives benefits under the
13 Medicaid program and whose eligibility for the benefits would
14 be impaired by any cost-of-living increase provided by this
15 act shall not be entitled to receive the increase. Any person
16 who shall subsequently apply for the benefits under the
17 Medicaid program and who would have his or her eligibility to
18 receive benefits impaired by any cost-of-living increase
19 provided by this act, shall not be entitled to receive the
20 increase after the date that the member files application for
21 benefits under the Medicaid program.

22 (d) The Board of Control of the Teachers' Retirement
23 System shall determine annually the amount required to pay the
24 cost of the increased allowance provided under this act, and
25 shall notify the chief financial officer of each employer of
26 the per centum rates of earnable compensation of the members
27 required to be paid to the retirement system. Each employer of

1 members of the Teachers' Retirement System shall pay on
2 account of the increases provided in this act in the same
3 manner and from the same sources of funds as provided in
4 Section 16-25-21, Code of Alabama 1975, it being the intent of
5 the Legislature that the cost of providing the increase in
6 this act shall be distributed from all funds in proportion to
7 the salaries paid therefrom for active members.

8 Section 3. This act shall take precedence over any
9 other act of law.

10 Section 4. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

14 Section 5. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621 because the
18 bill requires expenditures only by a school board.

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