

1 HB173  
2 147658-1  
3 By Representative Ford  
4 RFD: Ways and Means General Fund  
5 First Read: 06-FEB-13

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8 SYNOPSIS: This bill provides for cost-of-living  
9 increases for public education employees and  
10 certain retirees and beneficiaries under the  
11 Teachers' 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 pay increases of at least five  
20 percent beginning with the fiscal year 2013-14, two and  
21 one-half percent beginning with the fiscal year 2014-15 and  
22 two and one-half percent beginning with the fiscal year  
23 2015-16; to provide that each employee of certain boards of  
24 education shall receive the pay increases according to  
25 placement on the appropriate salary step; to require the  
26 appropriate increases on the State Minimum Salary Schedule; to  
27 provide support employees with at least a \$1,000 pay increase

1 or a five percent cost-of-living adjustment (whichever amount  
2 is greater) beginning with the fiscal year 2013-14, two and  
3 one-half percent beginning with the fiscal year 2014-15 and  
4 two and one-half percent beginning with the fiscal year  
5 2015-16; to require salary schedules; to provide the employees  
6 of certain other public educational institutions and schools  
7 with a five percent cost-of-living adjustment for the fiscal  
8 year beginning with 2013-14, two and one-half percent  
9 beginning with the fiscal year 2014-15 and two and one-half  
10 percent beginning with the fiscal year 2015-16; to provide for  
11 an across-the-board salary increase on all two-year  
12 postsecondary salary schedules, to establish other  
13 requirements on the two-year postsecondary salary schedules;  
14 to provide for a five percent cost-of-living adjustment for  
15 retirees of the Teachers' Retirement System beginning October  
16 1, 2013, a two and one-half percent cost-of-living adjustment  
17 for retirees of the Teachers' Retirement System beginning  
18 October 1, 2014 and a two and one-half percent cost-of-living  
19 adjustment for retirees of the Teachers' Retirement System  
20 beginning October 1, 2015 to establish miscellaneous pay  
21 provisions; to require appropriations in the annual Education  
22 Budget Act to meet the requirements of this act; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of state and  
25 local funds.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. PAY INCREASES, FY 2013-14, 2014-15, and  
2                   2015-16. (a) The State Budget Officer shall allocate to the  
3                   State Board of Education, the Board of Trustees of the Alabama  
4                   Institute for Deaf and Blind, the Board of Youth Services  
5                   School District, the Board of Directors of the Alabama School  
6                   of Fine Arts, and the Board of Trustees of the Alabama School  
7                   of Mathematics and Science and for disbursement to the  
8                   employees thereof funds based on the criteria established in  
9                   this act. It is not the intent of this act to make  
10                  appropriations, but the appropriations required by this act  
11                  shall be made in the annual budget act for the public schools  
12                  and colleges for the designated fiscal years.

13                  (1) (a) Certificated Personnel (K-12). For the fiscal  
14                  year beginning October 1, 2013, and each year thereafter, each  
15                  certificated employee at all city and county school systems  
16                  and the teachers at the Department of Youth Services School  
17                  District shall receive a five percent salary increase. Each  
18                  step and cell on the State Minimum Salary Schedule contained  
19                  in the annual budget act for the public schools shall be in-  
20                  creased by the amounts below for fiscal year 2013-14, the  
21                  State Minimum Salary Schedule shall reflect the following per-  
22                  centage increases:

23	Step	Years of Experience	Increase
24	1	Less than 3	5.0%
25	2	3 but less than 6	5.0%

1	3	6 but less than 9	5.0%
2	4	9 but less than 12	5.0%
3	5	12 but less than 15	5.0%
4	6	15 but less than 18	5.0%
5	7	18 but less than 21	5.0%
6	8	21 or greater	5.0%
7	9	24 but less than 27	5.0%
8	10	27 or more	5.0%

9                   (b) For the fiscal year beginning October 1, 2014,  
10 and each year thereafter, each certificated employee at all  
11 city and county school systems and the teachers at the Depart-  
12 ment of Youth Services School District shall receive a two and  
13 one-half percent salary increase. Each step and cell on the  
14 State Minimum Salary Schedule contained in the annual budget  
15 act for the public schools shall be increased by the amounts  
16 below for fiscal year 2014-15; the State Minimum Salary Sched-  
17 ule shall reflect the following percent increases:

18	Step	Years of Experience	Increase
19	1	Less than 3	2.5%
20	2	3 but less than 6	2.5%
21	3	6 but less than 9	2.5%
22	4	9 but less than 12	2.5%

1	5	12 but less than 15	2.5%
2	6	15 but less than 18	2.5%
3	7	18 but less than 21	2.5%
4	8	21 or greater	2.5%
5	9	24 but less than 27	2.5%
6	10	27 or more	2.5%

7                   (c) For the fiscal year beginning October 1, 2015,  
8 and each year thereafter, each certificated employee at all  
9 city an county school systems and the teachers at the Depart-  
10 ment of Youth Services School District shall receive a two and  
11 one-half percent salary increase. Each step and cell on the  
12 State Minimum Salary Schedule contained in the annual budget  
13 act for the public schools shall be increased by the amounts  
14 below for fiscal year 2015-16; the State Minimum Salary Sched-  
15 ule shall reflect the following percent increases:

16	Step	Years of Experience	Increase
17	1	Less than 3	2.5%
18	2	3 but less than 6	2.5%
19	3	6 but less than 9	2.5%
20	4	9 but less than 12	2.5%
21	5	12 but less than 15	2.5%
22	6	15 but less than 18	2.5%

1	7	18 but less than 21	2.5%
2	8	21 or greater	2.5%
3	9	24 but less than 27	2.5%
4	10	27 or more	2.5%

5                   All certificated employees, including the Adult  
6 Basic Education and Science in Motion employees, shall be  
7 guaranteed pay increases in the amounts indicated above in  
8 subsections (a), (b) and (c) for their years of experience and  
9 degrees earned and the corresponding pay increases shall be  
10 reflected in the appropriate local salary schedule and paid to  
11 each certificated employee. The provisions and requirements of  
12 this act shall be in addition to the provisions of Section  
13 16-13-231.1, Code of Alabama 1975, relating to the State  
14 Minimum Salary Schedule. Each certificated employee shall be  
15 properly placed on the local salary schedule according to  
16 degree earned and years of public education service (either  
17 in-state or out-of-state), which shall be not less than the  
18 amounts appropriated for the State Minimum Salary Schedule.  
19 The employee shall be paid according to degree earned and  
20 length of public education experience. The five percent pay  
21 increase shall be given to each person employed for the  
22 2013-14 fiscal year in addition to any state or local step  
23 increase to which the employee is otherwise entitled. The two  
24 and one-half percent pay increase shall be given to each

1 person employed for the 2014-15 fiscal year in addition to any  
2 state or local step increase to which the employee is  
3 otherwise entitled. The two and one-half percent pay increase  
4 shall be given to each person employed for the 2015-16 fiscal  
5 year in addition to any state or local step increase to which  
6 the employee is otherwise entitled. The local boards of  
7 education shall transmit to the State Department of Education  
8 the appropriate notice of the earned advanced degree for each  
9 employee in a timely fashion; thereafter, the employee shall  
10 be paid for the advanced degree as soon as the degree is  
11 certified to the State Department of Education as being  
12 earned. The annual budget act for public education shall  
13 contain an appropriation of at least five thousand dollars  
14 (\$5,000) for each teacher and principal who has successfully  
15 completed the certification process offered by the National  
16 Board of Professional Teaching Standards (NBPTS). Payment for  
17 passing the NBPTS test shall be appropriated from the  
18 Education Trust Fund and shall be given to the qualified  
19 teacher or principal.

20 (2) Education Support Personnel (K-12). A five  
21 percent salary increase or one thousand dollars (\$1,000),  
22 whichever amount is greater, beginning with fiscal year  
23 2013-14, shall be paid to each public education support worker  
24 and adult bus driver, including Adult Basic Education and  
25 Science in Motion personnel, employed for the 2013-14 fiscal  
26 year in addition to the salary received during the 2013-14  
27 fiscal year, except employees covered under the state's Merit

1 System at the Department of Youth Services District. A two and  
2 one-half percent salary increase beginning with fiscal year  
3 2014-15 shall be paid to each public education support worker  
4 and adult bus driver, including Adult Basic Education and  
5 Science in Motion personnel, employed for the 2014-15 fiscal  
6 year in addition to the salary received during the 2014-15  
7 year, except employees covered under the state's Merit System  
8 at the Department of Youth Services District. A two and  
9 one-half percent salary increase beginning with fiscal year  
10 2015-16 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 2015-16 fiscal  
13 year in addition to the salary received during the 2015-16  
14 year, except employees covered under the state's Merit System  
15 at the Department of Youth Services District. Each governing  
16 body or authority shall establish and maintain a salary  
17 schedule for each class and type of employee and each step of  
18 each salary schedule shall be increased to reflect (i) a five  
19 percent salary increase or a minimum of one thousand dollars  
20 (\$1,000), whichever amount is greater, beginning with fiscal  
21 year 2013-14 which shall be given to the persons employed  
22 full-time for the 2013-14 fiscal year and each year employed  
23 full-time thereafter, (ii) a two and one-half percent salary  
24 increase beginning with fiscal year 2014-15, which shall be  
25 given to the persons employed full-time for the 2014-15 fiscal  
26 year and each year employed full-time thereafter, and (iii) a  
27 two and one-half percent salary increase beginning with fiscal

1 year 2015-16, which shall be given to the persons employed  
2 full-time for the 2015-16 fiscal year and each year employed  
3 full-time thereafter. The base rate of pay for part-time  
4 support employees shall be increased by five percent beginning  
5 with fiscal year 2013-14, two and one-half percent beginning  
6 with fiscal year 2014-15 and two and one-half percent  
7 beginning with fiscal year 2015-16. A separate local salary  
8 schedule shall be established and maintained for each specific  
9 job performed. Child Nutrition Program workers shall be fully  
10 funded from the Foundation Program appropriation in the  
11 Education Trust Fund appropriation act, and shall therefore be  
12 subsequently fully funded by all local boards of education  
13 from funds provided in Other Current Expense and not from  
14 funds generated by the Child Nutrition Program unless the  
15 local school system's Child Nutrition Program has in excess of  
16 a three-month operating reserve. Before any funds may be  
17 utilized by the local board of education to pay for salaries  
18 or fringe benefits, the State Department of Education Child  
19 Nutrition Program Administrator shall conduct an analysis of  
20 each local board of education's Child Nutrition Program, and  
21 certify that the program meets the three-month balance as of  
22 the end of the previous fiscal year and shall therefore insure  
23 that the use of the funds in excess of a three-month balance  
24 will not be detrimental to the local Child Nutrition Program.  
25 The State Department of Education Child Nutrition Program  
26 Administrator shall certify to the State Superintendent of  
27 Education that funds utilized in excess of a three-month

1 balance as of the end of the previous fiscal year are in  
2 excess of any funds contained in an approved corrective plan  
3 submitted by the local school system's Child Nutrition Program  
4 for expenditures at each applicable school site for  
5 facilities, equipment, personnel, and/or salary schedule  
6 adjustments.

7 (3) AIDB. For fiscal years 2013-14, 2014-15 and  
8 2015-16, employees at the Alabama Institute for Deaf and Blind  
9 shall receive pay increases which shall be in excess of their  
10 salaries received during the 2012-13, 2013-14 and 2014-15  
11 fiscal years. The increases shall be as follows:

12 a. Certificated. The salary schedule for certifi-  
13 cated employees shall be revised to reflect at least the fol-  
14 lowing amount of raises beginning with the fiscal year  
15 2013-14:

16	Step	Years of Experience	Increase
17	1	Less than 3	5.0%
18	2	3 but less than 6	5.0%
19	3	6 but less than 9	5.0%
20	4	9 but less than 12	5.0%
21	5	12 but less than 15	5.0%
22	6	15 but less than 18	5.0%
23	7	18 but less than 21	5.0%
24	8	21 or greater	5.0%

1	9	24 but less than 27	5.0%
2	10	27 or more	5.0%

3                   The salary schedule for certificated employees shall  
4 be revised to reflect at least the following amount of raises  
5 beginning with the fiscal year 2014-15:

6	Step	Years of Experience	Increase
7	1	Less than 3	2.5%
8	2	3 but less than 6	2.5%
9	3	6 but less than 9	2.5%
10	4	9 but less than 12	2.5%
11	5	12 but less than 15	2.5%
12	6	15 but less than 18	2.5%
13	7	18 but less than 21	2.5%
14	8	21 or greater	2.5%
15	9	24 but less than 27	2.5%
16	10	27 or more	2.5%

17                   The salary schedule for certificated employees shall  
18 be revised to reflect at least the following amount of raises  
19 beginning with the fiscal year 2015-16:

Step	Years of Experience	Increase
1	Less than 3	2.5%
2	3 but less than 6	2.5%
3	6 but less than 9	2.5%
4	9 but less than 12	2.5%
5	12 but less than 15	2.5%
6	15 but less than 18	2.5%
7	18 but less than 21	2.5%
8	21 or greater	2.5%
9	24 but less than 27	2.5%
10	27 or more	2.5%

b. Support. A five percent salary increase or one thousand dollars (\$1,000), whichever amount is greater, beginning with the fiscal year 2013-14 shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A two and one half percent salary increase beginning with the fiscal year 2014-2015, shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A two and one half percent salary increase beginning with the fiscal year 2015-16, shall be given to each support worker employed full-time by the Alabama Institute for Deaf and Blind. A separate local salary schedule shall be established and maintained for each specific

1 job performed. The pay increases in this act shall be  
2 incorporated into the support employees' salary schedules. The  
3 base rate of pay for part-time support employees shall be  
4 increased by five percent for the 2013-14 fiscal year, two and  
5 one-half percent for the 2014-15 fiscal year and two and  
6 one-half percent for the 2015-16 fiscal year.

7 c. Miscellaneous Requirements. The AIDB board shall  
8 establish and maintain a salary schedule for each class and  
9 type of employee and each step of each salary schedule for  
10 fiscal years 2013-14, 2014-15 and 2015-16 shall be increased  
11 to reflect the pay increases above to be given to each person  
12 employed for the 2013-14 fiscal year, 2014-15 fiscal year and  
13 2015-16 fiscal year and each year employed thereafter. The  
14 raises contained in this subsection shall be paid to each  
15 employee.

16 (4) Two-Year Postsecondary Institution. The State  
17 Board of Education shall revise all salary schedules of the  
18 two-year postsecondary institutions to reflect an increase of  
19 five percent for the 2013-14 fiscal year, two and one-half  
20 percent for the 2014-15 fiscal year and two and one-half  
21 percent for the 2015-16 fiscal year. The pay increases shall  
22 be given to each person employed in addition to any step  
23 increase to which the employee is otherwise entitled. The  
24 Postsecondary Education Department shall take proper steps to  
25 ensure that employees on all salary schedules (including the  
26 C-3 schedules) are given full credit for prior work experience  
27 in the public schools and colleges, and shall take care to

1 ensure proper placements on the salary schedules. Placement on  
2 the revised salary schedules shall be in accordance with the  
3 employee's length of service in public education. No pay  
4 increases shall be given to any two-year postsecondary  
5 employee in excess of five percent for the 2013-14 fiscal  
6 year, two and one-half percent for the 2014-15 fiscal year and  
7 two and one-half percent for the 2015-16 fiscal year, except  
8 as specifically provided in this act.

9 (5) Miscellaneous provisions. The following  
10 provisions are hereby established:

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

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

20 c. Local Increment. Any cost-of-living adjustment  
21 and/or increase on the State Minimum Salary Schedule for  
22 teachers as provided in this act shall be exclusive of any  
23 local pay increase granted or due to teachers under provisions  
24 of any local salary schedule. Any cost-of-living adjustment  
25 and/or pay increase required by this act for public school  
26 support personnel shall be in addition to any pay increase due  
27 or granted to the employee under provisions of any local

1 salary schedules. The pay raise provisions of this act shall  
2 not apply to any salary supplements granted by local boards of  
3 education, bonuses earned for certification by the National  
4 Board of Professional Teaching Standards, or the federal  
5 portion of the salary paid to a Junior Reserve Officer  
6 Training Corps (JROTC) instructor employed by a local school  
7 board.

8 d. Reduced Pay. No employee shall be dismissed or  
9 have his or her work hours reduced or extended or have his or  
10 her salary reduced because of the provisions of any pay raise  
11 enacted by the Legislature or required by the State Board of  
12 Education.

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

19 f. Local Chief Executive Officers. The pay raise  
20 provisions of this act shall not apply to superintendents of  
21 education of any school system or institution. Any pay  
22 increase given to the superintendent shall be by majority  
23 recorded vote of the governing body or authority.

24 g. Career-Technical Programs. There shall be no  
25 cutbacks or decreases in the Career-Technical Programs of any  
26 board as a result of this or any preceding pay raise act of  
27 the Legislature. Neither the salaries nor the number of career

1 technical employee positions are to be reduced or diminished  
2 in any manner or method as a result of the passage of this act  
3 or any prior act after the 1995 fiscal year granting a pay  
4 increase to any employee of the board. It shall be strictly  
5 prohibited for any board or chief executive officer to take  
6 monies from the Career-Technical Program to finance, in whole  
7 or in part, the programs or the salaries of the employees in  
8 the Career-Technical Program of the board, and the State Board  
9 of Education shall take care to protect the viability of the  
10 Career-Technical Programs of each board.

11 Section 2. (a) Commencing October 1, 2013, there is  
12 provided a cost-of-living adjustment (COLA) in the amount of  
13 five percent of the current gross benefit, but not less than  
14 fifteen dollars (\$15) per month to each person currently  
15 receiving benefits whose effective date of retirement was  
16 prior to October 1, 2012, for purposes of receiving benefits,  
17 and to certain beneficiaries of deceased members and deceased  
18 retirees currently receiving survivor benefits, if the  
19 effective date of retirement or death for the deceased retiree  
20 or deceased member was prior to October 1, 2012, for purposes  
21 of receiving benefits from the Teachers' Retirement System.

22 (b) Commencing October 1, 2014, there is provided a  
23 cost-of-living adjustment (COLA) in the amount of two and  
24 one-half percent of the current gross benefit, to each person  
25 currently receiving benefits whose effective date of  
26 retirement was prior to October 1, 2013, for purposes of  
27 receiving benefits, and to certain beneficiaries of deceased

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

6 (c) Commencing October 1, 2015, there is provided a  
7 cost-of-living adjustment (COLA) in the amount of two and  
8 one-half percent of the current gross benefit, to each person  
9 currently receiving benefits whose effective date of  
10 retirement was prior to October 1, 2014, for purposes of  
11 receiving benefits, and to certain beneficiaries of deceased  
12 members and deceased retirees currently receiving survivor  
13 benefits, if the effective date of retirement or death for the  
14 deceased retiree or deceased member was prior to October 1,  
15 2014, for purposes of receiving benefits from the Teachers'  
16 Retirement System.

17 (d) 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 (e) 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 (f) 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.