

1 HB183  
2 134910-2  
3 By Representative Ford  
4 RFD: Ways and Means General Fund  
5 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would provide a four percent  
9 cost-of-living salary increase for certain state  
10 and public education employees in the fiscal year  
11 beginning October 1, 2012.

12 This bill would provide that the four  
13 percent cost-of-living salary increase would be  
14 contingent upon the passage and enactment of House  
15 Bill \_\_\_ which would require taxpayers who are part  
16 of a unitary business to use a combined report to  
17 determine their Alabama taxable income, limit the  
18 Alabama deductions by corporations to seven percent  
19 of qualifying income, and 50 percent of the  
20 adjusted basis of qualified property.

21 Amendment 621 of the Constitution of Alabama  
22 of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, prohibits a general  
25 law whose purpose or effect would be to require a  
26 new or increased expenditure of local funds from  
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote  
2 unless: it comes within one of a number of  
3 specified exceptions; it is approved by the  
4 affected entity; or the Legislature appropriates  
5 funds, or provides a local source of revenue, to  
6 the entity for the purpose.

7 The purpose or effect of this bill would be  
8 to require a new or increased expenditure of local  
9 funds within the meaning of the amendment. If this  
10 bill is not enacted by a 2/3 vote, it will not  
11 become effective with regard to a local entity  
12 unless approved by the local entity or until, and  
13 only as long as, the Legislature appropriates funds  
14 or provides for a local source of revenue.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To provide for a four percent cost-of-living salary  
21 increase for certain state and public education employees in  
22 the fiscal year beginning October 1, 2012; to provide for a  
23 revision of the State Minimum Salary Schedule and to reflect  
24 pay increases of four percent in the fiscal year beginning  
25 October 1, 2012; to provide that each certificated employee of  
26 certain boards of education shall receive the pay increase  
27 according to placement on the appropriate salary step and in

1 addition to the salary earned during the previous year; to  
2 require the appropriate increases on the State Minimum Salary  
3 Schedule; to provide support employees with a four percent  
4 cost-of-living adjustment; to provide the employees of other  
5 public educational institutions and schools with a four  
6 percent cost-of-living adjustment; to provide for an  
7 across-the-board salary increase of all two-year postsecondary  
8 salary schedules, and to establish other requirements on the  
9 two-year postsecondary salary schedules; to provide that the  
10 four percent cost-of-living salary increase would be  
11 contingent upon the passage and enactment of House Bill \_\_\_\_  
12 which would require taxpayers who are part of a unitary  
13 business to use a combined report to determine their Alabama  
14 taxable income, limit the Alabama deductions by corporations  
15 to seven percent of qualifying income, and 50 percent of the  
16 adjusted basis of qualified property; and in connection  
17 therewith would have as its purpose or effect the requirement  
18 of a new or increased expenditure of local funds within the  
19 meaning of Amendment 621 of the Constitution of Alabama of  
20 1901, now appearing as Section 111.05 of the Official  
21 Recompilation of the Constitution of Alabama of 1901, as  
22 amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Beginning with the first payday on or  
25 after October 1, 2012, all state employees who are listed in  
26 the classified and unclassified service of the state as  
27 defined in Section 36-26-10, Code of Alabama 1975, and all

1 other state employees and hourly employees of the state, and  
2 all legislative personnel, officers, and employees, including,  
3 but not limited to, Legislative Reference Service personnel,  
4 whether subject to the state Merit System or not, and all  
5 employees of the county health departments who are employed  
6 subject to the state Merit System and whose compensation is  
7 paid out of a budget provided and agreed upon by the state,  
8 county, or other contributing agency under the direction of  
9 the State Board of Health, except those set out in subsection  
10 (b), shall receive a four percent salary increase.

11 (b) Any salary increase granted under this section  
12 shall not apply to elected officials, including but not  
13 limited to, legislators, judges, and executive branch  
14 officers. The salary increase granted under this section shall  
15 not apply to, or increase the compensation of, any local  
16 employee whose salary is tied to that of any state employee.

17 (c) The salary increase granted under this section  
18 shall not apply to any Merit System employee or hourly  
19 employee whose service or rate of pay is covered by any labor  
20 agreement or contract.

21 (d) The Director of the State Personnel Department  
22 shall revise the schedule of rates set forth in the pay plan  
23 for state employees and shall certify the same to the state  
24 Comptroller, who shall issue warrants in accordance therewith.  
25 With respect to all court officials and employees within the  
26 Unified Judicial System who serve the trial and appellate  
27 courts of the state and the Administrative Office of Courts,

1 the Administrative Director of Courts shall revise the  
2 schedule of rates set forth in the pay plan for these court  
3 officials and employees to reflect the increase provided in  
4 this act, and shall certify the same to the state Comptroller,  
5 who shall issue warrants in accordance therewith. With respect  
6 to the legislative employees, the Secretary of the Senate for  
7 employees of the Senate, the Clerk of the House of  
8 Representatives for employees of the House of Representatives,  
9 the Director of the Legislative Reference Service for  
10 employees of the Legislative Reference Service, and the  
11 Director of the Legislative Fiscal Office for employees of the  
12 Legislative Fiscal Office, shall revise the schedule of rates  
13 set forth in the pay plan for these legislative employees to  
14 reflect the increase provided in this act, and shall certify  
15 the same to the state Comptroller, who shall issue warrants in  
16 accordance therewith.

17 Section 2. PAY INCREASES, FY 2012-2013. (a) The  
18 State Budget Officer shall allocate to the State Board of  
19 Education, the Board of Trustees of the Alabama Institute for  
20 Deaf and Blind, the Board of Youth Services School District,  
21 the Board of Directors of the Alabama School of Fine Arts, and  
22 the Board of Trustees of the Alabama School of Mathematics and  
23 Science for disbursement to the employees thereof funds based  
24 on the criteria established in this act.

25 (1) Certificated personnel (K-12). For the fiscal  
26 year beginning October 1, 2012, and each year thereafter, each  
27 certificated employee at all city and county school systems

1 and the teachers at the Department of Youth Services School  
2 District shall receive a four percent salary increase. Each  
3 step and cell on the State Minimum Salary Schedule contained  
4 in the annual budget section for the public schools shall be  
5 increased by the amounts below for the fiscal year 2012-2013,  
6 the State Minimum Salary Schedule shall reflect the following  
7 percentage increases:

8	Step	Years of Experience	Increase
9	1	Less than 3	4.0%
10	2	3 but less than 6	4.0%
11	3	6 but less than 9	4.0%
12	4	9 but less than 12	4.0%
13	5	12 but less than 15	4.0%
14	6	15 but less than 18	4.0%
15	7	18 but less than 21	4.0%
16	8	21 or greater	4.0%

17 (2) All certificated employees, including Adult  
18 Basic Education and Science in Motion employees, shall be  
19 guaranteed pay increases in the amounts indicated above for  
20 their years of experience and degrees earned, and the  
21 corresponding pay increases shall be reflected in the  
22 appropriate local salary schedule and paid to each  
23 certificated employee. The provisions and requirements of this

1 section shall be in addition to the provisions of Section  
2 16-13-231.1, Code of Alabama 1975, relating to the State  
3 Minimum Salary Schedule. Each certificated employee shall be  
4 properly placed on the local salary schedule according to  
5 degree earned and years of public education service, either  
6 in-state or out-of-state, which shall be not less than the  
7 amounts appropriated for the State Minimum Salary Schedule.  
8 The employee shall be paid according to degree earned and  
9 length of public education experience. The pay increase shall  
10 be given to each person employed for the 2012-2013 fiscal year  
11 in addition to any state or local step increase to which the  
12 employee is otherwise entitled. The local board of education  
13 shall transmit to the State Department of Education the  
14 appropriate notice of the earned advanced degree for each  
15 employee in a timely fashion; thereafter, the employee shall  
16 be paid for the advanced degree as soon as the degree is  
17 certified to the State Department of Education as being  
18 earned.

19 (3) Education support personnel (K-12). A four  
20 percent salary increase shall be paid to each public education  
21 support worker and adult bus driver, including Adult Basic  
22 Education and Science in Motion personnel, employed for the  
23 2012-2013 fiscal year in addition to the salary received  
24 during the 2011-2012 fiscal year, except employees covered  
25 under the state's Merit System at the Department of Youth  
26 Services District. Each governing body of authority shall  
27 establish and maintain a salary schedule for each class and



1 type of employee and each step of each salary schedule shall  
2 be increased to reflect a four percent pay increase which  
3 shall be given to the person employed for the 2012-2013 fiscal  
4 year and each year employed thereafter. A separate salary  
5 schedule shall be established and maintained for each job. No  
6 salary increase or state-provided fringe benefits for any  
7 lunchroom worker shall be paid from lunchroom sales or from  
8 any other aspect of the Child Nutrition Program. Salary  
9 increases provided herein and state-provided fringe benefits  
10 are funded from the annual budget act for the public schools  
11 and shall not be taken from the Child Nutrition Program.

12 (4) AIDB. For the fiscal year 2012-2013, employees  
13 at the Alabama Institute for Deaf and Blind shall receive pay  
14 increases which shall be in excess of their salaries received  
15 during the 2011-2012 fiscal year. The increases shall be as  
16 follows:

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

20	Step	Years of Experience	Increase
21	1	Less than 3	4.0%
22	2	3 but less than 6	4.0%
23	3	6 but less than 9	4.0%
24	4	9 but less than 12	4.0%
25	5	12 but less than 15	4.0%

1	6	15 but less than 18	4.0%
2	7	18 but less than 21	4.0%
3	8	21 or greater	4.0%

4           b. Support. A four percent salary increase shall be  
5 given to each support worker employed.

6           c. Miscellaneous requirements. The board shall  
7 establish and maintain a salary schedule for each class and  
8 type of employee and each step of each salary schedule shall  
9 be increased to reflect the pay increases above which shall be  
10 given to each person employed for the 2012-2013 fiscal year  
11 and each year employed thereafter. The raises contained in  
12 this subsection shall be paid to each employee. A separate  
13 salary schedule shall be established and maintained for each  
14 job and position.

15           (5) Two-year postsecondary institutions. The State  
16 Board of Education shall revise all salary schedules of the  
17 two-year postsecondary institutions to reflect an increase of  
18 three percent for the 2012-2013 fiscal year. The pay increases  
19 shall be given to each person employed in addition to any step  
20 increase to which the employee is otherwise entitled. The  
21 Postsecondary Education Department shall take proper steps to  
22 ensure that employees on all salary schedules are given full  
23 credit for prior work experience in the public schools and  
24 colleges, and shall take care to ensure proper placements on  
25 the salary schedules. Placement on the revised salary

1 schedules shall be in accordance with the employee's length of  
2 service in public education. No pay increase shall be given to  
3 any two-year postsecondary employee in excess of three  
4 percent, except as specifically provided in this section.  
5 Every employee on Salary Schedules C-3 shall receive at least  
6 a three percent COLA.

7 (6) Miscellaneous provisions. The following  
8 provisions are hereby established:

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

15 b. Extended work. Public school employees on  
16 contracts which extend beyond 182 days shall be given a pro  
17 rata salary increment for each day or partial day of work  
18 extending beyond 182 days.

19 c. Local increment. Any cost-of-living adjustment or  
20 increase on the State Minimum Salary Schedule for teachers as  
21 provided in this act shall be exclusive of any local pay  
22 increase granted or due to teachers under provisions of the  
23 local salary schedule. Any cost-of-living adjustment or pay  
24 increase required by this act for public school support  
25 personnel shall be in addition to any pay increase granted or  
26 due to the employees under provisions of the local salary  
27 schedules. The pay raise provisions of this act shall not

1 apply to the federal portion of the salary paid to a Junior  
2 Reserve Officer Training Corps (JROTC) instructor employed by  
3 a local school board.

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

9 e. Community education. Each county and city board  
10 of education shall have the option to exclude from the  
11 provisions of this act any community education or  
12 school-sponsored child care or child enrichment program which  
13 is supplemental to the state-required 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. Any pay increase given to the  
17 superintendent shall be by recorded vote of the governing  
18 board of 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 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 Program of each board.

6 h. Anniversary date of employment. The employee  
7 shall be placed on the appropriate salary schedule according  
8 to length of service and degree earned as contained in this  
9 act. The length of employment shall include both in-state and  
10 out-of-state years of public education experience. Placement  
11 on the salary schedule shall be calculated according to the  
12 anniversary date of employment.

13 Section 3. The granting of the additional four  
14 percent cost-of-living salary increase is conditioned upon the  
15 passage and enactment of House Bill \_\_\_ which would require  
16 taxpayers who are part of a unitary business to use a combined  
17 report to determine their Alabama taxable income, limit the  
18 Alabama deductions by corporations to seven percent of  
19 qualifying income, and 50 percent of the adjusted basis of  
20 qualified property.

21 Section 4. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621 because the  
25 bill requires expenditures only by a school board.

26 Section 5. All laws or parts of laws which conflict  
27 with this act are repealed.

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