

1 HB468
2 197976-3
3 By Representatives England and Hill
4 RFD: Ways and Means General Fund
5 First Read: 18-APR-19

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2 ENROLLED, An Act,

3 Relating to the Department of Corrections; to
4 provide a two-step salary increase for certain employees of
5 the Department of Corrections in specified classifications; to
6 amend Section 36-26-35, Code of Alabama 1975, to allow certain
7 officers and employees of the department to receive payment
8 for any accrued and unused annual leave in excess of 480
9 hours, up to a specified amount; to amend Section 14-1-20,
10 Code of Alabama 1975, to expand the bonus incentive program of
11 the department to include the payment of bonuses for
12 additional training achievements and certain milestones
13 achieved by employees in specified classifications under
14 certain conditions; to revise the cap on the amount of bonuses
15 that may be paid to the officers under the program; and to
16 specify the time frame in which bonuses may be paid by the
17 department.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Effective October 1, 2019, all
20 employees of the Department of Corrections in the correctional
21 officer classification series, as recommended by the
22 Department of Corrections and approved by the State Personnel
23 Department, shall receive a one-time two-step salary increase
24 without affecting normal annual merit raise considerations,

1 provided that the increases are within established pay ranges
2 for the respective classifications.

3 (b) The Director of the State Personnel Department
4 shall certify that the increases provided for in subsection
5 (a) are within the established pay ranges for the respective
6 classifications to the State Comptroller who shall issue
7 warrants in accordance with this section.

8 Section 2. Sections 36-26-35 and 14-1-20, Code of
9 Alabama 1975, are amended to read as follows:

10 "§36-26-35.

11 (a) All persons who are regularly employed by the
12 state and who are subject to the provisions of the state Merit
13 System, and all legislative personnel, officers, and employ-
14 ees, including, but not limited to, Legislative Reference Ser-
15 vice personnel, whether subject to the state Merit System or
16 not, shall be entitled to accumulate annual leave on the basis
17 of biweekly pay periods through the payday on March 17, 2006,
18 as follows:

Employee's total service with:	Accumulation of leave per pay period	Annual Accumulation
Fewer than five years' service	4 hours	13 days
Five but less than 10 years' service	5 hours	16 days 2 hours

	Employee's total service with:	Accumulation of leave per pay period	Annual Accumulation
1	10 but less than	6 hours	19 days 4 hours
2	15 years' service		
3	15 but less than	7 hours	22 days 6 hours
4	20 years' service		
5	20 but less than	8 hours	26 days
6	25 years' service		
7	25 years of ser-	9 hours	29 days 2 hours
8	vice or more		

9 (b) Beginning with the payday on April 3, 2006, all
 10 persons who are regularly employed by the state and who are
 11 subject to the provisions of the state Merit System, and all
 12 legislative personnel, officers, and employees, including, but
 13 not limited to, Legislative Reference Service personnel,
 14 whether subject to the state Merit System or not, shall be en-
 15 titled to accumulate annual leave on the basis of semi-monthly
 16 pay periods as follows:

	Employee's total service with:	Accumulation of leave per pay period	Annual Accumulation
17	Fewer than five	4 hours 20 minutes	13 days
18	years' service		

	Employee's total service with:	Accumulation of leave per pay period	Annual Accumulation
1	Five but less than	5 hours 25 minutes	16 days 2 hours
2	10 years' service		
3	10 but less than	6 hours 30 minutes	19 days 4 hours
4	15 years' service		
5	15 but less than	7 hours 35 minutes	22 days 6 hours
6	20 years' service		
7	20 but less than	8 hours 40 minutes	26 days
8	25 years' service		
9	25 years of ser-	9 hours 45 minutes	29 days 2 hours
10	vice or more		

11 (c) Maximum accrued leave after 25 years of service
 12 shall be limited to 29 1/4 days per year, and the maximum
 13 number of days of annual leave which may be carried over at
 14 the end of each year shall be limited to 60 days.

15 (d) Any law enforcement officer in the Department of
 16 Public Safety shall be entitled to receive payment for any
 17 accrued and unused annual leave days in excess of 60 days, up
 18 to a maximum of 10 days per year. Payment shall be calculated
 19 using the officer's regular rate of pay.

20 (e) Any merit classification of employee of the
 21 Department of Corrections requiring certification as

1 correctional or law enforcement officers by the Alabama Peace
2 Officers' Standards and Training Commission may receive
3 payment for any accrued and unused annual leave hours in
4 excess of 480 hours, up to a maximum of 80 hours per year.
5 Payment shall be calculated using the employee's regular rate
6 of pay.

7 "§14-1-20.

8 (a) The Alabama Department of Corrections ~~shall have~~
9 ~~the authority to~~ may establish a ~~pilot~~ program designed to
10 increase correctional officer hiring and retention by offering
11 bonuses or ~~educational~~ training incentives, or a combination
12 of both, to ~~correctional officers~~ employees in specified
13 correction officer classifications for remaining employed by
14 the department for consecutive terms of employment.

15 (b) ~~(1) It is the intent of this section to authorize~~
16 ~~the~~ The department to ~~may~~ grant a ~~one-time bonus~~ bonuses to
17 employees ~~in the correctional officer trainee classification~~
18 ~~of the department, to be paid incrementally,~~ upon successful
19 completion of the Alabama Department of Corrections Training
20 Academy. certain training programs and upon the attainment of
21 certain career milestones, provided the employee is an active
22 employee of the department on the date the bonus payment is
23 made, to be granted as follows:

24 (1)a. Correctional Officer bonuses shall be awarded
25 as follows:

1 1. A one thousand five hundred dollar (\$1,500) bonus
2 for successful completion of an Alabama Department of
3 Corrections Training Academy class or successful completion of
4 an Alabama Peace Officers' and Standards Training Commission
5 law enforcement refresher class.

6 2. A one thousand five hundred dollar (\$1,500) bonus
7 for attainment of status as a Correctional Officer.

8 3. A one thousand eight hundred seventy-five dollar
9 (\$1,875) bonus for attainment of status as a Correctional
10 Officer Senior upon creation of the position by the State
11 Personnel Board.

12 4. A two thousand six hundred twenty-five dollar
13 (\$2,625) bonus upon the one-year anniversary of the attainment
14 of status as a Correctional Officer Senior upon creation of
15 the position by the State Personnel Board.

16 b. Other Correctional Officers of the Department of
17 Corrections may receive promotional or retention bonuses
18 subject to the limitation in subdivision (3), upon
19 recommendation of the Department of Corrections and approval
20 by the State Personnel Department.

21 ~~(2) The department may also grant an annual bonus to~~
22 ~~employees of the department who are in the correctional~~
23 ~~officer trainee classification or the correctional officer~~
24 ~~classification, have less than six years of service, and~~

1 ~~successfully complete one year of employment with the~~
2 ~~department~~

3 (2) The bonuses described in subdivision (1) shall
4 be paid by the department to new appointments, transfers, and
5 promotions as provided in subdivision (1) beginning on the
6 effective date of the act adding this amendatory language and
7 continuing through December 31, 2022. No bonus payment
8 pursuant to this section may be made by the department after
9 December 31, 2025. If the staffing targets of the department
10 are achieved prior to December 31, 2022, the department may
11 discontinue the bonus program for any further appointments.

12 (3) In no event shall the total bonus payments under
13 ~~the program~~ this section total more than ~~three~~ seven thousand
14 five hundred dollars ~~(\$3,500)~~ (\$7,500) per ~~person~~ employee.

15 (4) In no event shall any employee of the department
16 who separates from the department after April 1, 2019, be
17 eligible for any incentives under this program.

18 ~~(c) Unless otherwise authorized by an act of the~~
19 ~~Legislature, the program established under this section shall~~
20 ~~expire on December 31, 2020.~~

21 ~~(d)~~ (c) No bonus payments received by an employee of
22 the Department of Corrections under this section shall be used
23 in the computation of retirement or other benefits.

24 ~~(e) Prior to the implementation of a pilot program,~~
25 ~~the proposed plan of the Department of Corrections shall be~~

1 ~~reviewed and approved by the Joint Legislative Prison~~
2 ~~Oversight Committee for conformity with the recommendations of~~
3 ~~Warren Averett related to recruitment and retention pursuant~~
4 ~~to the Phase 2A Understaffing Remedial Order of the federal~~
5 ~~court in the case of Braggs v. Dunn, Civil Action No.~~
6 ~~2:14cv601-MHT.~~

7 ~~(f)~~(d) The department shall report annually on the
8 first legislative day of the Regular Session of the
9 Legislature to the Chairs of the House Ways and Means, General
10 Fund Committee, the Senate Committee on Finance and Taxation,
11 General Fund, and the Joint Legislative Prison Oversight
12 Committee on the number and amount of bonuses paid under the
13 program.

14 ~~(g)~~(e) It is not the intention of this section to
15 make appropriations, but the program established by the
16 department is subject to the appropriations made for the
17 department in the annual ~~budget~~ appropriations act.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 30-APR-19.

Jeff Woodard
Clerk

Senate

23-MAY-19

Passed