

1 HB519
2 158287-1
3 By Representative Chesteen
4 RFD: Ways and Means General Fund
5 First Read: 20-FEB-14

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8 SYNOPSIS: Under existing law, state and public
9 education employees must receive a salary
10 differential from their employers to compensate for
11 the difference between the higher public salary and
12 the lower active duty military pay when called into
13 active duty status by the United States during the
14 war on terrorism which commenced in September 2001.

15 Also under existing law, employees of local
16 governmental entities may receive a salary
17 differential from their employers to compensate the
18 difference between the higher public salary and the
19 lower active duty military pay when called into
20 active duty status by the United States during the
21 war on terrorism which commenced in September 2001,
22 if the local governmental entity chooses to pay the
23 salary differential.

24 This bill would extend the mandatory salary
25 differential for any state employee and the
26 discretionary salary differential for a local

1 governmental entity employee, to any active service
2 in any of the Armed Forces of the United States.

3 This bill would also further provide for the
4 salary differential for public education employees.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 To amend Sections 31-12-5 and 31-12-6, Code of
11 Alabama 1975, to extend the salary differential for any state
12 employee, employee of a public educational entity, or employee
13 of a local government entity, who is called into active
14 service in any of the Armed Forces of the United States; and
15 to provide that public education employees may receive a
16 salary differential from employers.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 31-12-5 and 31-12-6 of the Code
19 of Alabama 1975, are amended to read as follows:

20 "§31-12-5.

21 "(a) In addition to any other benefits provided in
22 this chapter, any state employee ~~or any employee of a public~~
23 ~~educational entity~~ in this state who is called into active
24 service in any of the Armed Forces of the United States ~~during~~
25 ~~the war on terrorism which commenced in September 2001, under~~
26 10 U.S.C. § 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304
27 shall receive from his or her employer department or agency

1 compensation in an amount which is equal to the difference
2 between the lower active duty military base pay and the higher
3 public salary which he or she would have continued to receive
4 if not called to active service under 10 U.S.C. § 12301, 10
5 U.S.C. § 12302, or 10 U.S.C. § 12304. The amount of
6 compensation required to be paid to an employee called into
7 active service under 10 U.S.C. § 12301, 10 U.S.C. § 12302, or
8 10 U.S.C. § 12304 and this section shall be paid for the
9 ~~duration of the active military service, the length of which~~
10 ~~shall be determined by the Adjutant General of the Alabama~~
11 ~~National Guard, from the date of activation~~ length of time set
12 forth in the Uniformed Services Employment Rights Act, 38
13 U.S.C. § 4312(c) and shall be paid from funds appropriated to
14 the employer. ~~The provisions of this section shall be~~
15 ~~construed to provide for such payments retroactive to~~
16 ~~September 11, 2001, if applicable.~~

17 "§31-12-6.

18 "The governing body of any local governmental entity
19 in this state may provide for any public employee of the
20 entity who is called into active service in the Armed Forces
21 of the United States ~~during the war on terrorism which~~
22 ~~commenced in September 2001,~~ under 10 U.S.C. § 12301, 10
23 U.S.C. § 12302, or 10 U.S.C. § 12304 to receive from his or
24 her employer compensation in an amount which is equal to the
25 difference between the lower active duty military base pay and
26 the higher public employment salary which he or she would have
27 received if not called to active service under 10 U.S.C. §

1 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304. The amount of
2 compensation which may be paid under this section to a local
3 public employee called into active service under 10 U.S.C. §
4 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304 may be paid for
5 the length of time set forth in the Uniformed Services
6 Employment Rights Act, 38 U.S.C. § 4312(c). ~~a period as~~
7 ~~determined by the~~ The local governing body ~~under~~ may determine
8 rules and regulations for processing claims for and payments
9 of the compensation promulgated and implemented by the local
10 governing body."

11 Section 2. In addition to any other benefits
12 provided in this chapter, an employee of a public educational
13 entity in this state who is called into active service in any
14 of the Armed Forces of the United States under 10 U.S.C. §
15 12301, 10 U.S.C. § 12302, or 10 U.S.C. § 12304, may receive
16 from his or her employer compensation in an amount which is
17 equal to the difference between the lower active duty military
18 base pay and the higher public salary which he or she would
19 have continued to receive if not called to active service
20 under 10 U.S.C. § 12301, 10 U.S.C. § 12302, or 10 U.S.C. §
21 12304. The amount of compensation to be paid to an employee
22 called into active service under 10 U.S.C. § 12301, 10 U.S.C.
23 § 12302, or 10 U.S.C. § 12304 may be paid for the length of
24 time set forth in the Uniformed Services Employment Rights
25 Act, 38 U.S.C. § 4312(c).

26 Section 3. (a) The personnel departments of the
27 various entities of the executive, legislative, and judicial

1 branches of state government may coordinate efforts to adopt
2 and implement the administrative rules and procedures
3 necessary to implement Section 31-12-5 for state employees.

4 (b) The local school boards or other appropriate
5 governing bodies may coordinate efforts to adopt and implement
6 the administrative rules and procedures necessary to implement
7 Section 2 for employees of public educational entities.

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

12 Section 5. All laws or parts of laws which conflict
13 with this act are repealed.

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