

1 SB410
2 168267-1
3 By Senators Shelnutt and Marsh
4 RFD: Finance and Taxation General Fund
5 First Read: 23-APR-15

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8 SYNOPSIS: Under existing law, state employees receive
9 compensation on designated state holidays and
10 employees working on a state holiday receive
11 compensatory leave or compensation in lieu of the
12 holiday.

13 This bill would provide that Confederate
14 Memorial Day and Jefferson Davis' birthday are
15 unpaid holidays, unless the Governor declares these
16 holidays to be paid holidays at the beginning of
17 the calendar year.

18 This bill would provide that if the Governor
19 does not designate Confederate Memorial Day and
20 Jefferson Davis' birthday as paid holidays, he or
21 she may designate up to two additional paid
22 holidays during the calendar year.

23 This bill would limit the number of paid
24 state holidays for state employees during a
25 calendar year to 13.

26 This bill would also limit leave or
27 compensation for those working on a state holiday

1 to the lessor of eight hours or the time worked and
2 would define a state holiday as an eight-hour day.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Section 1-3-8, Code of Alabama 1975, to
9 provide that Confederate Memorial Day and Jefferson Davis'
10 birthday are unpaid holidays, unless designated otherwise by
11 the Governor; to provide for the designation of two additional
12 paid holidays for state employees under certain conditions; to
13 limit the number of paid state holidays for state employees;
14 and to limit the leave or compensation to the lessor of eight
15 hours or the time worked; and to define a state holiday as an
16 eight-hour day.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 1-3-8, Code of Alabama 1975, is
19 amended to read as follows:

20 "§1-3-8.

21 "(a) Sunday, Christmas Day, New Year's Day, Martin
22 Luther King, Jr.'s birthday, Robert E. Lee's birthday, George
23 Washington's birthday, Thomas Jefferson's birthday,
24 Confederate Memorial Day, National Memorial Day, Jefferson
25 Davis' birthday, the Fourth day of July, Labor Day, Columbus
26 Day and Fraternal Day, Veterans' Day, American Indian Heritage
27 Day, and the day designated by the Governor for public

1 thanksgiving shall each be deemed a holiday. If any holiday
2 falls on Sunday, the following day is the holiday. If any
3 holiday falls on Saturday, the preceding day is the holiday.
4 Veterans' Day shall be observed by the closing of all state,
5 county, and municipal offices, all banks located within this
6 state, and the public schools on such day. Public schools,
7 grades K to 12, inclusive, and all public two-year
8 institutions of higher education shall also be closed on
9 National Memorial Day, and such closing shall be applicable to
10 all students and non-essential employees. The Superintendent
11 of Banks, with the concurrence of not less than two members of
12 the state Banking Board, may authorize any state bank to close
13 on National Memorial Day, the last Monday in May, and on such
14 other days as may be declared by the Governor to be state
15 holidays in honor of a special event. If any authorized state
16 holiday falls on Friday, the Superintendent of Banks may
17 authorize the Saturday following that Friday to be a holiday.
18 The superintendent may also authorize the closing of banks at
19 12:00 noon on the day prior to Christmas Day, and the day
20 prior to New Year's Day, if such days fall on business days.

21 "(b) Of the above enumerated legal public holidays,
22 the following shall be observed on the dates ~~herein~~
23 prescribed:

24 "(1) Robert E. Lee's birthday - the third Monday in
25 January.

26 "(2) George Washington's birthday - the third Monday
27 in February.

1 "(3) Confederate Memorial Day - the fourth Monday in
2 April.

3 "(4) Jefferson Davis' birthday - the first Monday in
4 June.

5 "(5) Columbus Day and Fraternal Day - the second
6 Monday in October.

7 "(6) Veterans' Day - the eleventh day of November.

8 "(7) Martin Luther King, Jr.'s birthday - the third
9 Monday in January.

10 "(8) National Memorial Day - the last Monday in May.

11 "(9) Thomas Jefferson's birthday - the third Monday
12 in February.

13 "(10) American Indian Heritage Day - the second
14 Monday in October.

15 "(c) (1) For purposes of this section, Confederate
16 Memorial Day and Jefferson Davis' birthday are unpaid
17 holidays, unless at the beginning of each calendar year, the
18 Governor designates these holidays as paid holidays. If the
19 Governor does not declare these holidays as paid holidays, he
20 or she may designate up to two additional paid holidays during
21 the calendar year.

22 "(2) Notwithstanding subdivision (1), there shall be
23 no more than 13 paid state holidays in a calendar year for
24 state employees.

25 "(3) For the purposes of this subsection, "unpaid
26 holiday" means a holiday for which a state employee receives
27 no compensation unless he or she uses annual leave or

1 otherwise accounts for the time as provided by law or rules of
2 the State Personnel Department.

3 ~~"(c)~~ (d) In addition to the legal holidays provided
4 above, Mardi Gras shall be deemed a holiday in Mobile and
5 Baldwin Counties and all state offices shall be closed in
6 those counties on Mardi Gras.

7 ~~"(d)~~ (e) In addition to the legal holidays provided
8 above, all state employees, except those employed in Baldwin
9 and Mobile Counties, shall be granted one personal leave day
10 per year. The personal leave day shall be granted on January 1
11 of each year. All state employees employed in Baldwin and
12 Mobile Counties shall be granted no personal leave day. All
13 such personal leave days granted in any year shall be used by
14 the end of the calendar year. All such personal leave days
15 shall be scheduled during the year with the approval of the
16 supervisor. Supervisors failing to schedule personal leave
17 days for employees shall justify that action in writing to the
18 Director of State Personnel and the employee shall receive pay
19 at a rate not less than the employee's usual and customary
20 rate of pay for any personal leave day not taken by December
21 31 of each year.

22 ~~"(e)~~ (f)(1) All state holidays shall be observed by
23 the closing of all state offices. Any state office may remain
24 open on a state holiday upon written notice by the appointing
25 authority to the State Personnel Board at least 60 days in
26 advance of the holiday. Provided, that any state office may be
27 opened in the event of an emergency and the State Personnel

1 Board may grant a blanket approval for the openings of state
2 offices needing to be open on holidays on a regular basis for
3 essential services. Any state employee working on a state
4 holiday shall receive ~~a day~~ one hour of compensatory leave or
5 paid compensation for each hour worked up to a maximum of
6 eight hours in lieu of the holiday as provided herein.

7 "(2) For the purposes of this subsection, a "state
8 holiday" means an eight-hour day.

9 ~~"(f)~~ (g) Each employee shall attempt to schedule any
10 compensatory leave day provided in lieu of a regularly
11 scheduled holiday, subject to the approval of the supervisor,
12 during the quarter that the regularly scheduled holiday
13 occurred. If any compensatory leave day cannot be scheduled
14 during the designated quarter, the compensatory leave day may
15 be accumulated at the request of the employee for up to one
16 year. Supervisors failing to schedule compensatory leave days
17 for employees within the quarter, unless the day is carried
18 forward at the request of the employee, shall justify that
19 action in writing to the Director of State Personnel and the
20 employee shall receive pay at a rate not less than the
21 employee's usual and customary rate of pay for any
22 compensatory leave day to which the employee may be entitled
23 and which has not been taken."

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.