

APA-4
Revised 1/2018

CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c)(2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 16th day of February, 2022.

AGENCY NAME: Alabama State Personnel Department

RULE NO. AND TITLE: 670-X-13-.06 ER Payment of Accumulated Leave Upon Separation from State Service

EFFECTIVE DATE OF RULE: February 16, 2022

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: This emergency rule is due to the large amount of retirement and resignations across State agencies.

STATUTORY AUTHORITY: Ala. Code § 36-26-9

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS _____ YES NO


NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

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REC'D & FILED

FEB 16 2022

LEGISLATIVE SVC AGENCY



Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For LSA Use Only)

**ALABAMA STATE PERSONNEL BOARD
ALABAMA STATE PERSONNEL
ADMINISTRATIVE CODE**

**CHAPTER 670-X-13.06 PAYMENT OF ACCUMULATED LEAVE UPON SEPARATION
FROM SERVICE**

**670-X-13-.06 ER Payment of Accumulated Leave Upon Separation
From Service.**

(1) Upon all separations from service except for a layoff, an employee shall be paid for the actual number of hours of annual leave he has accumulated, up to a maximum of 480 hours in an employee's career, with the amount being computed using the base hourly pay rate at the time of separation multiplied by the number of hours of leave due. For employees that do not accumulate leave at the time of separation, the last rate of pay at which the employee accumulated leave shall be used to calculate the leave payment.

(2) If an individual who has been paid for leave under this provision returns to state service, he/she must remain off the payroll for a period of time at least equal to the number of hours of annual leave paid.

~~(2)~~(3) An employee may return to service without waiting for a longer period than the amount of annual leave paid. This rule will expire December 31, 2020.

(4) Notwithstanding the foregoing, an employee who has retired from state service may return to service without the waiting period required in paragraph 2. This provision, however, will automatically expire on March 31, 2023.

Author: Halcyon Vance Ballard

Statutory Authority: Code of Ala. 1975, §36-26-35

History: Filed September 29, 1981. **Amended:** Failed February 28, 1991. **Amended:** Filed May 20, 2015; effective June 24, 2015.

Amended: Published July 31, 2020; effective September 14, 2020.

Emergency: Filed February 16, 2022; effective February 16, 2022.