

APA-1
Revised 4/2018

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department or Agency: Alabama State Personnel Department
Rule No. 670-X-13-.06
Rule Title: Payment of Accumulated Leave Upon Separation From Service
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Jackie Graham
Date 2/16/22

(DATE FILED)
(STAMP)
REC'D & FILED

FEB 16 2022

APA-2

STATE PERSONNEL DEPARTMENT

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Personnel Department

RULE NO. & TITLE: 670-X-13-.06 Payment of Accumulated Leave Upon Separation From Service

INTENDED ACTION: Amendment

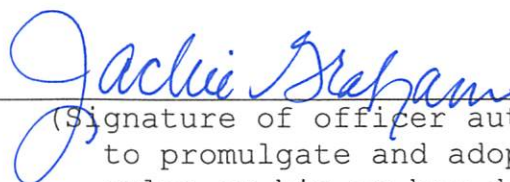
SUBSTANCE OF PROPOSED ACTION: This amendment will require that the employees last rate of pay at the time of separation will be used to calculate the leave payment. It will also require an individual who retires from state service to remain off the payroll for the amount of leave for which they were paid. This amendment will also create an exception to allow retired state employees to return to state service without waiting for the amount of annual leave they were paid. This exception to the rule will expire on March 31, 2023.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be addressed to Lexie SoloRio, Alabama State Personnel Department, 64 North Union Street, Suite 300, Montgomery, AL 36130-4100 or by email at personnel@personnel.alabama.gov. Written comments must be received no later than April 4, 2022.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 4, 2022

CONTACT PERSON AT AGENCY:

Lexie SoloRio, Legislative Counsel
Alabama State Personnel Department
64 N. Union Street, Suite 300
Montgomery, AL 36130-4100
Telephone: 334-353-0541
Facsimile: 334-353-4481
personnel@personnel.alabama.gov



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

**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 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.

Amended: Published February 28, 2022; effective April 4, 2022.