

1 HB399  
2 157570-2  
3 By Representatives Collins, Farley and Treadaway  
4 RFD: State Government  
5 First Read: 04-FEB-14

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8 SYNOPSIS: Currently, retirees of the Employees'  
9 Retirement System (ERS) may be employed with an  
10 employer that participates in the ERS or Teachers'  
11 Retirement System, without suspension of his or her  
12 retirement allowances, provided the retiree's  
13 compensation is limited to a certain annual amount  
14 and the employee is not employed in a permanent  
15 full-time position.

16 This bill would provide that retirees who  
17 are certified by the Alabama Peace Officers  
18 Standards and Training Commission as law  
19 enforcement officers at the time of retirement  
20 would not be subject to those limitations.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

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26 To amend Section 36-27-8.2, Code of Alabama 1975,  
27 relating to certain restrictions on permanent full-time

1 employment and restrictions on the amount of annual  
2 compensation a retiree of the Employees' Retirement System may  
3 receive without suspending his or her retirement allowance; to  
4 remove those limitations for retirees who are certified by the  
5 Alabama Peace Officers Standards and Training Commission as  
6 law enforcement officers at the time of retirement.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 36-27-8.2, Code of Alabama 1975,  
9 is amended to read as follows:

10 "§36-27-8.2.

11 "(a) Any person who is retired under the Employees'  
12 Retirement System may perform duties in any capacity with any  
13 employer participating in the Employees' Retirement System or  
14 the Teachers' Retirement System without suspension of his or  
15 her retirement allowance provided that (1) the person is not  
16 employed in a permanent full-time capacity and (2) the  
17 person's compensation from the employer in calendar year 2000  
18 does not exceed \$17,000. Beginning in calendar year 2001, and  
19 each calendar year thereafter, the annual earning limit shall  
20 be increased by the same percentage increase as the increase  
21 in the Consumer Price Index for all urban consumers as  
22 published by the U.S. Department of Labor, Bureau of Labor  
23 Statistics. Any increase in the annual earning limit shall be  
24 rounded to the next lowest multiple of \$1,000 with any amount  
25 in excess of the \$1,000 multiple considered in determining the  
26 increase for the following year. Each adjustment shall be  
27 based on the increase in the index for the preceding 12-month

1 period ending on September 30 and the increase shall be  
2 effective for the following calendar year. Items (1) and (2)  
3 of this subsection shall not apply if the following conditions  
4 are met: The retired member is currently certified as a law  
5 enforcement officer by the Alabama Peace Officers Standards  
6 and Training Commission and has been certified for 20 years or  
7 more; has been separated from service for at least 12 months;  
8 and is employed as a law enforcement officer with a local or  
9 state education agency or with criminal justice agency as  
10 defined in Section 41-9-590, provided that the officer may not  
11 be reemployed by the same agency at the same position that he  
12 or she previously held while in active service. The retired  
13 member's benefits shall not be suspended, provided that no  
14 additional retirement credit shall be earned, the agency  
15 employing the retired member shall remit a surcharge to the  
16 Employees' Retirement System or the Teachers' Retirement  
17 System equal to the amount of the employer contribution that  
18 the agency would be required to remit if an active member were  
19 employed in the position, and the retired member shall  
20 contribute to the Employees' Retirement System or the  
21 Teachers' Retirement System eight and one-half percent of his  
22 or her earnable compensation.

23 "(b) Any person serving as an elected official who  
24 has retired from the Employees' Retirement System may serve  
25 for compensation in an elected public office with the state, a  
26 county, or an incorporated municipality without suspension of  
27 retirement benefits; provided that under no circumstances

1 shall such a person participate in or accrue additional  
2 benefits under the Teachers' Retirement System or the  
3 Employees' Retirement System, and provided that under no  
4 circumstances shall a person whose retirement is based upon  
5 service as an elected official continue in or return to such  
6 office and receive both pension benefits and salary; provided  
7 further, that this subsection shall apply to elected officials  
8 whose participation in the Teachers' Retirement System or the  
9 Employees' Retirement System is constitutionally required to  
10 be upon the same terms and conditions as specified by law for  
11 other employees in the retirement system if such elected  
12 official's compensation does not exceed the annual earning  
13 limits provided in subsection (a).

14 "(c) The responsibility for compliance with the  
15 provision of this section is placed upon the employing  
16 authority, and each employee employed under this section shall  
17 certify to the employer any information required in order to  
18 carry out this section."

19 Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.