

1 SB300
2 157570-2
3 By Senator Williams
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 30-JAN-14

2
3
4
5
6
7
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

25
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.