

1 HB317  
2 203920-3  
3 By Representative Treadaway (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 25-FEB-20

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ENROLLED, An Act,

Relating to the City of Birmingham in Jefferson County; to amend Section 45-37A-51.237, Code of Alabama 1975; to increase the allowed percentages of retired police officers and retired firefighters that may be rehired by the city.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-37A-51.237, Code of Alabama 1975, is amended to read as follows:

"§45-37A-51.237.

"(a) Anything herein to the contrary notwithstanding and except as provided in subsection (b), no retirement benefits of whatever kind or description shall be payable to any former participant for any period during which the former participant is employed by the city, is due a salary from the city or has been paid a salary by the city, except persons elected by the people to serve the city shall have the option of continuing to receive either retirement benefits or the compensation for the office to which that person is elected, or that person may choose to receive both such benefits and compensation.

"(b) (1) For the purposes of this section, "retired public safety officer" means a retired law enforcement officer who was employed by the city or a retired firefighter who was employed by the city.

1           "(2) Notwithstanding subsection (a), a retired  
2 public safety officer who was employed by the city may be  
3 subsequently rehired by the city during times of critical  
4 personnel shortages to provide public safety services as  
5 provided in this subsection and may continue to receive  
6 retirement benefits of whatever kind or description for any  
7 period during which the public safety officer is reemployed by  
8 the city.

9           "(3) A retired public safety officer rehired by the  
10 city shall be retired for at least 45 consecutive days prior  
11 to reemployment with the city.

12           "(4) The retired public safety officer shall not  
13 accrue additional retirement service credit for any portion of  
14 the period of reemployment.

15           "(5) The retired public safety officer and the city  
16 shall make the contributions that would be required for  
17 members and employers under the system during the entire  
18 period of subsequent employment, and the portion of the  
19 contributions paid by the participant during the term of  
20 reemployment is not refundable at the termination of the  
21 subsequent employment period.

22           "(6) The period of reemployment for a retired public  
23 safety officer pursuant to this subsection shall be no more  
24 than a total of 10 years from the date of rehire by the city.

1           "(7) The chief of police or the fire chief shall  
2 have the sole discretion to select retired public safety  
3 officers for reemployment under this subsection pursuant to  
4 the established guidelines of the Personnel Board of Jefferson  
5 County.

6           "(8)a. The city may not employ a number of retired  
7 law enforcement officers pursuant to this section that exceeds  
8 ~~10~~ 20 percent of the city's entire authorized police force on  
9 May 18, 2017.

10           "b. The city may not employ a number of retired  
11 firefighters pursuant to this section that exceeds ~~10~~ 20  
12 percent of the city's entire authorized firefighter force on  
13 May 18, 2017.

14           "(9)a. The city shall employ retired law enforcement  
15 officers only at ranks below sergeant and may not promote  
16 subsequently employed retired law enforcement officers above  
17 the rank of sergeant at any time during the subsequent  
18 employment.

19           "b. The city shall employ retired firefighters only  
20 at ranks below lieutenant and may not promote subsequently  
21 employed retired firefighters above the rank of ~~apparatus~~  
22 ~~operator~~ lieutenant at any time during the subsequent  
23 employment.

24           "(c) Prior to the implementation of this section,  
25 the city shall obtain an actuarial study certifying to the

1 governing body of the City of Birmingham that the act is cost  
2 neutral to the retirement system of the city."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 04-MAY-20.

Jeff Woodard  
Clerk

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Senate

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06-MAY-20

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Passed