

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

A BILL  
TO BE ENTITLED  
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

1 of continuing to receive either retirement benefits or the  
2 compensation for the office to which that person is elected,  
3 or that person may choose to receive both such benefits and  
4 compensation.

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

9 "(2) Notwithstanding subsection (a), a retired  
10 public safety officer who was employed by the city may be  
11 subsequently rehired by the city during times of critical  
12 personnel shortages to provide public safety services as  
13 provided in this subsection and may continue to receive  
14 retirement benefits of whatever kind or description for any  
15 period during which the public safety officer is reemployed by  
16 the city.

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

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

23 "(5) The retired public safety officer and the city  
24 shall make the contributions that would be required for  
25 members and employers under the system during the entire  
26 period of subsequent employment, and the portion of the  
27 contributions paid by the participant during the term of

1 reemployment is not refundable at the termination of the  
2 subsequent employment period.

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

6 "(7) The chief of police or the fire chief shall  
7 have the sole discretion to select retired public safety  
8 officers for reemployment under this subsection pursuant to  
9 the established guidelines of the Personnel Board of Jefferson  
10 County.

11 "(8)a. The city may not employ a number of retired  
12 law enforcement officers pursuant to this section that exceeds  
13 ~~10~~ 20 percent of the city's entire authorized police force on  
14 May 18, 2017.

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

19 "(9)a. The city shall employ retired law enforcement  
20 officers only at ranks below sergeant and may not promote  
21 subsequently employed retired law enforcement officers above  
22 the rank of sergeant at any time during the subsequent  
23 employment.

24 "b. The city shall employ retired firefighters only  
25 at ranks below lieutenant and may not promote subsequently  
26 employed retired firefighters above the rank of ~~apparatus~~

1 ~~operator~~ lieutenant at any time during the subsequent  
2 employment.

3 "(c) Prior to the implementation of this section,  
4 the city shall obtain an actuarial study certifying to the  
5 governing body of the City of Birmingham that the act is cost  
6 neutral to the retirement system of the city."

7 Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.