



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, a retiree receiving an Employees' Retirement System or Teachers' Retirement System allowance may perform duties with an employer participating in the system without suspension of the retirement allowance, provided the person is not employed in a permanent full-time capacity and the compensation does not exceed \$30,000 plus Consumer Price Index adjustments after 2017.

This bill would permit certain retired individuals under the Teachers' Retirement System and the Employees' Retirement System to perform duties as a school resource officer or as a correctional officer without suspension of his or her retirement allowance.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Teachers' Retirement System and the Employees' Retirement System; to amend Sections 16-25-26 and 36-27-8.2, Code of Alabama 1975, to temporarily permit certain retired individuals performing duties as school resource officers or as correctional officers to serve without



29 suspension of his or her retirement allowance.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 16-25-26 and 36-27-8.2 of the Code
32 of Alabama 1975, are amended to read as follows:

33 "§16-25-26

34 (a) Any person who is retired under the Teachers'
35 Retirement System may perform duties in any capacity,
36 including as an independent contractor, with any employer
37 participating in the Employees' Retirement System or the
38 Teachers' Retirement System without suspension of his or her
39 retirement allowance provided that (1) the person is not
40 employed in a permanent full-time capacity and (2) the
41 person's compensation from the employer in calendar year 2016
42 does not exceed thirty thousand dollars (\$30,000). Beginning
43 in calendar year 2017, and each calendar year thereafter, the
44 annual earning limit shall be increased by the same percentage
45 increase as the increase in the Consumer Price Index for all
46 urban consumers as published by the U.S. Department of Labor,
47 Bureau of Labor Statistics. Any increase in the annual earning
48 limit shall be rounded to the next lowest multiple of one
49 thousand dollars (\$1,000) with any amount in excess of the one
50 thousand dollar (\$1,000) multiple considered in determining
51 the increase for the following year. Each adjustment shall be
52 based on the increase in the index for the preceding 12-month
53 period ending on September 30 and the increase shall be
54 effective for the following calendar year.

55 (b) Any person serving as an elected official who has
56 retired from the Teachers' Retirement System may serve for



57 compensation in an elected public office with the state, a
58 county, or an incorporated municipality without suspension of
59 retirement benefits; provided that under no circumstances
60 shall such a person participate in or accrue additional
61 benefits under the Teachers' Retirement System or the
62 Employees' Retirement System, and provided that under no
63 circumstances shall a person whose retirement is based upon
64 service as an elected official continue in or return to such
65 office and receive both pension benefits and salary; provided
66 further, that this subsection shall apply to elected officials
67 whose participation in the Teachers' Retirement System or the
68 Employees' Retirement System is constitutionally required to
69 be upon the same terms and conditions as specified by law for
70 other employees in the retirement system if such elected
71 official's compensation does not exceed the annual earning
72 limits provided in subsection (a).

73 (c) The responsibility for compliance with this section
74 is placed upon the employing authority, and each retiree
75 performing duties under this section shall certify to the
76 employer any information required in order to carry out this
77 section. The retiree shall provide written notice of the
78 postretirement employment under this section to the Teachers'
79 Retirement System and employing authority within 30 days after
80 the date the retiree knows or should know that he or she will
81 be performing duties on a full-time or permanent basis or will
82 earn an amount in excess of the annual earning limit under
83 this section.

84 (d) (1) Any individual who is retired under the



85 Teachers' Retirement System or the Employees' Retirement
86 System, has the applicable Alabama Peace Officers' Standards
87 and Training certification, and was classified as a law
88 enforcement officer, as defined in Section 36-27-59 prior to
89 retirement, may perform duties as a school resource officer,
90 as defined in Section 16-1-44.1, without suspension of his or
91 her retirement allowance provided that the compensation earned
92 does not exceed fifty-two thousand dollars (\$52,000) per year:

93 (2) No individual may be employed pursuant to this
94 subsection after December 31, 2026."

95 "§36-27-8.2

96 (a) Any person who is retired under the Employees'
97 Retirement System may perform duties in any capacity,
98 including as an independent contractor, with any employer
99 participating in the Employees' Retirement System or the
100 Teachers' Retirement System without suspension of his or her
101 retirement allowance provided that (1) the person is not
102 employed in a permanent full-time capacity and (2) the
103 person's compensation from the employer in calendar year 2016
104 does not exceed thirty thousand dollars (\$30,000). Beginning
105 in calendar year 2017, and each calendar year thereafter, the
106 annual earning limit shall be increased by the same percentage
107 increase as the increase in the Consumer Price Index for all
108 urban consumers as published by the U.S. Department of Labor,
109 Bureau of Labor Statistics. Any increase in the annual earning
110 limit shall be rounded to the next lowest multiple of one
111 thousand dollars (\$1,000) with any amount in excess of the one
112 thousand dollar (\$1,000) multiple considered in determining



113 the increase for the following year. Each adjustment shall be
114 based on the increase in the index for the preceding 12-month
115 period ending on September 30 and the increase shall be
116 effective for the following calendar year.

117 (b) Any person serving as an elected official who has
118 retired from the Employees' Retirement System may serve for
119 compensation in an elected public office with the state, a
120 county, or an incorporated municipality without suspension of
121 retirement benefits; provided that under no circumstances
122 shall such a person participate in or accrue additional
123 benefits under the Teachers' Retirement System or the
124 Employees' Retirement System, and provided that under no
125 circumstances shall a person whose retirement is based upon
126 service as an elected official continue in or return to such
127 office and receive both pension benefits and salary; provided
128 further, that this subsection shall apply to elected officials
129 whose participation in the Teachers' Retirement System or the
130 Employees' Retirement System is constitutionally required to
131 be upon the same terms and conditions as specified by law for
132 other employees in the retirement system if such elected
133 official's compensation does not exceed the annual earning
134 limits provided in subsection (a).

135 (c) The responsibility for compliance with the
136 provision of this section is placed upon the employing
137 authority, and each retiree performing duties under this
138 section shall certify to the employer any information required
139 in order to carry out this section. The retiree shall provide
140 written notice of the postretirement employment under this



141 section to the Employees' Retirement System and employing
142 authority within 30 days after the date the retiree knows or
143 should know that he or she will be performing duties on a
144 full-time or permanent basis or will earn an amount in excess
145 of the annual earning limit under this section.

146 (d) (1) Any individual who is retired under the
147 Teachers' Retirement System or the Employees' Retirement
148 System, has the applicable Alabama Peace Officers' Standards
149 and Training certification, and meets either of the following
150 criteria may perform duties as a correctional officer with the
151 Department of Corrections without suspension of his or her
152 retirement allowance provided that the compensation earned
153 does not exceed fifty-two thousand dollars (\$52,000) per year:

154 a. Was classified as a law enforcement officer, as
155 defined in Section 36-27-59, prior to retirement.

156 b. Was classified as a correctional officer, as defined
157 in Section 36-27-59, prior to retirement, and retired pursuant
158 to paragraph c. of Section 36-27-16(a) (1).

159 (2) No individual may be employed pursuant to this
160 subsection after December 31, 2026."

161 Section 2. This act shall become effective on the
162 first day of the third month following its passage and
163 approval by the Governor, or its otherwise becoming law.