

SB4 INTRODUCED



1 038366-1
2 By Senator Orr
3 RFD: Confirmations
4 First Read: 17-Jul-23
5 2023 Second Special Session



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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 individual 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 temporarily permit certain state police officers retired under 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 Employees' Retirement System; to amend Section 36-27-8.2, Code of Alabama 1975, as last amended by Act 2023-334 of the 2023 Regular Session, to temporarily permit certain retired state police officers performing duties as school resource officers or as correctional officers to



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29 serve without suspension of their retirement allowance.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Section 36-27-8.2, Code of Alabama 1975, as
32 last amended by Act 2023-334 of the 2023 Regular Session, is
33 amended to read as follows:

34 "§36-27-8.2

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



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

76 (c) The responsibility for compliance with ~~the~~
77 ~~provision of~~ this section is placed upon the employing
78 authority, and each retiree performing duties under this
79 section shall certify to the employer any information required
80 in order to carry out this section. The retiree shall provide
81 written notice of the postretirement employment under this
82 section to the Employees' Retirement System and employing
83 authority within 30 days after the date the retiree knows or
84 should know that he or she will be performing duties on a



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85 full-time or permanent basis or will earn an amount in excess
86 of the annual earning limit under this section.

87 (d) (1) Any individual who is retired under the
88 Employees' Retirement System, has the applicable Alabama Peace
89 Officers' Standards and Training certification, and was
90 classified as either a law enforcement officer, as defined in
91 Section 36-27-59, or a state policeman, as defined in Section
92 36-27-1, prior to retirement, may perform duties as either a
93 school resource officer, as defined in Section 16-1-44.1, or a
94 correctional officer with the Department of Corrections
95 without suspension of his or her retirement allowance,
96 provided that the compensation earned does not exceed
97 fifty-two thousand dollars (\$52,000) per year~~+~~.

98 (2) Any individual who is retired under the Employees'
99 Retirement System, has the applicable Alabama Peace Officers'
100 Standards and Training certification, and meets ~~either~~ any of
101 the following criteria, may perform duties as a correctional
102 officer with the Department of Corrections without suspension
103 of his or her retirement allowance, provided that the
104 compensation earned does not exceed fifty-two thousand dollars
105 (\$52,000) per year:

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

108 b. Was classified as a state policeman, as defined in
109 Section 36-27-1, prior to retirement.

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



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113 (3) No individual may be employed pursuant to this
114 subsection after December 31, 2026."

115 Section 2. This act shall become effective on August 1,
116 2023, following its passage and approval by the Governor, or
117 its otherwise becoming law.