

SB28 ENGROSSED



1 SB28
2 W1JSNE9-2
3 By Senator Elliott
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 04-Dec-25



1

2

3

4

5

6

7

8

A BILL

TO BE ENTITLED

AN ACT

9 Relating to retired state employees; to amend Section
10 36-27-8.2, as last amended by Act 2025-409, Code of Alabama
11 1975, to further provide for employment authorized for certain
12 retired state employees.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 36-27-8.2, as last amended by Act
15 2025-409, 2025 Regular Session, Code of Alabama 1975, is
16 amended to read as follows:

17 "§36-27-8.2



29 same percentage increase as the increase in the Consumer Price
30 Index for all urban consumers as published by the U.S.
31 Department of Labor, Bureau of Labor Statistics. Any increase
32 in the annual earning limit shall be rounded to the next
33 lowest multiple of one thousand dollars (\$1,000) with any
34 amount in excess of the one thousand dollar (\$1,000) multiple
35 considered in determining the increase for the following year.
36 Each adjustment shall be based on the increase in the index
37 for the preceding 12-month period ending on September 30 and
38 the increase shall be effective for the following calendar
39 year.

40 (b) Any individual serving as an elected official who
41 has retired from the Employees' Retirement System may serve
42 for his or her full compensation in an elected public office
43 with the state, a county, or an incorporated municipality
44 without suspension of retirement benefits; provided, that
45 under no circumstances shall such an individual participate in
46 or accrue additional benefits under the Teachers' Retirement
47 System or the Employees' Retirement System for that service,
48 and provided that under no circumstances shall an individual
49 whose retirement is based upon service as an elected official
50 continue in or return to the office and receive both pension
51 benefits and salary. Any provision of this subsection to the
52 contrary notwithstanding, a retiree serving as a local elected
53 superintendent of education shall not receive both pension
54 benefits and salary unless his or her compensation as a local
55 elected superintendent of education does not exceed the annual
56 earning limits provided in subsection (a).



57 (c) The responsibility for compliance with this section
58 is placed upon the employing authority, and each retiree
59 performing duties under this section shall certify to the
60 employer any information required in order to carry out this
61 section. The retiree shall provide written notice of the
62 postretirement employment under this section to the Employees'
63 Retirement System and employing authority within 30 days after
64 the date the retiree knows or should know that he or she will
65 be performing duties on a full-time or permanent basis or will
66 earn an amount in excess of the annual earning limit under
67 this section.

(d) (1) Any individual who is retired under the Employees' Retirement System or the Teachers' Retirement System with a minimum of 25 years of service on the effective date of this act, has the applicable Alabama Peace Officers' Standards and Training certification, and was classified as either a law enforcement officer, as defined in Section 36-27-59, or a state policeman, as defined in Section 36-27-1, prior to retirement, may perform duties as any of the following ~~a school resource officer, as defined in Section 16-1-44.1, a correctional officer with the Department of Corrections, or a police officer at any state college or university pursuant to Section 16-22-1~~ without suspension of his or her retirement allowance, provided ~~that~~ the compensation earned does not exceed fifty-two thousand dollars (\$52,000) per year:

83 a. A school resource officer, as defined in Section
84 16-1-44.1.



85 **b. A correctional officer with the Department of**
86 **Corrections.**

87 **c. A police officer at any state college or university**
88 **pursuant to Section 16-22-1.**

89 **d. A sheriff's deputy.**

90 **e. A municipal police officer.**

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

99 a. ~~Was classified as a law enforcement officer, as~~
100 ~~defined in Section 36-27-59, prior to retirement~~Is retired
101 under the Employees' Retirement System with a minimum of 25
102 years of service on the effective date of this act.

103 b. ~~Was classified as a state policeman, as defined in~~
104 ~~Section 36-27-1, prior to retirement~~Has the applicable Alabama
Peace Officers' Standards and Training Certification.

106 c. Was classified as a correctional officer, as defined
107 in Section 36-27-59, prior to retirement, and retired pursuant
108 to Section 36-27-16(a)(1)c.

109 (3) The minimum number of years of service required to
110 qualify to perform duties without suspension of retirement
111 benefits under subdivisions (d)(1) and (2) shall be adjusted
112 as follows:



113 a. A minimum of 26 years of service on October 1, 2027.
114 b. A minimum of 27 years of service on October 1, 2028.
115 c. A minimum of 28 years of service on October 1, 2029.
116 d. A minimum of 29 years of service on October 1, 2030.
117 e. A minimum of 30 years of service on October 1, 2031,
118 and each year thereafter.

119 ~~(3)~~(4) Any individual who is retired under the
120 Employees' Retirement System, who has both the applicable
121 Alabama Firefighters' Personnel Standards and Education
122 Commission certification and the applicable State Board of
123 Health certification as a firefighter and an emergency medical
124 services personnel, as defined in Section 36-27-59, prior to
125 retirement, may perform duties as a firemedic without
126 suspension of his or her retirement allowance provided that
127 the compensation earned does not exceed fifty-two thousand
128 dollars (\$52,000) per year, commensurate with the work
129 actually performed.

130 (5) Any individual who is retired under the Employees'
131 Retirement System or Teachers' Retirement System with a
132 minimum of 25 years of service and is licensed to practice law
133 in this state may perform duties as an assistant district
134 attorney without suspension of his or her retirement
135 allowance, provided the compensation does not exceed fifty-two
136 thousand dollars (\$52,000) per year.

137 (5)a. Any individual who is retired under the
138 Employee's Retirement System or Teachers' Retirement System
139 may perform duties as a permanent full-time bus driver without
140 suspension of his or her retirement allowance, provided the



141 compensation does not exceed the earnings limit established in
142 subsection (a) and the individual has drawn his or her
143 retirement benefit for 12 consecutive months.

144 b. Notwithstanding paragraph a., an individual who
145 retired under the Employees' Retirement System or the
146 Teachers' Retirement System on or before January 1, 2026, may
147 be hired and perform duties as a full-time bus driver even if
148 he or she has not drawn his or her retirement benefit for 12
149 consecutive months, provided all other conditions of this
150 subsection are met.

151 (6) The minimum number of years of service required to
152 qualify to perform duties without suspension of retirement
153 benefits under subdivision (d) (5) shall be adjusted as
154 follows:

155 a. A minimum of 26 years of service on October 1, 2027.
156 b. A minimum of 27 years of service on October 1, 2028.
157 c. A minimum of 28 years of service on October 1, 2029.
158 d. A minimum of 29 years of service on October 1, 2030.
159 e. A minimum of 30 years of service on October 1, 2031,
160 and each year thereafter.

161 (4) (7) This subsection shall have retroactive
162 application to January 1, 2023, and no individual may be
163 employed pursuant to this subsection after December 31,
164 20302032."

165 Section 2. This act shall become effective on October
166 1, 2026.

SB28 Engrossed



167
168
169 Senate

170 Read for the first time and referred13-Jan-26
171 to the Senate committee on County
172 and Municipal Government
173
174 Read for the second time and placed14-Jan-26
175 on the calendar:
176 1 amendment
177
178 Read for the third time and passed10-Feb-26
179 as amended
180 Yeas 32
181 Nays 0
182 Abstains 0
183
184
185 Patrick Harris,
186 Secretary.
187