

**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



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-27-8.2

(a) Any individual who is retired under the Employees' Retirement System may perform duties in any capacity, including as an independent contractor, with any employer participating in the Employees' Retirement System or the Teachers' Retirement System without suspension of his or her retirement allowance provided that: (i) the individual is not employed in a permanent full-time capacity; and (ii) the individual's compensation from the employer in calendar year 2016 does not exceed thirty thousand dollars (\$30,000). Beginning in calendar year 2017, and each calendar year thereafter, the annual earning limit shall be increased by the



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

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



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

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



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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  
105 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:



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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



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

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

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

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

~~(4)-(7) This subsection shall have retroactive application to January 1, 2023, and no~~ No ~~individual may be employed pursuant to this subsection after December 31, 2030~~ 2032."

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



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167  
168  
169 Senate

170 Read for the first time and referred .....13-Jan-26  
171 to the Senate committee on County  
172 and Municipal Government

173  
174 Read for the second time and placed .....14-Jan-26  
175 on the calendar:  
176 1 amendment

177  
178 Read for the third time and passed .....10-Feb-26  
179 as amended  
180 Yeas 32  
181 Nays 0  
182 Abstains 0

183  
184  
185 Patrick Harris,  
186 Secretary.  
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