

SB28 INTRODUCED



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



4 SYNOPSIS:

5 Under existing law, individuals who are retired
6 under the Employees' Retirement System are authorized
7 to work in certain capacities and at certain levels of
8 compensation without suspension of his or her
9 retirement allowance.

10 This bill would authorize any individual who is
11 retired under the Employees' Retirement System or the
12 Teachers' Retirement System, has the applicable Alabama
13 Peace Officers' Standards and Training certification,
14 and was classified as either a law enforcement officer
15 or a state policeman prior to retirement to perform
16 duties as a sheriff's deputy or municipal police
17 officer without suspension of his or her retirement
18 allowance, provided the compensation earned does not
19 exceed \$52,000 per year.

20 This bill would also authorize any individual
21 who is retired under the Employees' Retirement System
22 or the Teachers' Retirement System and is licensed to
23 practice law in this state to perform duties as an
24 assistant district attorney without suspension of his
25 or her retirement allowance, provided the compensation
26 earned does not exceed \$52,000 per year.



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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 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



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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).

(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



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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, 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.

b. A correctional officer with the Department of Corrections.

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

d. A sheriff's deputy.

e. A municipal police officer.



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f. A school bus driver.

(2) Any individual who ~~is retired under the Employees' Retirement System, has the applicable Alabama Peace Officers' Standards and Training certification, and~~ meets any all of the following criteria may perform duties as a correctional officer with the Department of Corrections 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. ~~Was classified as a law enforcement officer, as defined in Section 36-27-59, prior to retirement~~Is retired under the Employees' Retirement System.

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

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

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



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141 actually performed.

142 (4) Any individual who is retired under the Employees'
143 Retirement System or Teachers' Retirement System and is
144 licensed to practice law in this state may perform duties as
145 an assistant district attorney without suspension of his or
146 her retirement allowance, provided the compensation does not
147 exceed fifty-two thousand dollars (\$52,000) per year.

148 ~~-(4)- (5) This subsection shall have retroactive~~
149 ~~application to January 1, 2023, and no~~ No individual may be
150 employed pursuant to this subsection after December 31, 2030."

151 Section 2. This act shall become effective on October
152 1, 2026.