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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 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 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, to temporarily permit certain retired individuals performing duties as school resource officers or as correctional officers to serve without suspension of his or her retirement allowance.



29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 36-27-8.2 of the Code of Alabama
31 1975, is amended to read as follows:

32 "§36-27-8.2

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

54 (b) Any person serving as an elected official who has
55 retired from the Employees' Retirement System may serve for
56 compensation in an elected public office with the state, a



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

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

83 (d) (1) Any individual who is retired under the
84 Employees' Retirement System, has the applicable Alabama Peace



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

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

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

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

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

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