

HB276 INTRODUCED



1 HB276
2 Q66I515-1
3 By Representative Treadaway
4 RFD: Ways and Means General Fund
5 First Read: 29-Feb-24



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SYNOPSIS:

Under existing law, an individual who is retired under the Employees' Retirement System, has the applicable Alabama Peace Officers' Standards and Training certification, and was classified as a law enforcement officer or a state policeman prior to retirement may work as a school resource officer or a correctional officer without suspension of his or her retirement allowance, provided that his or her compensation does not exceed \$52,000 per year.

This bill would further allow an individual who is retired under the Employees' Retirement System, has the applicable Alabama Peace Officers' Standards and Training certification, and was classified as a law enforcement officer or a state policeman prior to retirement may work as a police officer at any state college or university without suspension of his or her retirement allowance, provided that his or her compensation does not exceed \$52,000 per year.

A BILL
TO BE ENTITLED
AN ACT



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29 Relating to retired law enforcement officers; to amend
30 Section 36-27-8.2, as last amended by Act 2023-334, 2023
31 Regular Session, and Act 2023-564, 2023 2nd Special Session,
32 Code of Alabama 1975; to further provide for the employment of
33 certain retired law enforcement officers.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 36-27-8.2, as last amended by Act
36 2023-334, 2023 Regular Session, and Act 2023-564, 2023 2nd
37 Special Session, Code of Alabama 1975, is amended to read as
38 follows:

39 "§36-27-8.2

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



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57 considered in determining the increase for the following year.
58 Each adjustment shall be based on the increase in the index
59 for the preceding 12-month period ending on September 30 and
60 the increase shall be effective for the following calendar
61 year.

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

80 (c) The responsibility for compliance with this section
81 is placed upon the employing authority, and each retiree
82 performing duties under this section shall certify to the
83 employer any information required in order to carry out this
84 section. The retiree shall provide written notice of the



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85 postretirement employment under this section to the Employees'
86 Retirement System and employing authority within 30 days after
87 the date the retiree knows or should know that he or she will
88 be performing duties on a full-time or permanent basis or will
89 earn an amount in excess of the annual earning limit under
90 this section.

91 (d) (1) Any individual who is retired under the
92 Employees' Retirement System, has the applicable Alabama Peace
93 Officers' Standards and Training certification, and was
94 classified as either a law enforcement officer, as defined in
95 Section 36-27-59, or a state policeman, as defined in Section
96 36-27-1, prior to retirement, may perform duties as ~~either~~ a
97 school resource officer, as defined in Section 16-1-44.1, ~~or~~ a
98 correctional officer with the Department of Corrections, or a
99 police officer at any state college or university pursuant to
100 Section 16-22-1 without suspension of his or her retirement
101 allowance, provided that the compensation earned does not
102 exceed fifty-two thousand dollars (\$52,000) per year.

103 (2) Any individual who is retired under the Employees'
104 Retirement System, has the applicable Alabama Peace Officers'
105 Standards and Training certification, and meets any of the
106 following criteria, may perform duties as a correctional
107 officer with the Department of Corrections without suspension
108 of his or her retirement allowance, provided that the
109 compensation earned does not exceed fifty-two thousand dollars
110 (\$52,000) per year:

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



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

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

118 (3) No individual may be employed pursuant to this
119 subsection after December 31, 2026.

120 Section 2. This act shall become effective on October
121 1, 2024.