

1 HB367
2 217753-1
3 By Representatives Treadaway and Moore (P)
4 RFD: Ways and Means General Fund
5 First Read: 16-FEB-22

SYNOPSIS: This bill would permit any person retired under the Employees' Retirement System, who was classified as a law enforcement officer, to perform duties as a correctional officer without suspension of his or her retirement allowance.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-27-8.2, Code of Alabama 1975, relating to the Employees' Retirement System, to permit any person retired under the Employees' Retirement System, who was classified as a law enforcement officer, to perform duties as a correctional officer without suspension of his or her retirement allowance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-27-8.2.

1 "(a) Any person who is retired under the Employees'
2 Retirement System may perform duties in any capacity,
3 including as an independent contractor, with any employer
4 participating in the Employees' Retirement System or the
5 Teachers' Retirement System without suspension of his or her
6 retirement allowance provided that (1) the person is not
7 employed in a permanent full-time capacity and (2) the
8 person's compensation from the employer in calendar year 2016
9 does not exceed thirty thousand dollars (\$30,000). Beginning
10 in calendar year 2017, and each calendar year thereafter, the
11 annual earning limit shall be increased by the same percentage
12 increase as the increase in the Consumer Price Index for all
13 urban consumers as published by the U.S. Department of Labor,
14 Bureau of Labor Statistics. Any increase in the annual earning
15 limit shall be rounded to the next lowest multiple of one
16 thousand dollars (\$1,000) with any amount in excess of the one
17 thousand dollar (\$1,000) multiple considered in determining
18 the increase for the following year. Each adjustment shall be
19 based on the increase in the index for the preceding 12-month
20 period ending on September 30 and the increase shall be
21 effective for the following calendar year.

22 "(b) Any person serving as an elected official who
23 has retired from the Employees' Retirement System may serve
24 for compensation in an elected public office with the state, a
25 county, or an incorporated municipality without suspension of
26 retirement benefits; provided that under no circumstances
27 shall ~~such~~ a person participate in or accrue additional

1 benefits under the Teachers' Retirement System or the
2 Employees' Retirement System, and provided that under no
3 circumstances shall a person whose retirement is based upon
4 service as an elected official continue in or return to ~~such~~
5 the office and receive both pension benefits and salary;
6 provided further, that this subsection shall apply to elected
7 officials whose participation in the Teachers' Retirement
8 System or the Employees' Retirement System is constitutionally
9 required to be upon the same terms and conditions as specified
10 by law for other employees in the retirement system if ~~such~~
11 the elected official's compensation does not exceed the annual
12 earning limits provided in subsection (a).

13 "(c) The responsibility for compliance with ~~the~~
14 ~~provision of this section~~ subsection (a) and subsection (b) is
15 placed upon the employing authority, and each retiree
16 performing duties under ~~this section~~ those subsections shall
17 certify to the employer any information required in order to
18 carry out ~~this section~~ those subsections. The retiree shall
19 provide written notice of the postretirement employment under
20 ~~this section~~ those subsections to the Employees' Retirement
21 System and employing authority within 30 days after the date
22 the retiree knows or should know that he or she will be
23 performing duties on a full-time or permanent basis or will
24 earn an amount in excess of the annual earning limit under
25 this section.

26 "(d) Any person who is retired under the Employees'
27 Retirement System and was classified as a law enforcement

1 officer, as defined in Section 36-27-59(a) (3), may perform
2 duties as a correctional officer, as defined in Section
3 36-27-59(a) (1), without suspension of his or her retirement
4 allowance in any capacity with no annual earning limit."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.