

HB41 ENROLLED



1 HGT068-2
2 By Representative Reynolds
3 RFD: Ways and Means General Fund
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to the Employees' Retirement System; to amend
5 Section 36-27-8.2, Code of Alabama 1975, to temporarily permit
6 certain retired individuals performing duties as school
7 resource officers or as correctional officers to serve without
8 suspension of his or her retirement allowance.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 36-27-8.2 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§36-27-8.2

13 (a) Any person who is retired under the Employees'
14 Retirement System may perform duties in any capacity,
15 including as an independent contractor, with any employer
16 participating in the Employees' Retirement System or the
17 Teachers' Retirement System without suspension of his or her
18 retirement allowance provided that (1) the person is not
19 employed in a permanent full-time capacity and (2) the
20 person's compensation from the employer in calendar year 2016
21 does not exceed thirty thousand dollars (\$30,000). Beginning
22 in calendar year 2017, and each calendar year thereafter, the
23 annual earning limit shall be increased by the same percentage
24 increase as the increase in the Consumer Price Index for all
25 urban consumers as published by the U.S. Department of Labor,
26 Bureau of Labor Statistics. Any increase in the annual earning
27 limit shall be rounded to the next lowest multiple of one
28 thousand dollars (\$1,000) with any amount in excess of the one



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29 thousand dollar (\$1,000) multiple considered in determining
30 the increase for the following year. Each adjustment shall be
31 based on the increase in the index for the preceding 12-month
32 period ending on September 30 and the increase shall be
33 effective for the following calendar year.

34 (b) Any person serving as an elected official who has
35 retired from the Employees' Retirement System may serve for
36 compensation in an elected public office with the state, a
37 county, or an incorporated municipality without suspension of
38 retirement benefits; provided that under no circumstances
39 shall such a person participate in or accrue additional
40 benefits under the Teachers' Retirement System or the
41 Employees' Retirement System, and provided that under no
42 circumstances shall a person whose retirement is based upon
43 service as an elected official continue in or return to such
44 office and receive both pension benefits and salary; provided
45 further, that this subsection shall apply to elected officials
46 whose participation in the Teachers' Retirement System or the
47 Employees' Retirement System is constitutionally required to
48 be upon the same terms and conditions as specified by law for
49 other employees in the retirement system if such elected
50 official's compensation does not exceed the annual earning
51 limits provided in subsection (a).

52 (c) The responsibility for compliance with the
53 provision of this section is placed upon the employing
54 authority, and each retiree performing duties under this
55 section shall certify to the employer any information required
56 in order to carry out this section. The retiree shall provide



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57 written notice of the postretirement employment under this
58 section to the Employees' Retirement System and employing
59 authority within 30 days after the date the retiree knows or
60 should know that he or she will be performing duties on a
61 full-time or permanent basis or will earn an amount in excess
62 of the annual earning limit under this section.

63 (d) (1) Any individual who is retired under the
64 Employees' Retirement System, has the applicable Alabama Peace
65 Officers' Standards and Training certification, and was
66 classified as a law enforcement officer, as defined in Section
67 36-27-59 prior to retirement, may perform duties as either a
68 school resource officer, as defined in Section 16-1-44.1, or a
69 correctional officer with the Department of Corrections
70 without suspension of his or her retirement allowance provided
71 that the compensation earned does not exceed fifty-two
72 thousand dollars (\$52,000) per year:

73 (2) Any individual who is retired under the Employees'
74 Retirement System, has the applicable Alabama Peace Officers'
75 Standards and Training certification, and meets either of the
76 following criteria, may perform duties as a correctional
77 officer with the Department of Corrections without suspension
78 of his or her retirement allowance provided that the
79 compensation earned does not exceed fifty-two thousand dollars
80 (\$52,000) per year:

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

83 b. Was classified as a correctional officer, as defined
84 in Section 36-27-59, prior to retirement, and retired pursuant



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85 to paragraph c. of Section 36-27-16(a)(1).

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

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 04-Apr-23.

John Treadwell
Clerk

Senate **18-May-23**

Passed