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8	SYNOPSIS:
9	Under existing law, a retiree receiving an Employees'
10	Retirement System or Teachers' Retirement System
11	allowance may perform duties with an employer
12	participating in the system without suspension of the
13	retirement allowance, provided the person is not
14	employed in a permanent full-time capacity and the
15	compensation does not exceed \$30,000 plus Consumer
16	Price Index adjustments after 2017.
17	This bill would permit certain retired individuals
18	under the Employees' Retirement System to perform
19	duties as a school resource officer or as a
20	correctional officer without suspension of his or her
21	retirement allowance.
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24	A BILL



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26 AN ACT

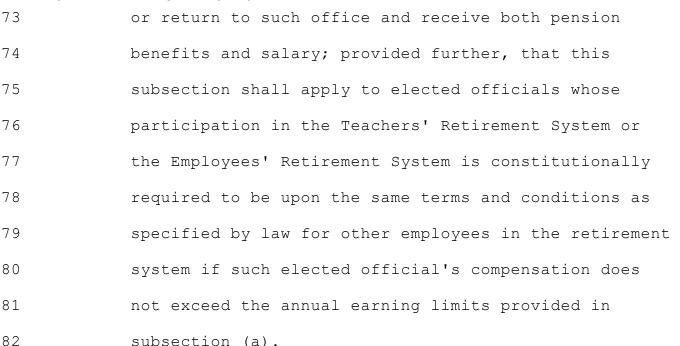
TO BE ENTITLED

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28 Relating to the Employees' Retirement System; to amend Section 36-27-8.2, Code of Alabama 1975, to 29 30 temporarily permit certain retired individuals 31 performing duties as school resource officers or as 32 correctional officers to serve without suspension of his or her retirement allowance. 33 34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 35 Section 1. Section 36-27-8.2 of the Code of Alabama 1975, is amended to read as follows: 36 37 "\$36-27-8.2 (a) Any person who is retired under the Employees' 38 39 Retirement System may perform duties in any capacity, 40 including as an independent contractor, with any 41 employer participating in the Employees' Retirement 42 System or the Teachers' Retirement System without 43 suspension of his or her retirement allowance provided 44 that (1) the person is not employed in a permanent 45 full-time capacity and (2) the person's compensation 46 from the employer in calendar year 2016 does not exceed thirty thousand dollars (\$30,000). Beginning in 47 48 calendar year 2017, and each calendar year thereafter,



49 the annual earning limit shall be increased by the 50 same percentage increase as the increase in the 51 Consumer Price Index for all urban consumers as 52 published by the U.S. Department of Labor, Bureau of 53 Labor Statistics. Any increase in the annual earning 54 limit shall be rounded to the next lowest multiple of 55 one thousand dollars (\$1,000) with any amount in 56 excess of the one thousand dollar (\$1,000) multiple 57 considered in determining the increase for the 58 following year. Each adjustment shall be based on the 59 increase in the index for the preceding 12-month period ending on September 30 and the increase shall 60 61 be effective for the following calendar year. 62 (b) Any person serving as an elected official who has 63 retired from the Employees' Retirement System may 64 serve for compensation in an elected public office 65 with the state, a county, or an incorporated 66 municipality without suspension of retirement benefits; provided that under no circumstances shall 67 68 such a person participate in or accrue additional 69 benefits under the Teachers' Retirement System or the 70 Employees' Retirement System, and provided that under 71 no circumstances shall a person whose retirement is 72 based upon service as an elected official continue in



83 (c) The responsibility for compliance with the provision of this section is placed upon the employing 84 85 authority, and each retiree performing duties under this section shall certify to the employer any 86 87 information required in order to carry out this 88 section. The retiree shall provide written notice of 89 the postretirement employment under this section to 90 the Employees' Retirement System and employing authority within 30 days after the date the retiree 91 92 knows or should know that he or she will be performing 93 duties on a full-time or permanent basis or will earn 94 an amount in excess of the annual earning limit under this section. 95

(d)(1) Any individual who is retired under the

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Employees' Retirement System, has the applicable 97 Alabama Peace Officers' Standards and Training 98 certification, and was classified as a law enforcement 99 officer, as defined in Section 36-27-59 prior to 100 101 retirement, may perform duties as either a school 102 resource officer, as defined in Section 16-1-44.1, or 103 a correctional officer with the Department of 104 Corrections without suspension of his or her 105 retirement allowance provided that the compensation 106 earned does not exceed fifty-two thousand dollars 107 (\$52,000) per year:

(2) Any individual who is retired under the Employees' 108 109 Retirement System, has the applicable Alabama Peace 110 Officers' Standards and Training certification, and 111 meets either of the following criteria, may perform 112 duties as a correctional officer with the Department 113 of Corrections without suspension of his or her 114 retirement allowance provided that the compensation 115 earned does not exceed fifty-two thousand dollars 116 (\$52,000) per year:

a. Was classified as a law enforcement officer, as
defined in Section 36-27-59, prior to retirement.
b. Was classified as a correctional officer, as
defined in Section 36-27-59, prior to retirement, and

WLPPE5-1 : 5/10/2023 : AF 1ST FINANCE AND TAXATION GENERAL FUND SUBSTITUTE FOR HB41 OFFERED BY SENATOR ORR 121 retired pursuant to paragraph c. of Section 122 36-27-16(a)(1). 123 (3) No individual may be employed pursuant to this 124 subsection after December 31, 2026." 125 Section 2. This act shall become effective on the 126 first day of the third month following its passage and approval by the Governor, or its otherwise becoming 127 128 law.