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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



25 TO BE ENTITLED

26 AN ACT

27  
28 Relating to the Employees' Retirement System; to amend  
29 Section 36-27-8.2, Code of Alabama 1975, to  
30 temporarily permit certain retired individuals  
31 performing duties as school resource officers or as  
32 correctional officers to serve without suspension of  
33 his or her retirement allowance.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

37 "§36-27-8.2

38 (a) Any person who is retired under the Employees'  
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  
47 exceed thirty thousand dollars (\$30,000). Beginning in  
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  
60           period ending on September 30 and the increase shall  
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  
67           benefits; provided that under no circumstances shall  
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



73 or return to such office and receive both pension  
74 benefits and salary; provided further, that this  
75 subsection shall apply to elected officials whose  
76 participation in the Teachers' Retirement System or  
77 the Employees' Retirement System is constitutionally  
78 required to be upon the same terms and conditions as  
79 specified by law for other employees in the retirement  
80 system if such elected official's compensation does  
81 not exceed the annual earning limits provided in  
82 subsection (a).

83 (c) The responsibility for compliance with the  
84 provision of this section is placed upon the employing  
85 authority, and each retiree performing duties under  
86 this section shall certify to the employer any  
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  
91 authority within 30 days after the date the retiree  
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  
95 this section.

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



97 Employees' Retirement System, has the applicable  
98 Alabama Peace Officers' Standards and Training  
99 certification, and was classified as a law enforcement  
100 officer, as defined in Section 36-27-59 prior to  
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:

108 (2) Any individual who is retired under the Employees'  
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:

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

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



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  
127           approval by the Governor, or its otherwise becoming  
128           law.