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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 to work as a law enforcement officer for any state, county, or municipal law enforcement agency, or any state college or university, without suspension of his or her retirement allowance or a cap on the amount of compensation earned.

A BILL  
TO BE ENTITLED  
AN ACT



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Relating to the Employees' Retirement System; to amend Section 36-27-8.2, as last amended by Act 2023-334, 2023 Regular Session, and Act 2023-564, 2023 2nd Special Session, Code of Alabama 1975; to further provide for the employment of retired law enforcement officers as law enforcement officers.  
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§36-27-8.2

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



57 amount in excess of the one thousand dollar (\$1,000) multiple  
58 considered in determining the increase for the following year.  
59 Each adjustment shall be based on the increase in the index  
60 for the preceding 12-month period ending on September 30 and  
61 the increase shall be effective for the following calendar  
62 year.

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

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



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

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



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           (e) Any individual who is retired under the Employees'  
121 Retirement System, has the applicable Alabama Peace Officers'  
122 Standards and Training certification, and was classified as  
123 either a law enforcement officer, as defined in Section  
124 36-27-59, or a state policeman, as defined in Section 36-27-1,  
125 prior to retirement, may perform duties as a law enforcement  
126 officer for any state, county, or municipal law enforcement  
127 agency, or any state college or university pursuant to Section  
128 16-22-1, without suspension of his or her retirement  
129 allowance."

130           Section 2. This act shall become effective on October  
131 1, 2024.