

1 HB240
2 180922-1
3 By Representative Treadaway
4 RFD: Ways and Means General Fund
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, an employee of the
9 Alabama State Law Enforcement Agency who is
10 certified by the Alabama Peace Officers' Standards
11 and Training Commission and performs law
12 enforcement duties and is hired after January 1,
13 2015, is classified as a law enforcement officer
14 and is ineligible to participate as a state
15 policeman in the State Employees' Retirement
16 System.

17 This bill would reclassify new employees
18 hired by the Alabama State Law Enforcement Agency
19 to allow them to participate as a state policeman
20 in the State Employees' Retirement System as a Tier
21 II state policeman member.

22 This bill would also provide that an
23 employee classified as a law enforcement officer
24 beginning January 1, 2015, would automatically
25 become a participant as a Tier II state policeman
26 and would allow the employee to elect to convert
27 prior service credit earned as a law enforcement

1 officer with the Alabama State Law Enforcement
2 Agency to service as a state policeman for the time
3 period from January 1, 2015, to the effective date
4 of the act.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT
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10 To amend Section 41-27-7, Code of Alabama 1975,
11 relating to the State Employees' Retirement System; to provide
12 for the reclassification of certain law enforcement employees
13 of the Alabama State Law Enforcement Agency to allow them to
14 participate in the State Employees' Retirement System as a
15 Tier II state policeman member; and to provide that certain
16 employees hired by the agency beginning January 1, 2015, would
17 become participants in the State Employees' Retirement System
18 as state policeman members.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 41-27-7, Code of Alabama 1975, is
21 amended to read as follows:

22 "§41-27-7.

23 "(a) For the purposes of this chapter, the term
24 "legacy agency" means an existing agency, department, or
25 division that is being reorganized or abolished under this
26 chapter.

1 "(b) Unless otherwise provided in this chapter, all
2 positions created by this chapter shall be in the classified
3 service of the state Merit System.

4 "(c) All persons employed on January 1, 2015, with a
5 legacy agency and transferred to the Alabama State Law
6 Enforcement Agency, Department of Public Safety, or State
7 Bureau of Investigations shall maintain his or her
8 classification and benefits under the legacy agency. A person
9 employed by a legacy agency on January 1, 2015, shall not
10 receive a decrease in salary, benefits, or seniority or
11 otherwise receive a decrease in classification as a result of
12 the transfer to the Alabama State Law Enforcement Agency,
13 Department of Public Safety, or State Bureau of
14 Investigations.

15 "(d) Any future change in classification shall not
16 result in any change in benefits an employee previously had at
17 a legacy agency.

18 "(e) An employee of a legacy agency transferred to
19 the Alabama State Law Enforcement Agency, Department of Public
20 Safety, or State Bureau of Investigations under this chapter
21 shall remain in his or her current classification unless
22 appointed to the appropriate classification within the newly
23 created department according to state Merit System procedures.

24 "(f) (1) Any employee hired in the Alabama State Law
25 Enforcement Agency after January 1, 2015, who is certified by
26 the Alabama Peace Officers' Standards and Training Commission
27 and performs law enforcement duties shall be considered a law

1 enforcement officer, as defined by Section 36-27-59(a) (3), but
2 is not eligible for the benefits specified in Section
3 36-26-35(d).

4 "(2) Beginning on the effective date of the act
5 adding this amendatory language, a new employee of the Alabama
6 State Law Enforcement Agency who is certified by the Alabama
7 Peace Officers' Standards and Training Commission and performs
8 law enforcement duties shall be classified as a state
9 policeman who shall enroll and participate in the State
10 Employees' Retirement System as a Tier II state policeman
11 member, as provided in Chapter 27 of Title 36.

12 "(3) An employee under subdivision (1) shall be
13 classified as a state policeman on the effective date of the
14 act adding this amendatory language. The employee may elect to
15 convert prior service credit earned as a law enforcement
16 officer with the Alabama State Law Enforcement Agency to
17 service as a state policemen for the time period from January
18 1, 2015, to the effective date of the act adding this
19 amendatory language by paying the difference in the employee
20 contributions as a law enforcement officer and a state
21 policeman during the applicable time period, plus interest as
22 calculated by the State Employees' Retirement System."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.