

1 HB355
2 197024-1
3 By Representatives Chestnut, Reynolds, Pettus and Lawrence
4 RFD: State Government
5 First Read: 04-APR-19

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8 SYNOPSIS: Under existing law, a public employee may
9 not be rehired by his or her former public employer
10 for a period of two years after he or she leaves
11 the employment or working arrangement.

12 This bill would allow Alabama municipalities
13 to rehire a retired law enforcement officer, under
14 certain conditions.

15 This bill would provide that the
16 compensation of a rehired retired law enforcement
17 officer may not exceed the compensation that he or
18 she received at the time of his or her retirement.

19 This bill would provide that a rehired
20 retired law enforcement officer may not accrue
21 additional retirement service credit for any
22 portion of the period of his or her reemployment.

23 This bill would require notice of the
24 rehiring of a retired law enforcement officer be
25 provided to the Employees' Retirement System or
26 local pension system.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to Alabama municipalities; to allow any
6 Alabama municipality to rehire law enforcement officers who
7 retired from any state or local law enforcement agency within
8 the State of Alabama which subscribes to the same pension
9 system as that reemploying authority; to provide that the
10 compensation of a rehired retired law enforcement officer may
11 not exceed the compensation that he or she received at the
12 time of his or her retirement; to provide that a rehired
13 retired law enforcement officer may not accrue additional
14 retirement service credit for any portion of the period of his
15 or her reemployment; to define the functions of a rehired
16 retired law enforcement officer; and to require that notice of
17 the rehiring be provided to the Employees' Retirement System
18 or local pension system, as appropriate.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) Notwithstanding any provision of law
21 to the contrary, a Class 5, Class 6, Class 7, or Class 8
22 municipality may rehire a retired law enforcement officer to
23 perform duties as needed if the mayor, or town or city
24 council, as appropriate, declares all of the following:

25 (1) There is a critical personnel shortage such that
26 the rehiring is necessary to provide public safety services.

1 (2) The retired law enforcement officer retired from
2 any state or local law enforcement agency within the State of
3 Alabama which subscribes to the same pension system as the
4 reemploying authority, and has been retired for at least 45
5 consecutive days prior to reemployment with a municipality.

6 (3) The retired law enforcement officer, at the time
7 of retirement, met the qualifications as a law enforcement
8 officer provided in Section 36-21-46, Code of Alabama 1975,
9 and the standards and rules issued by the Alabama Peace
10 Officers' Standards and Training Commission which were in
11 place at the time of his or her retirement.

12 (4) The poverty rate of the county in which the
13 municipality is situated is greater than 25 percent, as
14 measured by the most recent decennial census.

15 (b) The chief of police, mayor, or town or city
16 council, as appropriate, shall approve a retired law
17 enforcement officer for reemployment pursuant to the
18 established guidelines for new hires of the reemploying
19 authority.

20 (c) The number of retirees from the Alabama State
21 Law Enforcement Agency reemployed by a municipality pursuant
22 to this section may not exceed 10 percent of the reemploying
23 authority's entire authorized law enforcement officer force on
24 the effective date of this section.

25 (d) The job duties of a rehired retired law
26 enforcement officer by a reemploying authority shall not
27 consist primarily of an administrative nature, and shall be

1 limited to tasks which are traditionally performed by
2 patrolmen and detectives. For the purposes of this article,
3 "tasks which are traditionally performed by patrolmen and
4 detectives" includes:

5 (1) Providing for public safety by maintaining
6 order, responding to emergencies, protecting people and
7 property, enforcing motor vehicle and criminal laws, and
8 promoting good community relations.

9 (2) Identifying, pursuing, and arresting suspects
10 and perpetrators of criminal acts.

11 (3) Obtaining warrants and arresting suspects and
12 perpetrators of criminal acts.

13 (4) Recording facts to prepare reports that document
14 incidents and activities.

15 (5) Reviewing facts of incidents to determine if
16 criminal act or statute violations were involved.

17 (6) Rendering aid to accident victims and other
18 persons requiring first aid for physical injuries.

19 (7) Testifying in court to present evidence or
20 acting as witness in traffic and criminal cases.

21 (8) Evaluating complaint and emergency-request
22 information to determine response requirements.

23 (9) Patrolling specific areas on foot, horseback,
24 bicycle, or motorized conveyance, responding promptly to calls
25 for assistance.

1 (10) Monitoring, noting, reporting, and
2 investigating suspicious persons and situations, safety
3 hazards, and unusual or illegal activity in patrol area.

4 (11) Investigating traffic accidents and other
5 accidents to determine causes and to determine if a crime has
6 been committed.

7 (12) Photographing or drawing diagrams of crime or
8 accident scenes and interviewing principals and eyewitnesses.

9 (13) Monitoring traffic to ensure motorists observe
10 traffic regulations and exhibit safe driving procedures.

11 (14) Relaying complaint and emergency-request
12 information to appropriate agency dispatchers.

13 (15) Issuing citations or warnings to violators of
14 motor vehicle ordinances.

15 (16) Directing traffic flow and reroute traffic in
16 case of emergencies.

17 (17) Informing citizens of community services and
18 recommending options to facilitate longer-term problem
19 resolution.

20 (18) Providing road information to assist motorists.

21 (19) Processing prisoners, and preparing and
22 maintaining records of prisoner bookings and prisoner status
23 during booking and pre-trial process.

24 (20) Inspecting public establishments to ensure
25 compliance with rules and regulations.

26 (21) Acting as official escorts, such as when
27 leading funeral processions or firefighters.

1 (e) The period of reemployment for a retired law
2 enforcement officer pursuant to this section may be no more
3 than a total of 10 years from the date of rehiring by the
4 reemploying authority.

5 (f) The compensation of the rehired retired law
6 enforcement officer may not exceed the compensation that he or
7 she received at the time of his or her retirement.

8 (g) (1) A rehired retired law enforcement officer may
9 continue to receive his or her retirement benefits of whatever
10 kind or description for any period during which he or she is
11 reemployed by the reemploying authority.

12 (2) A rehired retired law enforcement officer may
13 not accrue additional retirement service credit for any
14 portion of the period of his or her reemployment.

15 (3) The employing authority shall provide written
16 notice of postretirement employment under this section to the
17 Employees' Retirement System or local pension system, as
18 appropriate, within 30 days after the date a retired law
19 enforcement officer begins performing duties on a full-time or
20 permanent basis.

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