

1 HB152  
2 209022-5  
3 By Representative Scott (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 18-JAN-22

1  
2 ENROLLED, An Act,

3           Relating to Jefferson County and the General  
4 Retirement System for employees of the county; to amend  
5 Section 45-37-123.54 of the Code of Alabama 1975, to eliminate  
6 the reduction to the pension benefit of a member who is  
7 receiving a pension on account of retirement and is reemployed  
8 by the county two or more years after the member severs  
9 employment from the county; to repeal Section 45-37-123.105 of  
10 the Code of Alabama 1975, providing for an offset of  
11 retirement or disability benefits, including worker's  
12 compensation, of a retired member who is reemployed by the  
13 county; and to specify prospective application of this act.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15           Section 1. 45-37-123.54 of the Code of Alabama 1975,  
16 is amended to read as follows:

17           "§45-37-123.54.

18           "If a member of the system severs employment with  
19 the county or his or her term in an elected or appointed job  
20 or position terminates, and such member thereafter returns to  
21 the service of the county, he or she shall become a member of  
22 the system to the extent he or she meets the definition of an  
23 eligible employee, subject to the following rules:

24           "(1) MEMBER RECEIVING A PENSION BENEFIT. If a member  
25 receiving his or her pensions benefit is reemployed by the

1 county two or more years after severing employment, the  
2 pension benefit of the member shall not be reduced. If a  
3 member is receiving his or her pension benefit ~~on account of~~  
4 ~~retirement and such member returns to the service of~~ and is  
5 reemployed by the county less than two years after severing  
6 employment, any amount otherwise payable by the system to such  
7 member on account of such member's retirement shall be reduced  
8 by the amount, if any, paid or payable to such member by the  
9 county on account of or by reason of the reemployment of such  
10 member. At the earlier of the time the member thereafter  
11 severs employment with the county or after two or more years  
12 of reemployment by the county, such member's pension benefit  
13 shall return to the amount it was prior to the member's  
14 reemployment. ~~Accordingly~~ However, notwithstanding  
15 subdivisions (3) and (4), such a member covered by this  
16 subdivision shall not accrue any additional pension benefit  
17 during his or her period of ~~rehire~~ reemployment.

18 "(2) MEMBER ELECTED A DEFERRED RETIREMENT. If a  
19 vested member who severed employment with the county and  
20 elected a deferred retirement benefit is reemployed by the  
21 county before age 60, his or her election for a deferred  
22 retirement benefit shall be rescinded, and he or she shall  
23 begin to accrue benefits again upon the date of reemployment.  
24 Such member's benefit shall be calculated by aggregating the  
25 member's credited service during all periods of employment.

1           "(3) MEMBER DOES NOT RECEIVE A REFUND AND IS  
 2 REEMPLOYED WITHIN FIVE YEARS. Except as set forth in  
 3 subdivision (1), if a member, who severed employment with the  
 4 county but did not receive a refund of his or her employee  
 5 contributions to the system as provided in Section  
 6 45-37-123.104, is reemployed by the county within five years  
 7 of such severance from employment, he or she shall begin to  
 8 accrue benefits again upon the date of reemployment. Such  
 9 member's benefit shall be calculated by aggregating the  
 10 member's credited service during all periods of employment.

11           "(4) MEMBER RECEIVED A REFUND OR FORFEITED PENSION  
 12 BENEFIT. Except as set forth in subdivision (1), if a member  
 13 who severed employment with the county and received a refund  
 14 of his or her employee contributions to the system as provided  
 15 in Section 45-37-123.104, or does not receive a refund within  
 16 five years after severing from employment, is reemployed by  
 17 the county, he or she shall rejoin the system in accordance  
 18 with Sections 45-37-123.50 and 45-37-123.82 and begin to  
 19 accrue benefits again upon the date of reemployment. In  
 20 calculating such member's benefit, only credited service  
 21 rendered after the member is ~~rehired~~ reemployed shall be  
 22 included."

23           Section 2. Section 45-37-123.105 of the Code of  
 24 Alabama 1975, is repealed.

1                   Section 3. This act shall apply prospectively only  
2 to retired members of the system who are reemployed by the  
3 county on or after the effective date of this act.

4                   Section 4. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.

