

1 HB552
2 211009-2
3 By Representatives Moore (P) and Collins
4 RFD: Ways and Means Education
5 First Read: 18-MAR-21

SYNOPSIS: Under existing law, retirees of the Employees' Retirement System and the Teachers' Retirement System may be employed part-time by any employer participating in either system, without suspension of their retirement allowance, as long as their compensation is below the annual earning limit.

This bill would allow a retiree to be employed full-time, for one academic year at a time, as a teacher within K-12 education, without limit on his or her compensation or suspension of his or her retirement allowance, under certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Teachers' Retirement System; to add Section 16-25-26.2 to the Code of Alabama 1975, to allow the

1 full-time employment and compensation of teacher retirees by
2 K-12 education employers, without limiting their compensation
3 or suspending their retirement allowances, under certain
4 circumstances.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 16-25-26.2 is added to the Code
7 of Alabama 1975, to read as follows:

8 §16-25-26.2.

9 (a) An employer that is unable to fill a teacher
10 position with a qualified candidate, upon submission of
11 certain completed documentation to the Teachers' Retirement
12 System, may hire a teacher who has been retired not less than
13 24 months, at a salary not subject to the limitations provided
14 in subsection (a) of Section 16-25-26, for one academic year
15 without impacting the retirement allowance of the retired
16 teacher. The documentation to be submitted shall include all
17 of the following:

18 (1) A copy of the job posting required by Section
19 16-22-15, as proof that the position was posted as required by
20 law.

21 (2) A signed affidavit of the chief executive
22 officer of the employer that the employer has not received an
23 application for the position from any applicant with the
24 minimum posted qualifications.

25 (3) A certification from the State Superintendent of
26 Education that the position was posted as vacant on a State
27 Department of Education website, that there is a statewide

1 shortage of qualified applicants for the position, and that
2 the State Superintendent of Education approves the hire. The
3 certification shall be issued to the employer at the
4 discretion of the State Superintendent of Education.

5 (b) The compensation and paid leave of a retiree
6 employed full-time as a teacher pursuant to this subsection
7 shall be the same, based upon years of experience, degree, and
8 other credentials, as any other full-time teacher of that
9 employer, and the employer shall be responsible for all
10 employer contributions for health insurance and retirement for
11 the retiree as are otherwise provided for a full-time teacher.
12 A retiree may not accrue additional service credit during
13 retirement work and may not make retirement contributions.

14 (c) A retiree employed as a teacher may not be
15 employed as a full-time teacher pursuant to this subsection
16 for consecutive academic years. A break of at least one
17 academic year shall occur before reemployment pursuant to this
18 subsection.

19 Section 2. This act shall become effective June 1,
20 2021, following its passage and approval by the Governor, or
21 its otherwise becoming law, and shall be repealed effective
22 June 1, 2025.