

1 HB397  
2 181591-1  
3 By Representative Treadaway (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 14-MAR-17

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to the City of Birmingham in Jefferson  
14 County; to amend Section 45-37A-51.237, Code of Alabama 1975,  
15 to authorize the City of Birmingham to rehire retired public  
16 safety officers under certain conditions; and to provide that  
17 rehired officers may continue to receive retirement benefits  
18 during periods of reemployment.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-37A-51.237, Code of Alabama  
21 1975, is amended to read as follows:

22 "§45-37A-51.237.

23 "(a) Anything herein to the contrary notwithstanding  
24 and except as provided in subsection (b), no retirement  
25 benefits of whatever kind or description shall be payable to  
26 any former participant for any period during which the former  
27 participant is employed by the city, is due a salary from the

1 city or has been paid a salary by the city, except persons  
2 elected by the people to serve the city shall have the option  
3 of continuing to receive either retirement benefits or the  
4 compensation for the office to which that person is elected,  
5 or that person may choose to receive both such benefits and  
6 compensation.

7 "(b) (1) For the purposes of this section, "retired  
8 public safety officer" means a retired law enforcement officer  
9 who was employed by the city or a retired firefighter who was  
10 employed by the city.

11 "(2) Notwithstanding subsection (a), a retired  
12 public safety officer who was employed by the city may be  
13 subsequently rehired by the city during times of critical  
14 personnel shortages to provide public safety services as  
15 provided in this subsection and may continue to receive  
16 retirement benefits of whatever kind or description for any  
17 period during which the public safety officer is reemployed by  
18 the city.

19 "(3) A retired public safety officer rehired by the  
20 city shall be retired for at least 45 consecutive days prior  
21 to reemployment with the city.

22 "(4) The retired public safety officer shall not  
23 accrue additional retirement service credit for any portion of  
24 the period of reemployment.

25 "(5) The retired public safety officer and the city  
26 shall make the contributions that would be required for  
27 members and employers under the system during the entire

1 period of subsequent employment, and the portion of the  
2 contributions paid by the participant during the term of  
3 reemployment is not refundable at the termination of the  
4 subsequent employment period.

5 "(6) The period of reemployment for a retired public  
6 safety officer pursuant to this subsection shall be no more  
7 than a total of 10 years from the date of rehire by the city.

8 "(7) The chief of police or the fire chief shall  
9 have the sole discretion to select retired public safety  
10 officers for reemployment under this subsection pursuant to  
11 the established guidelines of the Personnel Board of Jefferson  
12 County.

13 "(8)a. The city may not employ a number of retired  
14 law enforcement officers pursuant to this section that exceeds  
15 10 percent of the city's entire authorized police force on the  
16 effective date of the act adding this amendatory language.

17 "b. The city may not employ a number of retired  
18 firefighters pursuant to this section that exceeds 10 percent  
19 of the city's entire authorized firefighter force on the  
20 effective date of the act adding this amendatory language.

21 "(9)a. The city shall employ retired law enforcement  
22 officers only at ranks below sergeant and may not promote  
23 subsequently employed retired law enforcement officers above  
24 the rank of sergeant at any time during the subsequent  
25 employment.

26 "b. The city shall employ retired firefighters only  
27 at ranks below and may not promote subsequently employed

1 retired firefighters above the rank of apparatus operator at  
2 any time during the subsequent employment."

3 Section 2. Prior to the implementation of this act,  
4 the city shall obtain an actuarial study certifying to the  
5 governing body of the City of Birmingham that the act is cost  
6 neutral to the retirement system of the city.

7 Section 3. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law, and shall be  
10 implemented only upon the passage of HB\_\_\_ of the 2017 Regular  
11 Session, amending Section 36-25-13, Code of Alabama 1975.