

By: Ross

To: Finance

SENATE BILL NO. 2762

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT, FROM AND AFTER JULY 1, 2000, THROUGH OCTOBER 1,
3 2000, MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO HAVE
4 AT LEAST FIVE YEARS OF CONTINUOUS STATE SERVICE SHALL BE ENTITLED
5 TO RECEIVE A MAXIMUM OF THREE YEARS CREDITABLE SERVICE FOR SERVICE
6 RENDERED WORKING AS A FULL-TIME EMPLOYEE OF A PUBLIC JUNIOR OR
7 COMMUNITY COLLEGE OR PUBLIC INSTITUTION OF HIGHER LEARNING LOCATED
8 IN MISSISSIPPI WHILE A STUDENT ENROLLED IN SUCH JUNIOR OR
9 COMMUNITY COLLEGE OR INSTITUTION OF HIGHER LEARNING; TO PROVIDE
10 THAT THE MEMBER MUST PAY TO THE RETIREMENT SYSTEM THE ACTUARIAL
11 COST FOR EACH YEAR OF SUCH SERVICE CALCULATED ON THE BASIS OF THE
12 COMPENSATION BEING PAID TO HIM OR HER AT THE TIME HE OR SHE ELECTS
13 TO RECEIVE CREDIT FOR SUCH SERVICE; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. Section 25-11-109, Mississippi Code of 1972, is
16 amended as follows:[WAN1]

17 25-11-109. (1) Under such rules and regulations as the
18 board of trustees shall adopt, each person who becomes a member of
19 this retirement system, as provided in Section 25-11-105, on or
20 prior to July 1, 1953, or who becomes a member and contributes to
21 the system for a minimum period of four (4) years, shall receive
22 credit for all state service rendered before February 1, 1953. To
23 receive such credit, such member shall file a detailed statement
24 of all services as an employee rendered by him in the state
25 service before February 1, 1953. For any member who joined the
26 system after July 1, 1953, any creditable service for which the
27 member is not required to make contributions shall not be credited
28 to the member until the member has contributed to the system for a
29 minimum period of at least four (4) years.

30 (2) In the computation of membership service or prior
31 service under the provisions of this article, the total months of

32 accumulative service during any fiscal year shall be calculated in
33 accordance with the schedule as follows: ten (10) or more months
34 of creditable service during any fiscal year shall constitute a
35 year of creditable service; seven (7) months to nine (9) months
36 inclusive, three-quarters (3/4) of a year of creditable service;
37 four (4) months to six (6) months inclusive, one-half-year of
38 creditable service; one (1) month to three (3) months inclusive,
39 one-quarter (1/4) of a year of creditable service. In no case
40 shall credit be allowed for any period of absence without
41 compensation except for disability while in receipt of a
42 disability retirement allowance, nor shall less than fifteen (15)
43 days of service in any month, or service less than the equivalent
44 of one-half (1/2) of the normal working load for the position and
45 less than one-half (1/2) of the normal compensation for the
46 position in any month, constitute a month of creditable service,
47 nor shall more than one (1) year of service be creditable for all
48 services rendered in any one (1) fiscal year; provided that for a
49 school employee, substantial completion of the legal school term
50 when and where the service was rendered shall constitute a year of
51 service credit for both prior service and membership service. Any
52 state or local elected official shall be deemed a full-time
53 employee for the purpose of creditable service for prior service
54 or membership service. However, an appointed or elected official
55 compensated on a per diem basis only shall not be allowed
56 creditable service for terms of office.

57 In the computation of any retirement allowance or any annuity
58 or benefits provided in this article, any fractional period of
59 service of less than one (1) year shall be taken into account and
60 a proportionate amount of such retirement allowance, annuity or
61 benefit shall be granted for any such fractional period of
62 service.

63 In the computation of unused leave for creditable service
64 authorized in Section 25-11-103, the following shall govern:
65 twenty-one (21) days of unused leave shall constitute one (1)
66 month of creditable service and in no case shall credit be allowed
67 for any period of unused leave of less than fifteen (15) days.
68 The number of months of unused leave shall determine the number of

69 quarters or years of creditable service in accordance with the
70 above schedule for membership and prior service. In order for the
71 member to receive creditable service for the number of days of
72 unused leave, the system must receive certification from the
73 governing authority.

74 For the purpose of this subsection, for members of the system
75 who are elected officers and who retire on or after July 1, 1987,
76 the following shall govern:

77 (a) For service prior to July 1, 1984, the members
78 shall receive credit for leave (combined personal and major
79 medical) for service as an elected official prior to that date at
80 the rate of thirty (30) days per year.

81 (b) For service on and after July 1, 1984, the member
82 shall receive credit for personal and major medical leave
83 beginning July 1, 1984, at the rates authorized in Sections
84 25-3-93 and 25-3-95, computed as a full-time employee.

85 (3) Subject to the above restrictions and to such other
86 rules and regulations as the board may adopt, the board shall
87 verify, as soon as practicable after the filing of such statements
88 of service, the services therein claimed.

89 (4) Upon verification of the statement of prior service, the
90 board shall issue a prior service certificate certifying to each
91 member the length of prior service for which credit shall have
92 been allowed on the basis of his statement of service. So long as
93 membership continues, a prior service certificate shall be final
94 and conclusive for retirement purposes as to such service,
95 provided that any member may within five (5) years from the date
96 of issuance or modification of such certificate request the board
97 of trustees to modify or correct his prior service certificate.
98 Any modification or correction authorized shall only apply
99 prospectively.

100 When membership ceases, such prior service certificates shall
101 become void. Should the employee again become a member, he shall

102 enter the system as an employee not entitled to prior service
103 credit except as provided in Sections 25-11-105(I), 25-11-113 and
104 25-11-117.

105 (5) Creditable service at retirement, on which the
106 retirement allowance of a member shall be based, shall consist of
107 the membership service rendered by him since he last became a
108 member, and also, if he has a prior service certificate which is
109 in full force and effect, the amount of the service certified on
110 his prior service certificate.

111 (6) Anything in this article to the contrary
112 notwithstanding, any member who served on active duty in the Armed
113 Forces of the United States, or who served in maritime service
114 during periods of hostility in World War II, shall be entitled to
115 creditable service for his service on active duty in the armed
116 forces or in such maritime service, provided he entered state
117 service after his discharge from the armed forces or entered state
118 service after he completed such maritime service. The maximum
119 period for such creditable service for all military service shall
120 not exceed four (4) years unless positive proof can be furnished
121 by such person that he was retained in the armed forces during
122 World War II or in maritime service during World War II by causes
123 beyond his control and without opportunity of discharge. The
124 member shall furnish proof satisfactory to the board of trustees
125 of certification of military service or maritime service records
126 showing dates of entrance into active duty service and the date of
127 discharge. From and after July 1, 1993, no creditable service
128 shall be granted for any military service or maritime service to a
129 member who qualifies for a retirement allowance in another public
130 retirement system administered by the Board of Trustees of the
131 Public Employees' Retirement System based in whole or in part on
132 such military or maritime service. In no case shall the member
133 receive creditable service if the member received a dishonorable
134 discharge from the Armed Forces of the United States.

135 (7) Any member of the Public Employees' Retirement System
136 who has at least four (4) years of membership service credit shall
137 be entitled to receive a maximum of five (5) years creditable
138 service for service rendered in another state as a public employee
139 of such other state, or a political subdivision, public education
140 system or other governmental instrumentality thereof, or service
141 rendered as a teacher in American overseas dependent schools
142 conducted by the Armed Forces of the United States for children of
143 citizens of the United States residing in areas outside the
144 continental United States, provided that:

145 (a) The member shall furnish proof satisfactory to the
146 board of trustees of certification of such services from the
147 state, public education system, political subdivision or
148 retirement system of the state where the services were performed
149 or the governing entity of the American overseas dependent school
150 where the services were performed; and

151 (b) The member is not receiving or will not be entitled
152 to receive from the public retirement system of the other state or
153 from any other retirement plan, including optional retirement
154 plans, sponsored by the employer, a retirement allowance including
155 such services; and

156 (c) The member shall pay to the retirement system on
157 the date he or she is eligible for credit for such out-of-state
158 service or at any time thereafter prior to date of retirement the
159 actuarial cost as determined by the actuary for each year of
160 out-of-state creditable service. The provisions of this
161 subsection are subject to the limitations of Section 415 of the
162 Internal Revenue Code and regulations promulgated thereunder.

163 (8) Any member of the Public Employees' Retirement System
164 who has at least four (4) years of membership service credit and
165 who receives, or has received, professional leave without
166 compensation for professional purposes directly related to the
167 employment in state service shall receive creditable service for

168 the period of professional leave without compensation provided:

169 (a) The professional leave is performed with a public
170 institution or public agency of this state, or another state or
171 federal agency;

172 (b) The employer approves the professional leave
173 showing the reason for granting the leave and makes a
174 determination that the professional leave will benefit the
175 employee and employer;

176 (c) Such professional leave shall not exceed two (2)
177 years during any ten-year period of state service;

178 (d) The employee shall serve the employer on a
179 full-time basis for a period of time equivalent to the
180 professional leave period granted immediately following the
181 termination of the leave period;

182 (e) The contributing member shall pay to the retirement
183 system the actuarial cost as determined by the actuary for each
184 year of professional leave. The provisions of this subsection are
185 subject to the regulations of the Internal Revenue Code
186 limitations;

187 (f) Such other rules and regulations consistent
188 herewith as the board may adopt and in case of question, the board
189 shall have final power to decide the questions.

190 Any actively contributing member participating in the School
191 Administrator Sabbatical Program established in Section 37-9-77
192 shall qualify for continued participation under this subsection
193 (8).

194 (9) Any member of the Public Employees' Retirement System
195 who has at least four (4) years of credited membership service
196 shall be entitled to receive a maximum of ten (10) years
197 creditable service for:

198 (a) Any service rendered as an employee of any
199 political subdivision of this state, or any instrumentality
200 thereof, which does not participate in the Public Employees'

201 Retirement System; or

202 (b) Any service rendered as an employee of any
203 political subdivision of this state, or any instrumentality
204 thereof, which participates in the Public Employees' Retirement
205 System but did not elect retroactive coverage; or

206 (c) Any service rendered as an employee of any
207 political subdivision of this state, or any instrumentality
208 thereof, for which coverage of the employee's position was or is
209 excluded; provided that the member pays into the retirement system
210 the actuarial cost as determined by the actuary for each year, or
211 portion thereof, of such service. Payment for such service may be
212 made in increments of one-quarter-year of creditable service.
213 After a member has made full payment to the retirement system for
214 all or any part of such service, the member shall receive
215 creditable service for the period of such service for which full
216 payment has been made to the retirement system.

217 (10) From and after July 1, 2000, through October 1, 2000,
218 any member of the Public Employees' System who has at least five
219 (5) years of continuous state service shall be entitled to receive
220 a maximum of three (3) years creditable service for service
221 rendered working as a full-time employee of a public junior or
222 community college or public institution of higher learning located
223 in Mississippi while he or she was a student enrolled in a junior
224 college or institution of higher learning, provided that:

225 (a) The member furnishes proof satisfactory to the
226 board of trustees of certification of such service from the junior
227 or community college or institution of higher learning; and

228 (b) The member is not receiving or will not be entitled
229 to receive from any other retirement system or plan, a retirement
230 allowance including such service; and

231 (c) The member pays to the retirement system the
232 actuarial cost for each year of such service calculated on the
233 basis of the compensation being paid to him or her at the time he

234 or she elects to receive credit for such service.

235 SECTION 2. This act shall take effect and be in force from
236 and after July 1, 2000.