

By: Hewes

To: Finance

SENATE BILL NO. 2856

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
3 WHO ARE DRAFTED FOR SERVICE IN THE UNITED STATES PUBLIC HEALTH
4 SERVICE TO RECEIVE A CERTAIN AMOUNT OF CREDITABLE SERVICE IN THE
5 PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR SUCH SERVICE; AND FOR
6 RELATED PURPOSES.

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

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

10 25-11-109. (1) Under such rules and regulations as the
11 board of trustees shall adopt, each person who becomes a member of
12 this retirement system, as provided in Section 25-11-105, on or
13 prior to July 1, 1953, or who becomes a member and contributes to
14 the system for a minimum period of four (4) years, shall receive
15 credit for all state service rendered before February 1, 1953. To
16 receive such credit, such member shall file a detailed statement
17 of all services as an employee rendered by him in the state
18 service before February 1, 1953. For any member who joined the
19 system after July 1, 1953, any creditable service for which the
20 member is not required to make contributions shall not be credited
21 to the member until the member has contributed to the system for a
22 minimum period of at least four (4) years.

23 (2) In the computation of membership service or prior
24 service under the provisions of this article, the total months of
25 accumulative service during any fiscal year shall be calculated in
26 accordance with the schedule as follows: ten (10) or more months
27 of creditable service during any fiscal year shall constitute a
28 year of creditable service; seven (7) months to nine (9) months

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

50 In the computation of any retirement allowance or any annuity
51 or benefits provided in this article, any fractional period of
52 service of less than one (1) year shall be taken into account and
53 a proportionate amount of such retirement allowance, annuity or
54 benefit shall be granted for any such fractional period of
55 service.

56 In the computation of unused leave for creditable service
57 authorized in Section 25-11-103, the following shall govern:
58 twenty-one (21) days of unused leave shall constitute one (1)
59 month of creditable service and in no case shall credit be allowed
60 for any period of unused leave of less than fifteen (15) days.
61 The number of months of unused leave shall determine the number of
62 quarters or years of creditable service in accordance with the
63 above schedule for membership and prior service. In order for the
64 member to receive creditable service for the number of days of
65 unused leave, the system must receive certification from the

66 governing authority.

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

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

74 (b) For service on and after July 1, 1984, the member
75 shall receive credit for personal and major medical leave
76 beginning July 1, 1984, at the rates authorized in Sections
77 25-3-93 and 25-3-95, computed as a full-time employee.

78 (3) Subject to the above restrictions and to such other
79 rules and regulations as the board may adopt, the board shall
80 verify, as soon as practicable after the filing of such statements
81 of service, the services therein claimed.

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

93 When membership ceases, such prior service certificates shall
94 become void. Should the employee again become a member, he shall
95 enter the system as an employee not entitled to prior service
96 credit except as provided in Sections 25-11-105(I), 25-11-113 and
97 25-11-117.

98 (5) Creditable service at retirement, on which the

99 retirement allowance of a member shall be based, shall consist of
100 the membership service rendered by him since he last became a
101 member, and also, if he has a prior service certificate which is
102 in full force and effect, the amount of the service certified on
103 his prior service certificate.

104 (6) Anything in this article to the contrary
105 notwithstanding, any member who served on active duty in the Armed
106 Forces of the United States, * * * who served in maritime service
107 during periods of hostility in World War II, or who was drafted
108 for service into the United States Public Health Service, shall be
109 entitled to creditable service for his service on active duty in
110 the Armed Forces or in such maritime service, or for his service
111 in the United States Public Health Service, provided he entered
112 state service after his discharge from the Armed Forces, entered
113 state service after he completed such maritime service or entered
114 state service after he completed such service in the United States
115 Public Health Service. The maximum period for such creditable
116 service for all military service shall not exceed four (4) years
117 unless positive proof can be furnished by such person that he was
118 retained in the Armed Forces during World War II or in maritime
119 service during World War II by causes beyond his control and
120 without opportunity of discharge. The maximum period for such
121 creditable service for all service in the United States Public
122 Health Service shall not exceed four (4) years. The member shall
123 furnish proof satisfactory to the board of trustees of
124 certification of military service records, maritime service
125 records or United States Public Health Service records showing
126 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 SECTION 2. This act shall take effect and be in force from
218 and after July 1, 2000.