

By: Representative Montgomery (15th)

To: Appropriations

HOUSE BILL NO. 380

1 AN ACT TO AMEND SECTION 25-11-109, MISSISSIPPI CODE OF 1972,
 2 TO ALLOW ANY MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO
 3 IS A TEACHER OF VOCATIONAL EDUCATION IN A MISSISSIPPI PUBLIC
 4 SCHOOL TO RECEIVE CREDITABLE SERVICE FOR WORK EXPERIENCE IN THE
 5 PRIVATE SECTOR IN THE SAME FIELD OF THE MEMBER'S VOCATIONAL
 6 EDUCATION INSTRUCTION BEFORE BECOMING A VOCATIONAL EDUCATION
 7 TEACHER; TO PROVIDE THAT THE MEMBER WILL RECEIVE FOUR MONTHS OF
 8 CREDITABLE SERVICE FOR EVERY TWELVE MONTHS OF WORK EXPERIENCE; TO
 9 REQUIRE THE MEMBER TO PAY TO THE RETIREMENT SYSTEM THE ACTUARIAL
 10 COST OF THAT CREDITABLE SERVICE; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 25-11-109, Mississippi Code of 1972, is
 13 amended as follows:

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

27 (2) In the computation of membership service or prior
 28 service under the provisions of this article, the total months of
 29 accumulative service during any fiscal year shall be calculated in
 30 accordance with the schedule as follows: ten (10) or more months
 31 of creditable service during any fiscal year shall constitute a



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

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

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



65 The number of months of unused leave shall determine the number of
66 quarters or years of creditable service in accordance with the
67 above schedule for membership and prior service. In order for the
68 member to receive creditable service for the number of days of
69 unused leave, the system must receive certification from the
70 governing authority.

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

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

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

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

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



97 When membership ceases, such prior service certificates shall
98 become void. Should the employee again become a member, he shall
99 enter the system as an employee not entitled to prior service
100 credit except as provided in Sections 25-11-105(I), 25-11-113 and
101 25-11-117.

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

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



130 receive creditable service if the member received a dishonorable
131 discharge from the Armed Forces of the United States.

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

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

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

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

160 (8) Any member of the Public Employees' Retirement System
161 who has at least four (4) years of membership service credit and
162 who receives, or has received, professional leave without



163 compensation for professional purposes directly related to the
164 employment in state service shall receive creditable service for
165 the period of professional leave without compensation provided:

166 (a) The professional leave is performed with a public
167 institution or public agency of this state, or another state or
168 federal agency;

169 (b) The employer approves the professional leave
170 showing the reason for granting the leave and makes a
171 determination that the professional leave will benefit the
172 employee and employer;

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

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

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

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

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

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



195 (a) Any service rendered as an employee of any
196 political subdivision of this state, or any instrumentality
197 thereof, which does not participate in the Public Employees'
198 Retirement System; or

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

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

214 (10) Any member of the Public Employees' Retirement System
215 who is a teacher of vocational education in a public school
216 located in Mississippi and who has at least four (4) years of
217 membership service credit shall be entitled to receive a maximum
218 of five (5) years creditable service for work experience in the
219 private sector in the same field of the member's vocational
220 education instruction before becoming a vocational education
221 teacher, provided that:

222 (a) The member will receive four (4) months of
223 creditable service for every twelve (12) months of work
224 experience, and a proportional amount of creditable service for
225 work experience for periods of less than twelve (12) months; and

226 (b) The member must furnish proof satisfactory to the
227 board of trustees verifying the member's work experience; and



228 (c) The member is not receiving or will not be entitled
229 to receive from any other retirement system or plan, including
230 optional retirement plans sponsored by the employer, a retirement
231 allowance that includes the member's work experience; and

232 (d) The member shall pay to the retirement system on
233 the date he or she is eligible for credit for the work experience
234 or at any time thereafter before the date of retirement the
235 actuarial cost as determined by the actuary for each year, or
236 portion thereof, of that creditable service. Payment for that
237 creditable service may be made in increments of one-fourth (1/4)
238 year of creditable service. The provisions of this subsection are
239 subject to the limitations of Section 415 of the Internal Revenue
240 Code and regulations promulgated under that section.

241 SECTION 2. This act shall take effect and be in force from
242 and after July 1, 2001.

