

By: Representatives Weathersby, Rogers

To: Appropriations

HOUSE BILL NO. 1182

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,  
 2 TO AUTHORIZE RETIRED EMPLOYEES UNDER THE PUBLIC EMPLOYEES'  
 3 RETIREMENT SYSTEM TO BE EMPLOYED AND RECEIVE A RETIREMENT  
 4 ALLOWANCE FOR A PERIOD OF TIME NOT TO EXCEED ONE-HALF OF THE  
 5 NORMAL WORKING DAYS FOR THE POSITION IN ANY FISCAL YEAR DURING  
 6 WHICH THE RETIREE WILL RECEIVE NO MORE THAN ONE-HALF OF THE SALARY  
 7 IN EFFECT FOR THE POSITION AT THE TIME OF EMPLOYMENT; TO PROVIDE  
 8 THAT TO DETERMINE THE NORMAL WORKING DAYS FOR A POSITION, THE  
 9 EMPLOYER SHALL DETERMINE THE REQUIRED NUMBER OF WORKING DAYS FOR  
 10 THE POSITION ON A FULL TIME BASIS AND THE EQUIVALENT NUMBER OF  
 11 HOURS REPRESENTING THE FULL TIME POSITION; TO AUTHORIZE A RETIREE  
 12 TO WORK UP TO ONE-HALF OF THE REQUIRED NUMBER OF WORKING DAYS OR  
 13 UP TO ONE-HALF OF THE EQUIVALENT NUMBER OF HOURS AND RECEIVE UP TO  
 14 ONE-HALF OF THE SALARY FOR THE POSITION; FOR RELATED PURPOSES.

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

16 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is  
 17 amended as follows:

18 25-11-127. (1) No person who is being paid a retirement  
 19 allowance or a pension after retirement under this article shall  
 20 be employed or paid for any service by the State of Mississippi,  
 21 except as provided in this section. This section shall not apply  
 22 to any pensioner who has been elected to public office after  
 23 retirement, nor to any person employed because of special  
 24 knowledge or experience. This section shall not be construed to  
 25 mean that any person employed or elected under the above  
 26 exceptions shall become a member under Article 3 of the retirement  
 27 system, nor shall any retiree of this retirement system who is  
 28 reemployed or is reelected to office after retirement continue to  
 29 draw retirement benefits while so reemployed.

30 (2) Any person who has been retired under the provisions of  
 31 Articles 1 and 3 and who is later reemployed in service covered by  
 32 this article shall cease to receive benefits under this article  
 33 and shall again become a contributing member of the retirement



34 system. When the person retires again \* \* \*, if the reemployment  
35 exceeds six (6) months, the person shall have his or her benefit  
36 recomputed, including service after again becoming a member,  
37 provided \* \* \* that the total retirement allowance paid to the  
38 retired member in his or her previous retirement shall be deducted  
39 from the member's retirement reserve and taken into consideration  
40 in recalculating the retirement allowance under a new option  
41 selected.

42 (3) Nothing contained in this section shall be construed as  
43 prohibiting any county or city not a member of the Public  
44 Employees' Retirement System from employing persons up to the age  
45 of seventy-three (73). In addition, through June 30, 1988,  
46 nothing contained in this section shall be construed as  
47 prohibiting any governmental unit that is a member from employing  
48 persons up to the age of seventy-three (73) who are not eligible  
49 for membership at the time of employment under Article 3.

50 (4) The board of trustees of the retirement system shall  
51 have the right to prescribe rules and regulations for \* \* \*  
52 carrying out of the provisions of this section.

53 (5) The provisions of this section shall not be construed to  
54 prohibit any retiree, regardless of age, from being employed  
55 and \* \* \* drawing a retirement allowance either:

56 (a) For a period of time not to exceed \* \* \* one-half  
57 (1/2) of the normal working days for the position in any fiscal  
58 year during which the retiree will receive no more than one-half  
59 (1/2) of the salary in effect for the position at the time of  
60 employment, or

61 (b) For a period of time in any fiscal year sufficient  
62 in length to permit a retiree to earn not in excess of twenty-five  
63 percent (25%) of retiree's average compensation \* \* \*.

64 To determine the normal working days for a position under  
65 paragraph (a) of this subsection, the employer shall determine the  
66 required number of working days for the position on a full-time



67 basis and the equivalent number of hours representing the  
68 full-time position. The retiree then may work up to one-half  
69 (1/2) of the required number of working days or up to one-half  
70 (1/2) of the equivalent number of hours and receive up to one-half  
71 (1/2) of the salary for the position. In the case of employment  
72 with multiple employers, the limitation shall equal one-half (1/2)  
73 of the number of days or hours for a single full-time position.

74 Notice shall be given in writing to the executive director of  
75 the system, setting forth the facts upon which the \* \* \*  
76 employment is being made, and the notice shall be given within  
77 five (5) days from the date of employment and also from the date  
78 of termination of the employment.

79 (6) \* \* \* Any member who has attained seventy (70) years of  
80 age and who has forty (40) or more years of creditable service may  
81 continue in office or employment or be reemployed or elected,  
82 provided that the person files annually, in writing, in the office  
83 of the employer and the office of the executive director of the  
84 system before those services, a waiver of all salary or  
85 compensation and elects to receive in lieu of that salary or  
86 compensation a retirement allowance as provided in this section,  
87 in which event no salary or compensation shall thereafter be due  
88 or payable for those services. However, any such officer or  
89 employee may receive, in addition to the retirement allowance, any  
90 per diem, office expense allowance, mileage or travel expense  
91 authorized by any statute of the State of Mississippi.

92 (7) Any \* \* \* member may continue in municipal or county  
93 office or employment or be reemployed or elected in a municipality  
94 or county, provided that the person files annually, in writing, in  
95 the office of the employer and the office of the executive  
96 director of the system before those services, a waiver of all  
97 salary or compensation and elects to receive in lieu of that  
98 salary or compensation a retirement allowance as provided in this  
99 section, in which event no salary or compensation shall thereafter



100 be due or payable for those services. However, any such officer  
101 or employee may receive, in addition to the retirement allowance,  
102 any per diem, office expense allowance, mileage or travel expense  
103 authorized by any statute of the State of Mississippi.

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

