H. B. No. 1182
(As Sent to Governor)

HOUSE BILL NO. 1182
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AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972, TO AUTHORIZE RETIRED EMPLOYEES UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO BE EMPLOYED AND RECEIVE A RETIREMENT ALLOWANCE FOR A PERIOD OF TIME NOT TO EXCEED ONE-HALF OF THE NORMAL WORKING DAYS FOR THE POSITION IN ANY FISCAL YEAR DURING WHICH THE RETIREE WILL RECEIVE NO MORE THAN ONE-HALF OF THE SALARY IN EFFECT FOR THE POSITION AT THE TIME OF EMPLOYMENT; TO PROVIDE THAT TO DETERMINE THE NORMAL WORKING DAYS FOR A POSITION, THE EMPLOYER SHALL DETERMINE THE REQUIRED NUMBER OF WORKING DAYS FOR THE POSITION ON A FULL-TIME BASIS AND THE EQUIVALENT NUMBER OF HOURS REPRESENTING THE FULL-TIME POSITION; TO AUTHORIZE A RETIREE TO WORK UP TO ONE-HALF OF THE REQUIRED NUMBER OF WORKING DAYS OR UP TO ONE-HALF OF THE EQUIVALENT NUMBER OF HOURS AND RECEIVE UP TO ONE-HALF OF THE SALARY FOR THE POSITION; AND FOR RELATED PURPOSES.

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

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

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

(2) Any person who has been retired under the provisions of Articles 1 and 3 and who is later reemployed in service covered by this article shall cease to receive benefits under this article and shall again become a contributing member of the retirement...
When the person retires again, if the reemployment exceeds six (6) months, the person shall have his or her benefit recomputed, including service after again becoming a member, provided that the total retirement allowance paid to the retired member in his or her previous retirement shall be deducted from the member's retirement reserve and taken into consideration in recalculating the retirement allowance under a new option selected.

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

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

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

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

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

To determine the normal working days for a position under paragraph (a) of this subsection, the employer shall determine the required number of working days for the position on a full-time
basis and the equivalent number of hours representing the 
full-time position. The retiree then may work up to one-half 
(1/2) of the required number of working days or up to one-half 
(1/2) of the equivalent number of hours and receive up to one-half 
(1/2) of the salary for the position. In the case of employment 
with multiple employers, the limitation shall equal one-half (1/2) 
of the number of days or hours for a single full-time position. 
Notice shall be given in writing to the executive director of 
the system, setting forth the facts upon which the * * * 
employment is being made, and the notice shall be given within 
five (5) days from the date of employment and also from the date 
of termination of the employment. 

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

(7) Any * * * member may continue in municipal or county 
office or employment or be reemployed or elected in a municipality 
or county, provided that the person files annually, in writing, in 
the office of the employer and the office of the executive 
director of the system before those services, a waiver of all 
salary or compensation and elects to receive in lieu of that 
salary or compensation a retirement allowance as provided in this 
section, in which event no salary or compensation shall thereafter
be due or payable for those services. However, any such officer or employee may receive, in addition to the retirement allowance, any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi.

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