SENATE BILL NO. 2487

An Act to Amend Section 25-11-109, Mississippi Code of 1972, to Authorize Members of the Public Employees' Retirement System to Receive Credit for Service Rendered Working as a School Bus Driver for a High School While a Student Under Certain Circumstances; and for Related Purposes.

Be it enacted by the Legislature of the State of Mississippi:

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

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

(2) In the computation of membership service or prior service under the provisions of this article, the total months of accumulative service during any fiscal year shall be calculated in accordance with the schedule as follows: ten (10) or more months of creditable service during any fiscal year shall constitute a year of creditable service; seven (7) months to nine (9) months inclusive, three-quarters (3/4) of a year of creditable service;
In the computation of any retirement allowance or any annuity or benefits provided in this article, any fractional period of service of less than one (1) year shall be taken into account and a proportionate amount of such retirement allowance, annuity or benefit shall be granted for any such fractional period of service.
above schedule for membership and prior service. In order for the
member to receive creditable service for the number of days of
unused leave, the system must receive certification from the
governing authority.

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

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

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

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

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

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

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

(6) Anything in this article to the contrary notwithstanding, any member who served on active duty in the Armed Forces of the United States, or who served in maritime service during periods of hostility in World War II, shall be entitled to creditable service for his service on active duty in the Armed Forces or in such maritime service, provided he entered state service after his discharge from the Armed Forces or entered state service after he completed such maritime service. The maximum period for such creditable service for all military service shall not exceed four (4) years unless positive proof can be furnished by such person that he was retained in the Armed Forces during World War II or in maritime service during World War II by causes beyond his control and without opportunity of discharge. The member shall furnish proof satisfactory to the board of trustees of certification of military service or maritime service records showing dates of entrance into active duty service and the date of discharge. From and after July 1, 1993, no creditable service shall be granted for any military service or maritime service to a member who qualifies for a retirement allowance in another public retirement system administered by the Board of Trustees of the Public Employees' Retirement System based in whole or in part on such military or maritime service. In no case shall the member receive creditable service if the member received a dishonorable discharge from the Armed Forces of the United States.
(7) Any member of the Public Employees' Retirement System who has at least four (4) years of membership service credit shall be entitled to receive a maximum of five (5) years creditable service for service rendered in another state as a public employee of such other state, or a political subdivision, public education system or other governmental instrumentality thereof, or service rendered as a teacher in American overseas dependent schools conducted by the Armed Forces of the United States for children of citizens of the United States residing in areas outside the continental United States, provided that:

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

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

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

(8) Any member of the Public Employees' Retirement System who has at least four (4) years of membership service credit and who receives, or has received, professional leave without compensation for professional purposes directly related to the
employment in state service shall receive creditable service for
the period of professional leave without compensation provided:
(a) The professional leave is performed with a public
institution or public agency of this state, or another state or
federal agency;
(b) The employer approves the professional leave
showing the reason for granting the leave and makes a
determination that the professional leave will benefit the
employee and employer;
(c) Such professional leave shall not exceed two (2)
years during any ten-year period of state service;
(d) The employee shall serve the employer on a
full-time basis for a period of time equivalent to the
professional leave period granted immediately following the
termination of the leave period;
(e) The contributing member shall pay to the retirement
system the actuarial cost as determined by the actuary for each
year of professional leave. The provisions of this subsection are
subject to the regulations of the Internal Revenue Code
limitations;
(f) Such other rules and regulations consistent
herewith as the board may adopt and in case of question, the board
shall have final power to decide the questions.
Any actively contributing member participating in the School
Administrator Sabbatical Program established in Section 37-9-77
shall qualify for continued participation under this subsection
(8).
(9) Any member of the Public Employees' Retirement System
who has at least four (4) years of credited membership service
shall be entitled to receive a maximum of ten (10) years
creditable service for:
(a) Any service rendered as an employee of any
political subdivision of this state, or any instrumentality
thereof, which does not participate in the Public Employees' Retirement System; or

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

(c) Any service rendered as an employee of any political subdivision of this state, or any instrumentality thereof, for which coverage of the employee's position was or is excluded; provided that the member pays into the retirement system the actuarial cost as determined by the actuary for each year, or portion thereof, of such service. Payment for such service may be made in increments of one-quarter-year of creditable service.

After a member has made full payment to the retirement system for all or any part of such service, the member shall receive creditable service for the period of such service for which full payment has been made to the retirement system.

(10) From and after July 1, 2001, through October 1, 2001, any member of the Public Employees' Retirement System shall be entitled to receive creditable service for service rendered working prior to 1954 as a school bus driver for a high school while a student, provided that:

(a) The member furnished proof satisfactory to the board of trustees of such service;

(b) The member pays into the retirement system the actuarial cost as determined by the actuary for each year, or portion thereof, of such service; and

(c) The member is not receiving or will not be entitled to receive from any other retirement system or plan a retirement allowance including such service.

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