SENATE BILL NO. 2615

AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MAY DRAW A RETIREMENT ALLOWANCE AND BE REEMPLOYED FOR UP TO 1/2 THE EQUIVALENT NUMBER OF HOURS AND RECEIVE UP TO 1/2 OF THE SALARY FOR THE POSITION WITHOUT ANY LIMITATION ON THE NUMBER OF WORKING DAYS; 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. 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 retirant of this retirement system who is reemployed or is reelected to office, after retirement continue to draw retirement benefits while so reemployed. 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 hereunder and shall again become a contributing member of the retirement system; and upon again retiring, if his reemployment exceeds six (6) months, shall have his benefit recomputed, including service after again becoming a member.

Provided, further, that the total retirement allowance paid to the
retired member in his previous retirement shall be deducted from
his retirement reserve and taken into consideration in
recalculating the retirement allowance under a new option
selected. 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); and provided further that, through June 30,
1988, nothing contained in this section shall be construed as
prohibiting any governmental unit which 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.

The board of trustees of the retirement system shall have the
right to prescribe rules and regulations for the carrying out of
this provision.

The provisions of this section shall not be construed to
prohibit any retirant regardless of age from being employed and
from drawing 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 retirant
to earn not in excess of twenty-five percent (25%) of retirant's
average compensation * * *. In determining the normal working
days above, the employer shall determine the required working days
for the position on a full time basis and the equivalent number of
hours representing the full time position. The retiree may then
work up to one-half (1/2) of the required 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 emergency employment is being made, and such notice shall be given within five (5) days from the date of employment and also from the date of termination of said employment. It is further provided that 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 such person files annually, in writing, in the office of the employer and the office of the executive director of the system prior to such services, a waiver of all salary or compensation and elects to receive in lieu of such 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 such services and provided, further, that any such officer or employee may receive in addition to such retirement allowance any per diem, office expense allowance, mileage or travel expense authorized by any statute of the State of Mississippi. Any other member may continue in municipal or county office or employment or be reemployed or elected in a municipality or county provided such person files annually, in writing, in the office of the employer and the office of the executive director of the system prior to such services, a waiver of all salary or compensation and elects to receive in lieu of such 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 such services and provided, further, that any such officer or employee may receive in addition to such 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.