

By: Representative Clark

To: Appropriations

HOUSE BILL NO. 306

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE RETIRED MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT
 3 SYSTEM TO BE EMPLOYED AS A TEACHER IN A SCHOOL DISTRICT WITHIN A
 4 GEOGRAPHICAL AREA OF THE STATE WHERE THERE EXISTS A CRITICAL
 5 SHORTAGE OF TEACHERS AND DRAW THE FULL AMOUNT OF THE RETIREMENT
 6 ALLOWANCE, FOR A PERIOD NOT EXCEEDING THREE YEARS, DURING WHICH
 7 TIME THE RETIREE MAY WORK THE FULL NUMBER OF NORMAL WORKING DAYS
 8 FOR THE POSITION AND RECEIVE THE FULL AMOUNT OF THE SALARY IN
 9 EFFECT FOR THE POSITION AT THE TIME OF EMPLOYMENT; AND FOR RELATED
 10 PURPOSES.

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

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

14 25-11-127. (1) (a) No person who is being paid a
 15 retirement allowance or a pension after retirement under this
 16 article shall be employed or paid for any service by the State of
 17 Mississippi, including services as an employee, contract worker,
 18 contractual employee or independent contractor, until the retired
 19 person has been retired for not less than ninety (90) consecutive
 20 days from his or her effective date of retirement. After the
 21 person has been retired for not less than ninety (90) consecutive
 22 days from his or her effective date of retirement or such later



23 date as established by the board, he or she may be reemployed
24 while being paid a retirement allowance under the terms and
25 conditions provided in this section.

26 (b) No retiree of this retirement system who is
27 reemployed or is reelected to office after retirement shall
28 continue to draw retirement benefits while so reemployed, except
29 as provided in this section.

30 (c) No person employed or elected under the exceptions
31 provided for in this section shall become a member under Article 3
32 of the retirement system.

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

44 (3) The board shall have the right to prescribe rules and
45 regulations for carrying out the provisions of this section.



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

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

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

57 To determine the normal working days for a position under
58 paragraph (a) of this subsection, the employer shall determine the
59 required number of working days for the position on a full-time
60 basis and the equivalent number of hours representing the
61 full-time position. The retiree then may work up to one-half
62 (1/2) of the required number of working days or up to one-half
63 (1/2) of the equivalent number of hours and receive up to one-half
64 (1/2) of the salary for the position. In the case of employment
65 with multiple employers, the limitation shall equal one-half (1/2)
66 of the number of days or hours for a single full-time position.

67 Notice shall be given in writing to the executive director,
68 setting forth the facts upon which the employment is being made,
69 and the notice shall be given within five (5) days from the date



70 of employment and also from the date of termination of the
71 employment.

72 (5) The provisions of this section shall not be construed to
73 prohibit any retiree, regardless of age, from being employed as a
74 teacher in a school district within a geographical area of the
75 state where there exists a critical shortage of teachers, as
76 designated by the State Department of Education, and drawing the
77 full amount of the retiree's retirement allowance, for a period
78 not exceeding three (3) years, during which time the retiree may
79 work the full number of normal working days for the position and
80 receive the full amount of the salary in effect for the position
81 at the time of employment.

82 (* * *6) Except as otherwise provided in subsection
83 (* * *7) of this section, the employer of any person who is
84 receiving a retirement allowance and who is employed in service
85 covered by subsection (4) or (5) of this section as an employee or
86 a contractual employee shall pay to the board the full amount of
87 the employer's contribution on the amount of compensation received
88 by the retiree for his or her employment in accordance with
89 regulations prescribed by the board. The retiree shall not
90 receive any additional creditable service in the retirement system
91 as a result of the payment of the employer's contribution. This
92 subsection does not apply to persons who are receiving a
93 retirement allowance and who contract with an employer to provide



94 services as a true independent contractor, as defined by the board
95 through regulation.

96 (* * *7) (a) A member may retire and continue in municipal
97 or county elective office provided that the member has reached the
98 age and/or service requirement that will not result in a
99 prohibited in-service distribution as defined by the Internal
100 Revenue Service, or a retiree may be elected to a municipal or
101 county office, provided that the person:

102 (i) Files annually, in writing, in the office of
103 the employer and the office of the executive director of the
104 system before the person takes office or as soon as possible after
105 retirement, a waiver of all salary or compensation and elects to
106 receive in lieu of that salary or compensation a retirement
107 allowance as provided in this section, in which event no salary or
108 compensation shall thereafter be due or payable for those
109 services; however, any such officer or employee may receive, in
110 addition to the retirement allowance, office expense allowance,
111 mileage or travel expense authorized by any statute of the State
112 of Mississippi; or

113 (ii) Elects to receive compensation for that
114 elective office in an amount not to exceed twenty-five percent
115 (25%) of the retiree's average compensation. In order to receive
116 compensation as allowed in this subparagraph, the retiree shall
117 file annually, in writing, in the office of the employer and the
118 office of the executive director of the system, an election to



119 receive, in addition to a retirement allowance, compensation as
120 allowed in this subparagraph.

121 (b) The municipality or county in which the retired
122 person holds elective office shall pay to the board the amount of
123 the employer's contributions on the full amount of the regular
124 compensation for the elective office that the retired person
125 holds.

126 (c) As used in this subsection, the term "compensation"
127 does not include office expense allowance, mileage or travel
128 expense authorized by a statute of the State of Mississippi.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2018.

