

By: Senator(s) Doty

To: Judiciary, Division A;
Education

SENATE BILL NO. 2779

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT PERSONS WHO HAVE COMPLETED 30 OR MORE YEARS
3 OF CREDITABLE SERVICE AND ARE RECEIVING A RETIREMENT ALLOWANCE
4 FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO WERE EMPLOYED AS
5 PUBLIC SCHOOLTEACHERS AT THE TIME OF THEIR RETIREMENT AND WHO
6 RETIRED WITHIN THE PREVIOUS FIVE YEARS, MAY BE EMPLOYED AS
7 FULL-TIME TEACHERS IN PUBLIC SCHOOL DISTRICTS AND CHOOSE TO
8 CONTINUE RECEIVING THE RETIREMENT ALLOWANCE DURING THEIR
9 EMPLOYMENT AS TEACHERS AFTER RETIREMENT IN ADDITION TO RECEIVING
10 THE SALARY FOR THE POSITION; TO PROVIDE THAT THOSE PERSONS SHALL
11 NOT BE CONTRIBUTING MEMBERS OF THE RETIREMENT SYSTEM AND SHALL NOT
12 RECEIVE ANY CREDITABLE SERVICE FOR THE PERIOD DURING WHICH THEY
13 RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS
14 TEACHERS; TO PROVIDE THAT THOSE PERSONS SHALL NOT RECEIVE
15 AUTOMATIC CREDIT FOR YEARS OF EXPERIENCE IN DETERMINING
16 COMPENSATION AND SHALL NOT BE ENTITLED TO ANY SUPPLEMENTS, SALARY
17 INCREASES OR ANNUAL INCREMENTS, EXCEPT AS MAY BE NEGOTIATED
18 BETWEEN THE EMPLOYING SCHOOL DISTRICT AND THE PERSON; TO AMEND
19 SECTION 25-11-123, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
20 EMPLOYERS OF PERSONS WHO CHOOSE TO CONTINUE RECEIVING A RETIREMENT
21 ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS AFTER RETIREMENT
22 SHALL PAY TO THE RETIREMENT SYSTEM 26.4% OF THE TOTAL EARNED
23 COMPENSATION OF THOSE PERSONS INSTEAD OF THE REGULAR EMPLOYER'S
24 CONTRIBUTION RATE; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF
25 1972, TO AUTHORIZE SCHOOL DISTRICTS TO NEGOTIATE THE SALARY LEVELS
26 APPLICABLE TO PERSONS WHO CHOOSE TO CONTINUE RECEIVING A
27 RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS AFTER
28 RETIREMENT, AND TO PROVIDE THAT THE ANNUAL EXPERIENCE INCREMENT
29 PROVIDED IN THAT SECTION SHALL NOT BE APPLICABLE TO ANY SUCH
30 PERSON EXCEPT AS MAY BE NEGOTIATED BETWEEN THE SCHOOL DISTRICT AND
31 THE PERSON; TO AMEND SECTIONS 25-11-105 AND 25-11-127, MISSISSIPPI
32 CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR
33 RELATED PURPOSES.



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

SECTION 1. The following shall be codified as Section
25-11-126, Mississippi Code of 1972:

25-11-126. (1) Any person who has completed thirty (30) or more years of creditable service and is receiving a retirement allowance under this article, who was employed as a public schoolteacher at the time of his or her retirement, may be employed as a full-time teacher in a public school district and choose to continue receiving the retirement allowance under this article during his or her employment as a teacher after retirement in addition to receiving the salary for the position, subject to the following conditions:

(a) The person began receiving the retirement allowance not more than five (5) years before application for employment;

(b) The person holds any teacher's professional license or certificate as may be required in Section 37-3-2;

(c) The superintendent of schools of the employing school district certifies in writing to the State Department of Education that the retired member has the requisite experience, training and expertise for the position to be filled and that no other qualified persons are available to fill the position;

(d) The superintendent of schools of the employing school district certifies or the principal of the school certifies that there was no preexisting arrangement for the person to be hired; and



(e) The person had a satisfactory performance review for the most recent period before retirement.

(2) Not more than five percent (5%) of the licensed employees of a school district may be teachers who are employed under this section. The State Superintendent of Public Education shall report the persons who are employed under this section to the executive director.

(3) A person who continues to receive a retirement allowance under this article during his or her employment as a teacher under the provisions of this section shall not be a contributing member of the retirement system, shall not receive any creditable service for the period during which he or she receives a retirement allowance during his or her employment as a teacher, and shall not accrue personal leave or receive medical coverage as a result of that employment.

(4) A person who continues to receive a retirement allowance under this article during his or her employment as a teacher under the provisions of this section shall not receive automatic credit for years of experience in determining compensation and shall not be entitled to any supplements, salary increases or annual increments, except as may be negotiated between the employing school district and the person under Section 37-19-7(1).

(5) This section shall stand repealed on July 1, 2026.

SECTION 2. Section 25-11-105, Mississippi Code of 1972, is amended as follows:



25-11-105. I. **THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

The membership of this retirement system shall be composed as follows:

(a) (i) All persons who become employees in the state service after January 31, 1953, and whose wages are subject to payroll taxes and are lawfully reported on IRS Form W-2, except those persons who are specifically excluded, * * * those persons as to whom election is provided in Articles 1 and 3, or, through June 30, 2026, those persons who choose to continue receiving a retirement allowance during their employment as teachers as authorized by Section 25-11-126, shall become members of the retirement system as a condition of their employment.

(ii) From and after July 1, 2002, any individual who is employed by a governmental entity to perform professional services shall become a member of the system if the individual is paid regular periodic compensation for those services that is subject to payroll taxes, is provided all other employee benefits and meets the membership criteria established by the regulations adopted by the board of trustees that apply to all other members of the system; however, any active member employed in such a position on July 1, 2002, will continue to be an active member for as long as they are employed in any such position.

(b) All persons who become employees in the state service after January 31, 1953, except those specifically excluded or as to whom election is provided in Articles 1 and 3, unless



109 they file with the board before the lapse of sixty (60) days of
110 employment or sixty (60) days after the effective date of the
111 cited articles, whichever is later, on a form prescribed by the
112 board, a notice of election not to be covered by the membership of
113 the retirement system and a duly executed waiver of all present
114 and prospective benefits that would otherwise inure to them on
115 account of their participation in the system, shall become members
116 of the retirement system; however, no credit for prior service
117 will be granted to members who became members of the system before
118 July 1, 2007, until they have contributed to Article 3 of the
119 retirement system for a minimum period of at least four (4) years,
120 or to members who became members of the system on or after July 1,
121 2007, until they have contributed to Article 3 of the retirement
122 system for a minimum period of at least eight (8) years. Those
123 members shall receive credit for services performed before January
124 1, 1953, in employment now covered by Article 3, but no credit
125 shall be granted for retroactive services between January 1, 1953,
126 and the date of their entry into the retirement system, unless the
127 employee pays into the retirement system both the employer's and
128 the employee's contributions on wages paid him during the period
129 from January 31, 1953, to the date of his becoming a contributing
130 member, together with interest at the rate determined by the board
131 of trustees. Members reentering after withdrawal from service
132 shall qualify for prior service under the provisions of Section
133 25-11-117. From and after July 1, 1998, upon eligibility as noted



above, the member may receive credit for such retroactive service provided:

(i) The member shall furnish proof satisfactory to the board of trustees of certification of that service from the covered employer where the services were performed; and

(ii) The member shall pay to the retirement system on the date he or she is eligible for that credit or at any time thereafter before the date of retirement the actuarial cost for each year of that creditable service. The provisions of this subparagraph (ii) shall be subject to the limitations of Section 415 of the Internal Revenue Code and regulations promulgated under Section 415.

Nothing contained in this paragraph (b) shall be construed to limit the authority of the board to allow the correction of reporting errors or omissions based on the payment of the employee and employer contributions plus applicable interest.

(c) All persons who become employees in the state service after January 31, 1953, and who are eligible for membership in any other retirement system shall become members of this retirement system as a condition of their employment, unless they elect at the time of their employment to become a member of that other system.

(d) All persons who are employees in the state service on January 31, 1953, and who are members of any nonfunded retirement system operated by the State of Mississippi, or any of



its departments or agencies, shall become members of this system with prior service credit unless, before February 1, 1953, they file a written notice with the board of trustees that they do not elect to become members.

(e) All persons who are employees in the state service on January 31, 1953, and who under existing laws are members of any fund operated for the retirement of employees by the State of Mississippi, or any of its departments or agencies, shall not be entitled to membership in this retirement system unless, before February 1, 1953, any such person indicates by a notice filed with the board, on a form prescribed by the board, his individual election and choice to participate in this system, but no such person shall receive prior service credit unless he becomes a member on or before February 1, 1953.

(f) Each political subdivision of the state and each instrumentality of the state or a political subdivision, or both, is authorized to submit, for approval by the board of trustees, a plan for extending the benefits of this article to employees of any such political subdivision or instrumentality. Each such plan or any amendment to the plan for extending benefits thereof shall be approved by the board of trustees if it finds that the plan, or the plan as amended, is in conformity with such requirements as are provided in Articles 1 and 3; however, upon approval of the plan or any such plan previously approved by the board of trustees, the approved plan shall not be subject to cancellation



or termination by the political subdivision or instrumentality.

No such plan shall be approved unless:

(i) It provides that all services that constitute employment as defined in Section 25-11-5 and are performed in the employ of the political subdivision or instrumentality, by any employees thereof, shall be covered by the plan, with the exception of municipal employees who are already covered by existing retirement plans; however, those employees in this class may elect to come under the provisions of this article;

(ii) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (d) of Section 25-11-123 and of paragraph (f)(v)2 and 3 of this section are expected to be derived and contains reasonable assurance that those sources will be adequate for that purpose;

(iii) It provides for such methods of administration of the plan by the political subdivision or instrumentality as are found by the board of trustees to be necessary for the proper and efficient administration thereof;

(iv) It provides that the political subdivision or instrumentality will make such reports, in such form and containing such information, as the board of trustees may from time to time require;

(v) It authorizes the board of trustees to terminate the plan in its entirety in the discretion of the board if it finds that there has been a failure to comply substantially



209 with any provision contained in the plan, the termination to take
210 effect at the expiration of such notice and on such conditions as
211 may be provided by regulations of the board and as may be
212 consistent with applicable federal law.

213 1. The board of trustees shall not finally
214 refuse to approve a plan submitted under paragraph (f), and shall
215 not terminate an approved plan without reasonable notice and
216 opportunity for hearing to each political subdivision or
217 instrumentality affected by the board's decision. The board's
218 decision in any such case shall be final, conclusive and binding
219 unless an appeal is taken by the political subdivision or
220 instrumentality aggrieved by the decision to the Circuit Court of
221 the First Judicial District of Hinds County, Mississippi, in
222 accordance with the provisions of law with respect to civil causes
223 by certiorari.

224 2. Each political subdivision or
225 instrumentality as to which a plan has been approved under this
226 section shall pay into the contribution fund, with respect to
227 wages (as defined in Section 25-11-5), at such time or times as
228 the board of trustees may by regulation prescribe, contributions
229 in the amounts and at the rates specified in the applicable
230 agreement entered into by the board.

231 3. Every political subdivision or
232 instrumentality required to make payments under paragraph (f)(v)2
233 of this section is authorized, in consideration of the employees'



234 retention in or entry upon employment after enactment of Articles
235 1 and 3, to impose upon its employees, as to services that are
236 covered by an approved plan, a contribution with respect to wages
237 (as defined in Section 25-11-5) not exceeding the amount provided
238 in Section 25-11-123(d) if those services constituted employment
239 within the meaning of Articles 1 and 3, and to deduct the amount
240 of the contribution from the wages as and when paid.

241 Contributions so collected shall be paid into the contribution
242 fund as partial discharge of the liability of the political
243 subdivisions or instrumentalities under paragraph (f)(v)2 of this
244 section. Failure to deduct the contribution shall not relieve the
245 employee or employer of liability for the contribution.

246 4. Any state agency, school, political
247 subdivision, instrumentality or any employer that is required to
248 submit contribution payments or wage reports under any section of
249 this chapter shall be assessed interest on delinquent payments or
250 wage reports as determined by the board of trustees in accordance
251 with rules and regulations adopted by the board and delinquent
252 payments, assessed interest and any other amount certified by the
253 board as owed by an employer, may be recovered by action in a
254 court of competent jurisdiction against the reporting agency
255 liable therefor or may, upon due certification of delinquency and
256 at the request of the board of trustees, be deducted from any
257 other monies payable to the reporting agency by any department or
258 agency of the state.



259 5. Each political subdivision of the state
260 and each instrumentality of the state or a political subdivision
261 or subdivisions that submit a plan for approval of the board, as
262 provided in this section, shall reimburse the board for coverage
263 into the expense account, its pro rata share of the total expense
264 of administering Articles 1 and 3 as provided by regulations of
265 the board.

266 (g) The board may, in its discretion, deny the right of
267 membership in this system to any class of employees whose
268 compensation is only partly paid by the state or who are occupying
269 positions on a part-time or intermittent basis. The board may, in
270 its discretion, make optional with employees in any such classes
271 their individual entrance into this system.

272 (h) An employee whose membership in this system is
273 contingent on his own election, and who elects not to become a
274 member, may thereafter apply for and be admitted to membership;
275 but no such employee shall receive prior service credit unless he
276 becomes a member before July 1, 1953, except as provided in
277 paragraph (b).

278 (i) If any member of this system changes his employment
279 to any agency of the state having an actuarially funded retirement
280 system, the board of trustees may authorize the transfer of the
281 member's creditable service and of the present value of the
282 member's employer's accumulation account and of the present value
283 of the member's accumulated membership contributions to that other



284 system, provided that the employee agrees to the transfer of his
285 accumulated membership contributions and provided that the other
286 system is authorized to receive and agrees to make the transfer.

287 If any member of any other actuarially funded system
288 maintained by an agency of the state changes his employment to an
289 agency covered by this system, the board of trustees may authorize
290 the receipt of the transfer of the member's creditable service and
291 of the present value of the member's employer's accumulation
292 account and of the present value of the member's accumulated
293 membership contributions from the other system, provided that the
294 employee agrees to the transfer of his accumulated membership
295 contributions to this system and provided that the other system is
296 authorized and agrees to make the transfer.

297 (j) Wherever state employment is referred to in this
298 section, it includes joint employment by state and federal
299 agencies of all kinds.

300 (k) Employees of a political subdivision or
301 instrumentality who were employed by the political subdivision or
302 instrumentality before an agreement between the entity and the
303 Public Employees' Retirement System to extend the benefits of this
304 article to its employees, and which agreement provides for the
305 establishment of retroactive service credit, and who became
306 members of the retirement system before July 1, 2007, and have
307 remained contributors to the retirement system for four (4) years,
308 or who became members of the retirement system on or after July 1,



2007, and have remained contributors to the retirement system for eight (8) years, may receive credit for that retroactive service with the political subdivision or instrumentality, provided that the employee and/or employer, as provided under the terms of the modification of the joinder agreement in allowing that coverage, pay into the retirement system the employer's and employee's contributions on wages paid the member during the previous employment, together with interest or actuarial cost as determined by the board covering the period from the date the service was rendered until the payment for the credit for the service was made. Those wages shall be verified by the Social Security Administration or employer payroll records. Effective July 1, 1998, upon eligibility as noted above, a member may receive credit for that retroactive service with the political subdivision or instrumentality provided:

(i) The member shall furnish proof satisfactory to the board of trustees of certification of those services from the political subdivision or instrumentality where the services were rendered or verification by the Social Security Administration; and

(ii) The member shall pay to the retirement system on the date he or she is eligible for that credit or at any time thereafter before the date of retirement the actuarial cost for each year of that creditable service. The provisions of this subparagraph (ii) shall be subject to the limitations of Section



415 of the Internal Revenue Code and regulations promulgated under
Section 415.

Nothing contained in this paragraph (k) shall be construed to
limit the authority of the board to allow the correction of
reporting errors or omissions based on the payment of employee and
employer contributions plus applicable interest. Payment for that
time shall be made beginning with the most recent service. Upon
the payment of all or part of the required contributions, plus
interest or the actuarial cost as provided above, the member shall
receive credit for the period of creditable service for which full
payment has been made to the retirement system.

(l) Through June 30, 1998, any state service eligible
for retroactive service credit, no part of which has ever been
reported, and requiring the payment of employee and employer
contributions plus interest, or, from and after July 1, 1998, any
state service eligible for retroactive service credit, no part of
which has ever been reported to the retirement system, and
requiring the payment of the actuarial cost for that creditable
service, may, at the member's option, be purchased in quarterly
increments as provided above at the time that its purchase is
otherwise allowed.

(m) All rights to purchase retroactive service credit
or repay a refund as provided in Section 25-11-101 et seq. shall
terminate upon retirement.

II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP



The following classes of employees and officers shall not become members of this retirement system, any other provisions of Articles 1 and 3 to the contrary notwithstanding:

(a) Patient or inmate help in state charitable, penal or correctional institutions;

(b) Students of any state educational institution employed by any agency of the state for temporary, part-time or intermittent work;

(c) Participants of Comprehensive Employment and Training Act of 1973 (CETA) being Public Law 93-203, who enroll on or after July 1, 1979;

(d) From and after July 1, 2002, individuals who are employed by a governmental entity to perform professional service on less than a full-time basis who do not meet the criteria established in I(a)(ii) of this section.

III. TERMINATION OF MEMBERSHIP

Membership in this system shall cease by a member withdrawing his accumulated contributions, or by a member withdrawing from active service with a retirement allowance, or by a member's death.

SECTION 3. Section 25-11-123, Mississippi Code of 1972, is amended as follows:

25-11-123. All of the assets of the system shall be credited according to the purpose for which they are held to one (1) of four (4) reserves; namely, the annuity savings account, the



annuity reserve, the employer's accumulation account, and the expense account.

(a) **Annuity savings account.** In the annuity savings account shall be accumulated the contributions made by members to provide for their annuities, including interest thereon which shall be posted monthly. Credits to and charges against the annuity savings account shall be made as follows:

(1) Beginning July 1, 2010, except as otherwise provided in Section 25-11-126, the employer shall cause to be deducted from the salary of each member on each and every payroll of the employer for each and every payroll period nine percent (9%) of earned compensation as defined in Section 25-11-103. Future contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation; however, any member earning at a rate less than Sixteen Dollars and Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars (\$200.00) per year, shall contribute not less than One Dollar (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

(2) The deductions provided in paragraph (1) of this subsection shall be made notwithstanding that the minimum compensation provided by law for any member is reduced by the deduction. Every member shall be deemed to consent and agree to the deductions made and provided for in paragraph (1) of this subsection and shall receipt for his full salary or compensation,



and payment of salary or compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the person during the period covered by the payment, except as to the benefits provided under Articles 1 and 3. The board shall provide by rules for the methods of collection of contributions from members and the employer. The board shall have full authority to require the production of evidence necessary to verify the correctness of amounts contributed.

(b) **Annuity reserve.** The annuity reserve shall be the account representing the actuarial value of all annuities in force, and to it shall be charged all annuities and all benefits in lieu of annuities, payable as provided in this article. If a beneficiary retired on account of disability is restored to active service with a compensation not less than his average final compensation at the time of his last retirement, the remainder of his contributions shall be transferred from the annuity reserve to the annuity savings account and credited to his individual account therein, and the balance of his annuity reserve shall be transferred to the employer's accumulation account.

(c) **Employer's accumulation account.** The employer's accumulation account shall represent the accumulation of all reserves for the payment of all retirement allowances and other benefits payable from contributions made by the employer, and against this account shall be charged all retirement allowances



434 and other benefits on account of members. Credits to and charges
435 against the employer's accumulation account shall be made as
436 follows:

437 (1) (i) On account of each member there shall be paid
438 monthly into the employer's accumulation account by the employers
439 for the preceding fiscal year an amount equal to a certain
440 percentage of the total earned compensation, as defined in Section
441 25-11-103, of each member. The percentage rate of those
442 contributions shall be fixed biennially by the board on the basis
443 of the liabilities of the retirement system for the various
444 allowances and benefits as shown by actuarial valuation.
445 Beginning January 1, 1990, the rate shall be fixed at nine and
446 three-fourths percent (9-3/4%). The board shall reduce the
447 employer's contribution rate by one percent (1%) from and after
448 July 1 of the year following the year in which the board
449 determines and the board's actuary certifies that the employer's
450 contribution rate can be reduced by that amount without causing
451 the unfunded accrued actuarial liability amortization period for
452 the retirement system to exceed twenty (20) years. Political
453 subdivisions joining Article 3 of the Public Employees' Retirement
454 System after July 1, 1968, may adjust the employer's contributions
455 by agreement with the Board of Trustees of the Public Employees'
456 Retirement System to provide service credits for any period before
457 execution of the agreement based upon an actuarial determination
458 of employer's contribution rates.



459 (ii) Through June 30, 2026, for persons who choose
460 to continue receiving a retirement allowance during their
461 employment as teachers as authorized by Section 25-11-126, the
462 percentage rate of the contributions to be paid into the
463 employer's accumulation account by the employers of those persons
464 shall be twenty-six and four tenths percent (26.4%) of the total
465 earned compensation of those persons instead of the rate fixed by
466 the board under subparagraph (i) of this paragraph (1). However,
467 if after January 1, 2021, the board or the Legislature increases
468 the percentage rate of the employer's contribution required under
469 the provisions of subparagraph (i) of this paragraph (1), or the
470 board or the Legislature increases the percentage rate of the
471 contribution required under subsection (a)(1) of this section, or
472 the board or the Legislature increases both of those percentage
473 rates, then the percentage rate of the contributions to be paid
474 into the employer's accumulation account by the employers of those
475 persons under this subparagraph (ii) shall be increased by the
476 total amount of the increase or increases in the percentage rate
477 or rates made by the board or the Legislature. This subparagraph
478 (ii) shall stand repealed on July 1, 2026.

479 (2) On the basis of regular interest and of such
480 mortality and other tables as are adopted by the board of
481 trustees, the actuary engaged by the board to make each valuation
482 required by this article during the period over which the accrued
483 liability contribution is payable, immediately after making that



484 valuation, shall determine the uniform and constant percentage of
485 the earnable compensation of each member which, if contributed by
486 the employer on the basis of compensation of the member throughout
487 his entire period of membership service, would be sufficient to
488 provide for the payment of any retirement allowance payable on his
489 account for that service. The percentage rate so determined shall
490 be known as the "normal contribution rate." After the accrued
491 liability contribution has ceased to be payable, the normal
492 contribution rate shall be the percentage rate of the salary of
493 all members obtained by deducting from the total liabilities on
494 account of membership service the amount in the employer's
495 accumulation account, and dividing the remainder by one percent
496 (1%) of the present value of the prospective future salaries of
497 all members as computed on the basis of the mortality and service
498 tables adopted by the board of trustees and regular interest. The
499 normal rate of contributions shall be determined by the actuary
500 after each valuation.

501 (3) The total amount payable in each year to the
502 employer's accumulation account shall not be less than the sum of
503 the percentage rate known as the "normal contribution rate" and
504 the "accrued liability contribution rate" of the total
505 compensation earnable by all members during the preceding year,
506 provided that the payment by the employer shall be sufficient,
507 when combined with the amounts in the account, to provide the



508 allowances and other benefits chargeable to this account during
509 the year then current.

510 (4) The accrued liability contribution shall be
511 discontinued as soon as the accumulated balance in the employer's
512 accumulation account shall equal the present value, computed on
513 the basis of the normal contribution rate then in force, or the
514 prospective normal contributions to be received on account of all
515 persons who are at that time members.

516 (5) All allowances and benefits in lieu thereof, with
517 the exception of those payable on account of members who receive
518 no prior service credit, payable from contributions of the
519 employer, shall be paid from the employer's accumulation account.

520 (6) Upon the retirement of a member, an amount equal to
521 his retirement allowance shall be transferred from the employer's
522 accumulation account to the annuity reserve.

523 (7) The employer's accumulation account shall be
524 credited with any assets authorized by law to be credited to the
525 account.

526 (d) **Expense account.** The expense account shall be the
527 account to which the expenses of the administration of the system
528 shall be charged, exclusive of amounts payable as retirement
529 allowances and as other benefits provided herein. The Legislature
530 shall make annual appropriations in amounts sufficient to
531 administer the system, which shall be credited to this account.
532 There shall be transferred to the State Treasury from this



533 account, not less than once per month, an amount sufficient for
534 payment of the estimated expenses of the system for the succeeding
535 thirty (30) days. Any interest earned on the expense account
536 shall accrue to the benefit of the system. However,
537 notwithstanding the provisions of Sections 25-11-15(10) and
538 25-11-105(f)(v)5, all expenses of the administration of the system
539 shall be paid from the interest earnings, provided the interest
540 earnings are in excess of the actuarial interest assumption as
541 determined by the board, and provided the present cost of the
542 administrative expense fee of two percent (2%) of the
543 contributions reported by the political subdivisions and
544 instrumentalities shall be reduced to one percent (1%) from and
545 after July 1, 1983, through June 30, 1984, and shall be eliminated
546 thereafter.

547 (e) **Collection of contributions.** The employer shall cause
548 to be deducted on each and every payroll of a member for each and
549 every payroll period, beginning subsequent to January 31, 1953,
550 the contributions payable by the member as provided in Articles 1
551 and 3.

552 The employer shall make deductions from salaries of employees
553 as provided in Articles 1 and 3 and shall transmit monthly, or at
554 such time as the board of trustees designates, the amount
555 specified to be deducted to the Executive Director of the Public
556 Employees' Retirement System. The executive director, after



making a record of all those receipts, shall deposit such amounts as provided by law.

(f) (1) Upon the basis of each actuarial valuation provided herein, the board of trustees shall biennially determine the normal contribution rate and the accrued liability contribution rate as provided in this section. The sum of these two (2) rates shall be known as the "employer's contribution rate." Beginning on earned compensation effective January 1, 1990, the rate computed as provided in this section shall be nine and three-fourths percent (9-3/4%). The board shall reduce the employer's contribution rate by one percent (1%) from and after July 1 of the year following the year in which the board determines and the board's actuary certifies that the employer's contribution rate can be reduced by that amount without causing the unfunded accrued actuarial liability amortization period for the retirement system to exceed twenty (20) years. The percentage rate of those contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation.

(2) The amount payable by the employer on account of normal and accrued liability contributions shall be determined by applying the employer's contribution rate to the amount of compensation earned by employees who are members of the system. Monthly, or at such time as the board of trustees designates, each department or agency shall compute the amount of the employer's



contribution payable, with respect to the salaries of its employees who are members of the system, and shall cause that amount to be paid to the board of trustees from the personal service allotment of the amount appropriated for the operation of the department or agency, or from funds otherwise available to the agency, for the payment of salaries to its employees.

(3) Except as otherwise provided in Section 25-11-106:

(i) Constables shall pay employer and employee contributions on their net fee income as well as the employee contributions on all direct treasury or county payroll income.

(ii) The county shall be responsible for the employer contribution on all direct treasury or county payroll income of constables.

(4) Except as otherwise provided in Section 25-11-106.1, chancery and circuit clerks shall be responsible for both the employer and employee share of contributions on the proportionate share of net income attributable to fees, as well as the employee share of net income attributable to direct treasury or county payroll income, and the employing county shall be responsible for the employer contributions on the net income attributable to direct treasury or county payroll income.

(5) Once each year, under procedures established by the system, each employer shall submit to the Public Employees' Retirement System a copy of their report to Social Security of all employees' earnings.



(6) The board shall provide by rules for the methods of collection of contributions of employers and members. The amounts determined due by an agency to the various funds as specified in Articles 1 and 3 are made obligations of the agency to the board and shall be paid as provided herein. Failure to deduct those contributions shall not relieve the employee and employer from liability thereof. Delinquent employee contributions and any accrued interest shall be the obligation of the employee and delinquent employer contributions and any accrued interest shall be the obligation of the employer. The employer may, in its discretion, elect to pay any or all of the interest on delinquent employee contributions. From and after July 1, 1996, under rules and regulations established by the board, all employers are authorized and shall transfer all funds due to the Public Employees' Retirement System electronically and shall transmit any wage or other reports by computerized reporting systems.

SECTION 4. Section 25-11-127, Mississippi Code of 1972, is amended as follows:

25-11-127. (1) (a) 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, including services as an employee, contract worker, contractual employee or independent contractor, until the retired person has been retired for not less than ninety (90) consecutive days from his or her effective date of retirement. After the



person has been retired for not less than ninety (90) consecutive days from his or her effective date of retirement or such later date as established by the board, he or she may be reemployed while being paid a retirement allowance under the terms and conditions provided in this section or Section 25-11-126.

(b) No retiree of this retirement system who is reemployed or is reelected to office after retirement shall continue to draw retirement benefits while so reemployed, except as provided in this section or Section 25-11-126.

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

(2) Except as otherwise provided in Section 25-11-126, any person who has been retired under the provisions of Article 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 system. When the person retires again, if the person has been a contributing member of the retirement system during his or her reemployment and 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



656 in recalculating the retirement allowance under a new option
657 selected.

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

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

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

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

671 To determine the normal working days for a position under
672 paragraph (a) of this subsection, the employer shall determine the
673 required number of working days for the position on a full-time
674 basis and the equivalent number of hours representing the
675 full-time position. The retiree then may work up to one-half
676 (1/2) of the required number of working days or up to one-half
677 (1/2) of the equivalent number of hours and receive up to one-half
678 (1/2) of the salary for the position. In the case of employment
679 with multiple employers, the limitation shall equal one-half (1/2)
680 of the number of days or hours for a single full-time position.



681 Notice shall be given in writing to the executive director,
682 setting forth the facts upon which the employment is being made,
683 and the notice shall be given within five (5) days from the date
684 of employment and also from the date of termination of the
685 employment.

686 (5) Except as otherwise provided in subsection (6) of this
687 section, the employer of any person who is receiving a retirement
688 allowance and who is employed in service covered by subsection (4)
689 of this section as an employee or a contractual employee shall pay
690 to the board the full amount of the employer's contribution on the
691 amount of compensation received by the retiree for his or her
692 employment in accordance with regulations prescribed by the board.
693 However, through June 30, 2026, for persons who choose to continue
694 receiving a retirement allowance during their employment as
695 teachers as authorized by Section 25-11-126, the employer shall
696 pay to the board the full amount of the contribution rate
697 prescribed in Section 25-11-123(c)(1)(ii) on the amount of
698 compensation received by the retiree for his or her employment.
699 The retiree shall not receive any additional creditable service in
700 the retirement system as a result of the payment of the employer's
701 contribution. This subsection does not apply to persons who are
702 receiving a retirement allowance and who contract with an employer
703 to provide services as a true independent contractor, as defined
704 by the board through regulation.



705 (6) (a) A member may retire and continue in municipal or
706 county elective office provided that the member has reached the
707 age and/or service requirement that will not result in a
708 prohibited in-service distribution as defined by the Internal
709 Revenue Service, or a retiree may be elected to a municipal or
710 county office, provided that the person:

711 (i) Files annually, in writing, in the office of
712 the employer and the office of the executive director of the
713 system before the person takes office or as soon as possible after
714 retirement, a waiver of all salary or compensation and elects to
715 receive in lieu of that salary or compensation a retirement
716 allowance as provided in this section, in which event no salary or
717 compensation shall thereafter be due or payable for those
718 services; however, any such officer or employee may receive, in
719 addition to the retirement allowance, office expense allowance,
720 mileage or travel expense authorized by any statute of the State
721 of Mississippi; or

722 (ii) Elects to receive compensation for that
723 elective office in an amount not to exceed twenty-five percent
724 (25%) of the retiree's average compensation. In order to receive
725 compensation as allowed in this subparagraph, the retiree shall
726 file annually, in writing, in the office of the employer and the
727 office of the executive director of the system, an election to
728 receive, in addition to a retirement allowance, compensation as
729 allowed in this subparagraph.



730 (b) The municipality or county in which the retired
731 person holds elective office shall pay to the board the amount of
732 the employer's contributions on the full amount of the regular
733 compensation for the elective office that the retired person
734 holds.

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

738 **SECTION 5.** Section 37-19-7, Mississippi Code of 1972, is
739 amended as follows:

740 37-19-7. (1) The allowance in the Mississippi Adequate
741 Education Program for teachers' salaries in each county and
742 separate school district shall be determined and paid in
743 accordance with the scale for teachers' salaries as provided in
744 this subsection. For teachers holding the following types of
745 licenses or the equivalent as determined by the State Board of
746 Education, and the following number of years of teaching
747 experience, the scale shall be as follows:

748 **2019-2020 MINIMUM SALARY SCHEDULE**

749	Years				
750	Exp.	AAAA	AAA	AA	A
751	0	40,608.00	39,444.00	38,280.00	35,890.00
752	1	40,608.00	39,444.00	38,280.00	35,890.00
753	2	40,608.00	39,444.00	38,280.00	35,890.00
754	3	41,402.00	40,171.00	38,940.00	36,385.00



755	4	42,196.00	40,898.00	39,600.00	36,880.00
756	5	42,990.00	41,625.00	40,260.00	37,375.00
757	6	43,784.00	42,352.00	40,920.00	37,870.00
758	7	44,578.00	43,079.00	41,580.00	38,365.00
759	8	45,372.00	43,806.00	42,240.00	38,860.00
760	9	46,166.00	44,533.00	42,900.00	39,355.00
761	10	46,960.00	45,260.00	43,560.00	39,850.00
762	11	47,754.00	45,987.00	44,220.00	40,345.00
763	12	48,548.00	46,714.00	44,880.00	40,840.00
764	13	49,342.00	47,441.00	45,540.00	41,335.00
765	14	50,136.00	48,168.00	46,200.00	41,830.00
766	15	50,930.00	48,895.00	46,860.00	42,325.00
767	16	51,724.00	49,622.00	47,520.00	42,820.00
768	17	52,518.00	50,349.00	48,180.00	43,315.00
769	18	53,312.00	51,076.00	48,840.00	43,810.00
770	19	54,106.00	51,803.00	49,500.00	44,305.00
771	20	54,900.00	52,530.00	50,160.00	44,800.00
772	21	55,694.00	53,257.00	50,820.00	45,295.00
773	22	56,488.00	53,984.00	51,480.00	45,790.00
774	23	57,282.00	54,711.00	52,140.00	46,285.00
775	24	58,076.00	55,438.00	52,800.00	46,780.00
776	25	60,930.00	58,225.00	55,520.00	49,335.00
777	26	61,724.00	58,952.00	56,180.00	49,830.00
778	27	62,518.00	59,679.00	56,840.00	50,325.00
779	28	63,312.00	60,406.00	57,500.00	50,820.00



780	29	64,106.00	61,133.00	58,160.00	51,315.00
781	30	64,900.00	61,860.00	58,820.00	51,810.00
782	31	65,694.00	62,587.00	59,480.00	52,305.00
783	32	66,488.00	63,314.00	60,140.00	52,800.00
784	33	67,282.00	64,041.00	60,800.00	53,295.00
785	34	68,076.00	64,768.00	61,460.00	53,790.00
786	35				
787	& above	68,870.00	65,495.00	62,120.00	54,285.00

788 It is the intent of the Legislature that any state funds made
789 available for salaries of licensed personnel in excess of the
790 funds paid for such salaries for the 1986-1987 school year shall
791 be paid to licensed personnel pursuant to a personnel appraisal
792 and compensation system implemented by the State Board of
793 Education. The State Board of Education shall have the authority
794 to adopt and amend rules and regulations as are necessary to
795 establish, administer and maintain the system.

796 All teachers employed on a full-time basis shall be paid a
797 minimum salary in accordance with the above scale. However, no
798 school district shall receive any funds under this section for any
799 school year during which the local supplement paid to any
800 individual teacher shall have been reduced to a sum less than that
801 paid to that individual teacher for performing the same duties
802 from local supplement during the immediately preceding school
803 year. The amount actually spent for the purposes of group health
804 and/or life insurance shall be considered as a part of the



805 aggregate amount of local supplement but shall not be considered a
806 part of the amount of individual local supplement.

807 The level of professional training of each teacher to be used
808 in establishing the salary allotment for the teachers for each
809 year shall be determined by the type of valid teacher's license
810 issued to those teachers on or before October 1 of the current
811 school year. * * * However, * * * school districts are
812 authorized, in their discretion, to negotiate the salary levels
813 applicable to certificated employees who are receiving retirement
814 benefits from the retirement system of another state, and the
815 annual experience increment provided above in this section * * *
816 shall not be applicable to any such retired certificated employee.
817 In addition, through June 30, 2026, school districts are
818 authorized, in their discretion, to negotiate the salary levels
819 applicable to persons who choose to continue receiving a
820 retirement allowance during their employment as teachers as
821 authorized by Section 25-11-126, and the annual experience
822 increment provided above in this section shall not be applicable
823 to any such person except as may be negotiated between the school
824 district and the person.

825 (2) (a) The following employees shall receive an annual
826 salary supplement in the amount of Six Thousand Dollars
827 (\$6,000.00), plus fringe benefits, in addition to any other
828 compensation to which the employee may be entitled:



829 (i) Any licensed teacher who has met the
830 requirements and acquired a Master Teacher certificate from the
831 National Board for Professional Teaching Standards and who is
832 employed by a local school board or the State Board of Education
833 as a teacher and not as an administrator. Such teacher shall
834 submit documentation to the State Department of Education that the
835 certificate was received prior to October 15 in order to be
836 eligible for the full salary supplement in the current school
837 year, or the teacher shall submit such documentation to the State
838 Department of Education prior to February 15 in order to be
839 eligible for a prorated salary supplement beginning with the
840 second term of the school year.

841 (ii) A licensed nurse who has met the requirements
842 and acquired a certificate from the National Board for
843 Certification of School Nurses, Inc., and who is employed by a
844 local school board or the State Board of Education as a school
845 nurse and not as an administrator. The licensed school nurse
846 shall submit documentation to the State Department of Education
847 that the certificate was received before October 15 in order to be
848 eligible for the full salary supplement in the current school
849 year, or the licensed school nurse shall submit the documentation
850 to the State Department of Education before February 15 in order
851 to be eligible for a prorated salary supplement beginning with the
852 second term of the school year. Provided, however, that the total



number of licensed school nurses eligible for a salary supplement under this subparagraph (ii) shall not exceed thirty-five (35).

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the Master Teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a



Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic language therapist (CALT) who has met the certification requirements of the Academic Language Therapy Association and who is employed by a local school board or is employed by a state agency under the State Personnel Board. The licensed speech-language pathologist and audiologist and certified academic language therapist shall submit documentation to the State Department of Education that the certificate or endorsement was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist and certified academic language therapist shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, the total number of certified academic language therapists eligible for a salary supplement under this * * * subparagraph (iv) shall not exceed twenty (20).

(b) An employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars (\$500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of



the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this



subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one individual employee holding multiple qualifying national certifications.

(d) If an employee for whom such cost has been paid, in full or in part, by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars (\$4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition



to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only after full funding of MAEP and if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program



shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been standardized, the State Department of Education shall implement the MPBP plan.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

(5) (a) Beginning in the 2008-2009 school year, if funds are available for that purpose, each school in Mississippi shall



1002 have mentor teachers, as defined by Sections 37-9-201 through
1003 37-9-213, who shall receive additional base compensation provided
1004 for by the State Legislature in the amount of One Thousand Dollars
1005 (\$1,000.00) per each beginning teacher that is being mentored.
1006 The additional state compensation shall be limited to those mentor
1007 teachers that provide mentoring services to beginning teachers.
1008 For the purposes of such funding, a beginning teacher shall be
1009 defined as any teacher in any school in Mississippi that has less
1010 than one (1) year of classroom experience teaching in a public
1011 school. For the purposes of such funding, no full-time academic
1012 teacher shall mentor more than two (2) beginning teachers.

1013 (b) To be eligible for this state funding, the
1014 individual school must have a classroom management program
1015 approved by the local school board.

1016 (6) Effective with the 2014-2015 school year, the school
1017 districts participating in the Pilot Performance-Based
1018 Compensation System pursuant to Section 37-19-9 may award
1019 additional teacher and administrator pay based thereon.

1020 **SECTION 6.** This act shall take effect and be in force from
1021 and after January 1, 2021.

