

By: Senator(s) Parker, Williams

To: Education

SENATE BILL NO. 2685

1 AN ACT TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT PERSONS WHO HAVE AT LEAST 30 YEARS OF
3 CREDITABLE SERVICE IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM, WHO
4 WERE EMPLOYED AS PUBLIC SCHOOL TEACHERS AT THE TIME OF THEIR
5 RETIREMENT AND WHO HAVE BEEN RETIRED AT LEAST 90 DAYS AND
6 RECEIVING A RETIREMENT ALLOWANCE, MAY BE EMPLOYED AS TEACHERS IN
7 CERTAIN PUBLIC SCHOOL DISTRICTS AFTER THEIR RETIREMENT AND RECEIVE
8 A RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT
9 SYSTEM DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO A SET
10 SALARY; TO PROVIDE THAT SUCH RETIRED TEACHERS SHALL BE ELIGIBLE TO
11 RETURN TO TEACHING AND CONTINUE TO RECEIVE A RETIREMENT BENEFIT
12 FOR A TOTAL OF FIVE YEARS; TO STIPULATE THE AMOUNT TO BE PAID BY
13 SCHOOL DISTRICTS, WHICH AVAIL THEMSELVES OF REEMPLOYING RETIRED
14 TEACHERS TO PERS; TO PROVIDE THAT ANY TIME WORKED BY A RETIRED
15 TEACHER IN A SCHOOL DISTRICT THAT IS LESS THAN A FULL CONTRACTUAL
16 TERM OF TRADITIONAL TEACHERS SHALL CONSTITUTE ONE OF THE FIVE
17 YEARS OF POST-RETIREMENT TEACHING ELIGIBILITY AND THE SALARY
18 AUTHORIZED FOR SUCH INDIVIDUAL SHALL BE PRORATED FOR ANY TIME
19 WORKED LESS THAN A FULL ACADEMIC YEAR; TO PROVIDE THAT A RETIRED
20 TEACHER SHALL NOT BE RESTRICTED TO TEACHING IN ONE SCHOOL DISTRICT
21 FOR HIS OR HER PERIOD OF POST-RETIREMENT TEACHING ELIGIBILITY; TO
22 PROVIDE THAT SCHOOL DISTRICTS MAY EMPLOY RETIRED TEACHERS BASED ON
23 CERTAIN CRITICAL TEACHER SHORTAGE CRITERIA DEVELOPED BY THE
24 DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-19-7, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE THAT THE MINIMUM SALARY FOR RETIRED
26 TEACHERS RETURNING TO THE CLASSROOM SHALL BE 50% OF THEIR HIGHEST
27 FOUR YEARS OF WAGES; TO ALLOW RETIRED TEACHERS WHO HAD RECEIVED
28 NATIONAL BOARD CERTIFICATION PRIOR TO RETIREMENT TO CONTINUE
29 RECEIVING THE ANNUAL SUPPLEMENT FOR SUCH CERTIFICATION; TO AMEND
30 SECTIONS 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN
31 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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



33 **SECTION 1.** The following shall be codified as Section
34 25-11-126, Mississippi Code of 1972:

35 25-11-126. (1) Any person who has at least thirty (30)
36 years of creditable service, who was employed as a public school
37 teacher at the time of his or her retirement, has been retired at
38 least ninety (90) days and is receiving a retirement allowance,
39 and holds a standard teaching license in Mississippi, may be
40 employed as a teacher in a public school district after
41 retirement, and choose to continue receiving the retirement
42 allowance under this article during his or her employment as a
43 teacher after retirement in addition to receiving the salary
44 authorized under Section 37-19-7 for such teachers, along with the
45 local contribution of the school district in which the retiree is
46 employed. A retired teacher may only be hired to teach in a
47 school district designated by the Department of Education as
48 having critical shortages and/or critical subject-area shortages,
49 and shall hold the related standard teaching license and/or
50 endorsements to teach in the subject area. The base compensation
51 authorized for returning retired teachers under Section 37-19-7
52 shall not be graduated annually in the same manner as teachers who
53 are employed by a school district under traditional employment
54 guidelines, but shall remain static for the entirety of his or her
55 eligible teaching period as a retired teacher.

56 (2) (a) A retired teacher may be employed as a teacher,
57 continue receiving his or her retirement allowance and be a



58 contributing member of the system without accruing additional
59 retirement benefits for a total of five (5) years, which may be
60 performed consecutively or intermittently. This method is
61 designed specifically to provide funding for the system to
62 actuarially offset any pension liability created by this act.
63 Each school district hiring retired teachers under the authority
64 of this section, shall make a direct payment to PERS, which shall
65 serve as pension liability participation assessment. The pension
66 liability participation assessment and the retired teacher's
67 salary for returning to work shall be determined as follows:

68 (i) The school district, with assistance from
69 PERS, shall determine the retired teachers highest four years of
70 wages, or otherwise determine the amount used by PERS as the
71 retired teacher's average compensation for purposes of determining
72 the teacher's retirement benefit payments;

73 (ii) After determining the retired teacher's
74 average compensation, the school district may pay no more than
75 fifty percent (50%) of the retired teacher's average compensation
76 as salary to the retired teacher; and

77 (iii) The remaining fifty percent (50%) of the
78 retired teacher's average compensation as salary shall be paid by
79 the school district to PERS as a pension liability participation
80 assessment.

81 (b) If a retired teacher, reemployed under the
82 authority of this section, works in a school district for any



83 portion of a scholastic year less than a full contractual term of
84 traditional teachers, the time worked by the retired teacher shall
85 constitute one (1) of the five (5) years of post retirement
86 teaching eligibility. A retired teacher, under the authority of
87 this section, shall be entitled to work in any applicable school
88 district and shall not be obligated to remain in any one (1)
89 school district for the entirety of his or her post retirement
90 teaching eligibility, but shall be cumulative in nature so as not
91 to exceed five (5) years. The salary authorized under Section
92 37-19-7 for retired teachers shall be prorated for any period
93 worked by the retired teacher that is less than one (1) full
94 academic year.

95 (c) The State Department of Education shall transfer to
96 the system the Mississippi Adequate Education Program funds of
97 local school districts that on or after July 1, 2024, hire retired
98 members as teachers under this section and other funds that
99 otherwise would have been payable to the districts if the
100 districts had not taken advantage of this section. The crediting
101 of assets and financing shall follow the provisions of Section
102 25-11-123.

103 (d) Local educational agencies shall transfer to the
104 system Mississippi Adequate Education Program funds of local
105 school districts that on or after July 1, 2024, hire retired
106 members as teachers under this section and other funds that
107 otherwise would have been payable to the districts if the



108 districts had not taken advantage of this section. The crediting
109 of assets and financing must follow the provisions of Section
110 25-11-123.

111 (3) Under the authority of this section, school districts
112 may employ retired teachers based on criteria established by the
113 department of education for critical teacher shortage areas and
114 critical subject-matter areas. A school district that is not
115 within a critical teacher shortage area may employ teachers for
116 critical subject-matter areas.

117 (4) A person may be hired under this section subject to the
118 following conditions:

119 (a) The retired member holds any teacher's professional
120 license or certificate as may be required in Section 37-3-2, and
121 holds the related standard teaching license and/or endorsements to
122 teach in the applicable subject area;

123 (b) The superintendent of the employing school district
124 certifies in writing to the State Department of Education that the
125 retired member has the requisite experience, training and
126 expertise for the position to be filled;

127 (c) The superintendent of the school district certifies
128 or the principal of the school certifies that there was no
129 preexisting arrangement for the person to be hired;

130 (d) The person had a satisfactory performance review
131 for the most recent period before retirement; and



132 (e) The person is hired to teach in a critical
133 subject-matter area or in a critical teacher shortage area.

134 (5) The State Superintendent of Public Education shall
135 report the persons who are employed under this section to the
136 Executive Director of the Public Employees' Retirement System.

137 **SECTION 2.** Section 37-19-7, Mississippi Code of 1972, is
138 amended as follows:

139 37-19-7. (1) The allowance in the Mississippi Adequate
140 Education Program for teachers' salaries in each public school
141 district shall be determined and paid in accordance with the scale
142 for teachers' salaries as provided in this subsection. For
143 teachers holding the following types of licenses or the equivalent
144 as determined by the State Board of Education, and the following
145 number of years of teaching experience, the scale shall be as
146 follows:

147 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

148	Exp.	AAAA	AAA	AA	A
149	0	45,500.00	44,000.00	43,000.00	41,500.00
150	1	46,100.00	44,550.00	43,525.00	41,900.00
151	2	46,700.00	45,100.00	44,050.00	42,300.00
152	3	47,300.00	45,650.00	44,575.00	42,700.00
153	4	47,900.00	46,200.00	45,100.00	43,100.00
154	5	49,250.00	47,500.00	46,350.00	44,300.00
155	6	49,850.00	48,050.00	46,875.00	44,700.00
156	7	50,450.00	48,600.00	47,400.00	45,100.00



157	8	51,050.00	49,150.00	47,925.00	45,500.00
158	9	51,650.00	49,700.00	48,450.00	45,900.00
159	10	53,000.00	51,000.00	49,700.00	47,100.00
160	11	53,600.00	51,550.00	50,225.00	47,500.00
161	12	54,200.00	52,100.00	50,750.00	47,900.00
162	13	54,800.00	52,650.00	51,275.00	48,300.00
163	14	55,400.00	53,200.00	51,800.00	48,700.00
164	15	56,750.00	54,500.00	53,050.00	49,900.00
165	16	57,350.00	55,050.00	53,575.00	50,300.00
166	17	57,950.00	55,600.00	54,100.00	50,700.00
167	18	58,550.00	56,150.00	54,625.00	51,100.00
168	19	59,150.00	56,700.00	55,150.00	51,500.00
169	20	60,500.00	58,000.00	56,400.00	52,700.00
170	21	61,100.00	58,550.00	56,925.00	53,100.00
171	22	61,700.00	59,100.00	57,450.00	53,500.00
172	23	62,300.00	59,650.00	57,975.00	53,900.00
173	24	62,900.00	60,200.00	58,500.00	54,300.00
174	25	65,400.00	62,700.00	61,000.00	56,800.00
175	26	66,000.00	63,250.00	61,525.00	57,200.00
176	27	66,600.00	63,800.00	62,050.00	57,600.00
177	28	67,200.00	64,350.00	62,575.00	58,000.00
178	29	67,800.00	64,900.00	63,100.00	58,400.00
179	30	68,400.00	65,450.00	63,625.00	58,800.00
180	31	69,000.00	66,000.00	64,150.00	59,200.00
181	32	69,600.00	66,550.00	64,675.00	59,600.00



182	33	70,200.00	67,100.00	65,200.00	60,000.00
183	34	70,800.00	67,650.00	65,725.00	60,400.00
184	35				
185	& above	71,400.00	68,200.00	66,250.00	60,800.00

186 **2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

187 The school district, with assistance from PERS, shall
 188 determine the retired teachers highest four (4) years of wages, or
 189 otherwise determine the amount used by PERS as the retired
 190 teacher's average compensation for purposes of determining the
 191 teacher's retirement benefit payments. After determining the
 192 retired teacher's average compensation, the school district may
 193 pay no more than fifty percent (50%) of the retired teacher's
 194 average compensation as salary to the retired teacher.

195 It is the intent of the Legislature that any state funds made
 196 available for salaries of licensed personnel in excess of the
 197 funds paid for such salaries for the 1986-1987 school year shall
 198 be paid to licensed personnel pursuant to a personnel appraisal
 199 and compensation system implemented by the State Board of
 200 Education. The State Board of Education shall have the authority
 201 to adopt and amend rules and regulations as are necessary to
 202 establish, administer and maintain the system.

203 All teachers employed on a full-time basis shall be paid a
 204 minimum salary in accordance with the above scale. However, no
 205 school district shall receive any funds under this section for any
 206 school year during which the local supplement paid to any



207 individual teacher shall have been reduced to a sum less than that
208 paid to that individual teacher for performing the same duties
209 from local supplement during the immediately preceding school
210 year. The amount actually spent for the purposes of group health
211 and/or life insurance shall be considered as a part of the
212 aggregate amount of local supplement but shall not be considered a
213 part of the amount of individual local supplement.

214 The level of professional training of each teacher to be used
215 in establishing the salary allotment for the teachers for each
216 year shall be determined by the type of valid teacher's license
217 issued to those teachers on or before October 1 of the current
218 school year. However, school districts are authorized, in their
219 discretion, to negotiate the salary levels applicable to licensed
220 employees who are receiving retirement benefits from the
221 retirement system of another state, and the annual experience
222 increment provided above in Section 37-19-7 shall not be
223 applicable to any such retired certificated employee.

224 (2) (a) The following employees shall receive an annual
225 salary supplement in the amount of Six Thousand Dollars
226 (\$6,000.00), plus fringe benefits, in addition to any other
227 compensation to which the employee may be entitled:

228 (i) Any licensed teacher or retired teacher
229 employed by a school district under the authority of Section
230 25-11-126 who has met the requirements and acquired a Master
231 Teacher certificate from the National Board for Professional



232 Teaching Standards and who is employed by a local school board or
233 the State Board of Education as a teacher and not as an
234 administrator. Such teacher shall submit documentation to the
235 State Department of Education that the certificate was received
236 prior to October 15 in order to be eligible for the full salary
237 supplement in the current school year, or the teacher shall submit
238 such documentation to the State Department of Education prior to
239 February 15 in order to be eligible for a prorated salary
240 supplement beginning with the second term of the school year.

241 (ii) A licensed nurse who has met the requirements
242 and acquired a certificate from the National Board for
243 Certification of School Nurses, Inc., and who is employed by a
244 local school board or the State Board of Education as a school
245 nurse and not as an administrator. The licensed school nurse
246 shall submit documentation to the State Department of Education
247 that the certificate was received before October 15 in order to be
248 eligible for the full salary supplement in the current school
249 year, or the licensed school nurse shall submit the documentation
250 to the State Department of Education before February 15 in order
251 to be eligible for a prorated salary supplement beginning with the
252 second term of the school year.

253 (iii) Any licensed school counselor who has met
254 the requirements and acquired a National Certified School
255 Counselor (NCSC) endorsement from the National Board of Certified
256 Counselors and who is employed by a local school board or the



257 State Board of Education as a counselor and not as an
258 administrator. Such licensed school counselor shall submit
259 documentation to the State Department of Education that the
260 endorsement was received prior to October 15 in order to be
261 eligible for the full salary supplement in the current school
262 year, or the licensed school counselor shall submit such
263 documentation to the State Department of Education prior to
264 February 15 in order to be eligible for a prorated salary
265 supplement beginning with the second term of the school year.
266 However, any school counselor who started the National Board for
267 Professional Teaching Standards process for school counselors
268 between June 1, 2003, and June 30, 2004, and completes the
269 requirements and acquires the Master Teacher certificate shall be
270 entitled to the master teacher supplement, and those counselors
271 who complete the process shall be entitled to a one-time
272 reimbursement for the actual cost of the process as outlined in
273 paragraph (b) of this subsection.

274 (iv) Any licensed speech-language pathologist and
275 audiologist who has met the requirements and acquired a
276 Certificate of Clinical Competence from the American
277 Speech-Language-Hearing Association and any certified academic
278 language therapist (CALT) who has met the certification
279 requirements of the Academic Language Therapy Association and who
280 is employed by a local school board. The licensed speech-language
281 pathologist and audiologist and certified academic language



282 therapist shall submit documentation to the State Department of
283 Education that the certificate or endorsement was received before
284 October 15 in order to be eligible for the full salary supplement
285 in the current school year, or the licensed speech-language
286 pathologist and audiologist and certified academic language
287 therapist shall submit the documentation to the State Department
288 of Education before February 15 in order to be eligible for a
289 prorated salary supplement beginning with the second term of the
290 school year.

291 (v) Any licensed athletic trainer who has met the
292 requirements and acquired Board Certification for the Athletic
293 Trainer from the Board of Certification, Inc., and who is employed
294 by a local school board or the State Board of Education as an
295 athletic trainer and not as an administrator. The licensed
296 athletic trainer shall submit documentation to the State
297 Department of Education that the certificate was received before
298 October 15 in order to be eligible for the full salary supplement
299 in the current school year, or the licensed athletic trainer shall
300 submit the documentation to the State Department of Education
301 before February 15 in order to be eligible for a prorated salary
302 supplement beginning with the second term of the school year.

303 (b) An employee shall be reimbursed for the actual cost
304 of completing each component of acquiring the certificate or
305 endorsement, excluding any costs incurred for postgraduate
306 courses, not to exceed Five Hundred Dollars (\$500.00) for each



307 component, not to exceed four (4) components, for a teacher,
308 school counselor or speech-language pathologist and audiologist,
309 regardless of whether or not the process resulted in the award of
310 the certificate or endorsement. A local school district or any
311 private individual or entity may pay the cost of completing the
312 process of acquiring the certificate or endorsement for any
313 employee of the school district described under paragraph (a), and
314 the State Department of Education shall reimburse the school
315 district for such cost, regardless of whether or not the process
316 resulted in the award of the certificate or endorsement. If a
317 private individual or entity has paid the cost of completing the
318 process of acquiring the certificate or endorsement for an
319 employee, the local school district may agree to directly
320 reimburse the individual or entity for such cost on behalf of the
321 employee.

322 (c) All salary supplements, fringe benefits and process
323 reimbursement authorized under this subsection shall be paid
324 directly by the State Department of Education to the local school
325 district and shall be in addition to its adequate education
326 program allotments and not a part thereof in accordance with
327 regulations promulgated by the State Board of Education. Local
328 school districts shall not reduce the local supplement paid to any
329 employee receiving such salary supplement, and the employee shall
330 receive any local supplement to which employees with similar
331 training and experience otherwise are entitled. However, an



332 educational employee shall receive the salary supplement in the
333 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
334 qualifying certifications authorized under paragraph (a) of this
335 subsection. No school district shall provide more than one (1)
336 annual salary supplement under the provisions of this subsection
337 to any one (1) individual employee holding multiple qualifying
338 national certifications.

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

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

350 Effective July 1, 2016, if funds are available for that
351 purpose, any licensed teacher or retired teacher employed by a
352 local school district under the authority of Section 25-11-126 who
353 has met the requirements and acquired a Master Teacher Certificate
354 from the National Board for Professional Teaching Standards and
355 who is employed in a public school district located in one (1) of
356 the following counties: Claiborne, Adams, Jefferson, Wilkinson,



357 Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena,
358 Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary
359 supplement awarded under the provisions of this subsection (3)
360 shall be in addition to the salary supplement awarded under the
361 provisions of subsection (2) of this section.

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

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

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



382 (ii) To ensure that all of Mississippi's teachers,
383 administrators and nonlicensed personnel at all schools have equal
384 access to the monies set aside in this section, the MPBP program
385 shall be designed to calculate each school's performance as
386 determined by the school's increase in scores from the prior
387 school year. The MPBP program shall be based on a standardized
388 scores rating where all levels of schools can be judged in a
389 statistically fair and reasonable way upon implementation. At the
390 end of each year, after all student achievement scores have been
391 standardized, the State Department of Education shall implement
392 the MPBP plan.

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

400 (b) The State Board of Education shall develop the
401 processes and procedures for designating schools eligible to
402 participate in the MPBP. State assessment results, growth in
403 student achievement at individual schools and other measures
404 deemed appropriate in designating successful student achievement
405 shall be used in establishing MPBP criteria.



406 (5) (a) If funds are available for that purpose, each
407 school in Mississippi shall have mentor teachers, as defined by
408 Sections 37-9-201 through 37-9-213, who shall receive additional
409 base compensation provided for by the State Legislature in the
410 amount of One Thousand Dollars (\$1,000.00) per each beginning
411 teacher that is being mentored. The additional state compensation
412 shall be limited to those mentor teachers that provide mentoring
413 services to beginning teachers. For the purposes of such funding,
414 a beginning teacher shall be defined as any teacher in any school
415 in Mississippi that has less than one (1) year of classroom
416 experience teaching in a public school. For the purposes of such
417 funding, no full-time academic teacher shall mentor more than two
418 (2) beginning teachers.

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

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

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

428 25-11-123. All of the assets of the system shall be credited
429 according to the purpose for which they are held to one (1) of
430 four (4) reserves; namely, the annuity savings account, the



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

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

438 (1) Beginning July 1, 2010, except as otherwise
439 provided in Section 25-11-126, the employer shall cause to be
440 deducted from the salary of each member on each and every payroll
441 of the employer for each and every payroll period nine percent
442 (9%) of earned compensation as defined in Section 25-11-103.
443 Future contributions shall be fixed biennially by the board on the
444 basis of the liabilities of the retirement system for the various
445 allowances and benefits as shown by actuarial valuation; however,
446 any member earning at a rate less than Sixteen Dollars and
447 Sixty-seven Cents (\$16.67) per month, or Two Hundred Dollars
448 (\$200.00) per year, shall contribute not less than One Dollar
449 (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

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



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

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

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



481 and other benefits on account of members. Credits to and charges
482 against the employer's accumulation account shall be made as
483 follows:

484 (1) On account of each member there shall be paid
485 monthly into the employer's accumulation account by the employers
486 for the preceding fiscal year an amount equal to a certain
487 percentage of the total earned compensation, as defined in Section
488 25-11-103, of each member. The percentage rate of those
489 contributions shall be fixed biennially by the board on the basis
490 of the liabilities of the retirement system for the various
491 allowances and benefits as shown by actuarial valuation.
492 Beginning January 1, 1990, the rate shall be fixed at nine and
493 three-fourths percent (9-3/4%). The board shall reduce the
494 employer's contribution rate by one percent (1%) from and after
495 July 1 of the year following the year in which the board
496 determines and the board's actuary certifies that the employer's
497 contribution rate can be reduced by that amount without causing
498 the unfunded accrued actuarial liability amortization period for
499 the retirement system to exceed twenty (20) years. Political
500 subdivisions joining Article 3 of the Public Employees' Retirement
501 System after July 1, 1968, may adjust the employer's contributions
502 by agreement with the Board of Trustees of the Public Employees'
503 Retirement System to provide service credits for any period before
504 execution of the agreement based upon an actuarial determination
505 of employer's contribution rates.



506 (2) On the basis of regular interest and of such
507 mortality and other tables as are adopted by the board of
508 trustees, the actuary engaged by the board to make each valuation
509 required by this article during the period over which the accrued
510 liability contribution is payable, immediately after making that
511 valuation, shall determine the uniform and constant percentage of
512 the earnable compensation of each member which, if contributed by
513 the employer on the basis of compensation of the member throughout
514 his entire period of membership service, would be sufficient to
515 provide for the payment of any retirement allowance payable on his
516 account for that service. The percentage rate so determined shall
517 be known as the "normal contribution rate." After the accrued
518 liability contribution has ceased to be payable, the normal
519 contribution rate shall be the percentage rate of the salary of
520 all members obtained by deducting from the total liabilities on
521 account of membership service the amount in the employer's
522 accumulation account, and dividing the remainder by one percent
523 (1%) of the present value of the prospective future salaries of
524 all members as computed on the basis of the mortality and service
525 tables adopted by the board of trustees and regular interest. The
526 normal rate of contributions shall be determined by the actuary
527 after each valuation.

528 (3) The total amount payable in each year to the
529 employer's accumulation account shall not be less than the sum of
530 the percentage rate known as the "normal contribution rate" and



531 the "accrued liability contribution rate" of the total
532 compensation earnable by all members during the preceding year,
533 provided that the payment by the employer shall be sufficient,
534 when combined with the amounts in the account, to provide the
535 allowances and other benefits chargeable to this account during
536 the year then current.

537 (4) The accrued liability contribution shall be
538 discontinued as soon as the accumulated balance in the employer's
539 accumulation account shall equal the present value, computed on
540 the basis of the normal contribution rate then in force, or the
541 prospective normal contributions to be received on account of all
542 persons who are at that time members.

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

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

550 (7) The employer's accumulation account shall be
551 credited with any assets authorized by law to be credited to the
552 account.

553 (d) **Expense account.** The expense account shall be the
554 account to which the expenses of the administration of the system
555 shall be charged, exclusive of amounts payable as retirement



556 allowances and as other benefits provided herein. The Legislature
557 shall make annual appropriations in amounts sufficient to
558 administer the system, which shall be credited to this account.
559 There shall be transferred to the State Treasury from this
560 account, not less than once per month, an amount sufficient for
561 payment of the estimated expenses of the system for the succeeding
562 thirty (30) days. Any interest earned on the expense account
563 shall accrue to the benefit of the system. However,
564 notwithstanding the provisions of Sections 25-11-15(10) and
565 25-11-105(f) (v)5, all expenses of the administration of the system
566 shall be paid from the interest earnings, provided the interest
567 earnings are in excess of the actuarial interest assumption as
568 determined by the board, and provided the present cost of the
569 administrative expense fee of two percent (2%) of the
570 contributions reported by the political subdivisions and
571 instrumentalities shall be reduced to one percent (1%) from and
572 after July 1, 1983, through June 30, 1984, and shall be eliminated
573 thereafter.

574 (e) **Collection of contributions.** The employer shall
575 cause to be deducted on each and every payroll of a member for
576 each and every payroll period, beginning subsequent to January 31,
577 1953, the contributions payable by the member as provided in
578 Articles 1 and 3.

579 The employer shall make deductions from salaries of employees
580 as provided in Articles 1 and 3 and shall transmit monthly, or at



581 such time as the board of trustees designates, the amount
582 specified to be deducted to the Executive Director of the Public
583 Employees' Retirement System. The executive director, after
584 making a record of all those receipts, shall deposit such amounts
585 as provided by law.

586 (f) (1) Upon the basis of each actuarial valuation
587 provided herein, the board of trustees shall biennially determine
588 the normal contribution rate and the accrued liability
589 contribution rate as provided in this section. The sum of these
590 two (2) rates shall be known as the "employer's contribution
591 rate." Beginning on earned compensation effective January 1,
592 1990, the rate computed as provided in this section shall be nine
593 and three-fourths percent (9-3/4%). The board shall reduce the
594 employer's contribution rate by one percent (1%) from and after
595 July 1 of the year following the year in which the board
596 determines and the board's actuary certifies that the employer's
597 contribution rate can be reduced by that amount without causing
598 the unfunded accrued actuarial liability amortization period for
599 the retirement system to exceed twenty (20) years. The percentage
600 rate of those contributions shall be fixed biennially by the board
601 on the basis of the liabilities of the retirement system for the
602 various allowances and benefits as shown by actuarial valuation.

603 (2) The amount payable by the employer on account
604 of normal and accrued liability contributions shall be determined
605 by applying the employer's contribution rate to the amount of



606 compensation earned by employees who are members of the system.
607 Monthly, or at such time as the board of trustees designates, each
608 department or agency shall compute the amount of the employer's
609 contribution payable, with respect to the salaries of its
610 employees who are members of the system, and shall cause that
611 amount to be paid to the board of trustees from the personal
612 service allotment of the amount appropriated for the operation of
613 the department or agency, or from funds otherwise available to the
614 agency, for the payment of salaries to its employees.

615 (3) Except as otherwise provided in Section
616 25-11-106:

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

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

624 (4) Except as otherwise provided in Section
625 25-11-106.1, chancery and circuit clerks shall be responsible for
626 both the employer and employee share of contributions on the
627 proportionate share of net income attributable to fees, as well as
628 the employee share of net income attributable to direct treasury
629 or county payroll income, and the employing county shall be



630 responsible for the employer contributions on the net income
631 attributable to direct treasury or county payroll income.

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

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

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



655 25-11-127. (1) (a) No person who is being paid a
656 retirement allowance or a pension after retirement under this
657 article shall be employed or paid for any service by the State of
658 Mississippi, including services as an employee, contract worker,
659 contractual employee or independent contractor, until the retired
660 person has been retired for not less than ninety (90) consecutive
661 days from his or her effective date of retirement. After the
662 person has been retired for not less than ninety (90) consecutive
663 days from his or her effective date of retirement or such later
664 date as established by the board, he or she may be reemployed
665 while being paid a retirement allowance under the terms and
666 conditions provided in this section or in Section 25-11-126.

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

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

674 (2) Except as otherwise provided in Section 25-11-126, any
675 person who has been retired under the provisions of Article 3 and
676 who is later reemployed in service covered by this article shall
677 cease to receive benefits under this article and shall again
678 become a contributing member of the retirement system. When the
679 person retires again, if the reemployment exceeds six (6) months,



680 the person shall have his or her benefit recomputed, including
681 service after again becoming a member, provided that the total
682 retirement allowance paid to the retired member in his or her
683 previous retirement shall be deducted from the member's retirement
684 reserve and taken into consideration in recalculating the
685 retirement allowance under a new option selected.

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

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

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

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

699 To determine the normal working days for a position under
700 paragraph (a) of this subsection, the employer shall determine the
701 required number of working days for the position on a full-time
702 basis and the equivalent number of hours representing the
703 full-time position. The retiree then may work up to one-half
704 (1/2) of the required number of working days or up to one-half



705 (1/2) of the equivalent number of hours and receive up to one-half
706 (1/2) of the salary for the position. In the case of employment
707 with multiple employers, the limitation shall equal one-half (1/2)
708 of the number of days or hours for a single full-time position.

709 Notice shall be given in writing to the executive director,
710 setting forth the facts upon which the employment is being made,
711 and the notice shall be given within five (5) days from the date
712 of employment and also from the date of termination of the
713 employment.

714 (5) Except as otherwise provided in subsection (6) of this
715 section, the employer of any person who is receiving a retirement
716 allowance and who is employed in service covered by subsection (4)
717 of this section as an employee or a contractual employee shall pay
718 to the board the full amount of the employer's contribution on the
719 amount of compensation received by the retiree for his or her
720 employment in accordance with regulations prescribed by the board.
721 The retiree shall not receive any additional creditable service in
722 the retirement system as a result of the payment of the employer's
723 contribution. This subsection does not apply to persons who are
724 receiving a retirement allowance and who contract with an employer
725 to provide services as a true independent contractor, as defined
726 by the board through regulation.

727 (6) (a) A member may retire and continue in municipal or
728 county elective office provided that the member has reached the
729 age and/or service requirement that will not result in a



730 prohibited in-service distribution as defined by the Internal
731 Revenue Service, or a retiree may be elected to a municipal or
732 county office, provided that the person:

733 (i) Files annually, in writing, in the office of
734 the employer and the office of the executive director of the
735 system before the person takes office or as soon as possible after
736 retirement, a waiver of all salary or compensation and elects to
737 receive in lieu of that salary or compensation a retirement
738 allowance as provided in this section, in which event no salary or
739 compensation shall thereafter be due or payable for those
740 services; however, any such officer or employee may receive, in
741 addition to the retirement allowance, office expense allowance,
742 mileage or travel expense authorized by any statute of the State
743 of Mississippi; or

744 (ii) Elects to receive compensation for that
745 elective office in an amount not to exceed twenty-five percent
746 (25%) of the retiree's average compensation. In order to receive
747 compensation as allowed in this subparagraph, the retiree shall
748 file annually, in writing, in the office of the employer and the
749 office of the executive director of the system, an election to
750 receive, in addition to a retirement allowance, compensation as
751 allowed in this subparagraph.

752 (b) The municipality or county in which the retired
753 person holds elective office shall pay to the board the amount of
754 the employer's contributions on the full amount of the regular



755 compensation for the elective office that the retired person
756 holds.

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

760 **SECTION 5.** This act shall take effect and be in force from
761 and after July 1, 2024.

