

By: Representatives Weathersby, Rogers

To: Appropriations

HOUSE BILL NO. 1182
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 25-11-127, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE RETIRED EMPLOYEES UNDER THE PUBLIC EMPLOYEES'
3 RETIREMENT SYSTEM TO BE EMPLOYED AND RECEIVE A RETIREMENT
4 ALLOWANCE FOR A PERIOD OF TIME NOT TO EXCEED ONE-HALF OF THE
5 NORMAL WORKING DAYS FOR THE POSITION IN ANY FISCAL YEAR DURING
6 WHICH THE RETIREE WILL RECEIVE NO MORE THAN ONE-HALF OF THE SALARY
7 IN EFFECT FOR THE POSITION AT THE TIME OF EMPLOYMENT; TO PROVIDE
8 THAT TO DETERMINE THE NORMAL WORKING DAYS FOR A POSITION, THE
9 EMPLOYER SHALL DETERMINE THE REQUIRED NUMBER OF WORKING DAYS FOR
10 THE POSITION ON A FULL-TIME BASIS AND THE EQUIVALENT NUMBER OF
11 HOURS REPRESENTING THE FULL-TIME POSITION; TO AUTHORIZE A RETIREE
12 TO WORK UP TO ONE-HALF OF THE REQUIRED NUMBER OF WORKING DAYS OR
13 UP TO ONE-HALF OF THE EQUIVALENT NUMBER OF HOURS AND RECEIVE UP TO
14 ONE-HALF OF THE SALARY FOR THE POSITION; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 25-11-127, Mississippi Code of 1972, is
17 amended as follows:

18 25-11-127. (1) No person who is being paid a retirement
19 allowance or a pension after retirement under this article shall
20 be employed or paid for any service by the State of Mississippi,
21 except as provided in this section. This section shall not apply
22 to any pensioner who has been elected to public office after
23 retirement, nor to any person employed because of special
24 knowledge or experience. This section shall not be construed to
25 mean that any person employed or elected under the above
26 exceptions shall become a member under Article 3 of the retirement
27 system, nor shall any retiree of this retirement system who is
28 reemployed or is reelected to office after retirement continue to
29 draw retirement benefits while so reemployed.

30 (2) Any person who has been retired under the provisions of
31 Articles 1 and 3 and who is later reemployed in service covered by
32 this article shall cease to receive benefits under this article
33 and shall again become a contributing member of the retirement



34 system. When the person retires again * * *, if the reemployment
35 exceeds six (6) months, the person shall have his or her benefit
36 recomputed, including service after again becoming a member,
37 provided * * * that the total retirement allowance paid to the
38 retired member in his or her previous retirement shall be deducted
39 from the member's retirement reserve and taken into consideration
40 in recalculating the retirement allowance under a new option
41 selected.

42 (3) Nothing contained in this section shall be construed as
43 prohibiting any county or city not a member of the Public
44 Employees' Retirement System from employing persons up to the age
45 of seventy-three (73). In addition, through June 30, 1988,
46 nothing contained in this section shall be construed as
47 prohibiting any governmental unit that is a member from employing
48 persons up to the age of seventy-three (73) who are not eligible
49 for membership at the time of employment under Article 3.

50 (4) The board of trustees of the retirement system shall
51 have the right to prescribe rules and regulations for * * *
52 carrying out the provisions of this section.

53 (5) The provisions of this section shall not be construed to
54 prohibit any retiree, regardless of age, from being employed
55 and * * * drawing a retirement allowance either:

56 (a) For a period of time not to exceed * * * one-half
57 (1/2) of the normal working days for the position in any fiscal
58 year during which the retiree will receive no more than one-half
59 (1/2) of the salary in effect for the position at the time of
60 employment, or

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

64 To determine the normal working days for a position under
65 paragraph (a) of this subsection, the employer shall determine the
66 required number of working days for the position on a full-time



67 basis and the equivalent number of hours representing the
68 full-time position. The retiree then may work up to one-half
69 (1/2) of the required number of working days or up to one-half
70 (1/2) of the equivalent number of hours and receive up to one-half
71 (1/2) of the salary for the position. In the case of employment
72 with multiple employers, the limitation shall equal one-half (1/2)
73 of the number of days or hours for a single full-time position.

74 Notice shall be given in writing to the executive director of
75 the system, setting forth the facts upon which the * * *
76 employment is being made, and the notice shall be given within
77 five (5) days from the date of employment and also from the date
78 of termination of the employment.

79 (6) * * * Any member who has attained seventy (70) years of
80 age and who has forty (40) or more years of creditable service may
81 continue in office or employment or be reemployed or elected,
82 provided that the person files annually, in writing, in the office
83 of the employer and the office of the executive director of the
84 system before those services, a waiver of all salary or
85 compensation and elects to receive in lieu of that salary or
86 compensation a retirement allowance as provided in this section,
87 in which event no salary or compensation shall thereafter be due
88 or payable for those services. However, any such officer or
89 employee may receive, in addition to the retirement allowance, any
90 per diem, office expense allowance, mileage or travel expense
91 authorized by any statute of the State of Mississippi.

92 (7) Any * * * member may continue in municipal or county
93 office or employment or be reemployed or elected in a municipality
94 or county, provided that the person files annually, in writing, in
95 the office of the employer and the office of the executive
96 director of the system before those services, a waiver of all
97 salary or compensation and elects to receive in lieu of that
98 salary or compensation a retirement allowance as provided in this
99 section, in which event no salary or compensation shall thereafter



100 be due or payable for those services. However, any such officer
101 or employee may receive, in addition to the retirement allowance,
102 any per diem, office expense allowance, mileage or travel expense
103 authorized by any statute of the State of Mississippi.

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

