

16572



**NOTICE OF RULE ADOPTION-FINAL RULE
STATE OF MISSISSIPPI
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Public Employees' Retirement System
c/o Denise Mounger
429 Mississippi Street
Jackson, Mississippi 39201

**Specific Legal Authority authorizing the promulgation of
Rule:** MCA Section 25-11-15(6)

**Reference to Rules repealed, amended or suspended by the
Proposed Rule:** Regulation 51

(601) 359-2281
DMounger@pers.ms.gov

Date Rule Proposed: **October 27, 2009**

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

- To clarify that leave earned while participating in another retirement plan administered by PERS, including the Optional Retirement Plan, may not be certified to PERS for additional service credit;
- To clarify that "elected official leave" determined at retirement/termination is based on all elected official service whether obtained as membership service, prior service, or purchased as non-covered or retroactive service; and
- To clarify that state law as evidenced in Miss. Code Ann. §25-1-98 which defines a work day as "eight (8) hours in duration" is used in determining the maximum number of hours which can be reported to PERS for inclusion in the computation of average compensation at termination/retirement.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:
Time:
Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentation made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule. See attached letter.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: December 1, 2009

Denise Owens - Mounger Deputy Director

Signature and Title of Person Submitting Rule for Filing

Public Employees' Retirement System

Board of Trustees

October 27, 2009

Regulatory Change

Regulation 51 Administration of Certification of Accumulated Unused Leave for Service Credit and Lump Sum Payments of Leave at Termination/Retirement

The primary focus of the proposed changes to Regulation 51 are as follows:

- To clarify that leave earned while participating in another retirement plan administered by PERS, including the Optional Retirement Plan, may not be certified to PERS for additional service credit;
- To clarify that “elected official leave” determined at retirement/termination is based on all elected official service whether obtained as membership service, prior service, or purchased as non-covered or retroactive service; and
- To clarify that state law as evidenced in Miss. Code Ann. §25-1-98 which defines a work day as “eight (8) hours in duration” is used in determining the maximum number of hours which can be reported to PERS for inclusion in the computation of average compensation at termination/retirement.

The effective date of these changes will be December 1, 2009. **Staff requests the Board's final approval of the proposed changes. No comments have been received based on the initial filing. Final notice of such action will be filed with the Secretary of State's Office.**