August 19, 2020

Ms. Davetta Lee, Counsel and Policy Advisor
Public Employees’ Retirement System of Mississippi
429 Mississippi Street
Jackson, MS 39201

Dear Ms. Lee:

The Mississippi Professional Educators (MPE) is honored to serve approximately 13,500 educators and support staff throughout Mississippi. We are submitting these comments in response to the Board of Trustees of the Public Employees’ Retirement System (PERS) of Mississippi’s June 23, 2020, reversal of its earlier amendment to PERS Regulation 34, Reemployment after Retirement, which allowed PERS retirees to serve in the Mississippi Legislature while drawing their retirement benefits. We oppose this reversal and support retirees’ rights to serve in the Mississippi Legislature without losing their retirement benefits.

The Mississippi Legislature is charged with representing all Mississippians, yet the voices, experiences, and expertise of thousands of PERS retirees will not be represented in this body, as the reversal to Regulation 34 will fiscal y prohibit these retired public servants from serving in the body. Current and retired public educators in our state do not feel as if they are represented in the Mississippi Legislature since retired educators cannot serve while drawing their retirement. Critical policy decisions are made by legislators with no experience in the respective policy arenas.

The IRS’s sudden declination to issue a private letter ruling on this matter after initially indicating its support heightens the appearance of a concerted, political effort to impede PERS retirees from serving in the Mississippi Legislature. It is important to note that the IRS has not said that the earlier amendment to Regulation 34 endangers the qualified status of PERS or that it creates an impermissible cash or deferred arrangement. Rather, the IRS declined to issue a private letter ruling on this matter.

PERS retirees may serve in local government positions with statutorily set salaries while drawing their retirement benefits. Retirees from private and nonprofit sectors, as well as Mississippians who retired from another state or from the federal government, may serve in the Mississippi Legislature and draw their retirement benefits. PERS retirees, including retired Mississippi educators, should also be allowed to serve without forfeiting their retirement.

We encourage the PERS Board of Trustees to undertake all steps necessary to remove the prohibition against retirees drawing their PERS retirement benefit while serving in the Mississippi Legislature.

Sincerely,

Devin Walsh, President

Kelly Riley, Executive Director