STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1472

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi and as of April 9, 2020, there are 2,469 presumptive and confirmed cases in Mississippi that have tested positive for COVID-19; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impact the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi constitutes a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, to maintain and supplement Mississippi's workforce in hospitals and other governmental entities, it is of paramount concern to ensure that some of Mississippi's most skilled workforce are equipped and able to assist with efforts to cope with the unprecedented need in response to COVID-19, particularly as some frontline workers are either infected by COVID-19 or otherwise exposed to the virus, forcing them to quarantine away from their workplaces, including healthcare facilities and patients; and

WHEREAS, under Miss. Code Ann. § 25-11-127(1)(a), no individual who is being paid a retirement allowance or pension after retirement may be reemployed by a PERS-covered employer (subject to other requirements as enumerated in Miss. Code Ann. § 25-11-127) until the retired person has been retired for not less than ninety (90) consecutive days from the effective date of his or her retirement; and

WHEREAS, there is a clear and immediate need to reengage this talented workforce including but not limited to benefits and/or employment security specialists and physicians, nurses, and other clinical staff who have current licenses to practice and are able to provide direct patient care or support services to other frontline providers; and

WHEREAS, temporarily suspending the 90-day break in service requirement of the Public Employees Retirement System (PERS) will ensure Mississippi's most skilled workforce is equipped and able to assist with efforts in this COVID-19 emergency without losing their retirement benefits.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

I. Pursuant to the Mississippi Emergency Management Act including but not limited to Miss. Code. Ann. §§ 33-15-11(c)(1), 33-15-11(c)(4) and 33-15-31, from the date of this order continuing until 11:59 p.m. on June 30, 2020, the requirement for a 90-day break in service as codified in Miss. Code Ann. § 25-11-127 and 27 Miss. Admin. Code Part 210, Chapter 34 (Reemployment after Retirement) is hereby suspended. Any such PERS retiree whose effective date of retirement occurred prior to the date of this Executive Order who wishes to return to work in order to respond to the COVID-19 health emergency may do the following without suspending his or her retirement benefits: (1) Work for a period of time in the fiscal year not to exceed one-half (½) of the normal working days or one-half (½) of

the normal working hours for the position during which the retiree will receive no more than one-half (½) of the salary in effect for the position; OR (2) work for an amount of time in the fiscal year sufficient to earn up to a maximum of 25% of the retiree's average compensation used for calculating retirement benefits. Notwithstanding the foregoing, any retiree who is reemployed by a PERS-covered employer must incur a bona fide separation from service and may not have entered into a prearranged agreement for reemployment with a PERS-covered employer prior to retirement.

II. FURTHER, any PERS retiree who wishes to return to employment with a PERS employer responding to the COVID-19 emergency shall complete a PERS Form 4B, Reemployment of PERS Service Retiree and return the proper form to PERS for processing.

III. FURTHER, PERS shall be empowered with the administrative flexibility to carry out this Executive Order pursuant to Miss. Code Ann. §§ 33-15-31 and 25-11-17.

IV. This Executive Order shall remain in effect and in full force until 11:59 p.m. on June 30, 2020, unless it is modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 15TH day of April, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE