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THE GUARDIAN

Mississippi Retired Public Employees' Association
Quarterly Newsletter

PUBLISHED MARCH 2020

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*See page 2 for
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STAY INVOLVED EVEN WHILE SOCIAL DISTANCING

The 2020 Legislative session was well underway with many new members in both houses. The election of Lt. Governor Delbert Hosemann brought new leadership in the Senate. Speaker Phillip Gunn was reelected by House members for another term. Please be aware that Speaker Gunn is the national Board chairman of ALEC (American Legislative Exchange Council www.alec.org). This association strongly supports changes to public pension plans across the country. To date there are no bills which negatively affect PERS benefits, but there were fourteen (14) bills introduced which would open up PERS code sections. These could have allowed for amendments to be added in committee or on the House or Senate floor. All 14 died in committee. Bills relating to PERS are usually handled in the Finance committee in the Senate and in the Appropriations committee in the House. They are subject to later deadlines for consideration and passage which means there is still an avenue to make changes to PERS until mid to late April. With the concern about the stock market losses due to the Corona Virus concerns, some legislators may want to take advantage of the opportunity to claim PERS is in trouble and make changes to the COLA or to benefits for new employees. Be very vigilant as the process moves along. Contact your senators and representatives to remind them that MRPEA supports no changes to PERS benefits of any kind. Legislators need to hear from as many MRPEA members and their families and friends as possible to prevent them from making permanent changes to PERS in the midst of a temporary situation.

MRPEA Day at the Capitol, which was scheduled for March 25 was cancelled due to the coronavirus. The legislature has also suspended this session to help stop the spread of COVID-19. We will make plans to schedule another date for next year's legislative session.

You should also be aware that four state retirees were elected to the legislature this term under a new PERS rule which would allow them to keep their retirement while they serve in exchange for only accepting half of the legislative salary which would total \$5,000.00. To date, Speaker Gunn has refused to acknowledge the new ruling and is not allowing these new members to draw their retirement. One new member has already resigned, and the Speaker continues to put heavy pressure on the other three. Bills introduced in the House and Senate to correct the issue have died thus far. Rep. Dale Goodin has written an article about his experience and we are sharing it in this issue of The Guardian.

Your involvement is critical to sustaining our PERS benefits and COLA as we know them now and into the future.

Ed LeGrand, MRPEA President

**MRPEA
DISTRICT DIRECTORS**

DISTRICT 1

*Forrest, George, Greene,
Hancock, Harrison,
Jackson, Lamar, Pearl
River, Perry, Stone*

Wynona Winfield

(601) 955-4525
wwlsubeach@yahoo.
com

DISTRICT 2

*Adams, Amite, Claiborne,
Copiah, Franklin,
Jefferson, Jefferson Davis,
Lawrence, Lincoln,
Marion, Pike, Simpson,
Walthall, Wilkinson*

Tony Byrne

(601) 431-2250
annetteb@cableone.net

DISTRICT 3

*Clarke, Covington, Jasper,
Jones, Kemper,
Lauderdale, Leake,
Neshoba, Newton, Scott,
Smith, Wayne*

James Cushman

(601) 739-3560
2cushes@bellsouth.net

DISTRICT 4

Hinds, Madison, Rankin

Joe Johnson

(601) 624-6642
joej1946@gmail.com

Speaker Gunn refuses to support retirees elected to the legislature

Retired state employees could increase limited field of legislative candidates; nearly 45% of seats unopposed in 2019

February 2, 2020 | MS Today

By Bobby Harrison

... During the 2019 election cycle, a staggering 77 of the 174 legislative candidates ran for office unopposed.

Perhaps, many of those unopposed candidates did not draw opposition because they were so well thought of in their communities. But perhaps some did not have opposition because there was no one else in their districts interested in being a legislator.

... That inconvenience has to be one of the reasons for the relatively limited number of legislative candidates. In a sense the retired public employees, currently about 100,000 former educators, state employees and local government workers, make ideal candidates for legislative seats. They often have knowledge of state issues because of their past jobs and have the time and means to serve.

But the House leadership is making it difficult for this ready made group of candidates to run. House Speaker Philip Gunn, R-Clinton, maintains those public employees must forego their pension while serving in the Legislature.

In a nutshell for decades the Public Employees Retirement System Board had a regulation, based on an interpretation of state law, saying retirees could not draw their pension while serving in the Legislature.

In late 2018, in an official opinion the AG's office gave another interpretation of state law saying public retirees could serve in the Legislature and draw a portion of their legislative pay and their full pension.

Based on that AG's ruling, PERS changed its regulation.

But Gunn claims it is "double dipping" for a public employee retiree to draw pension and a legislative salary.

Other public employees routinely draw their pension and work in other government jobs. Retired teachers, for instance, can work part-time in a public school or for any other aspect of state and local government while drawing a pension and often do.

State law does not say specifically that retired public employees cannot serve in the Legislature and draw their pension. There is an interpretation of the law espoused by Gunn and others that would support that claim. But the AG reached a different conclusion.

Gunn argues that another section of state law says legislators "shall" receive full pay so their salary cannot be decreased, though, legislators neglect the word shall when it is to their benefit, such as the Mississippi Adequate Education Program "shall" be fully funded. It never is.

PERS changed its regulation based on that AG's ruling, and on the assumption that the Internal Revenue Service grants final approval of the change. And indeed, if the IRS does grant approval as expected, no one is being hurt by the ruling except perhaps legislators who could face a retired public employee in the next election.

Mississippi lawmaker says House speaker gave her no option but to resign

January 30, 2020 | MS Today

By Bobby Harrison

Freshman state Rep. Ramona Blackledge, R-Laurel, who announced she was stepping down from her House District 88 seat effective Friday, said House Speaker Philip Gunn, R-Clinton, left her no choice other than to resign her recently won post.

Blackledge is one of four public retirees elected to the House in November after the Public Employees Retirement System Board announced it plans to change the rules to allow public retirees to serve in the Legislature and draw their pension.

Gunn has rejected the PERS Board change, saying it conflicts with current state law and it allows the retirees "to double dip," or draw both a legislative salary and a pension.

Under long-established regulations and laws public employee retirees have been able to work in government jobs and draw a portion of their salary. The PERS change would allow retirees to serve in the Legislature and also draw a portion of their salary.

But because the House leadership is refusing to change its own regulations so the retirees will receive only a portion

of their legislative salary, they cannot serve in the Legislature without losing their pension.

In a resignation letter, Blackledge wrote, referring to the election of four public employee retirees, "Our voters advocated a change to the landscape of Mississippi politics. But Speaker Philip Gunn has effectively silenced those voices. The man who should be our champion has chosen to be our adversary. He hammered this home in his private chamber on Friday, Jan. 10th, after we were sworn in on Jan. 6th. The landscape shall not be changed. Thus, he has successfully blocked our right to receive our retirement and serve and has prevented future retired state and county educators and leaders from seeking office."

She further wrote, "Suspending my PERS income is unacceptable. I am a single woman. I worked for over 40 years in county government and earned my retirement. Now I am being forced to either relinquish my right to my retirement income or give up my right to continue legislative service because one man has the power and influence to prevent the will and vote of my district to prevail."

Gunn said he is only following the law.

"Philip Gunn is not enforcing anything," he said. "I am simply following the law. I did not force her to resign. She has a choice" to serve and not receive her retirement or to resign.

Blackledge is former Jones County tax assessor. The other three public

employee retirees elected to the House said they understand Blackledge's decision, but do not plan to resign at this point.

"I am staying right here, and I am going to finish this fight" said Rep. Dale Goodin, R-Richton, a retired educator.

Jerry Darnell, R-Hernando, a retired educator, said "I am going to continue to serve in the job the people of District 28 elected me to do....We are hoping this can be worked out."

Goodin said the decision to prevent public retirees from serving in the Legislature and drawing their pension – as other people can do – is "excluding a class of people. We have earned that pension. We should not be forced to give that up."

Billy Andrews, R-Purvis, a retired county and youth court judge, said he is not stepping aside now but conceded that he could not financially absorb giving up his pension for a long period of time.

... MRPEA Note: Recently a second legislator resigned due to the policy not allowing him to keep his retirement. See MRPEA website and/or Facebook for more details.

District Director Spotlight

Dr. Kathryn (Kathy) Clayton is the mother of three adult children, Jodie Clayton, Andrea Hill and Sallye Bowlin. Dr. Clayton is also "Mimi" to five grandsons and two granddaughters. Her husband, Roger Clayton, retired from the USPS after 33 years of service as a rural letter carrier in Potts Camp, MS.

Kathy served as a social worker for five years at the DHS in Marshall County and taught school on secondary and college level for 28 years prior to retiring from Northeast MS Community College.

She is excited to serve with MRPEA as your District 7 Director. If you are in her district, please be sure to say hello!



DISTRICT 5

*Attala, Calhoun,
Chickasaw, Choctaw,
Clay, Lowndes, Monroe,
Montgomery, Noxubee,
Oktibbeha, Webster,
Winston*

Marty Wiseman

(662) 312-6166
wmw3@msstate.edu

DISTRICT 6

*Bolivar, Carroll, Grenada,
Holmes, Humphreys,
Issaquena, Leflore,
Sharkey, Sunflower,
Warren, Washington,
Yazoo*

Preston Ratliff

(662) 897-4333
p_ratliff2000@yahoo.
com

DISTRICT 7

*Alcorn, Benton,
Itawamba, Lee, Pontotoc,
Prentiss, Tippah,
Tishomingo, Union*

Dr. Kathryn (Kathy)

Clayton
(662) 316-4737
mimiclayton50@icloud.
com

DISTRICT 8

*Coahoma, DeSoto,
Lafayette, Marshall,
Panola, Quitman,
Tallahatchie, Tate,
Tunica, Yalobusha*

Debbie Snider

(662) 801-8984

CONTACT MRPEA

Emily Pote

Executive Director
601-919-0670
mrpea@bellsouth.net
mrpea.org