# CITY OF BILOXI
# AGENDA ITEM
# FACT SHEET

**Item No.:** 4B

**Council Meeting Date:** November 24, 2026

**ITEM TITLE:** RESOLUTION

**INTRODUCED BY:** Mayor Andrew "FoFo" Gilich

**CONTACT PERSON:** Richard Weaver, Chief Administrative Officer

Peter Abide, City Attorney

**SUMMARY EXPLANATION:**

Resolution amending Resolution No. 335-26 regarding Retiree Return to Work Policy (HB 4073, 2026 Legislative Session).

**Resolution** ✓ **Ordinance** _____ **Public Hearing** _____ **Routine Agenda** _____

**Exhibits for Review**

**Contract** _____ **Minutes** _____ **Plans/Maps** _____ **Deed** _____ **Lease** _____

**Other (Specify):** Exhibit "A" (Policy)

**Submittal Authorization:** **Council President** _____ **Mayor** ✓

**STAFF RECOMMENDATION:** Staff recommends approval.

**COUNCIL ACTION:** **Motion By:** _____ **Second By:** _____

| Vote: | Councilmember | Yes | No | AFR | ABST | Councilmember | Yes | No | AFR | ABST |
|---|---|---|---|---|---|---|---|---|---|---|
| | Gray | ___ | ___ | ___ | ___ | Tisdale | ___ | ___ | ___ | ___ |
| | Marshall | ___ | ___ | ___ | ___ | Glavan | ___ | ___ | ___ | ___ |
| | Nail | ___ | ___ | ___ | ___ | Shoemaker | ___ | ___ | ___ | ___ |
| | Creel | ___ | ___ | ___ | ___ | | | | | |

**ACTION TAKEN:**

slt/112426ahr

Resolution No. _____

RESOLUTION AMENDING RESOLUTION NO. 335-26 REGARDING RETIREE RETURN TO WORK POLICY (HB 4073, 2026 LEGISLATIVE SESSION).

WHEREAS, during the 2026 General Session, the Mississippi State Legislature enacted HB4073 dealing with state, county and municipal employee's options for retirement and return to work policies; and

WHEREAS, pursuant to Resolution No. 335-26, the City of Biloxi ratified Executive Order #26-01 setting forth administrative procedures and guidelines; and

WHEREAS, such rehired employees are expected to work full-time and are "at-will" employees; and

WHEREAS, the usage of the words "temporary employment" in the policy should be deleted as it could be read as inconsistent with full time work; and

WHEREAS, a revised Return to Work Policy showing the change is attached as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The findings, statements, and conclusions contained in the preamble are hereby adopted, ratified and incorporated herein.

SECTION TWO: The City of Biloxi Retiree Return to Work Policy, attached as Exhibit "A", is ratified and affirmed, and shall amend Resolution No. 335-26.

SECTION THREE: This Resolution shall take effect and be in force from and after its passage.

EXHIBIT A

# City of Biloxi

## Retiree Return to Work Policy HB 4073

### 1. Purpose

- *This policy establishes guidelines for the reemployment of retired PERS members under the alternate return-to-work provisions of* **HB 4073 (2026 General Legislative Session)** *to maintain institutional knowledge and address staffing shortages in critical City of Biloxi departments.*
- *All retirees reemployed under this program will* **not** *have Civil Service protection and will be considered an* **at-will** *employee, subject to release from contractual agreement with review from the Department Director and Appointing Authority.*
- ~~*Positions filled under this program will be considered as temporary employment.*~~ *[Deleted]*

### 2. Eligibility and Restrictions

- **Bona Fide Break***: Retirees must have a complete severance of employment and a mandatory separation period of* **30 consecutive calendar days** *from their effective retirement date.*
- **Prohibited Positions***: Per state law HB 4073, retirees may* **not** *be rehired under this provision for roles as elected officials. A retiree whose retirement allowance is subject to an actuarial reduction, other than as a result of taking a partial lump-sum distribution or any other optional benefit under Section 25-11-115 is also prohibited from the return-to-work program.*
- **Organizational Progression***: Retiree reemployment shall not disrupt or bypass the established chain of progression within the organization.*
- **Locked Benefits***: Reemployment under this provision does not grant additional PERS service credit, nor does it* increase or decrease the retiree's locked-*in retirement allowance.*
- **Seniority and Accrued Leave Reset***: All prior seniority is forfeited; and all leave accrual balances will be reset in accordance with the City of Biloxi ordinance.*

### 3. Compensation and Contribution Rules

- **Salary Cap***: Compensation for the rehired retiree shall not exceed* **80%** *of the full salary in effect for the position at the time of reemployment. Retiree are expected to work full time hours at the 80% compensation.*

- **Full PERS Contributions**: The City of Biloxi is responsible for paying **both the employer and the employee's share** of PERS contributions on the retiree's actual compensation. These contributions are mandated by law to offset pension liability.

**4. Administrative Procedures**

- **Written Agreement**: A formal written agreement must be executed **after** the 30-day separation period is complete. **No pre-existing** promise of reemployment may exist prior to retirement.
- **PERS Reporting**: The Human Resources Department must notify PERS of reemployment within **5 working days** of the hire date.
- **Benefits**: Employees hired under this 80% provision are eligible for **insurance benefits** provided by the City of Biloxi after the insurance waiting period has been satisfied after reemployment.
- **Compensation**: Retiree's hired under the 80% provision are eligible for any pay raise voted on and enacted. Retiree's compensation may be amended due to an emergency declaration voted on and enacted. Upon approval, Human Resources will complete the required forms/amendment to update PERS on the individual's maximum compensation allowance up to the positions maximum 80% rate and provide to PERS within 20 working days.

**5. Program Duration**

This policy is subject to state law and currently has a statutory repeal date of **July 1, 2036**. The City of Biloxi has the right to end this program at any time.

**6. City of Biloxi Return-to-Work Guidelines**

- No active retiree is guaranteed reemployment after their mandatory break in service.
- Upon reaching PERS retirement eligibility based on the individuals qualified tier, the retiree shall follow all State of Mississippi and City of Biloxi guidelines.
- If a retiree has met the break in service requirement as mandated by the State of Mississippi, they will be eligible to apply for a vacant position within the city, which they meet the qualification.
    - If the Biloxi retiree's break in service has been less than one-year, they will be required to submit a Retiree reemployment application along with any required Certifications and/or documents. The Department Director

may exempt the retiree from taking such requirements as: state minimum physical fitness testing and/or written testing.

- If a Biloxi retiree's break in service is over a year or any Mississippi PERS retiree's that are coming from another city, county, or state government entity with a minimum of a 30 days break in service, they will be required to complete the full new hiring process for vacant positions.
- Prior to reemployment, all retirees must complete and pass a pre-employment medical screening as required by state law, to ensure the individual is medically qualified for the position, and to make sure they are in compliance with the Drug and Alcohol policy.
- Depending on the position, any and all physical, written tests, or other requirements must be completed and passed as mandated in regards to any state required certifications or specific positions. This will not only ensure the individual is certified for the position but that they are capable of fulfilling the required duties of the position.
    - In regards to Police, Fire, and Emergency Communications
        - The retiree must possess and maintain any state required certifications and in the case of Emergency Communications, demonstrate and pass the typing proficiency test and/or other testing standards.
        - The retiree must be able to pass the state minimum physical fitness or other required job functionality testing standards for the position as developed by the department.

- Retiree applicant process
    - All retiree applications will be collected and reviewed by Human Resources and the Department Director, or designee. Applications will only be received for positions that are currently open with the city.
    - If the retiree has never worked for the City of Biloxi, they will meet and follow all the same rules and procedures as a new hire to the city or lateral process for police and fire departments.
    - Upon completion of the reinstatement or hiring process, the Department Director can recommend or not recommend the retiree for hire or reinstatement. A hiring recommendation (Retiree Employee Approval Form) will be sent to Human Resources and ultimately to the Appointing Authority for approval. Upon approval from the Appointing Authority and

passing the required pre-employment physicals, a start date will be coordinated between the Department and Human Resources.
    - If hired, the retiree will complete an agreement with Human Resources to be sent to the State of Mississippi PERS office within the prescribed time frame. The agreement will contain all information mandated by HB 4073.
- Ranked Tested Supervisory Retiree applicants
    - Ranked Tested supervisory return-to-work candidates who request to return at their previous rank will be subject to if the position is available and/or if there is a current Civil Service certified eligibility lists exist. However, it will be at the discretion of the Department Director and final approval of the Appointing Authority to fill the position appropriately.
    - As mandated below, any retiree who return to work after retirement will have to complete an agreement through Human Resources. Any reemployed retiree in a ranked tested supervisory role will be required to fulfill the same requirements but, will be limited to a maximum of four (4) agreements (4 years) in that ranked tested supervisory position.
    - Once they have completed the fourth agreement, the Department Director can request up to two (2), one (1) year extensions if exigent circumstances exist. Those circumstance must be documented and approved by the Appointing Authority.
    - If any ranked tested supervisory employee wishes to remain with the City of Biloxi after the maximum time frame, they can make the request and upon approval, apply to a lower position. (I.E. a Lieutenant with the Police Department would apply to the position of a Patrol Officer 1st Class) if said lower position is vacant and available to be filled.
    - Any Exempt Position Appointments do not adhere to the four (4) year maximum as they serve at the discretion of the Appointing Authority. They will be required to renew the agreement annually.

- Retiree Return-to-Work
    - The mandated agreement will take effect the date of hire and remain in effect for one year or until the following June if the hiring date becomes effective on or after July 1st.

- Any agreement made after that, will be evaluated and can be renewed in June becoming effective July 1st of each year.
- Prior to renewal, the Department Director must provide in writing that the individual has met the standards, to include any physical, written, or certification requirements as required during their initial return-to-work application process, and is recommending the renewed agreement. Upon approval from the Appointing Authority, the return-to-work employee will meet with Human Resources and complete the new agreement.
- If a Department Director is not going to recommend a renewal, that Director must provide in writing the notice for the reasons why to the retiree employee and Human Resources. The retiree employee will have the option of appeal through the Appointing Authority.
- An employee who is not holding a ranked tested supervisory position will have the opportunity to renew their agreement annually with the approval of the Appointing Authority for an unlimited amount of time or until the repeal date of July 1, 2036, as long as they are recommended for renewal by the Department Director and meet all prescribed requirements by the State of Mississippi and City of Biloxi as described in this policy for the specific position.
- A return-to-work retiree will be eligible for any pay raise approved by across the board to the compensation schedule for the position or other benefit offered by the City of Biloxi. They will also be eligible to apply for other positions within the city and if hired, they will be required to renew their agreement or stop their PERS retirement.
- A return-to-work retiree employee will be eligible for any pay increases approved for the position or other benefit offered by the City of Biloxi. They will also be eligible to apply for other positions within the city and if hired, they will be required to renew their agreement or stop the PERS retirement.
- A return-to-work retiree will not be eligible to test for any Ranked Tested Supervisory promotional position unless an exigent circumstance exists and they possess qualification or education over non-retired employees that would tend to be a benefit to the city. These circumstances or benefits must be documented by the Department Director and approved by the Appointing Authority.

The City of Biloxi is an equal opportunity employer. All applicants will be considered for employment without attention to race, color, religion, sex, sexual orientation, gender identity, national origin, veteran or disability status.

I hereby acknowledge that I have read, understand and agree to comply with the Retiree's Return to Work policy.

Retiree's Signature _____ Date: _____

Accepted By:

_____ Date: _____
Department Director/CAO

_____ Date: _____
Mayor A. M. Gilich, Jr.