

## WEST VIRGINIA CODE: §8-22A-33

### **§8-22A-33. Special authorization for municipal police or firefighters hired after July 1, 2015.**

(a) Notwithstanding any provision of this code to the contrary, any municipality or municipal subdivision that employs individuals as members of paid police departments or paid fire departments, but did not establish either a municipal policemen's pension and relief fund or a municipal firemen's pension and relief fund as provided in section sixteen, article twenty-two of this chapter and whose current police officers or firefighters are participating in the Public Employees Retirement System may elect, in the same manner as provided in section twenty-eight of this article, to become a participating public employer in the plan and thereby include its police officers and firefighters in the membership of the plan subject to the restrictions provided in this section.

(b) The municipality or municipal subdivision may elect to include only police officers and firefighters who have been hired on or after July 1, 2015, to become members of the plan. Police officers and firefighters hired before July 1, 2015, will remain members of the Public Employees Retirement System.

(c) The municipality or municipal subdivision must make its election on or prior to July 1, 2017.

(d) Once a municipality or municipal subdivision makes its election to become a participating public employer pursuant to this section and section twenty-eight of this article, all police officers and firefighters hired by the municipality or municipal subdivision after the date of election shall be members of the plan: Provided, That police officers and firefighters hired by the municipality or municipal subdivision on or after July 1, 2015, who are members of the Public Employees Retirement System, may choose to become a member of the plan by notifying the municipality or municipal subdivision on a form provided by the Consolidated Public Retirement Board: Provided, however, That he or she make this decision within ninety days of the municipality or municipal subdivision's decision to participate in the plan.

A municipality or municipal subdivision making an election to become a participating public employer pursuant to section twenty-eight of this article that has hired any police officer or firefighter on or after July 1, 2015, shall notify each police officer or firefighter hired on or after July 1, 2015, of its election to become a participating public employer within thirty days of making the election. This notice shall include instructions as to how a police officer or firefighter may make notification to the municipality or municipal subdivision of his or her decision to become a member in the plan. The municipality or municipal subdivision shall notify the Consolidated Public Retirement Board in writing of any police officer or firefighter hired after July 1, 2015, who has decided to become a member of the plan and terminate his or her membership in the Public Employees Retirement System within thirty days of notification by the police officer or firefighter on forms provided by the Consolidated Public Retirement System.