WEST VIRGINIA CODE: §8-22A-6

§8-22A-6. Members.

(a) A police officer or firefighter hired in covered employment after the effective date of this article by a municipality or municipal subdivision which has established and maintained a policemen's pension and relief fund or a firemen's pension and relief fund pursuant to §8-22-16 of this code and which is a participating employer or which is a participating public employer as authorized by, §8-22A-33 of this code, shall be a member of this retirement plan: *Provided,* That any police officer or firefighter who has concurrent employment in an additional job or jobs which would require the police officer or firefighter to be a member of the West Virginia Deputy Sheriff Retirement System, the West Virginia Emergency Medical Services Retirement System, or the West Virginia Natural Resources Police Officer Retirement System shall participate in only one retirement system administered by the board, and the retirement system applicable to the concurrent employment for which the employee has the earliest date of hire shall prevail.

(b) Except as provided in §8-22A-32 of this code, a police officer or firefighter who is a member of the Municipal Police Officers and Firefighters Retirement System may not have credit for covered employment in any other retirement system applied as service credit in the Municipal Police Officers and Firefighters Retirement System.

(c) Notwithstanding any other provisions of this article, any individual who is a leased employee is not eligible to participate in the plan. For purposes of this plan, a "leased employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or similar organization. If a question arises regarding the status of an individual as a leased employee, the board has final power to decide the question.

WV Legislature