

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 294

(By Mr. Doyle)



PASSED March 12 1949

In Effect From Passage



294

**ENROLLED**  
**House Bill No. 294**  
**(By MR. DOYLE)**

[Passed March 12, 1949; in effect from passage.]

AN ACT to amend and reenact section four, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to municipal employees eligible for participation in employees' retirement and benefit fund.

*Be it enacted by the Legislature of West Virginia:*

That section four, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted, to read as follows:

Sec. 4. *Employees Eligible for Participation in Fund.*—

2 Employees eligible for participation in the fund shall in-  
3 clude all employees who are employed by the municipality  
4 on a permanent basis. The following employees, however,  
5 shall not be eligible for participation in the fund:

6 (1) Appointive members of administrative boards and

7 commissions, except employees of such boards and com-  
8 missions;

9 (2) Persons employed under contract for a definite pe-  
10 riod or for the performance of a particular special service;

11 (3) Employees serving on a part-time basis of less than  
12 one-half time;

13 (4) Policemen and firemen who are now covered by a  
14 pension or relief fund;

15 (5) Employees who are paid in part by the county, state  
16 or other governmental agency, and only in part by the  
17 municipality;

18 (6) Employees who are past sixty years of age and have  
19 less than ten years of service;

20 (7) Persons employed after the establishment date of  
21 the fund who are over fifty years of age.

22 The board of trustees of the fund may make determina-  
23 tion as to any person's eligibility to become a member of  
24 the fund.

25 All employees eligible for participation at the effective  
26 date of the fund shall become members of the fund, unless  
27 they file a written election not to become a member within

28 thirty days after the effective date of the fund: *Provided,*  
29 That no member who has complied with section six of  
30 this article shall be entitled to any benefits under the  
31 fund until he has been in the employ of the municipality  
32 for at least five years after the effective date of the fund,  
33 except those who are disabled in the performance of their  
34 duties may participate in the fund in the manner here-  
35 inafter provided: *Provided further,* That the municipality  
36 with the approval of the trustees of said fund may retire  
37 any member prior to the expiration of said five years.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Leach & McNew*

Chairman Senate Committee

*R. S. Matthews*

Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

*Howard Myers*  
Clerk of the Senate

*J. A. Hoff*  
Clerk of the House of Delegates

*W. B. ...*  
President of the Senate

*W. E. ...*  
Speaker House of Delegates

The within APPROVED this the 18<sup>th</sup> day of MARCH, 1949.

*Okey L. Patton*  
Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 18 1949  
D. PITT O'BRIEN,  
SECRETARY OF STATE