WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1953

ENROLLED
Committee Substitute for

HOUSE BILL No. 273
Originating in the Committee
(By Mr. ___ on Education)

PASSED March 13, 1953
In Effect July 1, 1953
AN ACT to amend and reenact sections three, fourteen, fifteen, sixteen, seventeen, and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state teachers' retirement system and to the contributions and benefits provided for the members thereof.

Be it enacted by the Legislature of West Virginia:

That sections three, fourteen, fifteen, sixteen, seventeen and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Definitions.—"Teacher" shall include the following persons, if regularly employed for at least half time service: (a) Any person employed for instructional service in the public schools of West Virginia; (b) principals;
5 (c) public school librarians; (d) county superintendents of schools and assistant county superintendents of schools;
6 (e) any county school attendance director holding a West Virginia teachers' certificate; (f) the executive secretary of the retirement board; (g) members of the research, extension, administrative or library staffs of the public schools; (h) the state superintendent of schools, heads and assistant heads of the divisions under his supervision, or any other employee thereunder performing services of an educational nature; (i) employees of the state board of education who are performing services of an educational nature; (j) any person employed in a non-teaching capacity by the state board of education, the board of governors of West Virginia university, any county board of education, the state department of education or the teachers retirement board, if such person was formerly employed as a teacher in the public schools; (k) all class-room teachers, principals and educational administrators in schools under the supervision of the state board of control.

"Members of the administrative staff of the public
schools" shall include deans of instruction, deans of men, deans of women, and financial and administrative secretaries.

"Members of the extension staff" of the public schools shall include every agricultural agent, boys' and girls' club agent, and every member of the agricultural extension staff whose work is not primarily stenographic, clerical or secretarial.

"Retirement system" shall mean the state teachers' retirement system provided for in this article.

"Present teacher" shall mean any person who was a teacher within the seven years beginning July first, one thousand nine hundred thirty-nine and whose membership in the retirement system has been continuous.

"New entrant" shall mean a teacher who is not a present teacher.

"Present member" shall mean a present teacher who is a member of the retirement system.

"Total service" shall mean all service as a teacher while a member of the retirement system since last be-
coming a member and, in addition thereto, his credit for prior service, if any.

"Prior service" shall mean all service as a teacher completed prior to July first, one thousand nine hundred forty-one and all service of a present member who was employed as a teacher, and did not contribute to retirement account because he was legally ineligible for membership during such service.

"Average final salary" shall mean the average annual salary earned as a teacher during the last fifteen years of prior service, including military service, as provided herein, or if prior service is less than fifteen years, the average annual salary for that period. If the records for determining each annual salary needed cannot reasonably be established by the retirement board, then the term shall mean the average annual salary of the teacher for the years for which records are available.

"Accumulated contributions" shall mean all deposits and all deductions from the earnable compensation of a
contributor minus the total of all supplemental fees deducted from his compensation.

"Regular interest" shall mean interest at three per cent compounded annually, or a higher earnable rate if approved by the retirement board.

"Refund interest" shall mean the interest on refunds of the accumulated contributions and deposits payable to former members or to the beneficiaries of deceased members, as provided in this article. The rate for refund interest shall be the average annual rate of interest, calculated to one decimal place, earned on retirement board investments in effect at the end of the fiscal year for which the interest is due, according to the sworn statement of the fund custodian required by section nineteen of this article.

"Employer" shall mean the agency of and within the state which has employed or employs a member.

"Contributor" shall mean a member of the retirement system who has an account in the teachers' accumulation fund.
“Beneficiary” shall mean the recipient of annuity payments made under the retirement system.

“Refund beneficiary” shall mean the estate of a deceased contributor, or such person as he shall have nominated as beneficiary of his contributions by written designation duly executed and filed with the retirement board.

“Earnable compensation” shall mean the full compensation actually received by members for service as teachers whether or not a part of such compensation is received from other funds, federal or otherwise, than those provided by the state or its subdivisions. Allowances from employers for maintenance of members shall be deemed a part of earnable compensation of such members.

“Annuities” shall mean the annual retirement payments or life ranted beneficiaries in accordance with this article.

“Member” shall mean a member of the retirement system.

“Public schools” shall mean all publicly supported
schools, including normal schools, colleges, and universities in this state.

"Deposit" shall mean a voluntary payment to his account by a member.

The masculine gender shall be construed so as to include the feminine.

Age in excess of seventy years shall be deemed to be seventy years.

Section 14. Contributions by Members.—At the end of each month, every member of the retirement system shall contribute six per cent of his monthly earnable compensation to the retirement board, but in no case shall such contributions by any member exceed one hundred eighty-four dollars in any fiscal year. Such contributions shall be deemed to include the annual supplementary fee of the contributor, determined as hereinafter provided, which fee shall be used to help finance the additional retirement benefit provided for in subsection (e), section twenty-six of this article. Annually, the contributions of each member, minus his supplementary fee, shall be credited to his account in the teach-
ers' accumulation fund. The contributions shall be de-
ducted from the salaries of the members as herein pre-
scribed, and every member shall be deemed to have given
his consent to such deductions. No deductions, however,
shall be made from the earnable compensation of any
teacher who retired because of age or service, and then
resumed service as a teacher.
The retirement board shall each year determine to the
nearest dollar the amount of the supplementary fee to be
paid by each member, so that the sum of such fees paid
by all members shall be sufficient to defray one-half of
the cost of the retirement benefit provided for in sub-
section (e), section twenty-six of this article. The amount
so fixed shall not exceed twenty dollars, nor shall it in
any case exceed one per cent of the annual earnable
compensation of the member. All supplementary fees
shall be deposited in the benefit fund.
The aggregate of employer contributions, due and pay-
able under this article, shall equal annually the total de-
ductions from the earnable compensation of members
required by this section. All employer contributions
shall be credited to the employers' accumulation fund, from which fund an amount equalling annually the supplementary fees of members, shall be transferred to the benefit fund. When a member withdraws or dies, the employer's contributions for that member, equalling his withdrawn contributions, shall be transferred to the reserve fund.

Payment by an employer to a member of the sum specified in the employment contract minus the amount of the employee's contributions shall be deemed to be a full discharge of the employer's contractual obligation as to earnable compensation.

Each contributor shall file with the retirement board or with the employer to be forwarded to the retirement board an enrollment form showing his date of birth and other data needed by the retirement board. Upon notice from the retirement board to the employer that a contributor has failed to file such form as prescribed, the employer shall withhold the salary of the contributor until the needed form is filed with the retirement board.

Sec. 15. Collection of Membership Contributions.—Each
2 employer shall each month deduct six per cent from the
3 salary of each employee who is a member of the retire-
4 ment system, in an amount not to exceed the amount
5 named in section fourteen of this article, and shall at the
6 end of each month remit to the retirement board the
7 amounts so deducted, and shall transmit therewith a list
8 of all new members employed and the name and number
9 of members transferring from another county. At such
10 times as the retirement board may deem advisable each
11 employer shall report to the retirement board the total
12 amount so deducted from the salary of each employee.
13 The monthly payments which members would receive
14 from employers as compensation for service in the ab-
15 sence of this article, shall be decreased by the amount
16 of the contribution due hereunder.
17 Each employer shall be held accountable for the sum
18 composing the contributions made by its member em-
19 ployees. Whenever any county board of education shall
20 fail to make timely remittance of the member contribu-
21 tions deducted as provided in this section, the board of
22 school finance shall, upon request of the retirement board,
deduct from the next allotment of state aid for schools made to such county board, and shall transfer to the retirement board, the amount so in default.

Sec. 16. Transfer of Appropriations.—The retirement board, on receipt of contributions from teachers deducted and remitted by employers as provided in the preceding section, shall make requisition on the state auditor for an amount equal to such contributions. On receipt of the requisitions duly certified, the state auditor shall transfer the amount so requisitioned from the general state revenue fund to the employers' accumulation fund, such transfers not to exceed the amount appropriated for the employers' accumulation fund.

At the beginning of each quarter the governor shall transfer to the benefit fund one-fourth of the annual appropriation therefor.

Sec. 17. Statement and Computation of Teacher's Service.—Under such rules and regulations as the retirement board may adopt, each teacher shall file a detailed statement of his length of service as a teacher for which he claims credit. The retirement board shall determine
what part of a year is the equivalent of a year of service.

In computing such service, however, it shall credit no period of more than a month’s duration during which a member was absent without pay, nor shall it credit for more than one year service performed in any calendar year.

For the purposes of this article the retirement board shall grant prior service credit to new entrants and other members of the retirement system for service in any of the armed forces of the United States in any period of national emergency within which a federal selective service act was in effect. For purposes of this section, "armed forces" shall include women’s army corps, women’s appointed volunteers for emergency service, army nurse corps, spars, women’s reserve, and other similar units officially parts of the military service of the United States. Such military service shall be deemed equivalent to public school teaching, and the salary equivalent for each year of such service shall be the actual salary of the member as a teacher for his first year of teaching after discharge from military service. Prior service credit for
military service shall not exceed ten years for any one
member, nor shall it exceed twenty-five per cent of total
service at the time of retirement.

For service as a teacher in the employment of the fed-
eral government, or a state or territory of the United
States, or a governmental subdivision of such state or
territory, the retirement board shall grant credit to the
same extent and on the same conditions, if any, as a re-
tirement system established for teachers in such employ-
ment would grant credit for service as a teacher in the
public schools of West Virginia.

Subject to the above provisions, the board shall verify
as soon as practicable, the statements of service submit-
ted. The retirement board shall issue prior service cer-
tificates to all persons eligible therefor under the pro-
visions of this article. Such certificates shall state the
length of such prior service credit, but in no case shall
the prior service credit exceed forty years.

Sec. 26. Allowance Upon Retirement.—Upon establish-
ment of eligibility for a retirement allowance, a member
shall be granted an annuity which shall be the sum of the following:

(a) The actuarial equivalent of the contributions and deposits of the member in his individual account up to the time of his retirement, with regular interest.

(b) The actuarial equivalent of the contributions of the employer up to the time of the member's retirement, which shall equal the sum in subsection (a) of this section minus deposits with regular interest on such deposits.

(c) Where prior service credit has been granted, an allowance of one and one-half per cent of the member's average final salary multiplied by the number of years of prior service credited to him.

(d) The actuarial equivalent of the amounts that would have accumulated under subsections (a) and (b) of this section, if the member had contributed to his individual account until he was fifty years old, at the annual rate of his past actual contributions, but this subsection shall apply only as additional income to members who
qualify for disability retirement before they are fifty
years old.

(e) Twelve dollars multiplied by his total service as
a teacher.

The disability annuities of all teachers retired for dis-
ability shall be based upon a disability table prepared by
a competent actuary, approved by the retirement board.
For the purposes of subsection (c):

(1) An allowance for prior service shall in no case
exceed three-fifths of the member's average final salary.

(2) Average final salary for this purpose shall in no
case exceed two thousand five hundred dollars, nor shall
it be less than twelve hundred dollars.

All annuities shall be paid in twelve monthly pay-
ments. In computing such monthly payments, fractions
of a cent shall be deemed a cent. Such monthly pay-
ments shall cease with the payment for the month
within which the beneficiary dies, and shall begin with
the payment for the month succeeding the month within
which the annuitant became eligible under this article
for the annuity granted; in no case, however, shall an

44 annuitant qualifying for an annuity because of age or
45 service, receive more than four monthly payments which
46 are retroactive after the board receives his application
47 for annuity.
48 In case the retirement board receives data affecting the
49 approved annuity of a retired teacher, the annuity shall
50 be changed in accordance with such data, the change
51 being effective with the payment for the month within
52 which the board received the new data.
53 An annuity application shall be cancelled immediately
54 if the applicant dies before the retirement board approves
55 such application.
56 The provisions of this section shall apply to the compu-
57 tation of all monthly allowances paid to beneficiaries
58 after the effective date hereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1953 passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 20th day of March, 1953.

[Signature]
Governor

[Stamp] MAR 20.1953
D. PITI O'BRIEN,
SECRETARY OF STATE