WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
SENATE BILL NO. 85

(By Mr. J. W. Brown)

PASSED March 14, 1959
In Effect 90 Days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 20 1959
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact section three, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions of "teacher".

Be it enacted by the Legislature of West Virginia:

That section three, 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) Princi-
pals; (c) Public school librarians; (d) County superintendents of schools and assistant county superintendents of schools; (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 nonteaching 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 classroom teachers, principals, and educational administrators in schools under the supervision of the state board of control; (l) Employees of the state board
of school finance if such person was formerly employed
as a teacher in the public schools.

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

"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 exten-
sion staff whose work is not primarily stenographic, cleri-
cal, or secretarial.

"Retirement system" shall mean the state teachers' re-
tirement 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 member-
ship in the retirement system has been continuous.

"New entrant" shall mean a teacher who is not a pres-
ent 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 becoming 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 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 percent 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 for life granted 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. N. Jasper Jr.
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

J. Howard Heaper
Clerk of the Senate

W.A. Blanchard
Clerk of the House of Delegates

Joseph B. Kaney
President of the Senate

N. C. L. Kaney
Speaker House of Delegates

The within approved this the 20th day of March, 1959.

Governor