WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 65

(By Mr. and Mr. )

PASSED March 13, 1965

In Effect Ninety days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65
ENROLLED

Senate Bill No. 65
(By Mr. Carson, Mr. President, and Mr. McCourt)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelve, relating to reciprocal service credit between the West Virginia public employees' retirement system and the state teachers' retirement system.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twelve, to read as follows:
Article 12. Reciprocal Service Credit Act.

Section 1. Short Title.—The short title by which this article may be referred to is "Public Employees' and Teachers' Reciprocal Service Credit Act".

Sec. 2. Definitions.—The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "State system" means the West Virginia public employees' retirement system and the state teachers' retirement system.

(b) "Public system" means the West Virginia public employees' retirement system.

(c) "Teacher system" means the state teachers' retirement system.

(d) "Member" means a member of either the West Virginia public employees' retirement system or the state teachers' retirement system. The term "member" shall not include any person who has retired under either state system.

(e) "Accumulated contributions" means the sum of the
amounts deducted from the compensations of a member
and credited to his individual account in a state system,

(f) "Public final average salary" means a member's
final average salary computed according to the law govern-
ning the public system. In computing his public final
average salary, the compensations, if any, received by him
for services rendered in positions covered by the teacher
system shall be used in the same manner as if the com-
pensations were received for services covered by the pub-
ic system.

(g) "Teacher average salary" means a member's av-
erage salary computed according to the law governing
the teacher system. In computing his teacher average
salary, the compensations, if any, received by him for
services rendered in positions covered by the public sys-
tem shall be used in the same manner as if the compensa-
tions were received for services covered by the teacher
system.

(h) "Reciprocal service credit" for a member of the
public system who subsequently becomes a member of the
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39 teacher system, or vice versa, means the sum of his
40 credited service in force acquired as a member of the
41 public system and his credit service in force acquired as a
42 member of the teacher system.
43 (i) “Annuity” means the annuity payable by a state
44 system.
45 (j) The masculine gender includes the feminine, and
46 words of the singular number with respect to persons in-
47 clude the plural number, and vice versa.

Sec. 3. (a) Credited Service—Public Service to Teacher

Service.—Notwithstanding the provisions of law govern-
3 ing the West Virginia public employees' retirement sys-
4 tem, in the event a member leaves a position covered by
5 the public system and becomes employed in a position
6 covered by the teacher system, he shall not forfeit his
7 credited service acquired as a member of the public sys-
8 tem: Provided, That he returns to the public system the
9 amount of accumulated contributions he might have with-
10 drawn therefrom, together with interest prescribed by
11 the said public system: Provided, however, That he has
12 not retired under either the public system or the teacher
system: Provided further, That after the effective date of this article such subsequent employment in a position covered by the teacher system must occur within a period of five years from and after the date on which such person left a position covered by the public system. Such return of accumulated contributions shall be made in accordance with such rules and regulations as the board of trustees of the public system shall from time to time adopt.

(b) Credited Service-Teacher Service to Public Service.—Notwithstanding the provisions of law governing the state teachers' retirement system, in the event a member leaves a position covered by the teacher system and becomes employed in a position covered by the public system, he shall not forfeit his credited service acquired as a member of the teacher system: Provided, That he returns to the teacher system the amount of accumulated contributions he might have withdrawn therefrom, together with interest prescribed by the said teacher system: Provided, however, That he has not retired under either the public system or the teacher system: Provided further, That after the effective date of this article such
subsequent employment in a position covered by the public system must occur within a period of five years from and after the date on which such person left a position covered by the teacher system. Such return of accumulated contributions shall be made in accordance with such rules and regulations as the retirement board of the teacher system shall from time to time adopt.

Sec. 4. Reciprocal Service.—In the event a member leaves a position covered by the public system and within five years thereafter becomes employed in a position covered by the teacher system, or a member leaves a position covered by the teacher system and within five years thereafter becomes employed in a position covered by the public system, in either case, the following provisions shall apply, together with such rules and regulations as the board of trustees of the public system and the retirement board of the teacher system shall from time to time mutually agree upon.

(a) A member’s reciprocal service credit in force shall be used to satisfy the service requirements for retirement under the state system from which he retires.
(b) If a member, who has reciprocal service credit in force, retires under the public system, he shall receive an annuity payable by the public system and an annuity payable by the teacher system. His public system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the public system, and (2) his public final average salary. His teacher system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the teacher system, and (2) his teachers' retirement allowance as provided by the teachers' retirement act. His teacher system annuity shall begin as of the date he retires under the public system, but in no case prior to the date he would have been eligible to retire under the teacher system if all his reciprocal service credit had been acquired as a member of the teacher system. Any annuities payable under this subsection shall be subject to subsection (d) of this section, and to section six.

(c) If a member, who has reciprocal service credit in force, retires under the teacher system, he shall receive an annuity payable by the teacher system and an annuity payable by the public system.
payable by the public system. His teacher system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the teacher system, and (2) his teachers' retirement allowance as provided by the teachers' retirement act. His public system annuity shall be based upon (1) the portion of his reciprocal service credit acquired as a member of the public system, and (2) his public final average salary. His public system annuity shall begin as of the date he retired under the teacher system, but in no case prior to the date he would have been eligible to retire under the public system if all his reciprocal service credit had been acquired as a member of the public system. Any annuities payable under this subsection shall be subject to subsection (d) of this section, and to section six.

(d) (1) In the event a member, who has reciprocal service credit in force, retires under the public system, his public system annuity, computed as a straight life annuity, shall not exceed the difference between (i) the public system straight life annuity to which he would have been entitled under the law governing the public
system at the time of his retirement if all his reciprocal
service credit had been acquired as a member of the public
system, and (ii) his annuity, computed as a straight life
annuity, payable by the teacher system: Provided, That
any annuity or portion of an annuity payable by teacher
system resulting from voluntary deposits and/or contribu-
tions by members to teacher system shall not be consid-
ered in any way in reducing an annuity herein provided
for.

(2) In the event a member, who has reciprocal service
credit in force, retires under the teacher system, his
teacher system annuity, computed as a straight life an-
nuity, shall not exceed the difference between (i) the
teacher system straight life annuity to which he would
have been entitled under the law governing the teacher
system at the time of his retirement if all his reciprocal
service credit had been acquired as a member of the
teacher system, and (ii) his annuity, computed as a
straight life annuity, payable by the public system: Pro-
vided, That any annuity or portion of an annuity payable
by public system resulting from voluntary deposits and/or
78 contributions by members to public system shall not
79 be considered in any way in reducing an annuity herein
80 provided for.

Sec. 5. Prior Service Credit.—(a) In the event a mem-
2 ber of the public system has served in a position prior to
3 the date the teachers' system was created, which position
4 would be covered under the teachers' system as of the date
5 of retirement had the teachers' system been in existence
6 at said time, the board of trustees of the public system
7 may grant said member prior service credit for said time
8 worked under such rules and regulations as the public
9 board may from time to time adopt.
10 (b) In the event a member of the teacher system has
11 served in a position prior to the date the public system
12 was created, which position would be covered under the
13 public system as of the date of retirement had the public
14 system been in existence at said time, the Teachers' Re-
15 tirement Board of the teacher system may grant said
16 member prior service credit for said time worked under
17 such rules and regulations as the teacher board may from
18 time to time adopt.
Sec. 6. Disability Reciprocal Credit.—In the event a
member, who has reciprocal service credit in force, retires
under the public system on account of disability his annuity to be paid by the teacher system shall be subject to
approval of his disability retirement by the retirement
board of the teacher system. In the event a member, who
has reciprocal service credit in force, retires under the
teacher system on account of disability his annuity to be
paid by the public system shall be subject to approval of
his disability retirement by the board of trustees of the
public system.

Sec. 7. Payment of Annuities.—The state system from
which a member, with reciprocal service credit in force,
retires shall be the disbursing agent for his annuities. In
cases where the public system is the disbursing agent, the
teacher system shall reimburse the public system for the
reciprocal annuities which are payable from funds of the
teacher system. In cases where the teacher system is the
disbursing agent, the public system shall reimburse the
teacher system for the reciprocal annuities which are pay-
able from funds of the public system. Such reimburse-
ments shall be made in such manner and with such fre-
quency and shall be accompanied by such supporting data,
as the board of trustees of the public system and the re-
tirement board of the teacher system shall from time to
time mutually agree upon.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect at sixty days from Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 19th day of March, 1965.

Governor