ENROLLED

HOUSE BILL No. 1163

(By Mr. Stanley)

PASSED March 6, 1976

In Effect ninety days from Passage

F.D.L., in the Office of Secretary of State of West Virginia

This Date 3/7/76
ENROLLED

H. B. 1163
(By Mr. DONLEY)

[Passed March 6, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to state teachers retirement system; statement and computation of teacher's service; providing for service credit not exceeding three years for approved absence where a member or retired teacher is serving or has served as an officer with a statewide professional teaching association when the member or retired teacher pays double the amount of contribution for the time absent.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-17. Statement and computation of teachers' service.

1 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.
2 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 purpose 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 percent of total service at the time of retirement.

For service as a teacher in the employment of the federal 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 retirement system established for teachers in such employment would grant credit for service as a teacher in the public schools of West Virginia.

No member shall be deemed absent from service as a teacher while serving as a member of the Legislature of the state of West Virginia during any duly constituted session of that body. No member shall be deemed absent from service as a teacher while serving on leave of absence as an officer with a statewide professional teaching association, or who has served in such capacity, and no retired teacher, who served on such leave of absence while a member, shall be deemed to have been absent from service as a teacher by reason of such service on leave of absence: Provided, That the period of service credit granted for such service on leave of absence shall not exceed two years: Provided, however, That such member or retired teacher who is serving or has served as an officer of a statewide professional teaching association shall make deposits to the teachers retirement board, for the time of any such absence, in an amount double the amount which he would have contributed in his regular assignment for a like period of time.
The teachers retirement board shall grant service credit to any former or present member of the West Virginia public employees retirement system who have been contributing members for more than three years, for service previously credited by the public employees retirement system, and (1) shall require the transfer of the member's contributions to the teachers retirement system or (2) shall require a repayment of the amount withdrawn any time prior to the member's retirement. Provided, That there shall be added by the member to the amounts transferred or repaid under this paragraph an amount which shall be sufficient to equal the contributions he would have made had the member been under the teachers retirement system during the period of his membership in the public employees retirement system. Payments for absence as provided in section thirteen of this article, shall be paid in addition to the above amount, if applicable.

If a member is not eligible for prior service credit or pension as provided in this article, then his prior service shall not be deemed a part of his total service.

A member who withdrew from membership shall be permitted to regain his former membership rights as specified in section thirteen of this article only in case he has served two years since his last withdrawal.

Subject to the above provisions, the board shall verify as soon as practicable, the statements of service submitted. The retirement board shall issue prior service certificates to all persons eligible therefor under the provisions 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Pillow Jr.  
Clerk of the Senate

O. A. Flumerfelt  
Clerk of the House of Delegates

W. T. Baxter Jr.  
President of the Senate

Louis N. McMarce  
Speaker House of Delegates

The within Approved this the 16th day of December, 1976.

A. W. Brodie Jr.  
Governor
PRESENTED TO THE
GOVERNOR

Date       3/11/76
Time       4:25 p.m.