WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
HOUSE BILL No. 1110

(By Mr. Blevins)

PASSED March 11, 1978
In Effect from Passage

C 641
AN ACT to amend and reenact sections five and seventeen, 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; the election of a retired school employee by retired school employees as an additional member of the state retirement board; and setting the requirements for the receipt of credit for service as a teacher performed outside this state.

Be it enacted by the Legislature of West Virginia:

That sections five and seventeen, 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:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-5. Members of retirement board; terms of office; vacancies.

1 The retirement board shall consist of the following ten members: (a) The governor, who shall be ex officio chairman; (b) the state superintendent of free schools; (c) the commissioner of finance and administration; (d) the state insurance commissioner; (e) the state treasurer; (f) four members of the
retirement system; and (g) a retired school employee to be
elected by retired school employees receiving benefits from
the retirement system. The elected retired school employee
shall be a resident of this state who shall have been receiving
benefits from the retirement system at least one year prior
to his election to the board.

All elections shall be held prior to the first day of July.
The retired school employee member shall be elected for
a two-year term; the first term shall begin on the first day
of July, one thousand nine hundred seventy-eight. All elec-
tions except those of the retired school employees, shall be
for six-year terms; and all elective terms shall begin on the
first day of July. The manner and mode of such elections
shall be determined by the retirement board.

Vacancies occurring in the terms of the elected membership
of the retirement board shall be filled within sixty days for
unexpired periods by the retirement board. If the retirement
board does not fill such vacancy within sixty days, the
chairman shall appoint a member of the retirement system
to serve for the remainder of the unexpired term.

Before exercising any authority or performing any duties
as a member of the retirement board, each member shall
qualify as such by taking and subscribing to the oath of
office prescribed by section five, article four of the constitu-
tion, the certificates whereof shall be filed with the secretary
of state.

§18-7A-17. Statement and computation of teachers' 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 of 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 emer-
gency 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 Re-
serve 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 teach-
ing 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 member: Provided,
That the member shall pay to the system double the amount
he contributed during the first full year of current employ-
ment, times the number of years for which credit is granted,
plus interest at a rate to be determined by the retirement
board. Such interest shall be deposited in the reserve fund
and service credit so granted at the time of retirement shall
not exceed the lesser of ten years or fifty percent of the
member's total service as a teacher in West Virginia. Any
transfer of out-of-state service, as provided in this article,
shall not be used to establish eligibility for a retirement allow-
ance and the retirement board shall grant credit for such
transferred service as additional service only: Provided, That
a transfer of out-of-state service shall be prohibited if such serv-
iece is used to obtain a retirement benefit from another retire-
ment system: Provided, however, That salaries paid to mem-
ers for service prior to entrance into the retirement system
shall not be used to compute the average final salary of
such member under the retirement system.

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 has been a contributing member 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

Clarence C. Chastain  
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. E. Wilson  Jr.  
P. Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. E. Smith  Jr.  
President of the Senate

Donald L. Topp  
Speaker House of Delegates

The within approved this the 30  

day of March, 1978.

Governor