WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4507

(By Delegates Browning and Prezioso)

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Passed March 7, 1992

In Effect From Passage
ENROLLED

H. B. 4507

(By Delegates Browning and Prezioso)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend and reenact sections seven and eight, article seven-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to participation in teachers' defined contribution retirement system; limiting participation in existing teachers retirement system; permitting withdrawal of benefits from existing system and deposit in defined contribution system.

Be it enacted by the Legislature of West Virginia:

That sections seven and eight, article seven-b, 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 7B. TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM.

§18-7B-7. Participation in teachers' defined contribution retirement system; limiting participation in existing teachers retirement system.

1 Beginning the first day of July, one thousand nine hundred ninety-one, the teachers' defined contribution retirement system shall be the single retirement program for all new employees whose employment commences on or after that date. No additional new employees except as may be provided herein may be admitted to the existing retirement system. Members of
the existing retirement system whose employment continues beyond the first day of July, one thousand nine hundred ninety-one, are not affected by this article and shall continue to contribute and participate in the existing system without change in provisions or benefits.

Notwithstanding the provisions of section twenty-three, article seven-a of this chapter, any employee whose employment terminates after the thirtieth day of June, one thousand nine hundred ninety-one, who is later reemployed by an employer shall be eligible for membership only in the teachers', defined contribution system: Provided, That if such reemployment with an existing employer occurs not more than six months after the employee's previous employment, he or she shall be entitled to readmission to the existing retirement system in which he or she was originally a member: Provided, however, That if such employee has ten or more years of credited service in the existing retirement system, he or she shall be entitled to readmission into the existing retirement system in which he or she was originally a member if said person's employment was suspended or terminated due to reduction-in-force, so long as he or she has not withdrawn his or her contributions from the existing retirement system and if such employee shall apply for readmission before the first day of July, one thousand nine hundred ninety-three: Provided, further, That if such employee has withdrawn his or her contribution from the existing retirement system, then readmission shall not be permitted and the employee will be entitled only to the defined contribution system.

An employee whose employment with an employer or an existing employer is suspended as a result of an approved leave of absence, approved maternity or paternity break in service, or any other approved break in service authorized by the board, is eligible for readmission to the existing retirement system in which he or she was a member.

In all cases where a question exists as to readmission to membership in the existing retirement system, the board shall decide the question.
§18-7B-8. Voluntary participation in system.

Any employee who is a member of the existing retirement system may, upon written election, voluntarily elect membership in the defined contribution system, on a prospective basis, on or after the first day of July, one thousand nine hundred ninety-one. All benefits earned by any employee making such voluntary election under the existing retirement system prior to such a voluntary election shall be frozen and made available to that employee upon retirement provided by the existing retirement system. A member of the existing retirement system who has less than five years of contributing service in the existing retirement system may elect to withdraw his or her contribution plus interest thereon as if such member is terminating employment and upon withdrawal shall deposit such funds in the defined contribution system: Provided, That such member's years of contributing service in the existing system shall be applied toward the years of employment service required under section eleven of this article: Provided, however, That this election shall be allowed on a retroactive basis to the first day of July, one thousand nine hundred ninety-one. For the purposes of this section, “frozen” means that the member’s salary, years of service and any other factor to determine benefits shall be calculated as of the date that the member elected membership in the defined contribution system and after that date no increase in salary, years of service or any other factor may be used to increase the retirement benefit above that which it would be if a person retired upon the date that the election is made. After having made such election, the employee may not change such election or again become a member of the existing retirement system.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th day of March, 1992.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/25/92

Time 11:35 Am