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S. B. 576

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 576
ORIGINATING IN THE COMMITTEE
(By ~~Senator~~ ON PENSIONS)



PASSED MARCH 17, 1995
In Effect FROY Passage

ENROLLED
Senate Bill No. 576

(Originating in the Committee on Pensions.)

[Passed March 17, 1995; in effect from passage.]

AN ACT to amend and reenact sections fourteen and forty-eight, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public employees retirement; service credit for constables and justices of the peace; service credit for legislative employees; reemployment after retirement; and option for holder of elected public office.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and forty-eight, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-14. Service credit.

1 (a) The board of trustees shall credit each member
2 with the prior service and contributing service to which
3 he or she is entitled based upon such rules and
4 regulations as the board of trustees shall from time to

5 time adopt: *Provided*, That in no case shall less than ten
6 days of service rendered by a member in any calendar
7 month be credited as a month of service; nor shall less
8 than ten months of service rendered in any calendar year
9 be credited as a year of service; nor shall more than one
10 year of service be credited any member for all service
11 rendered by him or her in any calendar year; nor shall
12 any member who was not in the employ of a political
13 subdivision within a period of thirty years immediately
14 preceding the date the political subdivision became a
15 participating public employer be credited with prior
16 service: *Provided, however*, That said member is not
17 required to have been employed by a participating public
18 employer of this state within a period of fifteen years
19 subsequent to the date that participating public
20 employer elected to become a participating employer.

21 (b) The board of trustees shall grant service credit to
22 employees of boards of health, the clerk of the House of
23 Delegates and the clerk of the state Senate, or to any
24 former and present member of the state teachers
25 retirement system who have been contributing members
26 for more than three years, for service previously credited
27 by the state teachers retirement system and shall require
28 the transfer of the member's contributions to the system
29 and shall also require a deposit, with interest, of any
30 withdrawals of contributions any time prior to said
31 member's retirement. Repayment of withdrawals shall
32 be as directed by the board of trustees.

33 (c) Court reporters who are acting in an official
34 capacity, although paid by funds other than the county
35 commission or state auditor, may receive prior service
36 credit for such time as served in such capacity.

37 (d) Employees of the state Legislature whose term of
38 employment is otherwise classified as temporary and
39 who are employed to perform services required by the
40 Legislature for its regular sessions or during the interim
41 between regular sessions may receive service credit for
42 the time as served in that capacity in accordance with

43 subsection (a) of this section: *Provide*, That employees of
44 the state Legislature whose term of employment is
45 otherwise classified as temporary and who are employed
46 to perform services required by the Legislature for at
47 least sixty days for its regular sessions or during the
48 interim between regular sessions and who have been or
49 are so employed during regular sessions or during the
50 interim between sessions for at least seven consecutive
51 legislative sessions may receive service credit for one-
52 half year for each year served, which shall be used for
53 the purpose of calculating that member's retirement
54 annuity, notwithstanding any other provision of this
55 section: *Provided*, however, That for the purposes of
56 calculating the amount of service credit an employee has
57 served to become entitled to voluntary retirement shall
58 be calculated as provided in subsection (a) of this
59 section.

60 (e) Former justices of the peace and constables shall be
61 entitled to credit for retirement purposes for those years
62 of service as a justice of the peace or constable:
63 *Provided*, That they have a minimum of five years
64 contributing service and they compensate the retirement
65 fund in an amount equal to the amount which they
66 would have contributed for a like period of time,
67 according to a formula determined by the retirement
68 board, plus an amount equal to the determined
69 employer's contribution for the same period. For
70 purposes of calculating the contributions, the salary for
71 constables shall be deemed to be five thousand dollars
72 per year and the salary for justices of the peace shall be
73 deemed to be seven thousand five hundred dollars per
74 year. In addition, they shall deposit the compounded
75 yearly interest on the aggregate of the employee and
76 employer contributions at a rate or rates to be
77 determined by the retirement board: *Provided, however*,
78 That those former justices of the peace and constables
79 who elect to seek credit under this subsection shall be
80 allowed until the thirtieth day of June, one thousand
81 nine hundred ninety-five, to compensate the retirement

82 fund as provided herein.

**§5-10-48. Reemployment after retirement; option for holder
of elected public office.**

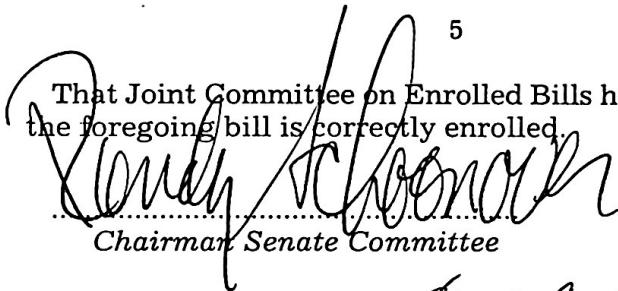
1 (a) In the event a retirant becomes employed by a
2 participating public employer, payment of his or her
3 annuity shall be suspended during the period of his or
4 her reemployment and he or she shall become a
5 contributing member to the retirement system. If his or
6 her reemployment is for a period of one year or longer,
7 his or her annuity shall be recalculated and he or she
8 shall be granted an increased annuity due to such
9 additional employment, said annuity to be computed
10 according to section twenty-two of this article. A
11 retirant may accept temporary employment from a
12 participating employer so long as he or she does not
13 receive compensation in excess of ten thousand dollars.

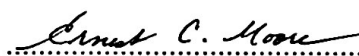
14 (b) In the event a retirant is elected to a public office or
15 appointed to hold an elected public office, he or she has
16 the option, notwithstanding subsection (a) of this section,
17 to either:

18 (1) Continue to receive payment of his or her annuity
19 while holding such public office, in addition to the salary
20 he or she may be entitled to as such office holder; or

21 (2) Suspend the payment of his or her annuity and
22 become a contributing member of the retirement system
23 as provided in subsection (a) of this section.

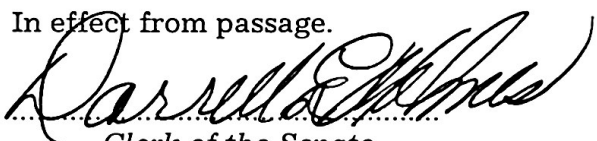
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.


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Chairman Senate Committee

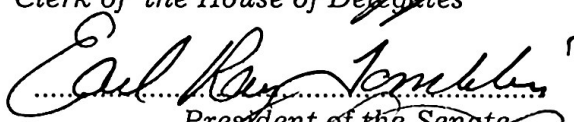

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Chairman House Committee

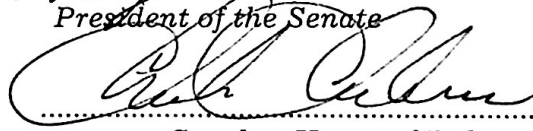
Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within this the.....

day of, 1995.

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Governor

PRESENTED TO THE

GOVERNOR

Date

Time

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