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 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 with the prior service and contributing service to which he or she is entitled based upon such rules and regulations as the board of trustees shall from time to
Provided, That in no case shall less than ten
days of service rendered by a member in any calendar
month be credited as a month of service; nor shall less
than ten months of service rendered in any calendar year
be credited as a year of service; nor shall more than one
year of service be credited any member for all service
rendered by him or her in any calendar year; nor shall
any member who was not in the employ of a political
subdivision within a period of thirty years immediately
preceding the date the political subdivision became a
participating public employer be credited with prior
service: Provided, however, That said member is not
required to have been employed by a participating public
employer of this state within a period of fifteen years
subsequent to the date that participating public
employer elected to become a participating employer.

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

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

(d) Employees of the state Legislature whose term of
employment is otherwise classified as temporary and
who are employed to perform services required by the
Legislature for its regular sessions or during the interim
between regular sessions may receive service credit for
the time as served in that capacity in accordance with
subsection (a) of this section: Provide, That employees of the state Legislature whose term of employment is otherwise classified as temporary and who are employed to perform services required by the Legislature for at least sixty days for its regular sessions or during the interim between regular sessions and who have been or are so employed during regular sessions or during the interim between sessions for at least seven consecutive legislative sessions may receive service credit for one-half year for each year served, which shall be used for the purpose of calculating that member's retirement annuity, notwithstanding any other provision of this section: Provided, however, That for the purposes of calculating the amount of service credit an employee has served to become entitled to voluntary retirement shall be calculated as provided in subsection (a) of this section.

(e) Former justices of the peace and constables shall be entitled to credit for retirement purposes for those years of service as a justice of the peace or constable: Provided, That they have a minimum of five years contributing service and they compensate the retirement fund in an amount equal to the amount which they would have contributed for a like period of time, according to a formula determined by the retirement board, plus an amount equal to the determined employer's contribution for the same period. For purposes of calculating the contributions, the salary for constables shall be deemed to be five thousand dollars per year and the salary for justices of the peace shall be deemed to be seven thousand five hundred dollars per year. In addition, they shall deposit the compounded yearly interest on the aggregate of the employee and employer contributions at a rate or rates to be determined by the retirement board: Provided, however, That those former justices of the peace and constables who elect to seek credit under this subsection shall be allowed until the thirtieth day of June, one thousand nine hundred ninety-five, to compensate the retirement
§5-10-48. Reemployment after retirement; option for holder of elected public office.

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

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

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

(2) Suspend the payment of his or her annuity and become a contributing member of the retirement system as provided in subsection (a) of this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ........................................ this the.........................

day of ................................................................., 1995.

................................................................. Governor