WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 576
(Originating in the Committee on Pensions)

PASSED March 11, 1995
In Effect From Passage
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(Originating in the Committee on Pensions.)

[Passed March 11, 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
he or she is entitled based upon such rules and regulations as the board of trustees shall from time to time adopt: 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 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, That the requirement of seven consecutive legislative sessions served for purposes of determining the time that the employee becomes 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 fund as provided herein: Provided further, That any retiree of the public employees retirement system who has received retirement benefits for over five years and who has over twenty years of credit service in the retirement plan will be allowed to purchase up to ten years of service as a constable or justice of the peace at an amount of one thousand dollars if the funds are repaid to the public employees retirement system by the first day of July, one thousand nine hundred ninety-five. Upon repayment, the retirement
benefit will be recalculated and the increased benefit will be paid to the member prospectively from the first day of July, one thousand nine hundred ninety-five.

§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

Ernest C. Moore
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 is hereby approved this the 16th day of ....... 1995.

Governor