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SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

## ENROLLED

SENATE BILL NO. 576  
ORiginating in the Committee  
(By Senator ON PENSIONS)

PASSED March 11, 1995  
In Effect From Passage

**ENROLLED**  
**Senate Bill No. 576**

(Originating in the Committee on Pensions.)

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[Passed March 11, 1995; in effect from passage.]

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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 regula-  
4 tions as the board of trustees shall from time to time  
5 adopt: *Provided*, That in no case shall less than ten days  
6 of service rendered by a member in any calendar month  
7 be credited as a month of service; nor shall less than ten  
8 months of service rendered in any calendar year be  
9 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 em-  
20 ployer 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 retire-  
25 ment system who have been contributing members for  
26 more than three years, for service previously credited by  
27 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 at least sixty days for its regular sessions  
41 or during the interim between regular sessions and who  
42 have been or are so employed during regular sessions or

43 during the interim between sessions for at least seven  
44 consecutive legislative sessions may receive service  
45 credit for one-half year for each year served, which shall  
46 be used for the purpose of calculating that member's  
47 retirement annuity, notwithstanding any other provision  
48 of this section: *Provided*, That the requirement of seven  
49 consecutive legislative sessions served for purposes of  
50 determining the time that the employee becomes entitled  
51 to voluntary retirement shall be calculated as provided  
52 in subsection (a) of this section.

53 (e) Former justices of the peace and constables shall be  
54 entitled to credit for retirement purposes for those years  
55 of service as a justice of the peace or constable: *Pro-*  
56 *vided*, That they have a minimum of five years contribut-  
57 ing service and they compensate the retirement fund in  
58 an amount equal to the amount which they would have  
59 contributed for a like period of time, according to a  
60 formula determined by the retirement board, plus an  
61 amount equal to the determined employer's contribution  
62 for the same period. For purposes of calculating the  
63 contributions, the salary for constables shall be deemed  
64 to be five thousand dollars per year and the salary for  
65 justices of the peace shall be deemed to be seven thou-  
66 sand five hundred dollars per year. In addition, they  
67 shall deposit the compounded yearly interest on the  
68 aggregate of the employee and employer contributions at  
69 a rate or rates to be determined by the retirement board:  
70 *Provided, however*, That those former justices of the  
71 peace and constables who elect to seek credit under this  
72 subsection shall be allowed until the thirtieth day of  
73 June, one thousand nine hundred ninety-five, to compen-  
74 sate the retirement fund as provided herein: *Provided*  
75 *further*, That any retiree of the public employees retire-  
76 ment system who has received retirement benefits for  
77 over five years and who has over twenty years of credit  
78 service in the retirement plan will be allowed to pur-  
79 chase up to ten years of service as a constable or justice  
80 of the peace at an amount of one thousand dollars if the  
81 funds are repaid to the public employees retirement  
82 system by the first day of July, one thousand nine  
83 hundred ninety-five. Upon repayment, the retirement

84 benefit will be recalculated and the increased benefit  
85 will be paid to the member prospectively from the first  
86 day of July, one thousand nine hundred ninety-five.

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

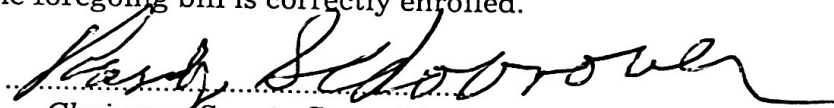
1 (a) In the event a retirant becomes employed by a  
2 participating public employer, payment of his or her  
3 annuity shall be suspended during the period of his or  
4 her reemployment and he or she shall become a contrib-  
5 uting member to the retirement system. If his or her  
6 reemployment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

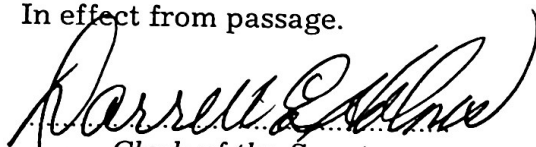
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

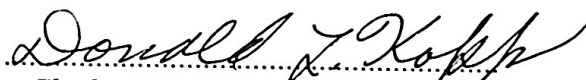
  
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Chairman Senate Committee

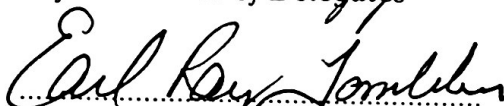
  
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Chairman House Committee


Originated in the Senate.

In effect from passage.

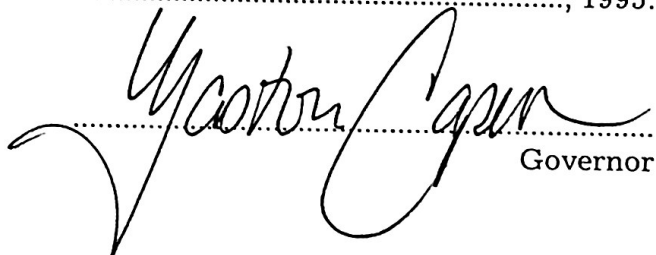
  
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Clerk of the Senate

  
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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 is disapproved this the 16th  
day of March, 1995.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/95

Time 4:40pm