ENROLLED

House Bill No. 4110

(By Mr. Speaker, Mr. Kiss, and Delegates Yeager, Mezzatesta, Jenkins, Hubbard, Smith, and Hall)

Passed March 13, 1998

In Effect July 1, 1998
AN ACT to amend and reenact section seventeen, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the service credit within the teachers retirement system for teachers who serve as an officer with a statewide professional association and providing that members elected to public office be credited for time served in discharging legislative duties.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article seven-a, 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 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-17. Statement and computation of teachers' service.

(a) Under rules adopted by the retirement board, each teacher shall file a detailed statement of his or her length of service as a teacher for which he or she claims credit.
The retirement board shall determine what part of a year is
the equivalent of a year of service. In computing the
service, however, it shall credit no period of more than a
month's duration during which a member was absent
without pay, nor shall it credit for more than one year of
service performed in any calendar year.

(b) For the purpose of this article, the retirement board
shall grant prior service credit to new entrants and other
members of the retirement system for service in any of the
armed forces of the United States in any period of
national emergency within which a federal Selective
Service Act was in effect. For purposes of this section,"armed forces" includes women's army corps, women's
appointed volunteers for emergency service, army nurse
corps, spars, women's reserve and other similar units
officially parts of the military service of the United States.
The military service is considered equivalent to public
school teaching, and the salary equivalent for each year of
that service is the actual salary of the member as a teacher
for his or her first year of teaching after discharge from
military service. Prior service credit for military service
shall not exceed ten years for any one member, nor shall it
exceed twenty-five percent of total service at the time of
retirement.

(c) For service as a teacher in the employment of the
federal government, or a state or territory of the United
States, or a governmental subdivision of that state or
territory, the retirement board shall grant credit to the
member: Provided, That the member shall pay to the
system double the amount he or she contributed during
the first full year of current employment, times the
number of years for which credit is granted, plus interest
at a rate to be determined by the retirement board. The
interest shall be deposited in the reserve fund and service
credit granted at the time of retirement shall not exceed
the lesser of ten years or fifty percent of the member's
total service as a teacher in West Virginia. Any transfer
of out-of-state service, as provided in this article, shall not
be used to establish eligibility for a retirement allowance
and the retirement board shall grant credit for the
transferred service as additional service only: Provided,
However, that a transfer of out-of-state service is prohibited if the service is used to obtain a retirement benefit from another retirement system: Provided further, that salaries paid to members for service prior to entrance into the retirement system shall not be used to compute the average final salary of the member under the retirement system.

(d) Service credit for members or retired members shall not be denied on the basis of minimum income rules promulgated by the teachers retirement board: Provided, that the member or retired member shall pay to the system the amount he or she would have contributed during the year or years of public school service for which credit was denied as a result of the minimum income rules of the teachers retirement board.

(e) No members shall be considered absent from service while serving as a member or employee of the Legislature of the state of West Virginia during any duly constituted session of that body or while serving as an elected member of a county commission during any duly constituted session of that body.

(f) No member shall be considered absent from service as a teacher while serving as an officer with a statewide professional teaching association, or who has served in that capacity, and no retired teacher, who served in that capacity while a member, shall be considered to have been absent from service as a teacher by reason of that service: Provided, That the period of service credit granted for that service shall not exceed ten years: Provided, however, That a member or retired teacher who is serving or has served as an officer of a statewide professional teaching association shall make deposits to the teachers retirement board, for the time of any absence, in an amount double the amount which he or she would have contributed in his or her regular assignment for a like period of time.

The teachers retirement board shall grant service credit to any former or present member of the West Virginia public employees retirement system who has been a contributing member for more than three years, for
service previously credited by the public employees retirement system and: (1) Shall require the transfer of the member's contributions to the teachers retirement system; or (2) shall require a repayment of the amount withdrawn any time prior to the member's retirement: Provided, That there shall be added by the member to the amounts transferred or repaid under this subsection an amount which shall be sufficient to equal the contributions he or she would have made had the member been under the teachers retirement system during the period of his or her membership in the public employees retirement system plus interest at a rate of six percent compounded annually from the date of withdrawal to the date of payment. The interest paid shall be deposited in the reserve fund.

(g) For service as a teacher in an elementary or secondary parochial school, located within this state and fully accredited by the West Virginia department of education, the retirement board shall grant credit to the member: Provided, That the member shall pay to the system double the amount contributed during the first full year of current employment, times the number of years for which credit is granted, plus interest at a rate to be determined by the retirement board. The interest shall be deposited in the reserve fund and service granted at the time of retirement shall not exceed the lesser of ten years or fifty percent of the member's total service as a teacher in the West Virginia public school system. Any transfer of parochial school service, as provided in this section, may not be used to establish eligibility for a retirement allowance and the board shall grant credit for the transfer as additional service only: Provided, however, That a transfer of parochial school service is prohibited if the service is used to obtain a retirement benefit from another retirement system.

(h) If a member is not eligible for prior service credit or pension as provided in this article, then his or her prior service shall not be considered a part of his or her total service.

(i) A member who withdrew from membership may regain his or her former membership rights as specified in
section thirteen of this article only in case he or she has
served two years since his or her last withdrawal.

(j) Subject to the provisions of subsection (a) through
(i) of this section, the board shall verify as soon as
practicable the statements of service submitted. The
retirement board shall issue prior service certificates to all
persons eligible for the certificates under the provisions of
this article. The certificates shall state the length of the
prior service credit, but in no case shall the prior service
credit exceed forty years.

Notwithstanding any provision of this article to the
contrary, when a member is or has been elected to serve as
a member of the Legislature, and the proper discharge of
his or her duties of public office require that member to
be absent from his or her teaching or administrative duties,
the time served in discharge of his or her duties of the
legislative office are credited as time served for purposes
of computing service credit: Provided, That the board may
not require any additional contributions from that
member in order for the board to credit him or her with
the contributing service credit earned while discharging
official legislative duties.
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 July 1, 1998.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 15th day of April, 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/31/98
Time 11:12 a.m.