WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2799

(By Delegates Amores, Faircloth, Delong, Pino, Smirl, Stemple and Webster)

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Passed March 8, 2003

In Effect from Passage
AN ACT to amend article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty-one, relating to the West Virginia state police and the reemployment of recently retired troopers.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty-one, to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15–2-51. State police reemployment.
(a) The Legislature finds:

(1) That the West Virginia state police is currently suffering from an unacceptably high number of vacant trooper positions, and that given the time factors and expense associated with the hiring and training of personnel with no prior law-enforcement experience, it is in the interest of the state to reemploy recently retired troopers in order to fill vacant positions;

(2) That no pension rights of any kind shall accrue or attach pursuant to reemployment under this section;

(3) That the state police shall bear no responsibility for medical payments for work related injuries or illnesses of employees hired pursuant to this section, other than those commonly associated with state employees covered by workers’ compensation.

(b) Notwithstanding any provision of this code to the contrary, any member of the West Virginia state police honorably retired pursuant to the provisions of section twenty-seven of this article between the first day of December, one thousand nine hundred ninety-seven and the first day of December, two thousand two, may, at the discretion of the superintendent and subject to executive order of the governor specifying circumstances warranting such reemployment and establishing beginning and end dates for such reemployment, be reemployed subject to the provisions of this section.

(c) Notwithstanding any provision of this code to the contrary, any honorably retired member of the state police who qualifies for reemployment pursuant to the provisions of this section and who is not currently certified as a law-enforcement officer under section five, article twenty-nine, chapter thirty of this code may be deemed to have met the entry level law-enforcement recertification requirements of 149 CSR 215, Section 15.3, upon successful completion of a course of
instruction prescribed by the superintendent. Such course of
instruction shall include at a minimum the following subject
areas: Firearms training and certification, defensive driving,
mechanics of arrest, law of arrest search and seizure, West
Virginia motor vehicle law, criminal law update, and domestic
crimes.

(d) Any member reemployed pursuant to the provisions of
this section shall hold the nonsupervisory rank of corporal and
shall receive the same compensation as a regularly enlisted
member of the same rank. For purposes of determining length
of service pursuant to section five of this article, any member
reemployed pursuant to this section shall receive credit for all
years of service accrued prior to their retirement, as well as
service rendered after reemployment. Any member reemployed
pursuant to this section shall exercise the same authority as a
regularly enlisted member of the state police, shall wear the
same uniform and insignia, shall be subject to the same oath,
shall execute the same bond, shall exercise the same powers
and shall be subject to the same limitations as a regularly
enlisted member of the state police.

(e) Any member reemployed pursuant to the provisions of
this section shall not be eligible for promotion or reclassifica-
tion of any type, nor shall he or she be eligible for appointment
to temporary rank pursuant to the provisions of section four of
this article.

(f) Any reemployment offered subject to the provisions of
this section shall be for a period not exceeding five years from
the effective date of this section.

(g) Any retired member applying for reemployment under
this section shall be required to pass such mental and physical
examinations, and meet such other requirements as may be
provided for in rules promulgated by the superintendent pursuant to this section.

(h) Notwithstanding the provisions of section ten of this article, the superintendent shall make provisions for coverage of personnel employed pursuant to this section by the workers’ compensation division, bureau of employment programs. In the event a member reemployed pursuant to this section sustains an illness or injury which is work related in origin, any cost associated with the treatment of same shall be defrayed in this manner and not from state police funds.

(i) In the event a work related illness or injury, as described within subsection (h) above, renders a member of the division employed pursuant to the provisions of this section permanently physically or mentally disabled, the provisions of subsections (a) and (b), section twenty-nine of this article shall apply, and the member’s existing pension shall be recalculated as though the disabling event had occurred coincident with the member’s original retirement. Any change in benefits resulting from this recalculation shall not be retroactive in nature. The provisions of subsection (c), section twenty-nine of this article shall not apply with respect to payments for medical, surgical, laboratory, X-ray, hospital, ambulance and dental expenses and fees. Neither shall the provisions of this subsection apply in the event the member is disabled due to some cause or event which is determined not to be work related.

(j) Any individual reemployed pursuant to this section is not eligible to contribute to any pension plan administered by the consolidated public retirement board, nor may he or she establish or accrue any new pension eligibility pursuant to such reemployment.

(k) Notwithstanding any provision of this code to the contrary, any member reemployed pursuant to this section shall
serve at the will and pleasure of the superintendent, and is subject to termination without cause. Any member reemployed pursuant to this section shall not be included in the classified service of the civil service system.

(l) Notwithstanding any provision of this code to the contrary, compensation paid to any member reemployed pursuant to this section shall be in addition to any retirement payments or pension benefits which he or she is already entitled to receive under section twenty-seven of this article.

(m) The provisions of this section shall terminate on the first day of April, two thousand four.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butches
Chairman House Committee

Originating in the House.

In effect from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 2003.

Governor