AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-10A-1, §15-10A-2, §15-10A-3, §15-10A-4, §15-10A-5 and §15-10A-6, all relating to establishing the law-enforcement re-employment act; legislative findings; authorizing the re-employment of retired county and municipality law-enforcement officers, and division of natural resource law-enforcement officers; examination requirements; coverage for illness or injury; ineligibility for contributions to pensions; and employment status, civil service and retirement benefits.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-10A-1, §15-10A-2,
this article must be certified pursuant to article twenty-nine, chapter thirty.

(b) Any person re-employed pursuant to the provisions of this article shall:

(1) Receive the same compensation as a regularly enlisted officer of the same rank;

(2) Receive credit for all years of service accrued prior to their retirement, as well as service rendered after the date of their re-employment;

(3) Exercise the same authority as a regularly enlisted officer of the law-enforcement agency;

(4) Wear the same uniform and insignia;

(5) Be subject to the same oath;

(6) Execute the same bond; and

(7) Exercise the same powers and be subject to the same limitations as a regularly enlisted officer of the law-enforcement agency.

(c) A person re-employed pursuant to the provisions of this article is ineligible for promotion or reclassification of any type nor eligible for appointment to a temporary rank.

(d) A person re-employed pursuant to the provisions of this article may be employed for a period not to exceed two years from the date on which he or she is hired.

(e) As used in this article:

(1) "Law-enforcement officer" or "officer" means: (A) Any sheriff and any deputy sheriff of any county; (B) any member
this article must be certified pursuant to article twenty-nine, chapter thirty.

(b) Any person re-employed pursuant to the provisions of this article shall:

(1) Receive the same compensation as a regularly enlisted officer of the same rank;

(2) Receive credit for all years of service accrued prior to their retirement, as well as service rendered after the date of their re-employment;

(3) Exercise the same authority as a regularly enlisted officer of the law-enforcement agency;

(4) Wear the same uniform and insignia;

(5) Be subject to the same oath;

(6) Execute the same bond; and

(7) Exercise the same powers and be subject to the same limitations as a regularly enlisted officer of the law-enforcement agency.

(c) A person re-employed pursuant to the provisions of this article is ineligible for promotion or reclassification of any type nor eligible for appointment to a temporary rank.

(d) A person re-employed pursuant to the provisions of this article may be employed for a period not to exceed two years from the date on which he or she is hired.

(e) As used in this article:

(1) “Law-enforcement officer” or “officer” means: (A) Any sheriff and any deputy sheriff of any county; (B) any member
of a police department in any municipality as defined in section two, article one, chapter eight of this code; and (C) any conservation officer of the division of natural resources; and

(2) “Head of a law-enforcement agency” means the chief of police of an incorporated municipality; a county sheriff, or the chief conservation officer of the division of natural resources.

§15-10A-3. Examination requirements.

A retired law-enforcement officer applying for re-employment under this article is required to pass mental and physical examinations as required, and meet such other requirements, as may be provided in rules promulgated by the head of the applicable law-enforcement agency.

§15-10A-4. Coverage for illness or injury.

(a) Notwithstanding any provision of this code to the contrary, the head of the law-enforcement agency shall make provisions for coverage of personnel employed pursuant to this article by the workers’ compensation division and bureau of employment programs. In the event an individual re-employed pursuant to this article sustains an illness or injury which is work related in origin, any cost associated with the treatment must be defrayed in this manner.

(b) In the event a work-related illness or injury renders an individual employed pursuant to the provisions of this article permanently physically or mentally disabled, the applicable law-enforcement agencies’ disability coverage through the workers’ compensation division shall apply, and the individual’s existing pension shall be recalculated as though the disabling event had occurred coincident with the individual’s original retirement. Any change in benefits resulting from this recalculation may not be retroactive in nature.

(c) The provisions of this section do not apply in the event a person employed pursuant to this article is disabled because of some cause or event which is determined not to be work related.
§15-10A-5. Ineligibility for contributions to pensions.

Any person re-employed pursuant to this article 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 as a result of such re-employment.

§15-10A-6. Employment status; civil service; and retirement benefits.

(a) Notwithstanding any provision of this code to the contrary, any person re-employed pursuant to this article shall serve at the will and pleasure of the head of the law-enforcement agency, and is subject to termination without cause.

(b) Any person re-employed pursuant to this article may not be included in the classified service of the civil service system.

(c) Notwithstanding any provision of this code to the contrary, compensation paid to any person re-employed pursuant to this article shall be in addition to any public employees insurance act retirement benefits, or any other retirement payments or pension benefits which he or she is already entitled to receive or is receiving.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days 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 5th day of January, 2004.

Governor