WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

ENROLLED
Senate Bill No. 452
(By Senators Kirkendoll, Cann, Edgell, Carmichael and Plymale)

[Passed February 19, 2014; in effect ninety days from passage.]
AN ACT to amend and reenact §5-13-2 and §5-13-4 of the Code of West Virginia, 1931, as amended, all relating to the Teachers Retirement System annuity calculation for reciprocal service credit; defining "teacher final average salary"; and providing procedure for annuity calculation for reciprocal service.

Be it enacted by the Legislature of West Virginia:

That §5-13-2 and §5-13-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 13. PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL SERVICE CREDIT ACT.


1 The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, shall have the following meanings:

4 (a) "Accumulated contributions" means the sum of the amounts deducted from the compensation of a member and
credited to his or her individual account in a state system, together with interest, if any, credited thereto.

(b) "Annuity" means the annuity payable by a state system.

(c) "Member" means a member of either the West Virginia Public Employees Retirement System or the State Teachers Retirement System. The term "member" does not include any person who has retired under either state system.

(d) "Public final average salary" means a member’s final average salary computed according to the law governing the public system. In computing his or her public final average salary, the compensation, if any, received by the member for services rendered in positions covered by the teacher system shall be used in the same manner as if the compensation were received for services covered by the public system.

(e) "Public system" means the West Virginia Public Employees Retirement System established in article ten, chapter five of this code.

(f) "Reciprocal service credit" for a member of the public system who subsequently becomes a member of the teacher system, or vice versa, means the sum of his or her credited service in force acquired as a member of the public system and his or her credited service in force acquired as a member of the teacher system.

(g) "State system" means the West Virginia Public Employees Retirement System and the State Teachers Retirement System.

(h) "Teacher final average salary" means a member’s final average salary computed according to the law governing
the teacher system. In computing his or her teacher final
average salary, the compensation, if any, received by the
member for services rendered in positions covered by the
public system shall be used in the same manner as if the
compensation were received for services covered by the
teacher system.

(i) "Teacher system" means the State Teachers
Retirement System established in article seven-a, chapter
eighteen of this code.

(j) The masculine gender includes the feminine, and
words of the singular number with respect to persons include
the plural number, and vice versa.

§5-13-4. Reciprocal service.

In the event a member leaves a position covered by the
public system and within five years thereafter becomes
employed in a position covered by the teacher system, or a
member leaves the position covered by the teacher system
and within five years thereafter becomes employed in a
position covered by the public system, in either case, the
following provisions shall apply.

(a) A member's reciprocal service credit in force shall be
used to satisfy the service requirements for retirement under
the state system from which he or she retires.

(b) If a member, who has reciprocal service credit in
force, retires under the public system, he or she shall receive
an annuity payable by the public system and an annuity
payable by the teacher system. His or her public system
annuity shall be based upon: (1) The portion of his or her
reciprocal service credit acquired as a member of the public
system; and (2) his or her public final average salary. The
member’s teacher system annuity shall be based upon: (1) The portion of his or her reciprocal service credit acquired as a member of the teacher system; and (2) his or her teachers’ final average salary as provided by the teachers retirement act. His or her teacher system annuity shall begin as of the date he or she retires under the public system, but in no case prior to the date the member would have been eligible to retire under the teacher system if all his or her reciprocal service credit had been acquired as a member of the teacher system.

(c) If a member, who has reciprocal service credit in force, retires under the teacher system, he or she shall receive an annuity payable by the teacher system and an annuity payable by the public system. The member’s teacher system annuity shall be based upon: (1) The portion of his or her reciprocal service credit acquired as a member of the teacher system; and (2) his or her teachers’ final average salary as provided by the teachers retirement act. His or her public system annuity shall be based upon: (1) The portion of the reciprocal service credit acquired as a member of the public system; and (2) his or her public final average salary. His or her public system annuity shall begin as of the date he or she retired under the teacher system, but in no case prior to the date he or she would have been eligible to retire under the public system if all his or her reciprocal service credit had been acquired as a member of the public system.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

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 ................. passed ...... this the ........ Day of ................., 2014.

Governor