

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 35

BY SENATORS OLIVERIO, WOELFEL, TAKUBO, AND

HAMILTON

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

FILED

2025 APR 24 P 4:33

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB35

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1 AN ACT to amend and reenact §8-22A-2, §16-5V-2, §18B-4-5, and §18B-7-5 of the Code of West
2 Virginia, 1931, as amended; and to amend the code by adding a new section, designated
3 §16-5V-6f, relating to retirement of certain law-enforcement officers; amending definitions;
4 providing definition for bona fide separation from service upon retirement; allowing
5 campus police officers hired before January 1, 2026, to participate in the Municipal Police
6 and Firefighters Retirement System under certain conditions; mandating newly hired
7 campus police officers to participate in the Municipal Police and Firefighters Retirement
8 System beginning on January 1, 2026; authorizing home confinement officers to
9 participate in the Emergency Medical Services Retirement System; requiring newly hired
10 home confinement officers to participate in the Emergency Medical Services Retirement
11 System beginning on January 1, 2025; and providing for home confinement officers to
12 transfer from the Public Employees Retirement System to the Emergency Medical
13 Services Retirement System.

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-2. Definitions.

1 As used in this article, unless a federal law or regulation or the context clearly requires a
2 different meaning:

3 (a) "Accrued benefit" means on behalf of any member 2.75 percent per year of the
4 member's final average salary for the first 20 years of credited service. Additionally, 2 percent per
5 year for 21 through 25 years and 1.5 percent per year for each year over 25 years will be credited
6 with a maximum benefit of 90 percent of a member's final average salary. A member's accrued

benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §8-22A-10 of this code.

(b) "Accumulated contributions" means the sum of all retirement contributions deducted from the compensation of a member or paid on his or her behalf as a result of covered employment, together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time duty in the active military service of the United States Army, Navy, Air Force, Space Force, Coast Guard, or Marine Corps. The term does not include regularly required training or other duty performed by a member of a reserve component or National Guard unless the member can substantiate that he or she was called into the full-time active military service of the United States and has received no compensation during the period of that duty from any board or employer other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed on the basis of the mortality table and interest rates as set and adopted by the board in accordance with the provisions of this article: *Provided*, That when used in the context of compliance with the federal maximum benefit requirements of Section 415 of the Internal Revenue Code, "actuarial equivalent" shall be computed using the mortality tables and interest rates required to comply with those requirements.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of Section 3401(a) of the Internal Revenue Code, but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of employment or services performed during the plan year plus amounts excluded under Section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits, or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed the maximum compensation allowed as adjusted for cost-of-living in accordance with §5-10D-7 of this code and Section 401(a) (17) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the month for which an annuity is payable after submission of a retirement application or the required beginning date, if earlier. For purposes of this subsection, if retirement income payments commence after the normal retirement age, "retirement" means the first day of the month following or coincident with the latter of the last day the member worked in covered employment or the member's normal retirement age and after completing proper written application for retirement on an application supplied by the board.

(h) "Beneficiary" means a natural person who is entitled to, or will be entitled to, an annuity or other benefit payable by the plan.

(i) "Board" means the Consolidated Public Retirement Board.

(j) "Bona fide separation from service upon retirement" means that a retirant has completely terminated any employment relationship with any participating public employer in the plan for a period of at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating public employer. For purposes of this definition, an employment relationship includes employment in any capacity, whether on a permanent, full-time, part-time, substitute, per diem, temporary or leased employee basis.

(k) "Covered employment" means: (1) Employment as a full-time municipal police officer or firefighter and the active performance of the duties required of that employment; or (2) - employment as a full-time campus police officer as described in §18B-4-5 of this code and the active performance of the duties required of that employment; or (3) the period of time during which active duties are not performed but disability benefits are received under this article; or (4) concurrent employment by a municipal police officer or firefighter or a campus police officer in a job or jobs in addition to his or her employment as a municipal police officer or firefighter or a campus police officer in this plan where the secondary employment requires the police officer or firefighter to be a member of another retirement system which is administered by the Consolidated

Public Retirement Board pursuant to this code: *Provided*, That the police officer or firefighter contributes to the fund created in this article the amount specified as the member's contribution in §8-22A-8 of this code.

(l) "Credited service" means the sum of a member's years of service, active military duty, and disability service.

(m) "Dependent child" means: (1) An unmarried person under age 18 who is: (A) A natural child of the member; (B) a legally adopted child of the member; (C) a child who at the time of the member's death was living with the member while the member was an adopting parent during any period of probation; or (D) a stepchild of the member residing in the member's household at the time of the member's death; or (2) Any unmarried child under age 23: (A) Who is enrolled as a full-time student in an accredited college or university; (B) who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death; and (C) whose relationship with the member is described in paragraph (A), (B) or (C), subdivision (1) of this subsection.

(n) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

(o) "Disability service" means service credit received by a member, expressed in whole years, fractions thereof, or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under this article.

(p) "Effective date" means January 1, 2010.

(q) "Employer error" means an omission, misrepresentation or deliberate act in violation of relevant provisions of the West Virginia Code or of the West Virginia Code of State Regulations or the relevant provisions of both the West Virginia Code and of the West Virginia Code of State Regulations by the participating public employer that has resulted in an underpayment or overpayment of contributions required.

(r) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last 10 years of service while employed, prior to any disability payment. If the member did not have annual compensation for the five full plan years preceding the member's attainment of normal retirement age and during that period the member received disability benefits under this article, then "final average salary" means the average of the monthly compensation which the member was receiving in the plan year prior to the initial disability. "Final average salary" does not include any lump sum payment for unused, accrued leave of any kind or character.

(s) "Full-time employment" means permanent employment of an employee by a participating public employer in a position which normally requires 12 months per year service and requires at least 1,040 hours per year service in that position.

(t) "Fund" means the West Virginia Municipal Police Officers and Firefighters Retirement Fund created by this article.

(u) "Hour of service" means: (1) Each hour for which a member is paid or entitled to payment for covered employment during which time active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and (2) each hour for which a member is paid or entitled to payment for covered employment during a plan year but where no duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence, or any combination thereof and without regard to whether the employment relationship has terminated. Hours under this subdivision shall be calculated and credited pursuant to West Virginia Division of Labor rules. A member may not be credited with any hours of service for any period of time he or she is receiving benefits under §8-22A-17 and §8-22A-18 of this code; and (3) each hour for which back pay is either awarded or agreed to be paid by the participating public employer, irrespective of mitigation of damages. The same hours of service may not be credited both under subdivision (1) or (2) of this subsection and under this subdivision. Hours under this paragraph shall be credited to the member for the

plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement or payment is made.

(v) "Medical examination" means an in-person or virtual examination of a member's physical or mental health, or both, by a physician or physicians selected or approved by the board; or, at the discretion of the board, a medical record review of the member's physical or mental health, or both, by a physician selected or approved by the board.

(w) "Member" means, except as provided in §8-22A-32 §8-22A-33, or §8-22A-33a of this code, a person hired as a municipal police officer or municipal firefighter, as defined in this section, by a participating public employer on or after January 1, 2010, or a campus police officer as described in §18B-4-5 of this code who is hired after January 1, 2026, or who was hired before that date but elects to become a member as described in that section. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited.

(x) "Monthly salary" means the W-2 reportable compensation received by a member during the month.

(y) "Municipality" has the meaning ascribed to it in this code.

(z) (1) "Municipal police officer" means an individual employed as a member of a paid police department by a West Virginia municipality or municipal subdivision which has established and maintains a municipal policemen's pension and relief fund, and who is not a member of, and not eligible for membership in, a municipal policemen's pension and relief fund as provided in §8-22-16 of this code: *Provided*, That municipal police officer also means an individual employed as a member of a paid police department by a West Virginia municipality or municipal subdivision which is authorized to elect to participate in the plan pursuant to §8-22A-33 or §8-22A-33a of this code. Paid police department does not mean a department whose employees are paid nominal salaries or wages or are paid only for services actually rendered on an hourly basis.

(2) "Municipal firefighter" means an individual employed as a member of a paid fire department by a West Virginia municipality or municipal subdivision which has established and

maintains a municipal firemen's pension and relief fund, and who is not a member of, and not eligible for membership in, a municipal firemen's pension and relief fund as provided in §8-22-16 of this code: *Provided*, That municipal firefighter also means an individual employed as a member of a paid fire department by a West Virginia municipality or municipal subdivision which is authorized to elect to participate in the plan pursuant to §8-22A-33 or §8-22A-33a of this code. Paid fire department does not mean a department whose employees are paid nominal salaries or wages or are paid only for services actually rendered on an hourly basis.

(aa) "Municipal subdivision" means any separate corporation or instrumentality established by one or more municipalities, as permitted by law; and any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more municipalities.

(bb) "Normal form" means a monthly annuity which is one twelfth of the amount of the member's accrued benefit which is payable for the member's life. If the member dies before the sum of the payments he or she receives equals his or her accumulated contributions on the annuity starting date, the named beneficiary shall receive in one lump sum the difference between the accumulated contributions at the annuity starting date and the total of the retirement income payments made to the member.

(cc) "Normal retirement age" means the first to occur of the following: (1) Attainment of age 50 years and the completion of 20 or more years of regular contributory service; (2) while still in covered employment, attainment of at least age 50 years and when the sum of current age plus regular contributory service equals or exceeds 70 years; (3) while still in covered employment, attainment of at least age 60 years and completion of 10 years of regular contributory service; or (4) attainment of age 62 years and completion of five or more years of regular contributory service.

(dd) "Participating public employer" means a municipality, municipal subdivision participating in the plan or an institution of higher education.

(ee) "Plan" means the West Virginia Municipal Police Officers and Firefighters Retirement System established by this article.

(ff) "Plan year" means the 12-month period commencing on January 1 of any designated year and ending the following December 31.

(gg) "Qualified public safety employee" means any employee of a participating state or political subdivision who provides police protection, firefighting services or emergency medical services for any area within the jurisdiction of the state or political subdivision, or such other meaning given to the term by Section 72(t) (10) (B) of the Internal Revenue Code or by Treasury Regulation §1.401(a)-1(b) (2) (v) as they may be amended from time to time.

(hh) "Regular contributory service" means a member's credited service excluding active military duty, disability service and accrued annual and sick leave service.

(ii) "Regular interest" means the rate or rates of interest per annum, compounded annually, as the board adopts in accordance with the provisions of this article.

(jj) "Required beginning date" means April 1 of the calendar year following the later of: (1) The calendar year in which the member attains (1) the calendar year in which the member attains the applicable age as set forth in this paragraph; or

(2) The calendar year in which he or she retires or otherwise separates from covered employment.

The applicable age is:

(A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

(B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains age 73 before January 1, 2033; or

(C) Seventy-five, if the individual attains age 74 after December 31, 2032; *Provided, That* the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended from time to time.

187 (kk) "Retirant" means any member who commences an annuity payable by the plan.

188 (ll) "Retirement income payments" means the monthly retirement income payments
189 payable.

190 (mm) "Spouse" means the person to whom the member is legally married on the annuity
191 starting date.

192 (nn) "Surviving spouse" means the person to whom the member was legally married at
193 the time of the member's death and who survived the member.

194 (oo) "Totally disabled" means a member's inability to engage in substantial gainful activity
195 by reason of any medically determined physical or mental impairment that can be expected to
196 result in death or that has lasted or can be expected to last for a continuous period of not less
197 than 12 months. For purposes of this subsection: (1) A member is totally disabled only if his or
198 her physical or mental impairment or impairments are so severe that he or she is not only unable
199 to perform his or her previous work as a police officer or firefighter but also cannot, considering
200 his or her age, education and work experience, engage in any other kind of substantial gainful
201 employment which exists in the state regardless of whether: (A) The work exists in the immediate
202 area in which the member lives; (B) a specific job vacancy exists; or (C) the member would be
203 hired if he or she applied for work. For purposes of this article, substantial gainful employment is
204 the same definition as used by the United States Social Security Administration; and (2) "physical
205 or mental impairment" is an impairment that results from an anatomical, physiological or
206 psychological abnormality that is demonstrated by medically accepted clinical and laboratory
207 diagnostic techniques. The board may require submission of a member's annual tax return for
208 purposes of monitoring the earnings limitation.

209 (pp) "Vested" means eligible for retirement income payments after completion of five or
210 more years of regular contributory service.

211 (qq) "Year of service" means a member shall, except in his or her first and last years of
212 covered employment, be credited with years of service credit based on the hours of service

213 performed as covered employment and credited to the member during the plan year based on
214 the following schedule:

215	Hours of Service	Year of Service Credited
216	Less than 500	0
217	500 to 999	1/3
218	1,000 to 1,499	2/3
219	1,500 or more	1

220 During a member's first and last years of covered employment, the member shall be
221 credited with one twelfth of a year of service for each month during the plan year in which the
222 member is credited with an hour of service for which contributions were received by the fund. A
223 member is not entitled to credit for years of service for any time period during which he or she
224 received disability payments under §8-22A-17 and §8-22A-18 of this code.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.

§16-5V-2. Definitions.

1 As used in this article, unless a federal law or regulation or the context clearly requires a
2 different meaning:

3 (a) "Accrued benefit" means on behalf of any member two and six-tenths percent per year
4 of the member's final average salary for the first 20 years of credited service. Additionally, two
5 percent per year for 21 through 25 years and one and one-half percent per year for each year
6 over 25 years will be credited with a maximum benefit of 67 percent. A member's accrued benefit
7 may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the
8 provisions of §16-5V-12 of this code.

9 (1) The board may, upon the recommendation of the board's actuary, increase the
10 employees' contribution rate to 10 and five-tenths percent should the funding of the plan not reach

70 percent funded by July 1, 2012. The board shall decrease the contribution rate to eight and one-half percent once the plan funding reaches the 70 percent support objective as of any later actuarial valuation date.

(2) Upon reaching the 75 percent actuarial funded level, as of an actuarial valuation date, the board shall increase the two and six-tenths percent to two and three-quarter percent for the first 20 years of credited service. The maximum benefit will also be increased from 67 percent to 90 percent.

(3) For 911 personnel or home confinement officers with assets transferred pursuant to §16-5V-6d or §16-5V-6f of this code who did not elect to pay back higher past contributions with interest, "accrued benefit" means, on behalf of the member, two percent per year of the member's final average salary for all credited service that was credited as a result of transferred assets. Additionally, two and three-quarter percent for the first 20 years of new credited service earned from date of membership in this plan will be credited. Additionally, two percent per year for 21 through 25 years of new credited service earned from date of membership in this plan and one and one-half percent per year for each year over 25 years earned from date of membership in this plan will be credited. A maximum benefit of 90 percent of a member's final average salary may be paid. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §16-5V-12 of this code.

(4) For 911 personnel or home confinement officers with assets transferred pursuant to §16-5V-6d or §16-5V-6f of this code who did elect to pay back higher past contributions, with interest, for eligible 911 service credit, "accrued benefit" means on behalf of the member two percent per year of the member's final average salary for all non-911 credited service that was credited as a result of transferred assets. Additionally, two and three-quarter percent for the first 20 years of 911 credited service will be credited. Additionally, two percent per year for 21 through 25 years of 911 credited service and one and one-half percent per year for each year over 25 years of 911 credited service will be credited. A maximum benefit of 90 percent of a member's

final average salary may be paid. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §16-5V-12 of this code.

(b) "Accumulated contributions" means the sum of all retirement contributions deducted from the compensation of a member, or paid on his or her behalf as a result of covered employment, together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time active duty with any branch of the armed forces of the United States, including service with the National Guard or reserve military forces when the member has been called to active full-time duty and has received no compensation during the period of that duty from any board or employer other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed upon the basis of the mortality table and interest rates as set and adopted by the board in accordance with the provisions of this article.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of Section 3401(a) of the Internal Revenue Code, but determined without regard to any rules that limit the remuneration included in wages based upon the nature or location of employment or services performed during the plan year plus amounts excluded under Section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed the maximum compensation allowed as adjusted for cost of living in accordance with §5-10D-7 of this code and Section 401(a)(17) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the month for which an annuity is payable after submission of a retirement application. For purposes of this subsection, if retirement income payments commence after the normal retirement age, "retirement" means the first day of the

month following or coincident with the latter of the last day the member worked in covered employment or the member's normal retirement age and after completing proper written application for retirement on an application supplied by the board.

(h) "Board" means the Consolidated Public Retirement Board.

(i) "Bona fide separation from service upon retirement" means that a retirant has completely terminated any employment relationship with any participating public employer in the system for a period of at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating employer. For purposes of this definition, an employment relationship includes employment in any capacity, whether on a permanent, full-time, part-time, substitute, per diem, temporary, or leased employee basis.

(j) "Contributing service" or "contributory service" means service rendered by a member while employed by a participating public employer for which the member made contributions to the plan. Contributory service that was transferred in full from the Public Employees Retirement System will qualify as contributory service in this plan.

(k) "County commission or political subdivision" has the meaning ascribed to it in this code.

(l) "County firefighter" means an individual employed in full-time employment as a firefighter with a county commission.

(m) "Covered employment" means: (1) Employment as a full-time emergency medical technician, emergency medical technician/paramedic, or emergency medical services/registered nurse, and the active performance of the duties required of emergency medical services officers; or (2) employment as a full-time employee of a county 911 public safety answering point; or (3) employment as a full-time county home confinement officer; or (4) employment as a full-time county firefighter; or (5) the period of time during which active duties are not performed but disability benefits are received under this article; or (6) concurrent employment by an emergency

89 medical services officer, 911 personnel, home confinement officer, or county firefighter in a job or
90 jobs in addition to his or her employment as an emergency medical services officer, 911
91 personnel, home confinement officer, or county firefighter where the secondary employment
92 requires the emergency medical services officer, 911 personnel, home confinement officer, or
93 county firefighter to be a member of another retirement system which is administered by the
94 Consolidated Public Retirement Board pursuant to this code: *Provided*, That the emergency
95 medical services officer, 911 personnel, home confinement officer, or county firefighter
96 contributes to the fund created in this article the amount specified as the member's contribution
97 in §16-5V-8 of this code.

98 (n) "Credited service" means the sum of a member's years of service, active military duty,
99 disability service, service transferred from the Public Employees Retirement System and accrued
100 annual and sick leave service.

101 (o) "Dependent child" means either:

102 (1) An unmarried person under age eighteen who is:

03 (A) A natural child of the member;

104 (B) A legally adopted child of the member;

105 (C) A child who at the time of the member's death was living with the member while the
106 member was an adopting parent during any period of probation; or

107 (D) A stepchild of the member residing in the member's household at the time of the
108 member's death; or

109 (2) Any unmarried child under age 23:

110 (A) Who is enrolled as a full-time student in an accredited college or university;

111 (B) Who was claimed as a dependent by the member for federal income tax purposes at
112 the time of the member's death; and

113 (C) Whose relationship with the member is described in paragraph (A), (B), or (C),
114 subdivision (1) of this subsection.

(p) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

(q) "Disability service" means service received by a member, expressed in whole years, fractions thereof or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under this article.

(r) "Early retirement age" means age 45 or over and completion of 20 years of contributory service.

(s) "Effective date" means January 1, 2008.

(t) "Emergency medical services officer" means an individual employed by the state, county or other political subdivision as a medical professional who is qualified to respond to medical emergencies, aids the sick and injured and arranges or transports to medical facilities, as defined by the West Virginia Office of Emergency Medical Services. This definition is construed to include employed ambulance providers and other services such as law enforcement, rescue, or fire department personnel who primarily perform these functions and are not provided any other credited service benefits or retirement plans. These persons may hold the rank of emergency medical technician/basic, emergency medical technician/paramedic, emergency medical services/registered nurse, or others as defined by the West Virginia Office of Emergency Medical Services and the Consolidated Public Retirement Board.

(u) "Employer error" means an omission, misrepresentation, or deliberate act in violation of relevant provisions of the West Virginia Code, the West Virginia Code of State Rules, or the relevant provisions of both the West Virginia Code and of the West Virginia Code of State Rules by the participating public employer that has resulted in an underpayment or overpayment of contributions required.

(v) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last 10 years of service while employed, prior to any disability payment. If the

member did not have annual compensation for the five full plan years preceding the member's attainment of normal retirement age and during that period the member received disability benefits under this article, then "final average salary" means the average of the monthly salary determined paid to the member during that period as determined under §16-5V-19 of this code multiplied by 12. Final average salary does not include any lump sum payment for unused, accrued leave of any kind or character.

(w) "Full-time employment" means permanent employment of an employee by a participating public employer in a position which normally requires 12 months per year service and requires at least 1,040 hours per year service in that position.

(x) "Fund" means the West Virginia Emergency Medical Services Retirement Fund created by this article.

(y) "Home confinement officer" means an individual employed in full-time employment as a home confinement officer or home incarceration supervisor with a county sheriff's office or by a county commission and who is certified pursuant to the provisions of §30-29-1 *et seq.* of this code.

(z) "Hour of service" means:

(1) Each hour for which a member is paid or entitled to payment for covered employment during which time active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and

(2) Each hour for which a member is paid or entitled to payment for covered employment during a plan year, but where no duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence, or any combination thereof and without regard to whether the employment relationship has terminated. Hours under this subdivision shall be calculated and credited pursuant to West Virginia Division of Labor rules. A member will not be credited with any hours of service for any period of time he or she is receiving benefits under §16-5V-19 or §16-5V-20 of this code; and

(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission or political subdivision, irrespective of mitigation of damages. The same hours of service shall not be credited both under subdivision (1) or subdivision (2) of this subsection and under this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement, or payment is made.

(aa) "Medical examination" means an in-person or virtual examination of a member's physical or mental health, or both, by a physician or physicians selected or approved by the board; or, at the discretion of the board, a medical record review of the member's physical or mental health, or both, by a physician selected or approved by the board.

(bb) "Member" means either: (1) A person first hired as an emergency medical services officer by an employer which is a participating public employer of the Emergency Medical Services Retirement System after the effective date of this article, as defined in subsection (s) of this section; or (2) an emergency medical services officer of an employer which is a participating public employer of the Public Employees Retirement System first hired prior to the effective date and who elects to become a member pursuant to this article; or (3) a person first hired by a county 911 public safety answering center after the participating public employer elects to participate in the Emergency Medical Services Retirement System; or (4) a home confinement officer hired on or after July 1, 2025, employed by a participating public employer and who is not participating in the Deputy Sheriffs Retirement System; or (5) a home confinement officer who elects to participate pursuant to §16-5V-6f of this code and who is employed by a participating public employer; or (6) a county firefighter hired on or after June 10, 2022; or (7) a county firefighter of an employer which is a participating public employer of the Public Employees Retirement System first hired prior to June 10, 2022, and who elects to become a member pursuant to §16-5V-6a of this code; or (8) a person first hired by a county 911 public safety answering center prior to July 1, 2022, and who elects to become a member pursuant to §16-5V-6c of this code. A member

192 shall remain a member until the benefits to which he or she is entitled under this article are paid
193 or forfeited.

194 (cc) "Monthly salary" means the W-2 reportable compensation received by a member
195 during the month.

196 (dd) "Normal form" means a monthly annuity which is one twelfth of the amount of the
197 member's accrued benefit which is payable for the member's life. If the member dies before the
198 sum of the payments he or she receives equals his or her accumulated contributions on the
199 annuity starting date, the named beneficiary shall receive in one lump sum the difference between
200 the accumulated contributions at the annuity starting date and the total of the retirement income
201 payments made to the member.

202 (ee) "Normal retirement age" means the first to occur of the following:

203 (1) Attainment of age 50 years and the completion of 20 or more years of regular
204 contributory service, excluding active military duty, disability service, and accrued annual and sick
205 leave service;

206 (2) While still in covered employment, attainment of at least age 50 years and when the
207 sum of current age plus regular contributory years of service equals or exceeds 70 years;

208 (3) While still in covered employment, attainment of at least age 60 years and completion
209 of 10 years of regular contributory service; or

210 (4) Attainment of age 62 years and completion of five or more years of regular contributory
211 service.

212 (ff) "Participating public employer" means: (1) Any county commission, political
213 subdivision, or county 911 public safety answering point in the state which has elected to cover
214 its emergency medical services officers or 911 personnel, as defined in this article, under the
215 West Virginia Emergency Medical Services Retirement System; or (2) any county sheriff's office
216 or county commission who employs full-time home confinement officers; or (3) any county
217 commission who employs county firefighters or full-time home confinement officers.

218 (gg) "Plan" means the West Virginia Emergency Medical Services Retirement System
219 established by this article.

220 (hh) "Plan year" means the 12-month period commencing on January 1 of any designated
221 year and ending the following December 31.

222 (ii) "Political subdivision" means a county, city, or town in the state; any separate
223 corporation or instrumentality established by one or more counties, cities, or towns, as permitted
224 by law; any corporation or instrumentality supported in most part by counties, cities, or towns; and
225 any public corporation charged by law with the performance of a governmental function and
226 whose jurisdiction is coextensive with one or more counties, cities, or towns: *Provided*, That any
227 public corporation established under §7-15-4 of this code is considered a political subdivision
228 solely for the purposes of this article.

229 (jj) "Public Employees Retirement System" means the West Virginia Public Employees
230 Retirement System created by West Virginia Code.

231 (kk) "Regular interest" means the rate or rates of interest per annum, compounded
232 annually, as the board adopts in accordance with the provisions of this article.

233 (ll) "Required beginning date" means April 1 of the calendar year following the later of: (1)
234 The calendar year in which the member attains the applicable age as set forth in this paragraph;
235 or

236 (2) The calendar year in which he or she retires or otherwise separates from covered
237 employment.

238 The applicable age is:

239 (A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

240 (B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains
241 age 73 before January 1, 2033; or

242 (C) Seventy-five, if the individual attains age 74 after December 31, 2032; provided that
243 the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the

244 Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended
245 from time to time.

246 (mm) "Retirant" means any member who commences an annuity payable by the plan.

247 (nn) "Retire" or "retirement" means a member's withdrawal from the employ of a
248 participating public employer and the commencement of an annuity by the plan.

249 (oo) "Retirement income payments" means the monthly retirement income payments
250 payable under the plan.

251 (pp) "Spouse" means the person to whom the member is legally married on the annuity
252 starting date.

253 (qq) "Surviving spouse" means the person to whom the member was legally married at
254 the time of the member's death and who survived the member.

255 (rr) "Totally disabled" means a member's inability to engage in substantial gainful activity
256 by reason of any medically determined physical or mental impairment that can be expected to
257 result in death or that has lasted or can be expected to last for a continuous period of not less
258 than 12 months.

259 For purposes of this subsection:

260 (1) A member is totally disabled only if his or her physical or mental impairment or
261 impairments is so severe that he or she is not only unable to perform his or her previous work as
262 an emergency medical services officer, 911 personnel, home confinement officer, or county
263 firefighter but also cannot, considering his or her age, education, and work experience, engage
264 in any other kind of substantial gainful employment which exists in the state regardless of whether:
265 (A) The work exists in the immediate area in which the member lives; (B) a specific job vacancy
266 exists; or (C) the member would be hired if he or she applied for work. For purposes of this article,
267 substantial gainful employment is the same definition as used by the United States Social Security
268 Administration.

(2) "Physical or mental impairment" is an impairment that results from an anatomical, physiological, or psychological abnormality that is demonstrated by medically accepted clinical and laboratory diagnostic techniques. The board may require submission of a member's annual tax return for purposes of monitoring the earnings limitation.

(ss) "Year of service" means a member shall, except in his or her first and last years of covered employment, be credited with years of service credit based upon the hours of service performed as covered employment and credited to the member during the plan year based upon the following schedule:

Hours of Service	Years of Service Credited
Less than 500	0
500 to 999	1/3
1000 to 1499	2/3
1500 or more	1

During a member's first and last years of covered employment, the member shall be credited with one twelfth of a year of service for each month during the plan year in which the member is credited with an hour of service for which contributions were received by the fund. A member is not entitled to credit for years of service for any time period during which he or she received disability payments under §16-5V-19 or §16-5V-20 of this code. Except as specifically excluded, years of service include covered employment prior to the effective date.

Years of service which are credited to a member prior to his or her receipt of accumulated contributions upon termination of employment pursuant to §16-5V-18 of this code or §5-10-30 of this code shall be disregarded for all purposes under this plan unless the member repays the accumulated contributions with interest pursuant to section §16-5V-18 of this code or has, prior to the effective date, made the repayment pursuant to §5-10-18 of this code.

(tt) "911 personnel" means an individual employed in full-time employment with a county 911 public safety answering point.

§16-5V-6f. Home confinement officers as members of the system. Transfer of home confinement officers assets from Public Employees Retirement System.

1 (a) Notwithstanding any other provision of this article to the contrary, any home
2 confinement officer hired on or after July 1, 2025, shall be a member of this retirement plan as a
3 condition of employment and upon membership does not qualify for membership in any other
4 retirement system administered by the board, so long as he or she remains employed in covered
5 employment: *Provided*, That any home confinement officer who has concurrent employment in
6 an additional job or jobs which would require the home confinement officer to be a member of any
7 other retirement system administered by the board shall participate in only one retirement system
8 administered by the board and the retirement system applicable to the concurrent employment
9 for which the home confinement officer has the earliest date of hire shall prevail. Notwithstanding
10 any other provision of this article to the contrary, a person employed as a home confinement
11 officer by a participating public employer may be a member of this retirement plan subject to the
12 provisions of this section. Full-time employment as a home confinement officer employed by a
13 sheriff's office or county commission which is a participating public employer satisfies the
14 definition of "covered employment" as defined in this article.

15 (b) Any home confinement officer who elects to become a member of the plan does not
16 qualify for active membership in any other retirement system administered by the board, so long
17 as he or she remains employed in covered employment: *Provided*, That any home confinement
18 officer who has concurrent employment in an additional job or jobs which would require the home
19 confinement officer to be an active member of the West Virginia Deputy Sheriffs Retirement
20 System, the West Virginia Municipal Police Officers and Firefighters Retirement System, or the
21 West Virginia Natural Resources Police Officer Retirement System shall actively participate in
22 only one retirement system administered by the board, and the retirement system applicable to
23 the concurrent employment for which the employee has the earliest date of hire shall prevail. Any
24 home confinement officer shall continue to receive his or her accrued benefit of other retirement

25 systems administered by the board, except in the case of Public Employees Retirement System,
26 when credit and assets are transferred to the Emergency Services Retirement System.

27 (c) Any home confinement officer who was employed as a home confinement officer prior
28 to July 1, 2025, but was not employed on July 1, 2025, shall become a member upon rehire as a
29 home confinement officer. For purposes of this section, the member's years of service and
30 credited service prior to July 1, 2025, may be counted so long as the home confinement officer
31 has not received the return of his or her accumulated contributions in the Public Employees
32 Retirement System pursuant to §5-10-30 of this code. The member may request in writing to have
33 his or her accumulated contributions and employer contributions from covered employment in the
34 Public Employees Retirement System transferred to the plan and will receive two percent of the
35 member's final average salary for each year transferred. If the conditions of this subsection are
36 met, all years of the home confinement officer's covered employment shall be counted as years
37 of service for the purposes of this article.

38 (d) Any home confinement officer employed in covered employment on July 1, 2025, shall
39 elect in writing on a form provided by the board whether or not to transfer into this plan on or
40 before August 29, 2025. Any home confinement officer who has elected to transfer into this plan
41 shall be given credited service at the time of transfer for all credited service then standing to the
42 home confinement officer's service credit in the Public Employees Retirement System regardless
43 of whether the credited service, as defined in §5-10-2 of this code, was earned as a home
44 confinement officer. All credited service standing to the transferring home confinement officer's
45 credit in the Public Employees Retirement System at the time of transfer into this plan shall be
46 transferred into the plan created by this article, and the transferring home confinement officer shall
47 be given the same credit for the purposes of this article for all service transferred from the Public
48 Employees Retirement System as that transferring home confinement officer would have received
49 from the Public Employees Retirement System as if the transfer had not occurred but with accrued
50 benefit multipliers subject to the provisions of §16-5V-12 of this code. In connection with each

51 transferring home confinement officer receiving credit for prior employment as provided in this
52 subsection, a transfer from the Public Employees Retirement System to this plan shall be made
53 pursuant to the procedures described in this article: *Provided*, That any member of this plan who
54 has elected to transfer from the Public Employees Retirement System into this plan pursuant to
55 this section may not, after having transferred into and becoming an active member of this plan,
56 reinstate to his or her credit in this plan any service credit relating to periods in which the member
57 was not in covered employment as a home confinement officer and which service was withdrawn
58 from the Public Employees Retirement System prior to his or her elective transfer into this plan.

59 (e) Once made, the election made under this section is irrevocable. All home confinement
60 officers electing to become members as described in this section, shall be members as a condition
61 of employment and shall make the contributions required by this article.

62 (f) The Consolidated Public Retirement Board shall transfer assets of home confinement
63 officers who wish to participate in the Emergency Medical Services Retirement Act from the Public
64 Employees Retirement System Trust Fund into the West Virginia Emergency Medical Services
65 Trust Fund no later than March 31, 2026.

66 (g) The amount of assets to be transferred for each transferring home confinement officer
67 shall be computed using the July 1, 2025, actuarial valuation of the Public Employees Retirement
68 System, and updated with 7.25 percent annual interest to the date of the actual asset transfer.
69 The market value of the assets of the transferring home confinement officer in the Public
70 Employees Retirement System shall be determined as of the end of the month preceding the
71 actual transfer. To determine the computation of the asset share to be transferred, the board shall:

72 (1) Compute the market value of the Public Employees Retirement System assets as of
73 July 1, 2025, actuarial valuation date under the actuarial valuation approved by the board;

74 (2) Compute the actuarial accrued liabilities for all Public Employees Retirement System
75 retirees, beneficiaries, disabled retirees, and terminated inactive members as of July 1, 2025,
76 actuarial valuation date;

(3) Compute the market value of active member assets in the Public Employees Retirement System as of July 1, 2025, by reducing the assets value under subdivision (1) of this subsection by the inactive liabilities under subdivision (2) of this subsection;

(4) Compute the actuarial accrued liability for all active Public Employees Retirement System members as of July 1, 2025, actuarial valuation date approved by the board;

(5) Compute the funded percentage of the active members' actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2025, by dividing the active members' market value of assets under subdivision (3) of this subsection by the active members' actuarial accrued liabilities under subdivision (4) of this subsection;

(6) Compute the actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2025, for active home confinement officers transferring to the Emergency Medical Services Retirement System;

(7) Determine the assets to be transferred from the Public Employees Retirement System to the Emergency Medical Services Retirement System by multiplying the active members' funded percentage determined under subdivision (5) of this subsection by the transferring active members' actuarial accrued liabilities under the Public Employees Retirement System under subdivision (6) of this subsection and adjusting the asset transfer amount by interest at 7.25 percent for the period from the calculation date of July 1, 2025, through the first day of the month in which the asset transfer is to be completed.

(h) Once a home confinement officer has elected to transfer from the Public Employees Retirement System, transfer of that amount as calculated in accordance with the provisions of subsection (g) of this section by the Public Employees Retirement System shall operate as a complete bar to any further liability to the Public Employees Retirement System and constitutes an agreement whereby the transferring home confinement officer forever indemnifies and holds harmless the Public Employees Retirement System from providing him or her any form of retirement benefit whatsoever until that emergency medical services officer obtains other

employment which would make him or her eligible to reenter the Public Employees Retirement System with no credit whatsoever for the amounts transferred to the Emergency Medical Services Retirement System.

(i) A home confinement officer who timely elected to transfer into this plan may request in writing that the Consolidated Public Retirement Board compute a quote of the amount owed for the member's transferred home confinement officer to be eligible for the 2.75 percent multiplier. The quote shall be provided to the member within 60 days of the board's receipt of the written request and the employer's verification of home confinement officer. Other Public Employees Retirement System employment is eligible for transfer, but only at the 2 percent multiplier. To determine the computation of the quote provided, the board shall:

(1) Compute the contributions made by each home confinement officer for eligible years under Public Employees Retirement System.

(2) Compute the contributions that would have been required under Emergency Medical Services Retirement System for eligible years.

(3) Compute the difference with interest at 7.25 percent that each home confinement officer would have been required to pay had he or she originally participated in Emergency Medical Services Retirement System for eligible years.

(4) Full reinstatement amount must be repaid no later than December 31, 2030, or prior to the member's effective retirement date, whichever occurs first.

(j) Commencement of retirement for transferring home confinement officers may occur on or after April 1, 2026.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal; law enforcement grants; pension plan.

(a) The governing boards may appoint qualified individuals to serve as campus police officers upon any premises owned or leased by the State of West Virginia and under the

jurisdiction of the governing boards, subject to the conditions and restrictions established in this section.

(1) A person who previously was qualified for employment as a law-enforcement officer for an agency or political subdivision of any state is considered qualified for appointment as a campus police officer.

(2) Before performing duties as a campus police officer in any county, a person shall qualify as is required of county police officers by:

(A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and

(B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

(b) A campus police officer may carry a gun and any other dangerous weapon while on duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5 of this code or meets the requirements of subsection (a) of this section.

(c) A campus police officer shall preserve law and order on:

(1) The premises under the jurisdiction of the governing board; and

(2) Any street, road, or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through premises, to which the officer is assigned by the president of the institution.

(A) For the purpose of this subdivision, the campus police officer is a law-enforcement officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

(B) The officer has and may exercise all the powers and authority of a law-enforcement officer as to offenses committed within the area assigned;

(C) The officer is subject to all the requirements and responsibilities of a law-enforcement officer;

(D) Authority assigned pursuant to this subdivision does not supersede in any way the authority or duty of other law-enforcement officers to preserve law and order on these premises;

(E) Campus police officers may assist a local law-enforcement agency on public highways.

The assistance may be provided to control traffic in and around premises owned by the state when:

(i) Traffic is generated as a result of athletic or other activities conducted or sponsored by the institution; and

(ii) The assistance has been requested by the local law-enforcement agency; and

(F) Campus police officers may assist a local law-enforcement agency in any location under the agency's jurisdiction at the request of the agency.

(d) The salary of a campus police officer is paid by the employing governing board. A state institution may furnish each campus police officer with a firearm and an official uniform to be worn while on duty. The institution shall furnish and require each officer while on duty to wear a shield with an appropriate inscription and to carry credentials certifying the person's identity and authority as a campus police officer.

(e) A governing board may at its pleasure revoke the authority of any campus police officer and such officers serve at the will and pleasure of the governing board. The president of the state institution shall report the termination of employment of a campus police officer by filing a notice to that effect in the office of the clerk of each county in which the campus police officer's oath of office was filed.

(f) Notwithstanding any other provisions of this code to the contrary, and for purposes of enhancing the ability of campus police officers to perform their duties, a governing board may apply for and receive any public or private grant or other financial award that is available to other law-enforcement agencies in the state.

(g) Current campus police officers may choose to participate in the Deputy Sheriffs Retirement System, to be administered by the Consolidated Public Retirement Board. Should the

current campus police officer choose to participate in the Deputy Sheriffs Retirement System, no service credit or dollars accrued may be moved to that system.

(h) Effective January 1, 2026, all newly hired campus police officers shall participate in the Deputy Sheriffs Retirement System.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal; law enforcement grants; pension plan.

(a) The governing boards may appoint qualified individuals to serve as campus police officers upon any premises owned or leased by the State of West Virginia and under the jurisdiction of the governing boards, subject to the conditions and restrictions established in this section.

(1) A person who previously was qualified for employment as a law-enforcement officer for an agency or political subdivision of any state is considered qualified for appointment as a campus police officer.

(2) Before performing duties as a campus police officer in any county, a person shall qualify as is required of county police officers by:

(A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and

(B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

(b) A campus police officer may carry a gun and any other dangerous weapon while on duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5 of this code or meets the requirements of subsection (a) of this section.

(c) A campus police officer shall preserve law and order on:

(1) The premises under the jurisdiction of the governing board; and

(2) Any street, road, or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through premises, to which the officer is assigned by the president of the institution.

(A) For the purpose of this subdivision, the campus police officer is a law-enforcement officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

(B) The officer has and may exercise all the powers and authority of a law-enforcement officer as to offenses committed within the area assigned;

(C) The officer is subject to all the requirements and responsibilities of a law-enforcement officer;

(D) Authority assigned pursuant to this subdivision does not supersede in any way the authority or duty of other law-enforcement officers to preserve law and order on these premises;

(E) Campus police officers may assist a local law-enforcement agency on public highways. The assistance may be provided to control traffic in and around premises owned by the state when:

(i) Traffic is generated as a result of athletic or other activities conducted or sponsored by the institution; and

(ii) The assistance has been requested by the local law-enforcement agency; and

(F) Campus police officers may assist a local law-enforcement agency in any location under the agency's jurisdiction at the request of the agency.

(d) The salary of a campus police officer is paid by the employing governing board. A state institution may furnish each campus police officer with a firearm and an official uniform to be worn while on duty. The institution shall furnish and require each officer while on duty to wear a shield with an appropriate inscription and to carry credentials certifying the person's identity and authority as a campus police officer.

41 (e) A governing board may at its pleasure revoke the authority of any campus police officer
42 and such officers serve at the will and pleasure of the governing board. The president of the state
43 institution shall report the termination of employment of a campus police officer by filing a notice
44 to that effect in the office of the clerk of each county in which the campus police officer's oath of
45 office was filed.

46 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of
47 enhancing the ability of campus police officers to perform their duties, a governing board may
48 apply for and receive any public or private grant or other financial award that is available to other
49 law-enforcement agencies in the state.

50 (g) Campus police officers hired before January 1, 2026, may elect to participate in the
51 Municipal Police and Firefighters Retirement System administered by the West Virginia
52 Consolidated Public Retirement Board: *Provided*, That no campus police officer participating in
53 the Municipal Police and Firefighters Retirement System may move any service credit or dollars
54 previously accrued from any other retirement plan into the Municipal Police and Firefighters
55 Retirement System: *Provided, however*, That no campus police officer participating in the
56 Municipal Police and Firefighter Retirement System may participate in any other retirement
57 system or plan offered by the campus police officer's employer: *Provided further*, That campus
58 police officers hired before January 1, 2026, must inform the West Virginia Consolidated Public
59 Retirement Board in writing of their choice to become a member of the Municipal Police and
60 Firefighters Retirement System to begin membership: *And provided further*, That any campus
61 police officer hired before January 1, 2026, who does not choose to become a member of the
62 Municipal Police and Firefighter Retirement System must inform the West Virginia Consolidated
63 Public Retirement Board in writing of their decision not to participate on or before December 31,
64 2025, and may not choose to participate in the Municipal Police and Firefighter Retirement
65 System after that date.

66 (h) All campus police officers hired on or after January 1, 2026, shall participate in the
67 Municipal Police and Firefighters Retirement System.

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-5. Supplemental and additional retirement plans for employees; payroll deductions; authority to match employee contributions; retroactive curative and technical corrective action.

1 (a) Any reference in this code to the "additional retirement plan" relating to state higher
2 education employees, means the "Higher Education Retirement Plan" provided in this section.
3 Any state higher education employee participating in a retirement plan upon the effective date of
4 this section continues to participate in that plan and may not elect to participate in any other state
5 retirement plan. Any retirement plan continues to be governed by the provisions of law applicable
6 on the effective date of this section.

7 (b) The commission, on behalf of the council, governing boards and itself, shall contract
8 for a retirement plan for their employees, to be known as the Higher Education Retirement Plan.
9 The commission, council and governing boards shall make periodic deductions from the salary
10 payments due employees in the amount they are required to contribute to the Higher Education
11 Retirement Plan, which deductions shall be six percent.

12 (c) The commission, council and governing boards may contract for supplemental
13 retirement plans for any or all of their employees to supplement the benefits employees otherwise
14 receive. The commission, council and governing boards may make additional periodic deductions
15 from the salary payments due the employees in the amount they are required to contribute for the
16 supplemental retirement plan.

17 (d) An organization, by way of additional compensation to their employees, shall pay an
18 amount, which, at a minimum, equals the contributions of the employees into the Higher

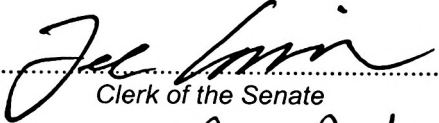
19 Education Retirement Plan from funds appropriated to the commission, council, or governing
20 board for personal services.

21 (e) As part of an overall compensation plan, the commission, council or a governing board,
22 each at its sole discretion, may increase its contributions to any employee retirement plan to an
23 amount that exceeds the contributions of employees.

24 (f) Each participating employee has a full and immediate vested interest in the retirement
25 and death benefits accrued from all the moneys paid into the Higher Education Retirement Plan
26 or a supplemental retirement plan for his or her benefit. Upon proper requisition of a governing
27 board, the commission, or council, the Auditor periodically shall issue a warrant, payable as
28 specified in the requisition, for the total contributions so withheld from the salaries of all
29 participating employees and for the matching funds of the commission, council or governing
30 board.

31 (g) Any person whose employment commences on or after July 1, 1991, and who is
32 eligible to participate in the Higher Education Retirement Plan, shall participate in that plan and is
33 not eligible to participate in any other state retirement system: *Provided*, That the foregoing
34 provision does not apply to a person designated as a 21st Century Learner Fellow pursuant to
35 §18A-3-11 of this code: *Provided, however*, That the foregoing provision does not apply to
36 campus police officers in this state pursuant to §18B-4-5. The additional retirement plan
37 contracted for by the governing boards prior to July 1, 1991, remains in effect unless changed by
38 the commission. Nothing in this section considers employees of the council or governing boards
39 as employees of the commission, nor is the commission responsible or liable for retirement
40 benefits contracted by, or on behalf of, the council or governing boards.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

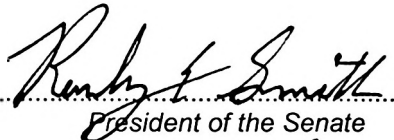

Clerk of the Senate

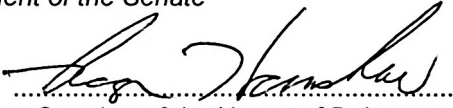

Clerk of the House of Delegates

FILED
2025 APR 24 P 4:33
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 24th
Day of April, 2025.


Governor

PRESENTED TO THE GOVERNOR

APR 21 2025

Time 2:35pm