

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 2900

By Delegate Hanshaw (Mr. Speaker), Hott, Phillips,

Heckert, Riley, Rohrbach and Pinson

[Originating in the Committee on Finance; February

15, 2023]

1 A BILL to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended,
2 relating to the Deputy Sheriff Retirement System; allowing certain retired members to be
3 re-employed without the suspension of annuity benefits; and setting forth conditions for the
4 re-employment of retired members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-24a. Return to covered employment by retired member.

1 (a) The annuity of any member who retires under the provisions of this article and who
2 resumes service in covered employment shall be suspended while the member continues in
3 covered employment. The monthly annuity payment for the month in which the service resumes
4 shall be prorated to the date of commencement of service, and the member shall again become a
5 contributing member during resumption of service. At the conclusion of resumed service in
6 covered employment the member shall have his or her annuity recalculated to take into account
7 the entirety of service in covered employment.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the annuity of a
9 member who retires under the provisions of this article shall not be suspended if the member
10 resumes covered employment and the following conditions are met:

11 (1) The member has been retired for at least 60 days;

12 (2) The retired member did not retire as a result of a disability pursuant to the provisions of
13 §7-14D-14 of this code;

14 (3) The retired member is a certified, or certifiable, law-enforcement officer as provided in
15 §30-29-5 of this code;

16 (4) The sheriff of the county seeking to re-employ the retired member has fewer than five
17 deputies in his or her employ and has been unable to recruit additional qualified deputy sheriffs
18 despite the exercise of due diligence;

19 (5) The re-employment of the retired member is for a period not to exceed ten years or until
20 such time as the sheriff may recruit additional deputy sheriffs to provide for full staffing of the
21 department, whichever is sooner; and the sheriff is required to post the vacancy until it is filled by a
22 non-retirant; and

23 (6) The retired member may not again become a contributing member of the Deputy Sheriff
24 Retirement System while performing services under the provisions of this subsection.

25 (c) Any retired member who is seeking re-employment pursuant to the provisions of this
26 section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.