

1 **H. B. 2984**

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3 (By Delegates Caputo, Fragale, White, Morgan,  
4 M. Poling, Miley, Manchin and Boggs)

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6 [Introduced February 2, 2011; referred to the  
7 Committee on Pensions and Retirement then Finance.]

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10 A BILL to amend and reenact §5-10-18 of the Code of West Virginia,  
11 1931, as amended, relating to the West Virginia Public  
12 Employees Retirement Act; and changing the effective dates for  
13 repurchase and reentry.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §5-10-18 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.**

18 **§5-10-18. Termination of membership; reentry.**

19 (a) When a member of the retirement system retires or dies, he  
20 or she ceases to be a member. When a member leaves the employ of  
21 a participating public employer for any other reason, he or she  
22 ceases to be a member and forfeits service credited to him or her  
23 at that time. If ~~he or she~~ that person becomes reemployed by a  
24 participating public employer he or she shall be reinstated as a  
25 member of the retirement system ~~and his or her~~ the credited service

1 last forfeited by ~~him or her~~ that person shall be restored to his  
2 or her credit: *Provided*, That ~~he or she~~ this person must be  
3 reemployed for a period of one year or longer to have the service  
4 restored: *Provided, however*, That ~~he or she~~ this person returns to  
5 the members' deposit fund the amount, if any, ~~he or she~~ this person  
6 withdrew from the fund, together with regular interest on the  
7 withdrawn amount from the date of withdrawal to the date of  
8 repayment, and that the repayment begins within two years of the  
9 return to employment and that the full amount is repaid within five  
10 years of the return to employment.

11 (b) The Presteria Center for Mental Health Services, Valley  
12 Comprehensive Mental Health Center, Westbrook Health Services and  
13 Eastern Panhandle Mental Health Center, and their successors in  
14 interest, shall provide for their employees a pension plan in lieu  
15 of the Public Employees Retirement System during the existence of  
16 the named mental health centers and their successors in interest.

17 (c) The administrative bodies of the Presteria Center for  
18 Mental Health Services, Valley Comprehensive Mental Health Center,  
19 Westbrook Health Services and Eastern Panhandle Mental Health  
20 Center shall, on or before May 1, 1997, give written notice to each  
21 employee who is a member of the Public Employees Retirement System  
22 of the option to withdraw from or remain in the system. The notice  
23 shall include a copy of this section and a statement explaining the  
24 member's options regarding membership. The notice shall include a

1 statement in plain language giving a full explanation and actuarial  
2 projection figures in support of the explanation regarding the  
3 individual member's current account balance, vested and nonvested,  
4 and ~~his or her~~ the individual member's projected return upon  
5 remaining in the Public Employees Retirement System until  
6 retirement, disability or death, in comparison with the projected  
7 return upon withdrawing from the Public Employees Retirement System  
8 and joining a private pension plan provided by the Community Mental  
9 Health Center and remaining therein until retirement, disability or  
10 death. The administrative bodies shall keep in their respective  
11 records a permanent record of each employee's signature confirming  
12 receipt of the notice.

13 (d) Effective March 1, ~~2003~~ 2011, and ending December 31, ~~2004~~  
14 2012, any member may purchase credited service previously forfeited  
15 by him or her and the credited service shall be restored to ~~his or~~  
16 ~~her~~ the member's credit: *Provided*, That ~~he or she~~ the member  
17 returns to the members' deposit fund the amount, if any, ~~he or she~~  
18 the member withdrew from the fund, together with interest on the  
19 withdrawn amount from the date of withdrawal to the date of  
20 repayment at a rate to be determined by the board. The repayment  
21 under this section may be made by lump sum or repaid over a period  
22 of time not to exceed sixty months. Where the member elects to  
23 repay the required amount other than by lump sum, the member is  
24 required to pay interest at the rate determined by the board until

1 all sums are fully repaid.

2       (e) Effective July 1, 2005, and ending December 31, 2006, any  
3 emergency services personnel may purchase service credit for the  
4 time period beginning January 1, 1990, and ending December 31,  
5 1995: *Provided*, That person was employed as an emergency service  
6 person in this state for that time period: *Provided, however*, That  
7 any person obtaining service credit under this subsection is  
8 required to pay the employee's share and the employer's share upon  
9 his or her actual salary for the years in question plus interest at  
10 the assumed actuarial rate of return for the plan year being  
11 repurchased.

12       (f) Jobs for West Virginia's Graduates and their successors in  
13 interest shall provide a pension plan in lieu of the Public  
14 Employees Retirement System for employees hired on or after July 1,  
15 2005.

16       (g) Wetzel County Hospital and their successors in interest  
17 shall provide a pension plan in lieu of the Public Employees  
18 Retirement System for employees hired on or after July 1, 2005.

NOTE: The purpose of this bill is to change the effective dates a member may purchase credited service previously forfeited by him or her and have the credited service restored to his or her credit.

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