

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 563

By Senator Tarr

[Introduced February 21, 2025; referred
to the Committee on Pensions]

1 A BILL to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating
2 to the State Teachers Retirement System; providing that members of the State Teachers
3 Retirement System shall be considered absent from service as a teacher or non-teacher
4 while serving as an officer with a statewide professional teaching association, or who have
5 served in that capacity; and providing that retirants, who served in that capacity while
6 members, shall be considered to have been absent from service as a teacher by reason of
7 that service.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-17. Statement and computation of teachers' service.

1 (a) Under rules adopted by the retirement board, each teacher and nonteaching member
2 shall file a detailed statement of his or her length of service as a teacher or nonteacher for which he
3 or she claims credit. The retirement board shall determine what part of a year is the equivalent of a
4 year of service. In computing the service, however, it shall credit no period of more than a month's
5 duration during which a member was absent without pay, nor shall it credit for more than one year
6 of service performed in any calendar year.

7 (b) For service as a teacher in the employment of the federal government, or a state or
8 territory of the United States, or a governmental subdivision of that state or territory, the retirement
9 board shall grant credit to the member: *Provided*, That the member shall pay to the system 12
10 percent of that member's gross salary earned during the first full year of current employment
11 whether a member of the Teachers Retirement System or the Teachers' Defined Contribution
12 Retirement System, times the number of years for which credit is granted, plus interest at a rate to
13 be determined by the retirement board. The interest shall be deposited in the reserve fund and
14 service credit granted at the time of retirement may not exceed the lesser of 10 years or 50 percent
15 of the member's total service as a teacher in West Virginia. Any purchase of out-of-state service,
16 as provided in this article, may not be used to establish eligibility for a retirement allowance and the

17 retirement board shall grant credit for the purchased service as additional service only: *Provided*,
18 *however*, That a purchase of out-of-state service is prohibited if the service is used to obtain a
19 retirement benefit from another retirement system: *Provided further*, That salaries paid to
20 members for service prior to entrance into the retirement system may not be used to compute the
21 average final salary of the member under the retirement system.

22 (c) No members may be considered absent from service while serving as a member or
23 employee of the Legislature of the State of West Virginia during any duly constituted session of
24 that body or while serving as an elected member of a county commission during any duly
25 constituted session of that body.

26 (d) No member may be considered absent from service as a teacher or nonteacher while
27 serving as an officer with a statewide professional teaching association, or who has served in that
28 capacity, and no retirant, who served in that capacity while a member, may be considered to have
29 been absent from service as a teacher by reason of that service: *Provided*, That the period of
30 service credit granted for that service may not exceed 10 years: *Provided, however*, That a
31 member or retirant who is serving or has served as an officer of a statewide professional teaching
32 association shall make deposits to the Teachers Retirement System, for the time of any absence,
33 in an amount double the amount which he or she would have contributed in his or her regular
34 assignment for a like period of time: *Provided further*, That this subsection shall only apply to any
35 member serving as an officer with a statewide professional teaching association who was an
36 officer on or before January 1, 2024 .

37 (e) The Teachers Retirement System shall grant service credit to any former or present
38 member of the West Virginia Public Employees Retirement System who has been a contributing
39 member of the Teachers Retirement System for more than three years, for service previously
40 credited by the Public Employees Retirement System upon his or her written request and: (1) Shall
41 require the transfer of the member's Public Employees Retirement System accumulated
42 contributions to the Teachers Retirement System; or (2) shall require a repayment of the amount

43 withdrawn from the Public Employees Retirement System, plus interest at a rate to be determined
44 by the retirement board, compounded annually from the date of withdrawal to the date of payment,
45 any time prior to the member's effective retirement date: *Provided*, That there shall be added by
46 the member to the amounts transferred or repaid under this subsection an amount which shall be
47 sufficient to equal the contributions he or she would have made had the member been under the
48 Teachers Retirement System during the period of his or her membership in the Public Employees
49 Retirement System, plus interest at a rate determined by the retirement board, compounded
50 annually from the date the additional contribution would have been made had the member been
51 under the Teachers Retirement System to the date of payment: *Provided, however*, That members
52 of the Public Employees Retirement System who first became a member of the Public Employees
53 Retirement System on or after July 1, 2023, may only transfer service credit to the Teachers
54 Retirement System if they first became a member of the Teachers Retirement System on or after
55 July 1, 2015. All interest paid or transferred shall be deposited in the reserve fund.

56 (f) For service as a teacher in an elementary or secondary parochial school, located within
57 this state and fully accredited by the West Virginia Department of Education, the retirement board
58 shall grant credit to the member: *Provided*, That the member shall pay to the system 12 percent of
59 that member's gross salary earned during the first full year of current employment whether a
60 member of the Teachers Retirement System or the Teachers' Defined Contribution Retirement
61 System, times the number of years for which credit is granted, plus interest at a rate to be
62 determined by the retirement board. The interest shall be deposited in the reserve fund and
63 service granted at the time of retirement may not exceed the lesser of 10 years or 50 percent of the
64 member's total service as a teacher in the West Virginia public school system. Any purchase of
65 parochial school service, as provided in this section, may not be used to establish eligibility for a
66 retirement allowance and retirement board shall grant credit for the purchase as additional service
67 only: *Provided, however*, That a purchase of parochial school service is prohibited if the service is
68 used to obtain a retirement benefit from another retirement system.

69 (g) Active members who previously worked in Comprehensive Employment and Training
70 Act (CETA) may receive service credit for time served in that capacity: *Provided*, That in order to
71 receive service credit under the provisions of this subsection the following conditions shall be met:
72 (1) The member shall have moved from temporary employment with the participating employer to
73 permanent full-time employment with the participating employer within 120 days following the
74 termination of the member's CETA employment; (2) the retirement board shall receive evidence
75 that establishes to a reasonable degree of certainty as determined by the retirement board that the
76 member previously worked in CETA; and (3) the member shall pay to the retirement board an
77 amount equal to the employer and employee contribution plus interest at the amount set by the
78 retirement board for the amount of service credit sought pursuant to this subsection: *Provided*,
79 *however*, That the maximum service credit that may be obtained under the provisions of this
80 subsection is two years: *Provided further*, That a member shall apply and pay for the service credit
81 allowed under this subsection and provide all necessary documentation by March 31, 2003: *And*
82 *provided further*, That the retirement board shall exercise due diligence to notify affected
83 employees of the provisions of this subsection.

84 (h) If a member is not eligible for prior service credit or pension as provided in this article,
85 then his or her prior service may not be considered a part of his or her total service.

86 (i) A member who withdrew from membership may regain his or her former membership
87 rights as specified in §18-7A-13 of this code only in case he or she has served two years since his
88 or her last withdrawal.

89 (j) Subject to the provisions of subsections (a) through (k), inclusive, of this section, the
90 retirement board shall verify as soon as practicable the statements of service submitted. The
91 retirement board shall issue prior service certificates to all persons eligible for the certificates
92 under the provisions of this article. The certificates shall state the length of the prior service credit,
93 but in no case shall the prior service credit exceed 40 years.

94 (k) Notwithstanding any provision of this article to the contrary, when a member is or has

95 been elected to serve as a member of the Legislature, and the proper discharge of his or her duties
96 of public office require that member to be absent from his or her teaching or administrative duties,
97 the time served in discharge of his or her duties of the legislative office are credited as time served
98 for purposes of computing service credit: *Provided*, That the retirement board may not require any
99 additional contributions from that member in order for the retirement board to credit him or her with
100 the contributing service credit earned while discharging official legislative duties: *Provided*,
101 *however*, That nothing in this section may be construed to relieve the employer from making the
102 employer contribution at the member's regular salary rate or rate of pay from that employer on the
103 contributing service credit earned while the member is discharging his or her official legislative
104 duties. These employer payments shall commence as of June 1, 2000: *Provided further*, That any
105 member to which the provisions of this subsection apply may elect to pay to the retirement board
106 an amount equal to what his or her contribution would have been for those periods of time he or
107 she was serving in the Legislature. The periods of time upon which the member paid his or her
108 contribution shall then be included for purposes of determining his or her final average salary as
109 well as for determining years of service: *And provided further*, That a member using the provisions
110 of this subsection is not required to pay interest on any contributions he or she may decide to
111 make.

112 (l) The Teachers Retirement System shall grant service credit to any former member of the
113 State Police Death, Disability and Retirement System who has been a contributing member for
114 more than three years for service previously credited by the State Police Death, Disability and
115 Retirement System; and: (1) Shall require the transfer of the member's contributions to the
116 Teachers Retirement System; or (2) shall require a repayment of the amount withdrawn any time
117 prior to the member's retirement: *Provided*, That the member shall add to the amounts transferred
118 or repaid under this paragraph an amount which is sufficient to equal the contributions he or she
119 would have made had the member been under the Teachers Retirement System during the period
120 of his or her membership in the State Police Death, Disability and Retirement System plus interest

121 at a rate to be determined by the retirement board compounded annually from the date of
122 withdrawal to the date of payment. The interest paid shall be deposited in the reserve fund.

NOTE: The purpose of this bill is to provide that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

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