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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4536

(By Delegates Stemple, Varner, Swartzmiller,
Staton, Kominar, Michael and Amores)

Passed March 13, 2004

In Effect Ninety Days from Passage

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H. B. 4536

(BY DELEGATES STEMPLE, VARNER, SWARTZMILLER,
STATON, KOMINAR, MICHAEL AND AMORES)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-10A-1, §15-10A-2, §15-10A-3, §15-10A-4, §15-10A-5 and §15-10A-6, all relating to establishing the law-enforcement re-employment act; legislative findings; authorizing the re-employment of retired county and municipality law-enforcement officers, and division of natural resource law-enforcement officers; examination requirements; coverage for illness or injury; ineligibility for contributions to pensions; and employment status, civil service and retirement benefits.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §15-10A-1, §15-10A-2,

6 this article must be certified pursuant to article twenty-nine,
7 chapter thirty.

8 (b) Any person re-employed pursuant to the provisions of
9 this article shall:

10 (1) Receive the same compensation as a regularly enlisted
11 officer of the same rank;

12 (2) Receive credit for all years of service accrued prior to
13 their retirement, as well as service rendered after the date of
14 their re-employment;

15 (3) Exercise the same authority as a regularly enlisted
16 officer of the law-enforcement agency;

17 (4) Wear the same uniform and insignia;

18 (5) Be subject to the same oath;

19 (6) Execute the same bond; and

20 (7) Exercise the same powers and be subject to the same
21 limitations as a regularly enlisted officer of the law-enforce-
22 ment agency.

23 (c) A person re-employed pursuant to the provisions of this
24 article is ineligible for promotion or reclassification of any type
25 nor eligible for appointment to a temporary rank.

26 (d) A person re-employed pursuant to the provisions of this
27 article may be employed for a period not to exceed two years
28 from the date on which he or she is hired.

29 (e) As used in this article:

30 (1) "Law-enforcement officer" or "officer" means: (A) Any
31 sheriff and any deputy sheriff of any county; (B) any member

6 this article must be certified pursuant to article twenty-nine,
7 chapter thirty.

8 (b) Any person re-employed pursuant to the provisions of
9 this article shall:

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11 officer of the same rank;

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15 (3) Exercise the same authority as a regularly enlisted
16 officer of the law-enforcement agency;

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21 limitations as a regularly enlisted officer of the law-enforce-
22 ment agency.

23 (c) A person re-employed pursuant to the provisions of this
24 article is ineligible for promotion or reclassification of any type
25 nor eligible for appointment to a temporary rank.

26 (d) A person re-employed pursuant to the provisions of this
27 article may be employed for a period not to exceed two years
28 from the date on which he or she is hired.

29 (e) As used in this article:

30 (1) "Law-enforcement officer" or "officer" means: (A) Any
31 sheriff and any deputy sheriff of any county; (B) any member

32 of a police department in any municipality as defined in section
33 two, article one, chapter eight of this code; and (C) any conser-
34 vation officer of the division of natural resources; and

35 (2) "Head of a law-enforcement agency" means the chief of
36 police of an incorporated municipality; a county sheriff, or the
37 chief conservation officer of the division of natural resources.

§15-10A-3. Examination requirements.

1 A retired law-enforcement officer applying for re-employ-
2 ment under this article is required to pass mental and physical
3 examinations as required, and meet such other requirements, as
4 may be provided in rules promulgated by the head of the
5 applicable law-enforcement agency.

§15-10A-4. Coverage for illness or injury.

1 (a) Notwithstanding any provision of this code to the
2 contrary, the head of the law-enforcement agency shall make
3 provisions for coverage of personnel employed pursuant to this
4 article by the workers' compensation division and bureau of
5 employment programs. In the event an individual re-employed
6 pursuant to this article sustains an illness or injury which is
7 work related in origin, any cost associated with the treatment
8 must be defrayed in this manner.

9 (b) In the event a work-related illness or injury renders an
10 individual employed pursuant to the provisions of this article
11 permanently physically or mentally disabled, the applicable
12 law-enforcement agencies' disability coverage through the
13 workers' compensation division shall apply, and the individ-
14 ual's existing pension shall be recalculated as though the
15 disabling event had occurred coincident with the individual's
16 original retirement. Any change in benefits resulting from this
17 recalculation may not be retroactive in nature.

18 (c) The provisions of this section do not apply in the event
19 a person employed pursuant to this article is disabled because
20 of some cause or event which is determined not to be work
21 related.

§15-10A-5. Ineligibility for contributions to pensions.

1 Any person re-employed pursuant to this article is not
2 eligible to contribute to any pension plan administered by the
3 consolidated public retirement board, nor may he or she
4 establish or accrue any new pension eligibility as a result of
5 such re-employment.

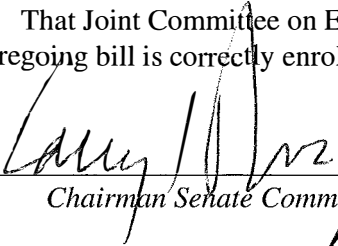
§15-10A-6. Employment status; civil service; and retirement benefits.

1 (a) Notwithstanding any provision of this code to the
2 contrary, any person re-employed pursuant to this article shall
3 serve at the will and pleasure of the head of the law-enforce-
4 ment agency, and is subject to termination without cause.

5 (b) Any person re-employed pursuant to this article may not
6 be included in the classified service of the civil service system.

7 (c) Notwithstanding any provision of this code to the
8 contrary, compensation paid to any person re-employed
9 pursuant to this article shall be in addition to any public
10 employees insurance act retirement benefits, or any other
11 retirement payments or pension benefits which he or she is
12 already entitled to receive or is receiving.

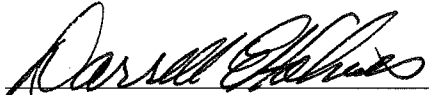
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

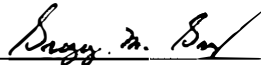

Chairman Senate Committee

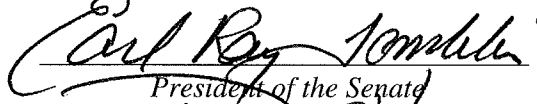

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

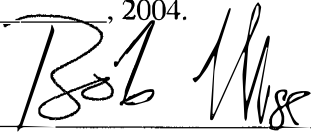

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.


Governor

PRESENTED TO

GOVERNMENT

DATE 3/31/64

TIME 10:30am