

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)]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 (u) "Hour of service" means: (1) Each hour for which a member is paid or entitled to
98 payment for covered employment during which time active duties are performed. These hours
99 shall be credited to the member for the plan year in which the duties are performed; and (2) each
100 hour for which a member is paid or entitled to payment for covered employment during a plan
101 year but where no duties are performed due to vacation, holiday, illness, incapacity including
102 disability, layoff, jury duty, military duty, leave of absence, or any combination thereof and without
103 regard to whether the employment relationship has terminated. Hours under this subdivision shall
104 be calculated and credited pursuant to West Virginia Division of Labor rules. A member may not
105 be credited with any hours of service for any period of time he or she is receiving benefits under
106 §8-22A-17 and §8-22A-18 of this code; and (3) each hour for which back pay is either awarded
107 or agreed to be paid by the participating public employer, irrespective of mitigation of damages.
108 The same hours of service may not be credited both under subdivision (1) or (2) of this subsection
109 and under this subdivision. Hours under this paragraph shall be credited to the member for the

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

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

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

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

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

125 (z) (1) "Municipal police officer" means an individual employed as a member of a paid
126 police department by a West Virginia municipality or municipal subdivision which has established
127 and maintains a municipal policemen's pension and relief fund, and who is not a member of, and
128 not eligible for membership in, a municipal policemen's pension and relief fund as provided in §8-
129 22-16 of this code: *Provided*, That municipal police officer also means an individual employed as
130 a member of a paid police department by a West Virginia municipality or municipal subdivision
131 which is authorized to elect to participate in the plan pursuant to §8-22A-33 or §8-22A-33a of this
132 code. Paid police department does not mean a department whose employees are paid nominal
133 salaries or wages or are paid only for services actually rendered on an hourly basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

179 The applicable age is:

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

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

183 (C) Seventy-five, if the individual attains age 74 after December 31, 2032; *Provided*, That
184 the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the
185 Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended
186 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

11 70 percent funded by July 1, 2012. The board shall decrease the contribution rate to eight and
12 one-half percent once the plan funding reaches the 70 percent support objective as of any later
13 actuarial valuation date.

14 (2) Upon reaching the 75 percent actuarial funded level, as of an actuarial valuation date,
15 the board shall increase the two and six-tenths percent to two and three-quarter percent for the
16 first 20 years of credited service. The maximum benefit will also be increased from 67 percent to
17 90 percent.

18 (3) For 911 personnel or home confinement officers with assets transferred pursuant to
19 §16-5V-6d or §16-5V-6f of this code who did not elect to pay back higher past contributions with
20 interest, "accrued benefit" means, on behalf of the member, two percent per year of the member's
21 final average salary for all credited service that was credited as a result of transferred assets.
22 Additionally, two and three-quarter percent for the first 20 years of new credited service earned
23 from date of membership in this plan will be credited. Additionally, two percent per year for 21
24 through 25 years of new credited service earned from date of membership in this plan and one
25 and one-half percent per year for each year over 25 years earned from date of membership in
26 this plan will be credited. A maximum benefit of 90 percent of a member's final average salary
27 may be paid. A member's accrued benefit may not exceed the limits of Section 415 of the Internal
28 Revenue Code and is subject to the provisions of §16-5V-12 of this code.

29 (4) For 911 personnel or home confinement officers with assets transferred pursuant to
30 §16-5V-6d or §16-5V-6f of this code who did elect to pay back higher past contributions, with
31 interest, for eligible 911 service credit, "accrued benefit" means on behalf of the member two
32 percent per year of the member's final average salary for all non-911 credited service that was
33 credited as a result of transferred assets. Additionally, two and three-quarter percent for the first
34 20 years of 911 credited service will be credited. Additionally, two percent per year for 21 through
35 25 years of 911 credited service and one and one-half percent per year for each year over 25
36 years of 911 credited service will be credited. A maximum benefit of 90 percent of a member's

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

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

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

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

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

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

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

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

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

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

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

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

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

82 (m) "Covered employment" means: (1) Employment as a full-time emergency medical
83 technician, emergency medical technician/paramedic, or emergency medical services/registered
84 nurse, and the active performance of the duties required of emergency medical services officers;
85 or (2) employment as a full-time employee of a county 911 public safety answering point; or (3)
86 employment as a full-time county home confinement officer; or (4) employment as a full-time
87 county firefighter; or (5) the period of time during which active duties are not performed but
88 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:

103 (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.

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

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

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

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

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

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

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

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

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

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

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

155 (z) "Hour of service" means:

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

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

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

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

176 (bb) "Member" means either: (1) A person first hired as an emergency medical services
177 officer by an employer which is a participating public employer of the Emergency Medical Services
178 Retirement System after the effective date of this article, as defined in subsection (s) of this
179 section; or (2) an emergency medical services officer of an employer which is a participating public
180 employer of the Public Employees Retirement System first hired prior to the effective date and
181 who elects to become a member pursuant to this article; or (3) a person first hired by a county
182 911 public safety answering center after the participating public employer elects to participate in
183 the Emergency Medical Services Retirement System; or (4) a home confinement officer hired on
184 or after July 1, 2025, employed by a participating public employer and who is not participating in
185 the Deputy Sheriffs Retirement System; or (5) a home confinement officer who elects to
186 participate pursuant to §16-5V-6f of this code and who is employed by a participating public
187 employer; or (6) a county firefighter hired on or after June 10, 2022; or (7) a county firefighter of
188 an employer which is a participating public employer of the Public Employees Retirement System
189 first hired prior to June 10, 2022, and who elects to become a member pursuant to §16-5V-6a of
190 this code; or (8) a person first hired by a county 911 public safety answering center prior to July
191 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.

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

273 (ss) "Year of service" means a member shall, except in his or her first and last years of
274 covered employment, be credited with years of service credit based upon the hours of service
275 performed as covered employment and credited to the member during the plan year based upon
276 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

277
278 During a member's first and last years of covered employment, the member shall be
279 credited with one twelfth of a year of service for each month during the plan year in which the
280 member is credited with an hour of service for which contributions were received by the fund. A
281 member is not entitled to credit for years of service for any time period during which he or she
282 received disability payments under §16-5V-19 or §16-5V-20 of this code. Except as specifically
283 excluded, years of service include covered employment prior to the effective date.

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

289 (tt) "911 personnel" means an individual employed in full-time employment with a county
290 911 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;

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

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

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

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

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

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

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

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

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

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

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

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

122 (j) Commencement of retirement for transferring home confinement officers may occur on
123 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (d) The salary of a campus police officer is paid by the employing governing board. A state
37 institution may furnish each campus police officer with a firearm and an official uniform to be worn
38 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
39 with an appropriate inscription and to carry credentials certifying the person's identity and
40 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) Current campus police officers may choose to participate in the Deputy Sheriffs
51 Retirement System, to be administered by the Consolidated Public Retirement Board. Should the

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

54 (h) Effective January 1, 2026, all newly hired campus police officers shall participate in the
55 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (d) The salary of a campus police officer is paid by the employing governing board. A state
37 institution may furnish each campus police officer with a firearm and an official uniform to be worn
38 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
39 with an appropriate inscription and to carry credentials certifying the person's identity and
40 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

Originated in the Senate.

In effect 90 days from passage.

.....
President of the Senate

.....
Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

.....
Governor