

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 149

By Senator Oliverio

[Reported February 17, 2026, from the Committee on
Pensions]

1 A BILL to amend and reenact §5-10-14 of the Code of West Virginia, 1931, as amended, relating to
2 allowing certain contracted counsel for executive agencies to purchase years of service in
3 the Public Employees Retirement System.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-14. Service credit; retroactive provisions.

1 (a) The board of trustees shall credit each member with the prior service and contributing
2 service to which he or she is entitled based upon rules adopted by the board of trustees and based
3 upon the following:

4 (1) In no event may less than 10 days of service rendered by a member in any calendar
5 month be credited as a month of service: *Provided*, That for employees of the State Legislature
6 whose term of employment is otherwise classified as temporary and who are employed to perform
7 services required by the Legislature for its regular sessions or during the interim between regular
8 sessions and who have been or are employed during regular sessions or during the interim
9 between regular sessions in seven consecutive calendar years, service credit of one month shall
10 be awarded for each 10 days employed in the interim between regular sessions, which interim
11 days shall be cumulatively calculated so that any 10 days, regardless of calendar month or year,
12 shall be calculated toward any award of one month of service credit;

13 (2) Except for hourly employees, and those persons who first become members of the
14 retirement system on or after July 1, 2015, 10 or more months of service credit earned in any
15 calendar year shall be credited as a year of service: *Provided*, That no more than one year of
16 service may be credited to any member for all service rendered by him or her in any calendar year
17 and no days may be carried over by a member from one calendar year to another calendar year
18 where the member has received a full-year credit for that year; and

19 (3) Service may be credited to a member who was employed by a political subdivision if his
20 or her employment occurred within a period of 30 years immediately preceding the date the

21 political subdivision became a participating public employer.

22 (b) The board of trustees shall grant service credit to any former and present member of
23 the State Teachers Retirement System who has been a contributing member in the Public
24 Employees Retirement System for more than three years, for service previously credited by the
25 State Teachers Retirement System and shall require the transfer of the member's accumulated
26 contributions to the system and shall also require a deposit, with reinstatement interest as set forth
27 in the board's Rule, Refund, Reinstatement, Retroactive Service, Loan and Correction of Error
28 Interest Factors, 162 C. S. R. 7, of any withdrawals of contributions any time prior to the member's
29 retirement: *Provided*, That members of the State Teachers Retirement System who first became a
30 member of the State Teachers Retirement System on or after July 1, 2022, may only transfer
31 service credit to the Public Employees Retirement System if they first became a member of the
32 Public Employees Retirement System on or after July 1, 2015. Repayment of withdrawals shall be
33 as directed by the Board of Trustees.

34 (c) Court reporters who are acting in an official capacity, although paid by funds other than
35 the county commission or State Auditor, may receive prior service credit for time served in that
36 capacity.

37 (d) Active members who previously worked in Comprehensive Employment and Training
38 Act (CETA) may receive service credit for time served in that capacity: *Provided*, That in order to
39 receive service credit under the provisions of this subsection the following conditions must be met:

40 (1) The member must have moved from temporary employment with the participating employer to
41 permanent full-time employment with the participating employer within 120 days following the
42 termination of the member's CETA employment; (2) the board must receive evidence that
43 establishes to a reasonable degree of certainty as determined by the board that the member
44 previously worked in CETA; and (3) the member shall pay to the board an amount equal to the
45 employer and employee contribution plus interest at the amount set by the board for the amount of
46 service credit sought pursuant to this subsection: *Provided, however*, That the maximum service

47 credit that may be obtained under the provisions of this subsection is two years: *Provided further,*
48 That a member must apply and pay for the service credit allowed under this subsection and
49 provide all necessary documentation by March 31, 2003: *And provided further,* That the board
50 shall exercise due diligence to notify affected employees of the provisions of this subsection.

51 (e) General counsel of executive branch agencies who are contracted by an agency for 10
52 or more consecutive calendar years to perform legal services may purchase retroactive service
53 credit for the time served in that capacity: *Provided,* That the counsel must have been regularly
54 employed on a full-time basis requiring 12 months per year service and at least 1,040 hours of
55 service per year in that position. Counsel shall pay the employee's share, and the agency shall pay
56 the employer's share. No interest or penalty shall be applied toward the purchase of retroactive
57 service credit in accordance with the provisions of this section where the individual was not eligible
58 to become a member during the years for which he or she is purchasing retroactive credit or had
59 the employee attempted to contribute to the system during the years for which he or she is
60 purchasing retroactive service credit the contributions would have been refused by the board. No
61 more than one year of service may be credited for all service rendered in any calendar year.
62 Retroactive service credit purchased under this section shall be paid in full by counsel and
63 counsel's contracted agency within 24 months of termination of employment or contractual
64 obligation with the agency.

65 ~~(e)~~(f) (1) Employees of the State Legislature whose terms of employment are otherwise
66 classified as temporary and who are employed to perform services required by the Legislature for
67 its regular sessions or during the interim time between regular sessions shall receive service credit
68 for the time served in that capacity in accordance with the following: For purposes of this section,
69 the term "regular session" means day one through day 60 of a 60-day legislative session or day
70 one through day 30 of a 30-day legislative session. Employees of the State Legislature whose
71 term of employment is otherwise classified as temporary and who are employed to perform
72 services required by the Legislature for its regular sessions or during the interim time between

73 regular sessions and who have been or are employed during regular sessions or during the interim
74 time between regular sessions in seven consecutive calendar years, as certified by the clerk of the
75 house in which the employee served, shall receive service credit of six months for all regular
76 sessions served, as certified by the clerk of the house in which the employee served, or shall
77 receive service credit of three months for each regular 30-day session served prior to 1971:
78 *Provided*, That employees of the State Legislature whose term of employment is otherwise
79 classified as temporary and who are employed to perform services required by the Legislature for
80 its regular sessions and who have been or are employed during the regular sessions in 13
81 consecutive calendar years as either temporary employees or full-time employees or a
82 combination thereof, as certified by the clerk of the house in which the employee served, shall
83 receive a service credit of 12 months for each regular session served, as certified by the clerk of
84 the house in which the employee served: *Provided, however*, That the amendments made to this
85 subsection during the 2002 regular session of the Legislature only apply to employees of the
86 Legislature who are employed by the Legislature as either temporary employees or full-time
87 employees as of January 1, 2002, or who become employed by the Legislature as temporary or
88 full-time employees for the first time after January 1, 2002. Employees of the State Legislature
89 whose terms of employment are otherwise classified as temporary and who are employed to
90 perform services required by the Legislature during the interim time between regular sessions
91 shall receive service credit of one month for each 10 days served during the interim between
92 regular sessions, which interim days shall be cumulatively calculated so that any 10 days,
93 regardless of calendar month or year, shall be calculated toward any award of one month of
94 service credit: *Provided further*, That no more than one year of service may be credited to any
95 temporary legislative employee for all service rendered by that employee in any calendar year and
96 no days may be carried over by a temporary legislative employee from one calendar year to
97 another calendar year where the member has received a full year credit for that year. Service
98 credit awarded for legislative employment pursuant to this section shall be used for the purpose of

99 calculating that member's retirement annuity, pursuant to §5-10-22 of this code, and determining
100 eligibility as it relates to credited service, notwithstanding any other provision of this section.
101 Certification of employment for a complete legislative session and for interim days shall be
102 determined by the clerk of the house in which the employee served, based upon employment
103 records. Service of 55 days of a regular session constitutes an absolute presumption of service for
104 a complete legislative session and service of 27 days of a 30-day regular session occurring prior to
105 1971 constitutes an absolute presumption of service for a complete legislative session. Once a
106 legislative employee has been employed during regular sessions for seven consecutive years or
107 has become a full-time employee of the Legislature, that employee shall receive the service credit
108 provided in this section for all regular and interim sessions and interim days worked by that
109 employee, as certified by the clerk of the house in which the employee served, regardless of when
110 the session or interim legislative employment occurred: *And provided further*, That regular session
111 legislative employment for seven consecutive years may be served in either or both houses of the
112 Legislature.

113 (2) For purposes of this section, employees of the Joint Committee on Government and
114 Finance are entitled to the same benefits as employees of the House of Delegates or the Senate:
115 *Provided*, That for joint committee employees whose terms of employment are otherwise
116 classified as temporary, employment in preparation for regular sessions, certified by the legislative
117 manager as required by the Legislature for its regular sessions, shall be considered the same as
118 employment during regular sessions to meet service credit requirements for sessions served.

119 ~~(f)~~(g) Any employee may purchase retroactive service credit for periods of employment in
120 which contributions were not deducted from the employee's pay. In the purchase of service credit
121 for employment prior to 1989 in any department, including the Legislature, which operated from
122 the General Revenue Fund and which was not expressly excluded from budget appropriations in
123 which blanket appropriations were made for the state's share of public employees' retirement
124 coverage in the years prior to 1989, the employee shall pay the employee's share. Other

125 employees shall pay the state's share and the employee's share to purchase retroactive service
126 credit. Where an employee purchases service credit for employment which occurred after 1988,
127 that employee shall pay for the employee's share and the employer shall pay its share for the
128 purchase of retroactive service credit: *Provided*, That no legislative employee and no current or
129 former member of the Legislature may be required to pay any interest or penalty upon the
130 purchase of retroactive service credit in accordance with the provisions of this section where the
131 employee was not eligible to become a member during the years for which he or she is purchasing
132 retroactive credit or had the employee attempted to contribute to the system during the years for
133 which he or she is purchasing retroactive service credit and the contributions would have been
134 refused by the board: *Provided, however*, That a current legislative employee purchasing
135 retroactive credit under this section shall do so within 24 months of beginning contributions to the
136 retirement system as a legislative employee or no later than December 31, 2016, whichever
137 occurs later: *Provided further*, That once a legislative employee becomes a member of the
138 retirement system, he or she may purchase retroactive service credit for any time he or she was
139 employed by the Legislature and did not receive service credit. Any service credit purchased shall
140 be credited as six months for each 60-day session worked, three months for each 30-day session
141 worked or 12 months for each 60-day session for legislative employees who have been employed
142 during regular sessions in 13 consecutive calendar years, as certified by the clerk of the house in
143 which the employee served, and credit for interim employment as provided in this subsection: *And*
144 *provided further*, That this legislative service credit shall also be used for months of service in
145 order to meet the 60-month requirement for the payments of a temporary legislative employee
146 member's retirement annuity: *And provided further*, That no legislative employee may be required
147 to pay for any service credit beyond the actual time he or she worked regardless of the service
148 credit which is credited to him or her pursuant to this section: *And provided further*, That any
149 legislative employee may request a recalculation of his or her credited service to comply with the
150 provisions of this section at any time.

151 ~~(g)~~(h) (1) Notwithstanding any provision to the contrary, the seven consecutive calendar
152 years requirement and the 13 consecutive calendar years requirement and the service credit
153 requirements set forth in this section shall be applied retroactively to all periods of legislative
154 employment prior to the passage of this section, including any periods of legislative employment
155 occurring before the seven consecutive and 13 consecutive calendar years referenced in this
156 section: *Provided*, That the employee has not retired prior to the effective date of the amendments
157 made to this section in the 2002 regular session of the Legislature.

158 (2) The requirement of seven consecutive years and the requirement of 13 consecutive
159 years apply retroactively to all legislative employment prior to the effective date of the 2006
160 amendments to this section.

161 ~~(h)~~(i) The board of trustees shall grant service credit to any former or present member of
162 the State Police Death, Disability and Retirement Fund who has been a contributing member of
163 this system for more than three years for service previously credited by the State Police Death,
164 Disability and Retirement Fund if the member transfers all of his or her contributions to the State
165 Police Death, Disability and Retirement Fund to the system created in this article, including
166 repayment of any amounts withdrawn any time from the State Police Death, Disability and
167 Retirement Fund by the member seeking the transfer allowed in this subsection: *Provided*, That
168 there shall be added by the member to the amounts transferred or repaid under this subsection an
169 amount which shall be sufficient to equal the contributions he or she would have made had the
170 member been under the Public Employees Retirement System during the period of his or her
171 membership in the State Police Death, Disability and Retirement Fund, excluding contributions on
172 lump sum payment for annual leave, plus interest at a rate determined by the board.

173 ~~(i)~~(j) The provisions of §5-10-22h of this ~~(i)~~(j) are not applicable to the amendments made
174 to this section during the 2006 regular session.

NOTE: The purpose of this bill is to allow certain contracted counsel for executive agencies

to purchase years of service in the Public Employees Retirement System.

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