



STATE OF WEST VIRGINIA
PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHARLESTON 25305

LEWIS N. McMANUS
EXECUTIVE SECRETARY

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December 20, 1982

Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, WV 25305

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-21-82
Administrative Law Division

Dear Mr. Secretary:

In accordance with the requirements of Chapter 29A, Article 2, Section 5 of the Code of the State of West Virginia, we are submitting a certified copy of the rules and regulations of the West Virginia Public Employees Retirement System.

Please note that there have been no changes in our rules and regulations since the last filing a year ago.

If you or your staff have any questions on this filing, please feel free to contact me at any time.

Warm good wishes for the Holiday Season and for the New Year.

Sincerely,

Lewis N. McManus

LNMCM/s
cc: Fredric J. George
Attorney General's Office

RT

WEST VIRGINIA LEGISLATIVE RULE
PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 5-10
SERIES 1.

Title: Rules and Regulations of the West Virginia Public Employees Retirement System

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~~PUBLIC EMPLOYEES RETIREMENT SYSTEM~~
~~CHAPTER 5-10~~
SERIES 1.

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Dec 21, 1982
ADMINISTRATIVE LAW DIVISION

Title: Rules and Regulations of the West Virginia Public Employees Retirement System

Section 1. General

1.1 Scope - This legislative rule establishes the standard size and format for rules and related documents required to be filed with the Secretary of State for inclusion in the State Register.

1.2 Authority & Related Code Citation(s) - W.Va. Code 5-10.

1.3 Filing Date - December 21, 1982.

1.4 Effective Date - December 21, 1982.

Section 2. The Act

All provisions of Chapter 5, Article 10, of the Code of West Virginia, 1931, as amended, shall be Rules and Regulations of the Board of Trustees of the West Virginia Public Employees Retirement System.

Section 3. Amendments To Rules And Regulations

Any amendments to the Rules and Regulations of the West Virginia Public Employees Retirement System may be made at any meeting of the Board of Trustees by a vote of three concurring members of the Board of Trustees.

Section 4. Board Of Trustees Meeting

Meetings of the Board of Trustees shall be held at 10:00 a.m., on the third Thursday of the third month of each quarter of the calendar year.

Special meetings may be called by the Chairman or any three Trustees provided that each Trustee is given at least forty-eight hours notice of such meeting.

Section 5. Interest

For the purpose of calculating interest to the Members Deposit Fund, interest shall be 4% per annum computed annually.

Section 6. Mortality Tables

The 1951 Group Annuity Mortality Table projected to 1960 for males, with a 6-year setback for females, shall be used in computing annuity reserves for retirants and beneficiaries of the Retirement System.

Section 7. Service Credit

In crediting service to a member employee, the following rules shall apply:

7.1 Employees Paid On A Salary Basis:

(a) A day of service shall mean four or more hours of a day which an employee works or has worked for the State or other participating public employer with pay.

(b) Sixteen or more calendar days of credited service in a calendar month shall be credited as a calendar month's service. However, if an employee has less than sixteen calendar days of credited service in a calendar month, he shall not be credited for service in that calendar month.

(c) Ten or more months of credited service in a calendar year shall be credited as a calendar year's service.

7.2 Employees Paid On A Hourly Basis:

Any member employee hired and paid by a participating employer on an hourly basis shall be credited with one month's contributing service for each 120 hours of work paid for by his employer in a calendar year.

7.3 Employees Paid On A Daily Rate:

Employees of a participating employer who work regularly twelve days or more in a calendar month, and otherwise meet eligibility for membership, shall be members of the Retirement System.

Section 8. Final Average Salary

In computing a member's final average salary, the following procedure shall be followed:

8.1 No compensation shall be considered for any period for which service is not credited.

8.2 The ten years of credited service immediately preceding the date his employment with a participating public employer last terminated shall be the 119 months of service preceding the last month before retirement.

Public Employees Retirement System
Leg. Rule, 5-10
Series 1, Sec. 8.3

8.3 The three consecutive years of service for which his compensation was the highest shall be the highest aggregate of his compensation for the 36 consecutive months of service contained within the 119 months of service, plus the last month of service determined in 8.2 above.

8.4 His final average salary shall be one-third of the aggregate salary determined in 8.3 above.

8.5 Only compensation paid by County Courts and the State of West Virginia shall be used to determine final average salary for court reporters.

Section 9. Full-Time Employment Defined

Employment of an employee by a participating public employer in a position which normally requires twelve months per year service and/or requires at least 1,040 hours per year service in that position shall be considered as full-time employment.

Section 10. Refunds Of Accumulated Contributions

The State Auditor and State Treasurer are hereby authorized to refund a member's accumulated contributions upon proper transmittals by the Executive Secretary of the Retirement System. The Executive Secretary is hereby authorized to make such transmittals provided the following conditions are complied with:

10.1 The member has filed with the Executive Secretary a written application for the refund of accumulated contributions.

10.2 An authorized official of the member's last participating public employer certifies in writing that the member has actually left the employ of a participating public employer.

10.3 The contributions deducted from the last payroll on which the member's name appeared have been posted to his individual account in the Members Deposit Fund.

10.4 The Executive Secretary reports to the Board of Trustees at each meeting of the Board the refunds certified by him to the State Auditor and State Treasurer since the last meeting of the Board.

10.5 The member is not entitled to retirement benefits by reason of age and service or disability.

10.6 This authority to make certification to the State Auditor and State Treasurer for the refund of accumulated contributions shall not cover a refund due to the death of a member.

Section 11. Refund Of Erroneous Contributions

The State Auditor and State Treasurer are hereby authorized to refund from the funds of the Retirement System any erroneous contributions made to the System upon proper transmittals by the Executive Secretary after the Executive Secretary has received from the Executive Officer of the Payroll Records of a participating public employer the reason for making such erroneous contributions, and the amount thereof, and to whom the same is payable.

Section 12. Faithful Performance Bonds

12.1 The Treasurer of the State of West Virginia shall give a bond in the sum of \$100,000.00 to be approved by the Attorney General, conditioned for the faithful performance of his duties as custodian of the moneys, securities, and investments of the System, effective July 1, 1961.

12.2 The Executive Secretary and all employees of the System shall give a blanket bond in the sum of \$20,000.00, to be approved by the Attorney General, conditioned for the faithful performance of their duties to the Retirement System and the handling of the Retirement System's funds.

Section 13. Expense Fund

Participating public employers other than the departments of the State of West Virginia operating from the General Revenue Fund and the General School Fund appropriations, as provided in the Budget, shall pay to the expense fund the sum of \$5.00 per year, per employee member, retirant, and beneficiary receiving benefits. The payment is due at the time the member of said public employer joins the System and is payable upon a statement from the Board of Trustees. The contributions shall not be prorated in the event a member terminates his membership in the System or retirant or beneficiary ceases to receive benefits before the completion of a year's membership or retirement benefits.

Those departments of the State of West Virginia operating from the General Revenue Fund and the General School Fund appropriations shall have their pro-rata share of the expenses paid as appropriated by the Legislature.

Section 14. Insurable Interest

Insurable interest, as mentioned in Section 24 of the Act creating the Retirement System, shall be construed as being an interest that arises from the ties of blood or marriage to the member as will justify a reasonable expectation or advantage or benefit from the continuance of his life, or that relationship where a person has a legal claim on the member for service or support or from the personal relationship between them, and where he has a reasonable right to expect some pecuniary advantage from the continuance of the life of the member.

Section 15. Verification Of Prior Service

15.1 By the Executive Office of Payroll Records:

(a) A certificate from the Executive Officer of the Payroll Records of the employer will be accepted as evidence of service prior to July 1, 1961, or the date the public employer elected to become a member of the Retirement System.

(b) In the event the Executive Officer mentioned in (a) is unable to make the certificate from the payroll records, he shall make said certificate from the affidavits of two credible persons who worked with the member employee and said affidavits shall be attached to said certificate when forwarded to the Retirement System.

(c) The certificate and affidavits as mentioned above shall show the member's full name (no initials), name of the employer, and exact dates.

15.2 Records of Health, Education, and Welfare, or Internal Revenue:

Copies of W-2 Forms furnished an employee, bona fide copies of Internal Revenue Tax Returns, or records of Health, Education, and Welfare or Internal Revenue Service which show gross earnings and employee's and employer's name shall be taken and deemed as sufficient evidence of prior service.

15.3 Affidavits Secured By Member Employees:

In the event a member employee cannot obtain the certificate as mentioned in 15.1 and 15.2, prior service credit may be granted upon said member employee furnishing two affidavits to the Retirement System from two credible persons who worked with said member employee during the periods stated or had personal knowledge of such employment.

Section 16. Verification Of Date Of Birth Of Member Or Beneficiary

16.1 Birth certificate; or

16.2 Certificate from an officer of the United States Bureau of Old Age and Survivor's Insurance (Social Security Administration); or

16.3 Any two of the following should be taken and deemed sufficient evidence of proof of birth, provided said evidence shows name of person and date of birth or age:

(1) Affidavit of older relative or other person who knew of the birth at the time of its occurrence, and is acquainted with the necessary facts.

(2) Certificate of doctors who attended the birth or official of the hospital where the birth occurred.

(3) Recorded in the family Bible or other family record book.

(4) Baptismal record or cradle roll - obtained from the priest or minister of the church in which the applicant was baptized.

(5) Insurance policies or a letter from the representative of the company which insured the applicant.

(6) Lodge or club membership cards if they state the required information and date of joining, or a certificate containing these facts from the proper official having the records.

(7) Hospital case records, signed by a proper hospital authority giving age, place of birth, and parentage.

(8) Marriage license of member. This can be obtained from the county court where issued, and the clerk should be asked to state the birthplace and parentage, as well as the age, if these were given at the time it was issued.

(9) School, employment or military records - age, birthplace, and parentage if given on entering school or obtaining employment, or in enlisting in military or naval service.

(10) Published histories or books of family genealogy may be shown and certified in the same way as a Bible record.

(11) Driver's license issued by the State of West Virginia.

(12) Passport issued by the United States.

(13) Record of voter's registration in West Virginia.

(14) Naturalization papers.

(15) Immigration papers.

Section 17. Employer Contributions

Each participating public employer, state division, shall contribute 9.5% of each compensation payment, and each participating public employer, nonstate division, shall contribute 9.5% of each compensation payment of all its employees who are members of the Retirement System, beginning July 1, 1983. Said sums shall be due the Retirement System at the end of each calendar month and shall be paid not later than five days following the end of each calendar month. Each remittance shall be made by check separate from that of the employee contributions and shall be made payable to the order of the West Virginia Public Employees Retirement System. Each remittance shall be accompanied by a detailed summary of the sums withheld from the compensation of each employee and the credited service each employee was entitled to for that month, on forms provided by the Retirement System for that purpose.

Section 18. Employee Contributions

All participating public employers shall withhold 4.5% from the gross compensation of each member employee beginning July 1, 1968. Said sums so withheld each calendar month shall be due the Retirement System at the end of each calendar month and shall be paid not later than five days following the end of each calendar month. Each remittance shall be made by check separate from that of the employer remittance and shall be made payable to the West Virginia Public Employees Retirement System. Each remittance shall be accompanied by a detailed summary of the sums withheld from the compensation of each employee and the credited service each employee was entitled to for that month, on forms provided by the Retirement System for that purpose.

Section 19. Public Corporations

In the event any separate corporation or instrumentality established by one or more counties, cities or towns, or any corporation or instrumentality supported in most part by counties, cities or towns, which by a three-fifths majority vote of its governing body elects to join the Retirement System, then and in said event, before it would be accepted from membership as a participating public employer, said public corporation or instrumentality must pass a resolution whereby it would allow the entity from which it derives its funds to deduct from its appropriations any sums the Board of Trustees of the Retirement System finds are subsequently delinquent, and for said entity to pay such delinquent funds to the Board of Trustees of the System. In the event said entity fails to pay such delinquent funds, then the Board of Trustees of the Retirement System may collect such delinquent funds, as provided for in Section 33 (b) of the Act creating the Retirement System.

Section 20. Annuity Payment Age

For the purpose of calculating annuity benefits, the age at nearest birthday to effective date of retirement of the member, retirant or beneficiary shall be used.

Section 21. Prior Service On Reemployment

The Board of Trustees shall credit each member of the Retirement System with prior service if that member was in the employ of the State of West Virginia or other participating public employer within a period of twenty-five years immediately preceding the date the political subdivision became a participating public employer; provided, however, that said member is employed by a participating employer or the State of West Virginia within a period of fifteen years subsequent to the date that participating public employer elected to become a participating employer.

Section 22. Employee Membership In Retirement System

22.1 Employees of Boards of Education, Colleges or Universities:

Any employee or person whose salary or compensation is paid in whole, or substantially in part, by any College, University, County Board of Education, State Department of Education, State Board of Education or State Teachers Retirement System shall not be entitled to membership in the West Virginia Public Employees Retirement System while so employed.

22.2 Legislative Employees:

Any person who is not otherwise a member of the Retirement System and is employed during a session of the Legislature, and for a period not to exceed two months thereafter, shall be considered a part-time employee within the meaning of the Retirement Act and, as such, shall not become a member of the Retirement System because of such legislative employment.

22.3 Soil Conservation Committees And Employees:

Members and employees of the various soil conservation committees shall not be entitled to membership in the Retirement System for such service.

22.4 Employees Of Cooperative Associations Under Direction Of The Department Of Agriculture:

Employees of cooperative associations operating under the supervision of the Department of Agriculture, whose compensation is payable by said cooperative association shall not be entitled to membership in the Retirement System for such employment.

22.5 Registrars Of Division Of Vital Statistics:

Those employees of the counties furnishing statistical information to the Department of Health whose job is considered full time, or the position is considered one which normally requires twelve months of service and at least 1,040 hours per year service in that position, shall become members of the Retirement System.

22.6 Deputy Commissioners Of Delinquent And Forfeited Lands:

The various Deputy Commissioners of Delinquent and Forfeited Lands, by reason of such appointment, shall not be entitled to membership in the Retirement System for such employment.

Public Employees Retirement System
Leg. Rule 5-10
Series 1, Sec. 22.7

22.7 Employees Covered Under West Virginia Civil Service:

Those employees covered under Civil Service and otherwise eligible for membership in the Retirement System, and designated by the West Virginia Civil Service Commission as provisional, probationary, or permanent, shall be members of the Retirement System. Employees, however, designated as emergency shall not be members of the Retirement System.

22.8 Other Retirement Systems Membership:

Any employee of a participating employer who is eligible for membership in another retirement system of a political body shall not be eligible for membership in the West Virginia Public Employees Retirement System.

Section 23. Prior Service Credit

23.1 Number Of Years Credited:

Because of a scarcity of records previous to the year 1915, the Board of Trustees will not credit prior service in excess of 45 years.

23.2 Federal Agencies:

Prior service credit will not be allowed for time worked for any of the following: W.P.A., P.W.A., C.C.C., N.R.A., C.W.A., War Manpower Commission, or any other such federal agency. However, the Board will credit prior service to a member for employment with the F.E.R.A., and the West Virginia Relief Administration, based upon such other rules and regulations heretofore or hereafter adopted.

23.3 Employees Of Boards Of Education, Colleges Or Universities:

Any member employee who was employed by any College, University, County Board of Education, State Department of Education, or State Teachers Retirement System, whose salary or compensation was paid in whole or in most part by same, shall not be entitled to receive prior service credit for such employment.

23.4 Legislative Employees:

Any person who would not have become a member of the Retirement System because of legislative employment will not be credited with prior service for such employment.

23.5 War Manpower Commission:

Those members of the Retirement System who are employed by a participating employer and which employer, while said member was so employed, was transferred to the United States Government, and retirement deductions and matching contributions would not have been made for said member during said period when such employer was so transferred to another political subdivision should this Retirement System have been in existence during said periods, and should said member at the time of his retirement, or before, be willing to make the present employee contributions and his former employer be willing to make the employer's contribution, based upon the rates existing at the time of said contribution, the said member may receive prior service credit for such time worked with the United States Government.

23.6 Other Retirement Systems:

Any employee of a participating employer who was otherwise eligible for membership in another retirement system of a political body shall not receive prior service credit for such time worked.

Section 24. Participating After July 1, 1961

Member employees of any participating employer, including but not limited to hourly employees of the State Department of Highways who were eligible to participate July 1, 1961, but for any reason did not commence participating until after July 1, 1961, shall not receive service credit during the period July 1, 1961, until the date said member employees actually commenced participation by contributing to the Retirement system; however, during said period they shall be considered to be members of the Retirement System for all other purposes.

Section 25. Totally And Permanently Incapacitated Defined

The words "totally and permanently incapacitated", as used in Chapter 5, Article 10, Section 25, of the Code of West Virginia, creating the Retirement System, shall be defined as follows:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long continued and indefinite duration.

Section 26. Employer Termination Of Membership

Once an employer, whether a municipality, county or public corporation, elects to participate in the Retirement System, said action of the municipality, county or public corporation shall be final and it may not, at a later date, elect to terminate its participation in the Retirement System.

Section 27. Approval Of Applications For Voluntary Retirement And Death Annuities By Executive Secretary

27.1 The State Auditor and State Treasurer are hereby authorized to pay continuing monthly annuities to retirants, beneficiaries of retirants, and beneficiaries of deceased members, after the Executive Secretary has:

- (a) Approved the date of birth of such member, retirant or beneficiary;
- (b) Approved the prior and contributing service said member is entitled to;
- (c) Approved the date of the death of a member in the event of his death;
- (d) Complied with the other rules and regulations herein contained; and
- (e) Submitted the proper transmittals to the Department of Finance and Administration.

Section 28. Medical Committee

The medical committee for the purpose of examining disability applicants, as mentioned in Section 25 of the Retirement Act, and the physicians for reexamination of disability retirants, as mentioned in Section 26 of the Retirement Act, shall be employed by the Executive Secretary from time to time, as needed.

Section 29. Reinstatement Interest

Should a former member of the Retirement System be reinstated under Section 18 of the Retirement Act, the payment of regular interest on his refund shall be deposited to the Members Deposit Fund and credited to the member's individual account.

Section 30. Reduction Of Annuities On Request Of Retirant

A retirant shall not be entitled to elect a reduced annuity except as provided for in Section 24 of the Retirement Act.

Section 31. Time Of Application For Filing For Benefits

Any employee or former employee of a participating employer who files his application for benefits and may become eligible for benefits or who was eligible for benefits upon terminating his employment, and files his application for benefits within one year after becoming otherwise eligible to receive retirement benefits, shall receive benefits accumulated, as otherwise provided for in the Act and the Rules and Regulations, commencing the end of the month following the month after he was last on the payroll of a participating employer.

Section 32. Cost Incidental To Investments

Postage, insurance, consulting services, and expert advice in making investments and on collections from investments shall be charged to the Income Fund.

Section 33. Military Service Credit

Any member applying for retirement benefits who is claiming service credit for time served in the armed forces of the United States must present to the Retirement System his discharge from the service or other appropriate documents which show his time served in the armed forces, or a photostatic copy of same, before said service will be credited.

Section 34. Refunds Of Contributions Where An Annuity May Be Payable

Any member of the Retirement System who terminates employment after attaining age sixty and who has five or more years of credited service, one year or more of which was contributing service, and is otherwise entitled to an annuity payable from the Retirement System shall not be eligible for a refund of contributions made to the Retirement System, but shall in lieu thereof be entitled to a monthly annuity payable pursuant to Section 20 of the Retirement Act. However, any member of the Retirement System who terminates employment before attaining age sixty, even though he may be entitled to deferred benefits, may be entitled to a refund of contributions upon written application filed with the Retirement System.

Section 35. Early Retirement

35.1 Any member of the Retirement System who hereafter or heretofore has acquired ten years or more of credited service with the Retirement System, three years or more of which are contributing service, and has terminated his employment after attaining age fifty-five, but before attaining age sixty, may be entitled to an annuity pursuant to Section 21(b) of the Act creating the Retirement System, provided he makes application for same on or before he attains age sixty-two; provided, further, that he has not withdrawn his contributions made to the System or after he redeposits what withdrawals he may have withdrawn plus 4% interest per annum thereon.

35.2 Recalculation Of Early Retirement Factor After Reemployment Period:

Any member who retires early pursuant to Section 21(b) of the Act, is subsequently reemployed by a participating employer of the System, and who again retires, shall, for purposes of the determination of the newly applicable early retirement factor, be treated as if he were retiring at an age calculated by adding to this original early retirement age the number of years and months during which he was reemployed. In the event that such artificially determined age exceeds sixty, no reduction for early retirement shall be introduced.

Section 36. Termination of Employment With An Annuity Payable

Any member who terminates his employment after attaining age sixty, with one year or more of contributing service and five years or more of credited service, before or after February 28, 1967, and has not withdrawn his contributions to the Retirement System or repays his contributions to the Retirement System shall be eligible to retire and receive an annuity pursuant to Section 20 of the Retirement Act. The member's widow or beneficiary may make application for benefits pursuant to Section 27 of the Retirement Act provided he complies with all other provisions of the Retirement Act and Rules and Regulations heretofore adopted by the Board of Trustees.

Section 37. Employer Participation After A Former Employee Has Been Retired

After a member of the Retirement System retires, should a former employer elect to participate in the Retirement System, the Executive Secretary is hereby authorized to recalculate said member's file and give said retirant additional benefits effective the date said employer came into the Retirement System, provided said previous employment can properly be verified and that it is for service prior to July 1, 1961.

Section 38. Disability Application For Retirement

The Executive Secretary is hereby authorized to approve any applications for disability retirement provided he has two medical reports concerning said applicant from two doctors licensed to practice medicine and both doctors find substantial medical reasons why said applicant should be retired.

Section 39. Jury Duty And Election Officials

The compensation paid election officials, jurors, and jury commissioners shall in no way affect a retirant from receiving his full annuity.

Section 40. Temporary Employment By Retirants

Any former member of the Retirement System drawing an annuity may accept temporary employment with a participating employer provided his compensation does not exceed the limitation established by Chapter 5, Article 10, Section 48 of the Code. The earnings received in the calendar year as limited by Section 48, regardless of over what period, shall be the controlling factor for suspension of the annuity for the balance of the calendar year.

Section 41. Member Receiving Workers' Compensation

Any member of the Retirement System who is injured or suffers a disease growing out of the course of his employment and is in receipt of Workers' Compensation benefits shall receive credited service toward his retirement, provided he returns to employment with a participating employer upon recovery of his injury or disease.

Section 42. Deputy Assessors - Service Credit

Deputy Assessors shall receive credited service for actual time for which they are compensated, however, final average salary shall be based upon their annual compensation.

Section 43. Members Previously Members Of A Municipal Retirement System

Any member of the Retirement System who previously was a contributing member of a municipal retirement system, excluding policemen or firemen actually covered by a pension system, may receive credited service with the Retirement System by paying to this Retirement System the amount of contributions, with regular interest, that would have been payable had said member been a contributing member of this Retirement System and is otherwise entitled to same.

Section 44. Employee Of Insurance Commission

Deputy Receivers appointed by the Insurance Commissioner, Deputy Examiners and other related-type employees appointed by the Insurance Commissioner and working under his direction and supervision shall be members of the Retirement System.

Section 45. Farmer Markets

The employees of the various farmer markets under the supervision of the Commissioner of Agriculture may be members of the Retirement System if the governing body of such market elects to participate in the Retirement System.

Section 46. Officers Of The Department Of Public Safety and Municipal Police Or Fire Department

Any member of the Retirement System who served as an officer of the Department of Public Safety or a Municipal Fire or Police Department and is not receiving an annuity from that system, may be granted prior service credit if he is otherwise entitled to same.

Section 47. Repayment Of Withdrawals

Any former member of the Retirement System who withdrew his contributions and is reemployed by a participating employer may repay his withdrawals over a three-year period, together with 4% interest, if repayment in a lump sum will work a hardship.

Section 48. Refunds Of Contributions Upon Accepting Employment With A Different Participating Employer

Any member terminating his employment with a participating employer and who shortly thereafter accepts employment with another participating employer shall not be entitled to a refund of contributions made to the Retirement System.

Section 49. Employee And Employer Contributions When An Employee Is On Annual Leave Or Compensated Sick Leave

The employee and employer shall make regular contributions to the Retirement System, notwithstanding the fact that said employee is drawing compensation for annual or sick leave.

Section 50. Premiums Paid For Group Life Insurance Or Health And Accident Insurance By The Employer

Premiums paid by a participating employer for group life insurance or group health and accident insurance on its employees shall not be considered as compensation for retirement purposes.

Section 51. Elected Officials Of The Legislature

Elected Clerks, Sergeants at Arms, and Doorkeepers of the Legislature shall receive one year's service credit with the Retirement System for each year so served.

Section 52. Refunds Of Member Contributions - When Made

Members of the West Virginia Public Employees Retirement System who terminate their employment with a participating employer without an annuity payable shall be entitled to a refund of their contributions made to the Retirement System thirty days after they have last appeared on an official payroll of the State of West Virginia or other participating employer, which report of payroll has been filed with the Retirement System.

Section 53. Compensation For Retirement Purposes For County Clerks And Assessors

Compensation for County Clerks shall be their actual salary plus their annual fee for preparing their county's annual financial statement. Compensation for Assessors shall be their annual salary plus their annual fee for the annual agricultural statistical report of their county.

Public Employees Retirement System
Leg. Rule 5-10
Series 1, Sec. 54

Section 54. Temporary Employment For Retirants Defined

Any retirant who accepts employment for a relatively short period (in the case of a State employee, no more than ninety consecutive days) and who is not considered in any way a permanent or regular employee shall be considered a temporary employee within the meaning of Section 48 of the Retirement Act, and any such employee shall not be a member of the Retirement System.

Section 55. Open Governmental Proceedings

55.1 West Virginia Code, Chapter 6, Article 9a, Section 3, mandates that the Public Employees Retirement System shall promulgate rules by which the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency meeting requiring immediate official action.

55.2 Notice of any such regular or special meeting shall be given to the Secretary of State by at least 9:30 a.m., the Friday preceding the date of the meeting to be made available to the public and news media.