

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2900

By Delegate Hanshaw (Mr. Speaker), Hott, Phillips,

Heckert, Riley, Rohrbach and Pinson

[Introduced January 23, 2023; Referred to the

Committee on Pensions and Retirement then

Finance]

1 A BILL to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended,
 2 relating to the Deputy Sheriff Retirement System; allowing certain retired members to be
 3 re-employed without the suspension of annuity benefits; and setting forth conditions for the
 4 re-employment of retired members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-24a. Return to covered employment by retired member.

1 (a) The annuity of any member who retires under the provisions of this article and who
 2 resumes service in covered employment shall be suspended while the member continues in
 3 covered employment. The monthly annuity payment for the month in which the service resumes
 4 shall be prorated to the date of commencement of service, and the member shall again become a
 5 contributing member during resumption of service. At the conclusion of resumed service in
 6 covered employment the member shall have his or her annuity recalculated to take into account
 7 the entirety of service in covered employment.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the annuity of a
 9 member who retires under the provisions of this article shall not be suspended if the member
 10 resumes covered employment and the following conditions are met:

11 (1) The retired member did not retire as a result of a disability pursuant to the provisions of
 12 §7-14D-14 of this code;

13 (2) The retired member is a certified, or certifiable, law-enforcement officer as provided in
 14 §30-29-5 of this code;

15 (3) The sheriff of the county seeking to re-employ the member has fewer than five deputies
 16 in his or her employ and has been unable to recruit additional qualified deputy sheriffs despite the
 17 exercise of due diligence;

18 (4) The re-employment of the retired member is for a period not to exceed ten years or until
 19 such time as the sheriff may recruit additional deputy sheriffs to provide for full staffing of the

- 20 department, whichever is sooner; and
- 21 (5) The retired member shall not again become a contributing member of the Deputy
- 22 Sheriff Retirement System while performing services under the provisions of this subsection.

NOTE: The purpose of this bill is to allow for the conditional re-employment of retired deputy sheriffs in the Deputy Sheriff 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.