

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Originating**

### **Senate Bill 670**

BY SENATORS NELSON, CLEMENTS, AZINGER, KARNES,

LINDSAY AND PLYMALE

[Originating in the Committee on Pensions; reported  
on February 17, 2022]



1 A BILL to amend and reenact §16-5V-6 of the Code of West Virginia, 1931, as amended, relating  
2 to the inclusion of newly hired 911 personnel as members of the Emergency Medical  
3 Services Retirement System.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.**

**§16-5V-6. Members.**

1 (a) Any emergency medical services officer or 911 personnel first employed by a county  
2 or political subdivision in covered employment after the effective date of this article shall be a  
3 member of this retirement plan as a condition of employment and upon membership does not  
4 qualify for membership in any other retirement system administered by the board, so long as he  
5 or she remains employed in covered employment: *Provided*, That any emergency medical  
6 services officer or 911 personnel who has concurrent employment in an additional job or jobs  
7 which would require the emergency medical services officer or 911 personnel to be a member of  
8 the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers  
9 and Firefighters Retirement System, or the West Virginia Natural Resources Police Officer  
10 Retirement System shall participate in only one retirement system administered by the board, and  
11 the retirement system applicable to the concurrent employment for which the employee has the  
12 earliest date of hire shall prevail.

13 (b) Any emergency medical services officer employed in covered employment by an  
14 employer which is currently a participating public employer of the Public Employees Retirement  
15 System shall notify in writing both the county commission in the county or officials in the political  
16 subdivision in which he or she is employed and the board of his or her desire to become a member  
17 of the plan by December 31, 2007. Any emergency medical services officer who elects to become  
18 a member of the plan ceases to be a member or have any credit for covered employment in any  
19 other retirement system administered by the board and shall continue to be ineligible for  
20 membership in any other retirement system administered by the board so long as the emergency

21 medical services officer remains employed in covered employment by an employer which is  
22 currently a participating public employer of this plan: *Provided*, That any emergency medical  
23 services officer who does not affirmatively elect to become a member of the plan continues to be  
24 eligible for any other retirement system as is, from time to time, offered to other county employees  
25 but is ineligible for this plan regardless of any subsequent termination of employment and rehire.

26 (c) Any emergency medical services officer who was employed as an emergency medical  
27 services officer prior to the effective date, but was not employed on the effective date of this  
28 article, shall become a member upon rehire as an emergency medical services officer. For  
29 purposes of this section, the member's years of service and credited service prior to the effective  
30 date shall not be counted for any purposes under this plan unless the emergency medical services  
31 officer 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. If the conditions of this subsection  
35 are met, all years of the emergency medical services officer's covered employment shall be  
36 counted as years of service for the purposes of this article.

37 (d) Any emergency medical services officer employed in covered employment on the  
38 effective date of this article who has timely elected to transfer into this plan as provided in  
39 subsection (b) of this section shall be given credited service at the time of transfer for all credited  
40 service then standing to the emergency medical services officer's service credit in the Public  
41 Employees Retirement System regardless of whether the credited service (as that term is defined  
42 in §5-10-2 of this code) was earned as an emergency medical services officer. All credited service  
43 standing to the transferring emergency medical services officer's credit in the Public Employees  
44 Retirement System at the time of transfer into this plan shall be transferred into the plan created  
45 by this article and the transferring emergency medical services officer shall be given the same  
46 credit for the purposes of this article for all service transferred from the Public Employees

47 Retirement System as that transferring emergency medical services officer would have received  
48 from the Public Employees Retirement System as if the transfer had not occurred. In connection  
49 with each transferring emergency medical services officer receiving credit for prior employment  
50 as provided in this subsection, a transfer from the Public Employees Retirement System to this  
51 plan shall be made pursuant to the procedures described in this article: *Provided*, That any  
52 member of this plan who has elected to transfer from the Public Employees Retirement System  
53 into this plan pursuant to subsection (b) of this section may not, after having transferred into and  
54 becoming an active member of this plan, reinstate to his or her credit in this plan any service credit  
55 relating to periods in which the member was not in covered employment as an emergency medical  
56 services officer and which service was withdrawn from the Public Employees Retirement System  
57 prior to his or her elective transfer into this plan.

58 (e) Once made, the election made under this section is irrevocable. All emergency medical  
59 services officers employed by an employer which is a participating public employer of the Public  
60 Employees Retirement System after the effective date and emergency medical services officers  
61 electing to become members as described in this section shall be members as a condition of  
62 employment and shall make the contributions required by this article.

63 (f) Notwithstanding any other provisions of this article, any individual who is a leased  
64 employee is not eligible to participate in the plan. For purposes of this plan, a "leased employee"  
65 means any individual who performs services as an independent contractor or pursuant to an  
66 agreement with an employee leasing organization or similar organization. If a question arises  
67 regarding the status of an individual as a leased employee, the board has final power to decide  
68 the question.