

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 100

FISCAL
NOTE

By Senators Nelson, Woodrum, and Jeffries

[Introduced January 11, 2023; referred
to the Committee on Pensions; and then to the
Committee on Finance]

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 or
2 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 or
5 she remains employed in covered employment: *Provided*, That any emergency medical services
6 officer or 911 personnel who has concurrent employment in an additional job or jobs which would
7 require the emergency medical services officer or 911 personnel to be a member of the West
8 Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and
9 Firefighters Retirement System, or the West Virginia Natural Resources Police Officer Retirement
10 System shall participate in only one retirement system administered by the board, and the
11 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 article,
28 shall become a member upon rehire as an emergency medical services officer. For purposes of
29 this section, the member's years of service and credited service prior to the effective date shall not
30 be counted for any purposes under this plan unless the emergency medical services officer has
31 not received the return of his or her accumulated contributions in the Public Employees Retirement
32 System pursuant to §5-10-30 of this code. The member may request in writing to have his or her
33 accumulated contributions and employer contributions from covered employment in the Public
34 Employees Retirement System transferred to the plan. If the conditions of this subsection are met,
35 all years of the emergency medical services officer's covered employment shall be counted as
36 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 by
45 this article and the transferring emergency medical services officer shall be given the same credit
46 for the purposes of this article for all service transferred from the Public Employees Retirement

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

NOTE: The purpose of this bill is to include newly hired 911 personnel as members of the
Emergency Medical Services 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.