

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 51.1-138 of the Code of Virginia, relating to retirement benefits for*
3 *local emergency medical technicians.*

4 [H 37]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 51.1-138 of the Code of Virginia is amended and reenacted as follows:**

8 § 51.1-138. Benefits.

9 A. Employees who become members under this article and on whose behalf contributions are paid as
10 provided in this article shall be entitled to benefits under the retirement system.

11 B. By resolution legally adopted and approved by the Board, the employer may elect to provide
12 benefits equivalent to those provided under the State Police Officers' Retirement System, as set out in
13 Chapter 2 (§ 51.1-200 et seq.) of this title except for § 51.1-209, in lieu of the benefits that would
14 otherwise be provided hereunder for any employees who are employed in (i) law-enforcement positions
15 comparably hazardous to that of a state police officer, including any sworn law-enforcement officer who
16 has the duty and obligation to enforce the penal and traffic laws of this Commonwealth as directed by
17 his superior officer, if so certified by his appointing authority, (ii) positions as full-time salaried fire
18 fighters, (iii) *positions as full-time salaried emergency medical technicians*, or ~~(iii)~~ (iv) positions as
19 regional jail superintendents and jail officers of regional jail farms, regional jails or jail authorities, as
20 approved by the respective jail board or authority and by the participating political subdivisions of such
21 entities. Sheriffs of political subdivisions which participate in the retirement system shall receive benefits
22 equivalent to those of state police officers, except for the benefits provided under § 51.1-209, regardless
23 of whether the employer has elected to provide equivalent benefits as set out in this subsection.

24 C. Each employer providing the benefits of subsection B for its employees prior to July 1, 1990,
25 may elect to provide for the early retirement of employees as set forth in this subsection in lieu of the
26 early retirement and death before retirement provisions of the State Police Officers' Retirement System.
27 Such election must be made to the Board in writing prior to July 1, 1990. Any member in service on or
28 after his fifty-fifth birthday with five or more years of creditable service (i) as a member in the
29 retirement system established by this chapter, (ii) as a member in the retirement system established by
30 Chapter 2 (§ 51.1-200 et seq.) of this title, or (iii) as a member in the retirement system established by
31 Chapter 2.1 (§ 51.1-211 et seq.) of this title may retire upon written notification to the Board setting
32 forth at what time the retirement is to become effective. The effective date shall be after his last day of
33 service but shall not be more than 90 days prior to the filing of such notice. The member shall receive
34 an allowance that shall be determined in the same manner as for retirement at an employee's normal
35 retirement with creditable service and average final compensation being determined as of the date of his
36 actual retirement. If the member has less than 30 years of service at retirement, the amount of the
37 retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual
38 retirement date precedes the earlier of (a) the member's normal retirement date or (b) the first date on or
39 after the member's fifty-fifth birthday on which the member would have completed a total of 30 years of
40 creditable service. Effective December 31, 2003, any employee in service on June 30, 2002, and July 1,
41 2002, who is credited with five or more years of creditable service rendered under this chapter, Chapter
42 2 (§ 51.1-200 et seq.), or Chapter 2.1 (§ 51.1-211 et seq.) of this title shall not be subject to the vesting
43 requirements of this section, and §§ 51.1-205 and 51.1-216.

44 Members retiring under the provisions of this subsection shall be entitled to receive post-retirement
45 supplements as provided in § 51.1-166. In computing the amount of any supplement, any additional
46 allowances being paid under the provisions of subsection B of § 51.1-206 shall be disregarded. In the
47 case of death before retirement, members whose employers elect to provide benefits in accordance with
48 the provisions of this subsection and who have not attained the age of 50 on the date of death shall be
49 assumed to be 50 years of age for the purposes of reducing the benefits on an actuarial equivalent basis.

50 D. The retirement system shall not be liable for the payment of any retirement allowances or other
51 benefits on behalf of a member or beneficiary of a member for which reserves have not been previously
52 created from funds contributed by the employer or the members for such benefits.
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