

## 2009 SESSION

INTRODUCED

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### HOUSE BILL NO. 1589

Offered January 14, 2009

Prefiled October 8, 2008

A BILL to amend and reenact § 51.1-124.9 of the Code of Virginia, relating to the Virginia Retirement System; duty of employers to provide accurate information.

Patron—Orrock

Referred to Committee on Appropriations

#### Be it enacted by the General Assembly of Virginia:

#### 1. That § 51.1-124.9 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-124.9. Changes or errors in records resulting in erroneous payments.

If any change or error in records results in any member or beneficiary receiving more or less than he would have been entitled to receive from the Retirement System had the records been correct, the Board shall correct the error and as far as practicable adjust the payments so that the actuarial equivalent of the correct benefit shall be paid. *Employers shall use due diligence to provide accurate records to the Board and to correct any such records that are erroneous. If the employer fails to use due diligence to correct any such erroneous records within a reasonable time after notification by the employee adversely affected, then the employee shall be entitled to recover reasonable attorney fees incurred in correcting the records.*

If a member has been overpaid through no fault of his and could not reasonably have been expected to detect the error the Board may waive any repayment which it believes would cause hardship.

Upon determination that any person has erroneously been included in membership in the Retirement System, accumulated contributions resulting from the erroneous membership shall be refunded.

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