

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 721

*An Act to amend and reenact § 51.1-155.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.1-155.2, relating to early retirement for certain employees and officials in the Virginia Retirement System.*

[H 1545]

Approved April 6, 1995

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

**1. That § 51.1-155.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 51.1-155.2 as follows:**

§ 51.1-155.1. Exceptions from general early retirement provisions for certain state employees.

A. ~~Effective January 1, 1994,~~ Members of the retirement system; (i) whose positions are described by ~~either~~ subdivision A 2 (*except members of the Judicial Retirement System (§ 51.1-300 et seq.)*), A 3, A 4 (*except officers elected by popular vote*), A 7, A 13, A 14, A 15, ~~or~~ A 16, A 17, or A 19 of § 2.1-116 ~~as in effect on January 1, 1994,~~ or (ii) agency heads appointed by a state board, state commission, or state council, or school division superintendents appointed by a school board pursuant to § 22.1-60, who are involuntarily separated from state service and who have twenty or more years of creditable service at the date of separation, may retire without the reduction in retirement allowance required by ~~subdivision A 2 of~~ § 51.1-155 A 2, upon attaining age fifty-five.

B. For the purposes of this section, "involuntary separation" means any dismissal, requested resignation, or failure to obtain reappointment, except in case of a conviction for a felony or crime involving moral turpitude or dishonesty.

§ 51.1-155.2. *Exceptions from general early retirement provisions for certain local government officials.*

A. *Members of the retirement system who (i) are appointed county administrator pursuant to § 15.1-115, county executive pursuant to § 15.1-595, or city manager pursuant to § 15.1-926; (ii) are involuntarily separated from service; and (iii) have twenty or more years of creditable service at the date of separation, may retire without the reduction in retirement allowance required by § 51.1-155 A 2 upon attaining age fifty-five.*

B. For the purposes of this section, "involuntary separation" means any dismissal, requested resignation, or failure to obtain reappointment, except in case of a conviction for a felony or crime involving moral turpitude or dishonesty.

C. *The cost of this provision shall be borne by the locality.*

**2. That the provisions of this act shall apply to employees of political subdivisions unless the employer notifies the Board of Trustees otherwise in writing on or before July 1, 1995.**