

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 51.1-153 of the Code of Virginia, relating to 50/10 retirement in the*
3 *Virginia Retirement System.*

[H 1027]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 51.1-153 of the Code of Virginia is amended and reenacted as follows:**

8 § 51.1-153. Service retirement.

9 A. Normal retirement. Any member in service at his normal retirement date with five or more years
10 of creditable service may retire at any time upon written notification to the Board setting forth the date
11 the retirement is to become effective. Any member in service who was denied membership prior to July
12 1, 1987, as a result of being age sixty or over when first employed may retire at any time after his
13 normal retirement date and the requirement of having five or more years of service shall not apply.

14 B. Early retirement. Any member in service who has attained his fifty-fifth birthday with five or
15 more years of creditable service may retire prior to his normal retirement date upon written notification
16 to the Board setting forth the date the retirement is to become effective.

17 C. Deferred retirement for members terminating service. Any member who terminates service after
18 five or more years of creditable service may retire under the provisions of subsection A or B of this
19 section if he has not withdrawn his accumulated contributions prior to the effective date of his
20 retirement or if he has five or more years of creditable service for which his employer has paid the
21 contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any
22 requirements as to the member being in service shall not apply. No member shall be entitled to the
23 benefits of this subsection if his employer certifies that his service was terminated because of
24 dishonesty, malfeasance, or misfeasance in office. The certification may be appealed to the Board.

25 D. 50/10 retirement. Any member in service on or after January 1, 1994, who has attained his fiftieth
26 birthday with ten or more years of creditable service may retire prior to his normal retirement date upon
27 written notification to the Board setting forth the date the retirement is to become effective. A member
28 who is a state employee shall not be eligible for retirement pursuant to this subsection unless the
29 employee has entered into a binding agreement with the Department of Personnel and Training
30 providing that the employee shall not thereafter reenter into full-time or part-time employment with any
31 agency in the executive branch of the Commonwealth for a period of two years following retirement.
32 *Institutions of higher education may enter into a contract with a member on a part-time basis, not to*
33 *exceed twenty hours per week, to provide unique technical expertise for projects sponsored by*
34 *institution-affiliated research foundations, authorities, or nonprofit corporations.*

35 E. Effective date of retirement. The effective date of retirement shall be after the last day of service
36 of the member, but shall not be more than ninety days prior to the filing of the notice of retirement.

37 F. Notification on behalf of member. If the member is physically or mentally unable to submit
38 written notification of his intention to retire, the member's appointing authority may submit notification
39 on his behalf.

40 **2. That the provisions of this act shall apply to all persons who retired pursuant to the provisions**
41 **of subsection D of § 51.1-153 on or after March 10, 1995.**

ENROLLED

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