

**Municipal Pensions Oversight Board
Standard Operating Procedures**

Procedure Title:	Required Information Data Collections
Authored by:	MPOB Staff
Date Issued:	August 21, 2012
Approved by:	Municipal Pensions Oversight Board on August 20, 2012 Municipal Pensions Oversight Board on June 18, 2020
Revised:	6/18/2020
Purpose:	Documents the method by which the MPOB collects the average number of policemen, firemen, DROP members and retirees for the year to determine the allocation of state aid as required by WV Code Sections §8-22-26(f), §8-22-25a(d)(1), and §33-3-14(d), Additional fire and casualty insurance premium tax; allocation of proceeds. (See Exhibit I-A)
<u>Responsibility:</u>	<u>Action:</u>
MPOB Executive Director	On or before July first, the MPOB will email to the treasurer and the pension secretary of each municipality in which a municipal policemen’s or firemen’s pension fund has been established a memo and instructions along with a form entitled: “Required Information Data Collection”. (RID)(Exhibit I-B)
Participating Municipality	Completes the form for each policemen’s and firemen’s pension fund by keying into the RID form the requested information as per the instructions. Completed forms are sent to the MPOB no later than July 31. Forms must be signed by the treasurer/finance director, the respective pension secretaries, scanned and emailed to MPOB@wv.gov .
MPOB Staff	Receives from the participating municipality the RID form. Received dates will be documented by email date. Copy of each RID is filed electronically in the respective municipal file. Gov MPOB Shared (\\executive\dfs) (S:), Municipal Pensions Board, Municipal Pensions File Cabinet, City of (name), (Police or Fire), Sept (year) (File Name).

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Responsibility:

Action:

CFO

Recalculate the RID forms for mathematical accuracy and check for proper certification. If the RID is not signed by all parties the forms will be returned to the municipality. From the RID form enter the Membership Comparison Schedule (See Exhibit I-C) the number of eligible members and the eligible retirees for each municipality.

Check the number of members for reasonableness by comparing to prior year's report. If there appears to be errors or inconsistencies, contacts the participating municipality for resolution or obtains written justification/explanation of any significant variance. Any corrections to the RID will require a new completed RID form signed by both the Treasurer/ Finance Director and Pension Secretary. Signs and dates the Membership Comparison Schedule and scans all RID forms and any other supporting documentation into a PDF file.

On or before August 15th emails the Membership Comparison Schedule, scanned RID forms and any other supporting documentation to the Executive Director for review.

MPOB
Executive
Director

Reviews the Membership Comparison Schedule, RID forms and any other support documentation to verify member numbers in order to establish a basis for the Premium Tax allocation. Signs and dates the Membership Comparison Schedule and emails to shared file: Gov MPOB ([\\executive\dfs](#)) (S:), Municipal Pensions Board, Police and Fire Pension Funds (New), Sept 1 (year), Sept (year) Forms, the Membership Comparison Schedule, RID forms and any other supporting documentation.

All documents filed electronically are held for external auditors review. Documents retained electronically until the retention schedule is met. Thereafter documents are destroyed as per schedule.

Per 33-3-14d(b)(1), scan and email to the Director of Administration for the State Treasurer's Office those RID forms that reflect the number of volunteer firemen. (See Exhibit I-A).

EXHIBIT I-A (revised)

WV Code §33-3-14D

§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds; effective date.

(a) (1) For the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and the Teachers Retirement System Reserve Fund and for volunteer and part-volunteer fire companies and departments, there is hereby levied and imposed an additional premium tax equal to one percent of taxable premiums for fire insurance and casualty insurance policies. For purposes of this section, casualty insurance does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

(2) All moneys collected from this additional tax shall be received by the commissioner and paid by him or her into a special account in the State Treasury, designated the Municipal Pensions and Protection Fund: Provided, That on or after January 1, 2010, the commissioner shall pay ten percent of the amount collected to the Teachers Retirement System Reserve Fund created in section eighteen, article seven-a, chapter eighteen of this code, twenty-five percent of the amount collected to the Fire Protection Fund created in section thirty-three of this article for allocation by the Treasurer to volunteer and part-volunteer fire companies and departments and sixty-five percent of the amount collected to the Municipal Pensions and Protection Fund: Provided, however, That upon notification by the Municipal Pensions Oversight Board pursuant to the provisions of section eighteen-b, article twenty-two, chapter eight of this code, on or after January 1, 2010, or as soon thereafter as the Municipal Pensions Oversight Board is prepared to receive the funds, sixty-five percent of the amount collected by the commissioner shall be deposited in the Municipal Pensions Security Fund created in section eighteen-b, article twenty-two, chapter eight of this code. The net proceeds of this tax after appropriation thereof by the Legislature is distributed in accordance with the provisions of this section, except for distribution from proceeds pursuant to subsection (d), section eighteen-a, article twenty-two, chapter eight of this code.

(b) (1) Before August 1 of each year, the treasurer of each municipality in which a municipal policemen's or firemen's pension and relief fund is established shall report to the State Treasurer the average monthly number of members who worked at least one hundred hours per month and the average monthly number of retired members of municipal policemen's or firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System during the preceding fiscal year: Provided, That beginning in the year 2010 and continuing thereafter, the report shall be made to the oversight board created in section eighteen-a, article twenty-two, chapter eight of this code. These reports received by the oversight board shall be provided annually to the State Treasurer by September 1.

(2) Before September 1 of each calendar year, the State Treasurer, or the Municipal Pensions Oversight Board, once in operation, shall allocate and authorize for distribution the revenues in the Municipal Pensions and Protection Fund which were collected during the preceding calendar year for the purposes set forth in this section. Before September 1 of each calendar year and after the Municipal Pensions Oversight Board has notified the Treasurer and commissioner pursuant to section eighteen-b, article twenty-two, chapter eight of this code, the Municipal Pensions Oversight Board shall allocate and authorize for distribution the revenues in the Municipal Pensions Security Fund which were collected during the preceding calendar year for the purposes set forth in this section. In any year the actuarial report required by section twenty, article twenty-two, chapter eight of this code indicates no actuarial deficiency in the municipal policemen's or firemen's pension and relief fund, no revenues may be allocated from the Municipal Pensions and Protection Fund or the Municipal Pensions Security Fund to that fund. The revenues from the Municipal Pensions and Protection Fund shall then be allocated to all other pension and relief funds which have an actuarial deficiency.

(3) The Municipal Pensions Oversight Board shall annually review the investment performance of each municipal policemen's or firemen's pension and relief fund. If the municipal pension and relief fund's board fails for three consecutive years to comply with the investment provisions established by section twenty-two-a, article twenty-two, chapter eight of this code, the oversight board may require the municipal policemen's or firemen's pension and relief fund to invest with the Investment Management Board to continue to receive its allocation of funds from the premium tax. If the municipal pension and relief fund fails to move its investments to the Investment Management Fund within the eighteen-month drawdown period, provided in subsection (e), section nineteen, article twenty-two, chapter eight of this code, the revenues shall be reallocated to all other municipal policemen's or firemen's pension and relief funds that have drawn down one hundred percent of their allocations.

(4) The moneys, and the interest earned thereon, in the Municipal Pensions and Protection Fund allocated to volunteer and part-volunteer fire companies and departments shall be allocated and distributed quarterly to the volunteer fire companies and departments. Before each distribution date, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part-volunteer fire companies and departments within the state which meet the eligibility requirements established in section eight-a, article fifteen, chapter eight of this code.

(c) (1) Each municipal pension and relief fund shall have allocated and authorized for distribution a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average monthly number of police officers and firefighters who worked at least one hundred hours per month during the preceding fiscal year. On and after July 1, 1997, from the growth in any moneys collected pursuant to the tax imposed by this section and interest thereon there shall be allocated and authorized for distribution to each municipal pension and relief fund, a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average number of police officers and firefighters who worked at least one hundred hours per month and average monthly number of retired police officers and firefighters. For the purposes of this subsection, the growth in moneys collected from the tax collected pursuant to this section is determined by subtracting the amount of the tax collected during the fiscal year ending June 30, 1996, from the tax collected during the fiscal year for which the allocation is being made and interest thereon. All moneys received by municipal

pension and relief funds under this section may be expended only for those purposes described in sections sixteen through twenty-eight, inclusive, article twenty-two, chapter eight of this code.

(2) Each volunteer fire company or department shall receive an equal share of the revenues allocated for volunteer and part-volunteer fire companies and departments.

(3) In addition to the share allocated and distributed in accordance with subdivision (1) of this subsection, each municipal fire department composed of full-time paid members and volunteers and part-volunteer fire companies and departments shall receive a share equal to the share distributed to volunteer fire companies under subdivision (2) of this subsection reduced by an amount equal to the share multiplied by the ratio of the number of full-time paid fire department members who are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System to the total number of members of the fire department.

(d) The allocation and distribution of revenues provided in this section are subject to the provisions of section twenty, article twenty-two, chapter eight of this code and sections eight-a and eight-b, article fifteen of said chapter.

(e) Based upon the findings of an audit by the Treasurer, the Legislature hereby finds and declares that during the period of 1982 through April 27, 2012, allocations from the Municipal Pensions and Protection Fund were miscalculated and errors were made in amounts transferred, resulting in overpayments and underpayments to the relief and pension funds and to the Teachers Retirement System, and that the relief and pension funds and the Teachers Retirement System were not at fault for any of the overpayments and underpayments. The Legislature hereby further finds and declares that any attempt by the Municipal Pension Oversight Board or other entity to recover any of the overpayments would be unjust and create economic hardship for the entities that received overpayments. No entity, including, without limitation, the Municipal Pension Oversight Board, may seek to recover from a relief or pension fund, the Teachers Retirement System or the state any overpayments received from the Municipal Pensions and Protection Fund and the overpayments are not subject to recovery, offset or litigation. Pursuant to the audit by the Treasurer, the amount of \$3,631,846.55 is determined owed to specific relief and pension funds through the period of April 27, 2012. The Treasurer is hereby authorized to transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund, which is hereby reopened for the sole purpose of the transfer and remittances pursuant to this subsection, and to use the amount transferred to remit the amounts due to the pension and relief funds. The payment of \$3,631,846.55 to the pension and relief funds is complete satisfaction of any amounts due and no entity, including, without limitation, the Municipal Pension Oversight Board and any pension or relief fund, may seek to recover any further amounts.

Note: WV Code updated with legislation passed through the [2020 Regular Session](#)

WV Code §8-22-25a(d)(1)

§8-22-25a(d)(1). Deferred retirement option plans; authorization; requirements; limitations.

(d)(1) During the DROP participation period, the member shall continue with full-time employment in a covered position subject to the municipality's requirements. A member's retirement benefits are calculated as of the DROP participation date and a member may not accumulate additional retirement benefits during the DROP participation period. Upon beginning participation, the member is treated as retired and receiving benefits for purposes of the retirement system *Provided*, That for the purpose of distributing premium tax proceeds required in §33-3-14d of this code, he or she shall be included in the calculation of the municipality's average number of policemen or firemen for each month that he or she works at least one hundred hours. During the participation period, the employer shall continue to make regular contributions to the employee's pension and relief fund.

Note: WV Code updated with legislation passed through the [2020 Regular Session](#)

WV Code §8-22-26

§8-22-26. Death benefits.

(f) For the purpose of distributing premium tax proceeds as required by §33-3-14d of this code, one beneficiary of the death benefit authorized by this section shall be included in the average monthly number of retired police officers and firefighters.

Note: WV Code updated with legislation passed through the [2020 Regular Session](#)

Text highlighted in yellow is new and affects the Required Information Data Collection Process for Municipal Pension Plans.

MEMORANDUM

To: Policemen's Pension and Relief Fund Secretary
Firemen's Pension and Relief Fund Secretary
Municipal Treasurer

From: Blair Taylor
Executive Director

Date: June xx, 2020

Re: Required Information Data Collection

As required by West Virginia Code § 33-3-14d, please fill out the attached forms for your municipal pensions and protection fund(s). The West Virginia Municipal Pensions Oversight Board (MPOB) will use this information to help determine the amount of state share allocated by our office for your pension plans on or before September 1, 20XX.

Please pay close attention to the revised instructions this year. W.Va. Code §8-22-25a(d)(1) clarifies how DROP members are counted and §8-22-26(f) clarifies that only one survivor is to be counted per deceased member.

Return the completed forms to my attention on or before July 31, 20XX. The completed forms (including signatures) are to be scanned and emailed to MPOB@wv.gov. The Municipal Pensions Oversight Board requires the completed documents be sent via email with a return receipt request enabled.

The sooner the MPOB receives the information from every pension plan, the sooner the actuarial study for your pension plan will be completed. The MPOB will provide the actuarial study to you as soon as it is received from the actuary and reviewed by the MPOB. Further, the MPOB will be able provide all pension plans with the amount of the state premium tax allocation as soon as we have all the census data from each plan.

Failure to provide this information to the Municipal Pensions Oversight Board by **July 31, 20XX** will result in your pension and relief fund not receiving an allocation of state aid from the Municipal Pensions Oversight Board in 20XX.

If you have any questions regarding the forms, please contact Michelle Painter at 304-356-2417.

enclosures

**MUNICIPAL PENSIONS OVERSIGHT BOARD
REQUIRED INFORMATION DATA COLLECTION
POLICEMEN'S AND FIREMEN'S PENSION PLAN
INSTRUCTIONS**

1. Municipality is to provide information in the designated areas on the forms. When listing the number of police and firefighters in each of the columns use **whole numbers** and the average members will automatically calculate to the nearest 100th. Please see example.
2. List the name of the participating municipality.
3. In **Column A**, list the total number of all paid members for each month including those policemen and firefighters who might pay into a different retirement system or not paying into one at all (i.e. possibly the police or fire chief, etc.)
4. In **Column B**, list the number of members in the old municipal plan defined as the municipal policemen's or firemen's pension and relief fund, who worked at least 100 hours each month during the period of July 2019 thru June 2020. **Effective May 18, 2020, municipalities with DROP programs are to count DROP members who work at least 100 hours each month during the period as active members.** See WV Code §8-22-25a(d)(1) and §33-3-14d (b) (1).
5. In **Column C**, list the number of members in the new State plan defined as the Municipal Police Officers and Firefighters Retirement System (MPFRS) administered by the State of WV Consolidated Public Retirement Board, who worked at least 100 hours each month during the period of July 2019 thru June 2020. See WV Code 33-3-14d (b) (1).
6. In **Column D**, list the number of retirees, survivors and disability members in the old municipal plan, defined as the municipal policemen's or firemen's pension and relief fund for each month during the period of July 2019 thru June 2020. See WV Code 33-3-14d (b) (1) and 8-22-26(f). **Only 1 survivor is to be counted per member.** For example, a deceased member has three survivors; a spouse and two children, only one survivor is to be listed for that member.
7. In **Column E**, list the number of retirees, survivors and disability members in the new State plan defined as the Municipal Police Officers and Firefighters Retirement System administered by the State of WV Consolidated Public Retirement Board, for each month during the period of July 2019 thru June 2020. See WV Code 33-3-14d (b) (1) and 8-22-26(f). **Only 1 survivor is to be counted per member.** For example, a deceased member has three survivors; a spouse and two children, only one survivor is to be listed for that member.
8. In **Column F**, (firemen's pension plan only) list the number of volunteer fire department or volunteer fire company members for each month.
9. Signature and date by the Municipal Treasurer
10. Signature and date by the Pension Secretary.
11. Municipality is to scan and email the completed form(s) to MPOB@wv.gov on or before July 31st of each year.
12. Documents not signed by both the Municipal Treasurer/Finance Director and the Pension Secretary will not be accepted and will be returned to the municipality.

**MUNICIPAL PENSIONS OVERSIGHT BOARD
REQUIRED INFORMATION DATA COLLECTION
POLICEMENS'S PENSION PLAN**

Municipality:

A	B	C		D	E	
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ELIGIBLE FOR PURPOSES OF DISTRIBUTION AS PER
WV CODE 33-3-14D(B)(1), 8-22-25(a)(d)(1), AND 8-22-26(f)

RETIRED, DISABILITY OR SURVIVORS

MONTH	ALL PAID MEMBERS	ELIGIBLE MEMBERS			MEMBERS		
		Old Plan Municipal	New Plan State	Total	Old Plan Municipal	New Plan State	Total
July 2019				0.00			0.00
August 2019				0.00			0.00
September 2019				0.00			0.00
October 2019				0.00			0.00
November 2019				0.00			0.00
December 2019				0.00			0.00
January 2020				0.00			0.00
February 2020				0.00			0.00
March 2020				0.00			0.00
April 2020				0.00			0.00
May 2020				0.00			0.00
June 2020				0.00			0.00
Average Members	0.00			0.00			0.00

I hereby certify that the above information is true and correct to the best of my knowledge and belief and will be used by the Municipal Pensions Oversight Board to allocate moneys in the Municipal Pensions Security Fund in accordance with West Virginia Code 33-3-14d, 8-22-25a(d)(1), 8-22-26(f), and 8-22-20. Furthermore, I certify that the discovery of any error resulting in an over reporting of members for the municipality will be reported immediately to the Municipal Pensions Oversight Board for correction and any error resulting in an under reporting of members will be borne by the municipality.

Certified By: _____
Municipal Treasurer

Date: _____

Certified By: _____
Pension Secretary

Date: _____

**MUNICIPAL PENSIONS OVERSIGHT BOARD
REQUIRED INFORMATION DATA COLLECTION
FIREMENS'S PENSION PLAN**

Municipality: _____

	A	B	C		D	E		F
	ELIGIBLE FOR PURPOSES OF DISTRIBUTION AS PER WV CODE 33-3-14D(B)(1) AND 8-22-26(f)							
		ELIGIBLE MEMBERS			RETIRED, DISABILITY OR SURVIVORS MEMBERS			Volunteer or Company Members
MONTH	ALL PAID MEMBERS	Old Plan Municipal	New Plan State	Total	Old Plan Municipal	New Plan State	Total	
July 2019				0.00			0.00	
August 2019				0.00			0.00	
September 2019				0.00			0.00	
October 2019				0.00			0.00	
November 2019				0.00			0.00	
December 2019				0.00			0.00	
January 2020				0.00			0.00	
February 2020				0.00			0.00	
March 2020				0.00			0.00	
April 2020				0.00			0.00	
May 2020				0.00			0.00	
June 2020				0.00			0.00	
Average Members	<u>0.00</u>			<u>0.00</u>			<u>0.00</u>	<u>0.00</u>

I hereby certify that the above information is true and correct to the best of my knowledge and belief and will be used by the Municipal Pensions Oversight Board to allocate moneys in the Municipal Pensions Security Fund in accordance with West Virginia Code 33-3-14d, 8-22-25a(d)(1), 8-22-26(f), and 8-22-20. Furthermore, I certify that the discovery of any error resulting in an over reporting of members for the municipality will be reported immediately to the Municipal Pensions Oversight Board for correction and any error resulting in an under reporting of members will be borne by the municipality.

Certified By: _____
Municipal Treasurer

Date: _____

Certified By: _____
Pension Secretary

Date: _____