

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

House Bill 3191

BY DELEGATES BOGGS, STORCH, PETHTEL,
HOUSEHOLDER, WESTFALL AND HOTT

[Passed April 7, 2021; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 21 P 4: 57

FILED

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1 AN ACT to amend and reenact §5-10-19 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §18-7A-13a of said code, all relating to requiring employers to send
3 certain notifications when retirants are hired as temporary, part-time employees.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-19. Employers to file information as to employees' service.

1 (a) Each participating public employer shall file with the board of trustees, in such form as
2 the board shall from time to time prescribe, a detailed statement of all service rendered to
3 participating public employers by each of its employees and by any retirant who retired under
4 section twenty-two-c of this article and who is working for the employer on a contract basis, as
5 defined in section twenty-two-c of this article, and such other information as the board shall require
6 in the operation of the retirement system.

7 (b) Prior to any retirant subsequently becoming employed on a temporary full-time or
8 temporary part-time basis by a participating public employer, the employer shall notify the board
9 and the retirant, in writing, if and when the retirant's potential temporary employment will
10 negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either
11 temporary full-time or temporary part-time employment, the employer shall notify the board, in
12 writing, of the retirant's subsequent employment.

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-13a. Resumption of service by retired teachers.

1 (a) For the purpose of this section, reemployment of a former or retired teacher as a
2 teacher shall in no way impair the teacher's eligibility for a prior service pension or any other
3 benefit provided by this article.

4 (b) Retired teachers who qualified for an annuity because of age or service may not
5 receive prior service allowance from the retirement board when employed as a teacher and when
6 regularly employed by the State of West Virginia. The payment of the allowance shall be
7 discontinued on the first day of the month within which such employment begins and shall be
8 resumed on the first day of the month succeeding the month within which such employment
9 ceases. The annuity paid the teacher on first retirement resulting from the Teachers' Accumulation
10 Fund and the Employers' Accumulation Fund shall continue throughout the governmental service
11 and thereafter according to the option selected by the teacher upon first retirement.

12 (c) Retired teachers who qualified for an annuity because of disability shall receive no
13 further retirement payments if the retirement board finds that the disability of the teacher no longer
14 exists; payment shall be discontinued on the first day of the month within which the finding is
15 made. If the retired teacher returns to service as a teacher, he or she shall contribute to the
16 Teachers' Accumulation Fund as a member of the system. His or her prior service eligibility, if
17 any, shall not be impaired because of his or her disability retirement. His or her accumulated
18 contributions which were transferred to the benefit fund upon his or her retirement shall be
19 returned to his or her individual account in the Teachers' Accumulation Fund, minus retirement
20 payments received which were not supported by such contributions and interest. Upon
21 subsequent retirement, he or she shall receive credit for all of his or her contributory experience,
22 anything to the contrary in this article notwithstanding.

23 (d) Notwithstanding any provision of this code to the contrary, a person who retires under
24 the system provided by this article may subsequently become employed on either a full-time
25 basis, part-time basis or contract basis by any institution of higher education without any loss of

26 retirement annuity or retirement benefits if the person's retirement commences between the
27 effective date of the enactment of this section in 2002 and December 31, 2002: *Provided*, That
28 the person shall not be eligible to participate in any other state retirement system provided by this
29 code.

30 (e) The retirement board is herewith authorized to require of the retired teachers and their
31 employers such reports as it deems necessary to effectuate the provisions of this section.

32 (f) Prior to any retirant subsequently becoming employed on a substitute or temporary
33 basis which if full-time would qualify the retirant as a teacher member or a nonteaching member,
34 the employer shall notify the retirement board and the retirant, in writing, if and when the retirant's
35 potential substitute or temporary employment will negatively impact the retirant's retired status or
36 benefits. Upon the retirant's acceptance of either substitute or temporary employment, the
37 employer shall notify the retirement board, in writing, of the retirant's subsequent employment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Dean Jeffrey
.....
Chairman, House Committee

Mark Starnes
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Joe Linn
.....
Clerk of the Senate

Les Humber
.....
Speaker of the House of Delegates

C. P. Bell
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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FILED

The within *it approved* this the *21st*
day of *April*, 2021.

James Owens
.....
Governor

PRESENTED TO THE GOVERNOR

APR 14 2021

Time 4:41 pm