WEST VIRGINIA CODE: §15-2A-6E

§15-2A-6e. State police reemployment.

(a) Notwithstanding any provision of this article to the contrary, a retirant who becomes reemployed by the agency after the effective date of his or her retirement must have a bona fide separation from service upon retirement to be eligible for an annuity under the retirement system. If a retirant fails to have a bona fide separation from service upon retirement or if such retirant or the agency fails to comply with subsection (b) of this section in a manner satisfactory to the board, then the member's retirement shall be voided and the member shall repay to the system the gross amount of all annuity payments received related to such voided retirement; provided further that the board may take any actions necessary or appropriate in accordance with the provisions of §15-2A-23 of this code to recover such annuity payments so that an in-service distribution is not deemed to have been made.

(b) Prior to any retirant subsequently becoming employed by the agency, whether on a permanent, full-time, part-time, substitute, per diem, temporary or leased employee basis, the agency shall notify the board and the retirant, in writing, if and when any such potential employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of such employment, the agency shall notify the board, in writing, of the retirant's subsequent employment. The retirement board may also require of retirants and the agency such reports, forms and verifications as it deems necessary to ensure that a bona fide separation from service has occurred.

WV Legislature