# WEST VIRGINIA CODE: §18-7A-13A

**§18-7A-13a. Resumption of service by retirants.**

(a) For the purpose of this section, reemployment of a retirant as a teacher or nonteacher may in no way impair the retirant's eligibility for a prior service pension or any other benefit provided by this article, except as provided in subsection (f) of this section.

(b) Retirants who qualified for an annuity because of age or service may not receive prior service allowance from the retirement board when employed as a teacher or nonteacher and when regularly employed by a public school. The payment of the allowance shall be discontinued on the first day of the month within which the employment begins and shall be resumed on the first day of the month succeeding the month within which the employment ceases. The annuity paid the retirant on first retirement resulting from the Teachers' Retirement System Fund shall continue throughout the public-school service and thereafter according to the option selected by the retirant upon first retirement.

(c) Retirants who qualified for an annuity because of disability may receive no further retirement payments if the retirement board finds that the disability of the retirant no longer exists; payment shall be discontinued on the first day of the month within which the finding is made. If the retirant returns to service as a teacher or nonteacher, he or she shall contribute to the Teachers' Retirement System Fund as a member of the system. His or her prior service eligibility, if any, shall not be impaired because of his or her disability retirement. Upon subsequent retirement, he or she shall receive credit for all contributory experience, anything to the contrary in this article notwithstanding.

(d) Notwithstanding any provision of this code to the contrary, a person who retires under the system provided by this article may subsequently become employed on either a full-time basis, part-time basis, or contract basis by any institution of higher education without any loss of retirement annuity or retirement benefits if the person's retirement commences between the effective date of the enactment of this section in 2002 and December 31, 2002: *Provided*, That the person may not be eligible to participate in any other state retirement system provided by this code.

(e) The retirement board may require of the retirants and their employers such reports, forms and verifications as it deems necessary to effectuate the provisions of this section and to ensure that a bona fide separation from service upon retirement has occurred.

(f) Notwithstanding any provision of this article to the contrary, a retirant who becomes employed by a participating employer 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 payable under the system. If a retirant fails to have a bona fide separation from service upon retirement or if such retirant or his or her employer fails to comply with subsection (e) of this section in a manner satisfactory to the board, then the member's retirement shall be

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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 §18-7A-14c of this code to recover such annuity payments so that an in-service distribution is not deemed to have been made.

(g) Prior to any retirant subsequently becoming employed with an employer on a permanent (regularly employed for full-time service or part-time service), substitute, per diem, leased employee or temporary basis, the employer shall notify the retirement board and the retirant, in writing, when the retirant's potential permanent, substitute, per diem, leased employee or temporary employment will negatively impact the retirant's retired status or benefits. Upon the retirant's acceptance of either permanent, substitute, per diem, leased employee or temporary employment, the employer shall notify the retirement board, in writing, of the retirant's subsequent employment.

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