

# WEST VIRGINIA CODE: §5-16-29

## §5-16-29. Limitation on PEIA participation.

Notwithstanding any other provision of this article to the contrary, the director may not consider any employer eligible for participation in a plan except for the following:

- (1) All mandatory participants, including the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units.
- (2) Any county board of education or public charter school established pursuant to §18- 5G-1 *et seq.* of this code, if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance program: *Provided*, That as it relates to eligible public charter schools, only employees directly employed by a charter school that is exempt from the payment of taxes under the United States Internal Revenue Code, Title 26 U.S.C. § 501(c)(3), may participate in a plan.
- (3) Any employer participating in a plan as of the effective date of the enactment of this section in the regular session of the Legislature, 2021.