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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1429

(By Mr. Del. Murensky + Del Riffe)



Passed March 10, 1984

In Effect July 1, 1984 ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1429

(By DELEGATE MURENSKY and DELEGATE RIFFLE)

[Passed March 10, 1984; in effect July 1, 1984.]

AN ACT to amend and reenact sections twelve and eighteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia public employees' insurance system; providing for crediting accrued annual leave and sick leave toward extended insurance coverage for retired employees, their spouses and dependents; requiring the public employees' insurance board to promulgate rules and regulations providing for extended insurance coverage for retired employees, their spouses and dependents based upon credit for the employees' accrued annual leave and sick leave.

Be it enacted by the Legislature of West Virginia:

That sections twelve and eighteen, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-12. Payment of costs by employer and employee; coverage for employee's spouse and dependents generally; short term continuance of coverage for involuntary employee termination; extended insurance coverage for retired employees with accrued annual leave and sick leave.

1 The board is hereby authorized to provide under any con-

2 tract or contracts entered into under the provisions of this
3 article that the costs of any such group hospital and surgical
4 insurance, group major medical insurance, group life and acci-
5 dental death insurance benefit plan or plans may be paid by
6 the employer and employee. In addition, each employee shall
7 be entitled to have his spouse and dependents, as defined by
8 the rules and regulations of the board, included in any group
9 hospital and surgical insurance or group major medical in-
10 surance coverage provided. The board shall adopt rules and
11 regulations according to chapter twenty-nine-a of this code
12 governing the discontinuance and resumption of any employee's
13 coverage for his spouse and dependents.

14 Should a participating employee be terminated from em-
15 ployment involuntarily or in reduction of work force, the em-
16 ployee's insurance coverage provided under this article shall
17 continue for a period of three months at no additional cost to
18 the employee: *Provided*, That an employee discharged for
19 misconduct shall not be eligible for extended benefits under
20 this section: *Provided, however*, That coverage may be ex-
21 tended up to the maximum period of three months, while
22 administrative remedies contesting the charge of misconduct
23 are pursued: *Provided further*, That should the discharge for
24 misconduct be upheld, the full cost of the extended coverage
25 shall be reimbursed by the employee. If the employee is again
26 employed or recalled to active employment within twelve
27 months of his prior termination, he shall not be considered a
28 new enrollee and shall not be required to again contribute his
29 share of the premium cost, if he had already fully contributed
30 such share during the prior period of employment.

31 When a participating employee is compelled or required by
32 law to retire before reaching the age of sixty-five, or when a
33 participating employee voluntarily retires as provided by law,
34 that employee's accrued annual leave and sick leave, if any,
35 shall be credited toward an extension of the insurance cover-
36 age provided by this article, according to the following for-
37 mulae: Such insurance coverage for a retired employee shall
38 continue one additional month for every two days of annual
39 leave or sick leave, or both, which the employee had accrued
40 as of the effective date of his retirement. For a retired em-

41 ployee, his spouse and dependents, such insurance coverage
42 shall continue one additional month for every three days of
43 annual leave or sick leave, or both, which the employee had
44 accrued as of the effective date of his retirement.

§5-16-18. Rules and regulations for administration of article; eligibility of certain retired employees and dependents of deceased members for coverage; employees or medical leave of absence entitled to coverage.

1 The board shall promulgate such rules and regulations as
2 may be required for the effective administration of the pro-
3 visions of this article. All rules and regulations of the board
4 and all hearings held by the board shall be promulgated and
5 held in accordance with the provisions of chapter twenty-nine-a
6 of the code.

7 Such regulations shall provide that any employee of the
8 state who has been compelled or required by law to retire
9 before reaching the age of sixty-five years shall be eligible to
10 participate in the public employees' health insurance program
11 at his own expense for the cost of coverage after any extended
12 coverage to which he, his spouse and dependents may be en-
13 titled by virtue of his accrued annual leave or sick leave, pur-
14 suant to the provisions of section twelve of this article, has
15 expired. The dependents of any deceased member shall be en-
16 titled to continue their participation and coverage upon pay-
17 ment of the total cost for such coverage. Any employee who
18 voluntarily retires, as provided by law, shall be eligible to
19 participate in the public employees' health insurance program
20 at his own expense for the cost of coverage after any extended
21 coverage to which he, his spouse and dependents may be en-
22 titled by virtue of his accrued annual leave or sick leave, pur-
23 suant to the provisions of section twelve of this article, has
24 expired.

25 Any employee who is on a medical leave of absence, ap-
26 proved by his employer, shall, subject to the following pro-
27 visions of this paragraph, be entitled to continue his coverage
28 until he returns to his employment, and such employee and
29 employer shall continue to pay their proportionate share of
30 premium costs as provided by this article: *Provided, That*

31 the employer shall be obligated to pay its proportionate share
32 of the premium cost only for a period of one year: *Provided,*
33 *however,* That during the period of such leave of absence, the
34 employee shall, at least once each month, submit to the
35 employer the statement of a qualified physician certifying that
36 the employee is unable to return to work.

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

James S. Lewis

Chairman Senate Committee

Ronald Anello

Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

Todd C. Mills

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Waverly R. McBrar

President of the Senate

W. M. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1984.

John R. Thurman

Governor

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