WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

E N R O L L E D

Com. Sub. for
HOUSE BILL No. 1239

(By Mr. Del Norton and Del Shiflet)

Passed April 13, 1985

In Effect Upon Passage
AN ACT to amend and reenact section twelve, 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 act; providing coverage for certain retired employees; specifying insurance coverages available for surviving spouses and dependents of deceased employee who was either an active or retired employee just prior to such decease; and providing for premium cost payment methods.

Be it enacted by the Legislature of West Virginia:

That section twelve, 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 continuation of coverage for involuntary employee termination; extended insurance coverage for retired employees with accrued annual leave and sick leave; additional eligible retired employees.

1 The board is hereby authorized to provide under any contract or contracts entered into under the provisions of this
article that the costs of any such group hospital and surgical
insurance, group major medical insurance, group life and
accidental death insurance benefit plan or plans may be paid
by the employer and employee. In addition, each employee
shall be entitled to have his spouse and dependents, as defined
by the rules and regulations of the board, included in any
group hospital and surgical insurance or group major medical
insurance coverage provided. The board shall adopt rules and
regulations according to chapter twenty-nine-a of this code
governing the discontinuance and resumption of any em-
ployee's coverage for his spouse and dependents.

Should a participating employee be terminated from
employment involuntarily or in reduction of work force, the
employee's insurance coverage provided under this article shall
continue for a period of three months at no additional cost
to the employee: Provided, That an employee discharged for
misconduct shall not be eligible for extended benefits under
this section: Provided, however, That coverage may be
extended up to the maximum period of three months, while
administrative remedies contesting the charge of misconduct
are pursued: Provided further, That should the discharge for
misconduct be upheld, the full cost of the extended coverage
shall be reimbursed by the employee. If the employee is again
employed or recalled to active employment within twelve
months of his prior termination, he shall not be considered
a new enrollee and shall not be required to again contribute
his share of the premium cost, if he had already fully
contributed such share during the prior period of employment.

When a participating employee is compelled or required by
law to retire before reaching the age of sixty-five, or when a
participating employee voluntarily retires as provided by law,
that employee's accrued annual leave and sick leave, if any,
shall be credited toward an extension of the insurance coverage
provided by this article, according to the following formulae:
Such insurance coverage for a retired employee shall continue
one additional month for every two days of annual leave or
sick leave, or both, which the employee had accrued as of the
effective date of his retirement. For a retired employee, his
spouse and dependents, such insurance coverage shall continue
one additional month for every three days of annual leave or
sick leave, or both, which the employee had accrued as of the
effective date of his retirement.

Any employee who retired prior to the twenty-first of April, one thousand nine hundred seventy-two, and who also otherwise meets the conditions of the "retired employee" definition in section two of this article, shall be eligible for insurance coverage under the same terms and provisions of this article. The premium cost for any such coverage shall be borne by the retired employee and the rates for such coverage shall accurately reflect the total cost of such coverage and shall not be subsidized by the rate structure for any other insurance programs administered pursuant to the West Virginia public employees insurance act.

A surviving spouse and dependents of a deceased employee, who was either an active or retired employee just prior to such decease, shall be entitled to be included in any group insurance coverage provided under this article, and such spouse and dependents shall bear the premium cost of such insurance coverage and the rates for such coverage shall accurately reflect the total cost of such coverage and shall not be subsidized by any other insurance programs administered pursuant to the West Virginia public employees insurance act.

In construing the provisions of this section or any other provisions of this code, the Legislature declares that it is not now nor has it ever been the Legislature's intent that elected public officials be provided any sick leave, annual leave or personal leave, and the enactment of this section is based upon the fact and assumption that no statutory or inherent authority exists extending sick leave, annual leave or personal leave to elected public officials and the very nature of such positions preclude the arising or accumulation of such, so as to be thereafter usable as premium paying credits for which such officials may claim extended insurance benefits.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.
Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ........... signed this the day of ... 1985.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/19/85
Time 6:59 P.M.