WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

HOUSE BILL No. 2091

(By Mr. Del Farley)

Passed April 13, 1985
In Effect from 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; payment of costs by employer and employee; coverage for employee's spouse and dependents; short term continuance of coverage for involuntary employee termination; extended insurance coverage for retired employees with accrued annual leave and sick leave; elected public officials not eligible.

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 continuance of coverage for involuntary employee termination; extended insurance coverage for retired employees with accrued annual leave and sick leave; elected public officials ineligible.

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 such employee’s 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 employee’s coverage for such employee’s
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, such employee shall not be
considered a new enrollee and shall not be required to again
contribute his share of the premium cost, if such employee 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 such retirement. For a retired employee, such
employee’s 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.
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 .......... approved .......... this the .......... day of .........., 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/25/85
Time 9:56 p.m.