

No: 1239

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

Com. Sub. for
HOUSE BILL No. 1239

(By ~~Mr~~ Del. Norton & Del. Shiflet)



Passed April 13, 1985

In Effect From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1239

(By DELEGATE WOOTON and DELEGATE SHIFLET)

[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; 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 continuance 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
2 contract 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
5 accidental death insurance benefit plan or plans may be paid
6 by the employer and employee. In addition, each employee
7 shall be entitled to have his spouse and dependents, as defined
8 by the rules and regulations of the board, included in any
9 group hospital and surgical insurance or group major medical
10 insurance 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 em-
13 ployee's coverage for his spouse and dependents.

14 Should a participating employee be terminated from
15 employment involuntarily or in reduction of work force, the
16 employee's insurance coverage provided under this article shall
17 continue for a period of three months at no additional cost
18 to 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
21 extended 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
28 a new enrollee and shall not be required to again contribute
29 his share of the premium cost, if he had already fully
30 contributed such share during the prior period of employment.

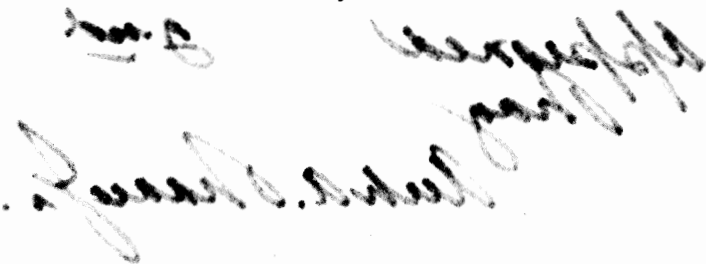
31 When a participating employee is compelled or required by
32 law to retire before reaching the age of sixty-five, or when a
33 participating employee voluntarily retires as provided by law,
34 that employee's accrued annual leave and sick leave, if any,
35 shall be credited toward an extension of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

44 effective date of his retirement.

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

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

65 In construing the provisions of this section or any other
66 provisions of this code, the Legislature declares that it is not
67 now nor has it ever been the Legislature's intent that elected
68 public officials be provided any sick leave, annual leave or
69 personal leave, and the enactment of this section is based upon
70 the fact and assumption that no statutory or inherent
71 authority exists extending sick leave, annual leave or personal
72 leave to elected public officials and the very nature of such
73 positions preclude the arising or accumulation of such, so
74 as to be thereafter usable as premium paying credits for which
75 such officials may claim extended insurance benefits.



Handwritten signatures and initials, including a large signature that appears to read "James A. ...".

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

Harrell E. Johnson

Chairman Senate Committee

Floyd Fuller

Chairman House Committee

Originating in the House.

Takes effect from passage.

Jodd C. Muth

Clerk of the Senate

Donald V. Kopp

Clerk of the House of Delegates

Don Tankin

President of the Senate

Joseph P. Albright

Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *May*, 1985.

Arthur A. Shaffer, Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 6:57 p.m.