

1602
No. 2091

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

OFFICE OF THE CLERK
SECRETARY OF STATE

1205 MAY -3 AM 10:43

DECEMBER

— ● —

ENROLLED

HOUSE BILL No. 2091

(By Del. Farley)

— ● —

Passed April 13, 1985

In Effect From Passage

ENROLLED
H. B. 2091

(By DELEGATE 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
- 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 such employee's spouse and
8 dependents, as defined by the rules and regulations of the
9 board, included in any group hospital and surgical insurance
10 or group major medical insurance coverage provided. The
11 board shall adopt rules and regulations according to chapter
12 twenty-nine-a of this code governing the discontinuance and
13 resumption of any employee's coverage for such employee's
14 spouse and dependents.

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

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

47 In construing the provisions of this section or any other
48 provisions of this code, the Legislature declares that it is not
49 now nor has it ever been the Legislature's intent that elected
50 public officials be provided any sick leave, annual leave or
51 personal leave, and the enactment of this section is based upon
52 the fact and assumption that no statutory or inherent authority
53 exists extending sick leave, annual leave or personal leave to
54 elected public officials and the very nature of such positions
55 preclude the arising or accumulation of such, so as to be
56 thereafter usable as premium paying credits for which such
57 officials may claim extended insurance benefits.

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

Harrell E. Holmes
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect from passage.

Todd C. Wulke
Clerk of the Senate

Donald Z. Kopp
Clerk of the House of Delegates

Dan Tomlin
President of the Senate

Joseph P. Albright
Speaker of the House of Delegates

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

Richard R. Rouse Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/85

Time 2:56 p.m.