WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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E N R O L L E D

HOUSE BILL No. 1210

(By Mr. Del. Blatnik & Del. Love)

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Passed March 6, 1986

In Effect From Passage
ENROLLED

H. B. 1210

(By Delegate Blatnik and Delegate Love)

[Passed March 6, 1986; in effect from passage.]

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 West Virginia public employees insurance act; providing for retirees to be eligible for and obtain health insurance coverage only, without being required to also take life insurance coverage, with classes of retirees heretofore established for rate structure purposes to continue; and providing for life insurance coverage, including optional life insurance, to be made available to all retirees upon their payment of the cost thereof, based upon actuarial experience.

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; additional eligible retired employees; option for health insurance coverage without life insurance coverage made available to retirees.

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 employee'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.

All retirees under the provisions of this article,
including those defined in section two of this article;
those retiring prior to the twenty-first day of April, one
thousand nine hundred seventy-two; and those hereafter
retiring, shall be eligible for and permitted to obtain
health insurance coverage, upon payment of the full
premium cost thereof, separately, without also being
required to obtain any life insurance coverage hereunder: Provided, That any requirement heretofore
established to prevent the subsidizing of any separate
class by the rate structure of any other program
administered hereunder shall continue.

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.

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

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

Such regulations shall provide that any employee of
the state who has been compelled or required by law to
retire before reaching the age of sixty-five years shall
be eligible to participate in the public employees' health
insurance program at his own expense for the cost of
coverage after any extended coverage to which he, his
spouse and dependents may be entitled by virtue of his
accrued annual leave or sick leave, pursuant to the
provisions of section twelve of this article, has expired.
The dependents of any deceased member shall be entitled to continue their participation and coverage upon payment of the total cost for such coverage. Any employee who voluntarily retires, as provided by law, shall be eligible to participate in the public employees' health insurance program at his own expense for the cost of coverage after any extended coverage to which he, his spouse and dependents may be entitled by virtue of his accrued annual leave or sick leave, pursuant to the provisions of section twelve of this article, has expired.

Any employee who is on a medical leave of absence, approved by his employer, shall, subject to the following provisions of this paragraph, be entitled to continue his coverage until he returns to his employment, and such employee and employer shall continue to pay their proportionate share of premium costs as provided by this article: Provided, That the employer shall be obligated to pay its proportionate share of the premium cost only for a period of one year: Provided, however, That during the period of such leave of absence, the employee shall, at least once each month, submit to the employer the statement of a qualified physician certifying that the employee is unable to return to work.

Any retiree, retiring heretofore or hereafter, shall be eligible to participate in the public employees' life insurance program, including the optional life insurance coverage as already available to active employees under this article, at his own expense for the cost of coverage, based upon actuarial experience; and the board shall prepare, by rule and regulation, for such participation and coverages under declining term insurance and optional additional coverages for such retirees.
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 ..................... this the 25th day of ......................, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/21/86
Time 4:42 p.m.