

70: 1210

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1210

(By ~~Mr.~~ Del. Blatnik + Del. Love)



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.

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

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

35 When a participating employee is compelled or
36 required by law to retire before reaching the age of
37 sixty-five, or when a participating employee voluntarily

38 retires as provided by law, that employee's accrued
39 annual leave and sick leave, if any, shall be credited
40 toward an extension of the insurance coverage provided
41 by this article, according to the following formulae:
42 Such insurance coverage for a retired employee shall
43 continue one additional month for every two days of
44 annual leave or sick leave, or both, which the employee
45 had accrued as of the effective date of his retirement.
46 For a retired employee, his spouse and dependents, such
47 insurance coverage shall continue one additional month
48 for every three days of annual leave or sick leave, or
49 both, which the employee had accrued as of the effective
50 date of his retirement.

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

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

75 A surviving spouse and dependents of a deceased
76 employee, who was either an active or retired employee
77 just prior to such decease, shall be entitled to be
78 included in any group insurance coverage provided

79 under this article, and such spouse and dependents shall
80 bear the premium cost of such insurance coverage and
81 the rates for such coverage shall accurately reflect the
82 total cost of such coverage and shall not be subsidized
83 by any other insurance programs administered pursu-
84 ant to the West Virginia public employees insurance act.

85 In construing the provisions of this section or any
86 other provisions of this code, the Legislature declares
87 that it is not now nor has it ever been the Legislature's
88 intent that elected public officials be provided any sick
89 leave, annual leave or personal leave, and the enactment
90 of this section is based upon the fact and assumption
91 that no statutory or inherent authority exists extending
92 sick leave, annual leave or personal leave to elected
93 public officials and the very nature of such positions
94 preclude the arising or accumulation of such, so as to
95 be thereafter usable as premium paying credits for
96 which such officials may claim extended insurance
97 benefits.

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

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

7 Such regulations shall provide that any employee of
8 the state who has been compelled or required by law to
9 retire before reaching the age of sixty-five years shall
10 be eligible to participate in the public employees' health
11 insurance program at his own expense for the cost of
12 coverage after any extended coverage to which he, his
13 spouse and dependents may be entitled by virtue of his
14 accrued annual leave or sick leave, pursuant to the
15 provisions of section twelve of this article, has expired.

16 The dependents of any deceased member shall be
17 entitled to continue their participation and coverage
18 upon payment of the total cost for such coverage. Any
19 employee who voluntarily retires, as provided by law,
20 shall be eligible to participate in the public employees'
21 health insurance program at his own expense for the
22 cost of coverage after any extended coverage to which
23 he, his spouse and dependents may be entitled by virtue
24 of his accrued annual leave or sick leave, pursuant to
25 the provisions of section twelve of this article, has
26 expired.

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

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

James H. ...
James H. ...
James H. ...

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

Bruce O. Whittem
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect from passage.

Sold C. Will
.....
Clerk of the Senate

Donald Z. Hoop
.....
Clerk of the House of Delegates

Don Tomlin
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

The within *approved* this the *25th*
March
day of, 1986.

Art A. Shaw Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/06

Time 4:42 p.m.

RECEIVED

1936 MAR 23 PM 4: 25

SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/36