

No: 2805

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

HOUSE BILL No. 2805

(By Delegate Seacrist)



Passed MARCH 14, 1987

In Effect FROM Passage

ENROLLED
H. B. 2805
(By DELEGATE SEACRIST)

[Passed March 14, 1987; in effect from passage.]

AN ACT to amend and reenact section three, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public employees eligible for optional lump-sum payment at termination of employment for unused annual leave; requiring that no employee contribution deduction occur because no retirement service credit awardable; and providing for refund to former employee in the event such contribution was mistakenly withheld.

Be it enacted by the Legislature of West Virginia:

That section three, article five, 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 5. SALARY INCREASE FOR STATE EMPLOYEES;
LUMP SUM PAYMENTS FOR ANNUAL LEAVE
AT RETIREMENT.**

§5-5-3. Optional payment to employee in lump sum amount for accrued and unused annual leave at termination of employment; no withholding of any employee contribution deduction.

1 Every eligible employee, as defined in section one of
2 this article, at the time his or her active employment
3 ends due to resignation, death, retirement or otherwise
4 may be paid in a lump sum amount, at his or her option,
5 for accrued and unused annual leave at the employee's

6 usual rate of pay at such time. The lump sum payment
7 shall be made by the time of what would have been the
8 employee's next regular payday had his employment
9 continued. In determining the amount of annual leave
10 entitlement, weekends, holidays or other periods of
11 normal, noncountable time shall be excluded, and no
12 deductions may be made for contributions toward
13 retirement from lump sum payments for unused,
14 accrued annual leave, since no period of service credit
15 is granted in relation thereto, and where any such
16 deduction of employee contribution may have been
17 heretofore made, a refund of such shall be granted the
18 former employee and made by the head of the respective
19 former employer spending unit.

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

Bruce O. Allison
.....
Chairman Senate Committee

Lyle Satter
.....
Chairman House Committee
Member

Originating in the House.

Takes effect from passage.

Leed C. Wick
.....
Clerk of the Senate

Donald L. Stapp
.....
Clerk of the House of Delegates

Sam Tomlin
.....
President of the Senate

W. P. Clark
.....
Speaker of the House of Delegates

The within *approved* this the *30th*
March
day of, 1987.

Arthur M. Shaffer, Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 4:58 p.m.

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OFFICE OF THE
SECRETARY OF WAR