WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4579

(By Delegates Campbell, J. Smith, Keener, Hubbard and Browning)

Passed March 9, 2002

In Effect Ninety Days from Passage
AN ACT to amend and reenact section thirteen-a, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying that a retired public school teacher may be employed as a higher education teacher without loss of benefits.

Be it enacted by the Legislature of West Virginia:

That section thirteen-a, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-13a. Resumption of service by retired teachers.
For the purpose of this section, reemployment of a former or retired teacher as a teacher shall in no way impair such teacher’s eligibility for a prior service pension, or any other benefit provided by this article.

Retired teachers, who qualified for an annuity because of age or service, may not receive prior service allowance from the retirement board when employed as a teacher and when regularly employed by the state of West Virginia. The payment of such allowance shall be discontinued on the first day of the month within which such employment begins, and shall be resumed on the first day of the month succeeding the month within which such employment ceases. The annuity paid any such teacher on first retirement resulting from the teachers’ accumulation fund and the employers’ accumulation fund shall continue throughout the governmental service and thereafter according to the option selected by the teacher upon first retirement.

Retired teachers, who qualified for an annuity because of disability, shall receive no further retirement payments, if the retirement board finds that the disability of the teacher no longer exists; payment shall be discontinued on the first day of the month within which such finding is made. If such retired teacher returns to service as a teacher, he shall contribute to the teachers’ accumulation fund as a member of the system. His prior service eligibility, if any, shall not be impaired because of his disability retirement. His accumulated contributions and interest which were transferred to the benefit fund upon his retirement shall be returned to his individual account in the teachers’ accumulation fund, minus retirement payments received which were not supported by such contributions and interest. Upon subsequent retirement, he shall receive credit for all of his contributory experience, anything to the contrary in this article notwithstanding.
Notwithstanding any provision of this code to the contrary, a person who retires under the system provided by this article may subsequently become employed on either a full time, part time basis or contract basis by any institution of higher education without any loss of retirement annuity or retirement benefits if the person’s retirement commences between the effective date of the enactment of this section in two thousand two and the thirty-first day of December, two thousand two: Provided, That such person shall not be eligible to participate in any other state retirement system provided by this code.

The retirement board is herewith authorized to require of the retired teachers and their employers such reports as it deems necessary to effectuate the provisions of this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 2002.

Governor