WEST VIRGINIA LEGISLATURE
Regular Session 2002

ENROLLED

SENATE BILL NO. 542

(By Senator Pyle,)

PASSED March 9, 2002

In Effect NINETY DAYS FROM PASSAGE
AN ACT to amend and reenact section two, article sixteen, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of the word "plan" in the public employees insurance act.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§5-16-2. Definitions.

1 The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, have the following meanings:

4 (1) "Agency" means the public employees insurance agency created by this article.

(2) "Director" means the director of the public employees insurance agency created by this article.

(3) "Employee" means any person, including elected officers, who works regularly full time in the service of the state of West Virginia and, for the purpose of this article only, the term "employee" also means any person, including elected officers, who works regularly full time in the service of a county board of education; a county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any comprehensive community mental health center or comprehensive mental retardation facility established, operated or licensed by the secretary of health and human resources pursuant to section one, article two-a, chapter twenty-seven of this code and which is supported in part by state, county or municipal funds; any person who works regularly full time in the service of the university of West Virginia board of trustees or the board of directors of the state college system; and any person who works regularly full time in the service of a combined city-county health department created pursuant to article two, chapter sixteen of this code. On and after the first day of January, one thousand nine hundred ninety-four, and upon election by a county board of education to allow elected board members to participate in the public employees insurance program pursuant to this article, any person elected to a county board of education shall be considered to be an "employee" during the term of office of the elected member. Provided, That the elected member shall pay the entire cost of the premium if he or she elects to be covered under this article. Any matters of doubt as to who is an employee within the meaning of this article shall be decided by the director.
On or after the first day of July, one thousand nine hundred ninety-seven, a person shall be considered an "employee" if that person meets the following criteria:

(i) Participates in a job-sharing arrangement as defined in section one, article one, chapter eighteen-a of this code;

(ii) Has been designated, in writing, by all other participants in that job-sharing arrangement as the "employee" for purposes of this section; and

(iii) Works at least one third of the time required for a full-time employee.

(4) "Employer" means the state of West Virginia, its boards, agencies, commissions, departments, institutions or spending units; a county board of education; a county, city or town in the state; any separate corporation or instrumentality established by one or more counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities or towns; any comprehensive community mental health center or comprehensive mental retardation facility established, operated or licensed by the secretary of health and human resources pursuant to section one, article two-a, chapter twenty-seven of this code and which is supported in part by state, county or municipal funds; and a combined city-county health department created pursuant to article two, chapter sixteen of this code. Any matters of doubt as to who is an "employer" within the meaning of this article shall be decided by the director. The term "employer" does not include within its meaning the national guard.

(5) "Finance board" means the public employees insurance agency finance board created by this article.

(6) "Person" means any individual, company, association, organization, corporation or other legal entity,
including, but not limited to, hospital, medical or dental
service corporations; health maintenance organizations or
similar organization providing prepaid health benefits; or
individuals entitled to benefits under the provisions of this
article.

(7) "Plan", unless the context indicates otherwise, means
the medical indemnity plan, the managed care plan option
or the group life insurance plan offered by the agency.

(8) "Retired employee" means an employee of the state
who retired after the twenty-ninth day of April, one
thousand nine hundred seventy-one, and an employee of
the university of West Virginia board of trustees or the
board of directors of the state college system or a county
board of education who retires on or after the twenty-first
day of April, one thousand nine hundred seventy-two, and
all additional eligible employees who retire on or after the
effective date of this article, meet the minimum eligibility
requirements for their respective state retirement system
and whose last employer immediately prior to retirement
under the state retirement system is a participating
employer: Provided, That for the purposes of this article,
the employees who are not covered by a state retirement
system shall, in the case of education employees, meet the
minimum eligibility requirements of the state teachers
retirement system and in all other cases, meet the mini-
mum eligibility requirements of the public employees
retirement system.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 25th Day of March, 2002.

Governor