

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Senate Bill 703

BY SENATORS PREZIOSO, AZINGER, BEACH, CLEMENTS,
HAMILTON, PLYMALE, RUCKER, WELD, CLINE, HARDESTY,
JEFFRIES, ROMANO, AND ROBERTS

[Passed February 28, 2020; in effect from passage]

OFFICE OF THE
SECRETARY OF STATE

2020 MAR 25 PM 4:12

FILED

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1 AN ACT to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended,
2 relating to an increase in the earning limit for employees who accept a separation incentive
3 under this article and subsequently return to employment; and amending or removing
4 obsolete, duplicative, or unnecessary language from state code.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GOVERNANCE.

§18B-1-1d. Retirement and separation incentives.

1 (a) Notwithstanding any other provisions of this code to the contrary, each state institution
2 of higher education may develop plans that offer various incentives for voluntary, early, or phased
3 retirement of employees or voluntary separation from employment when necessary to implement
4 programmatic changes effectively pursuant to the findings, directives, goals, and objectives of this
5 article: *Provided*, That such incentives for voluntary, early, or phased retirement of employees or
6 voluntary separation from employment must be approved by the institution's governing board and
7 presented to the legislative Joint Committee on Pensions and Retirement and approved before
8 such plans are implemented by the institution.

9 (b) The plans may include the following provisions:

10 (1) Payment of a lump sum to an employee to resign or retire;

11 (2) Continuation of full salary to an employee for a predetermined period of time prior to
12 the employee's resignation or retirement and a reduction in the employee's hours of employment
13 during the predetermined period of time;

14 (3) Continuation of insurance coverage pursuant to the provisions of §5-16-1 *et seq.* of
15 this code for a predetermined period;

16 (4) Continuation of full employer contributions to an employee's retirement plan during a
17 phased retirement period; and

18 (5) That an employee retiring pursuant to an early or phased retirement plan may begin
19 collecting an annuity from the employee's retirement plan prior to the statutorily designated
20 retirement date without terminating his or her service with the institution.

21 (c) No incentive provided for in this section shall be granted except in furtherance of
22 programmatic changes undertaken pursuant to the findings, directives, goals, and objectives set
23 forth in this article.

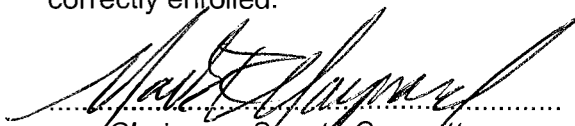
24 (d) No plan proposed by an institution pursuant to this section shall be implemented
25 without approval of the legislative joint committee on pensions and retirement.


26 Any costs associated with any incentive adopted or implemented in accordance with this
27 section shall be borne entirely by the institutions and no incentive shall be granted that imposes
28 costs on the retirement systems of the state or the Public Employees Insurance Agency unless
29 those costs are paid entirely by the institutions.

30 (e) The Legislature further finds and declares that there is a compelling state interest in
31 restricting the availability and application of these incentives to individual employees determined
32 by the institutions to be in furtherance of the aims of this section and nothing herein shall be
33 interpreted as granting a right or entitlement of any such incentive to any individual or group of
34 individuals. Any employee granted incentives shall be ineligible for reemployment by the
35 institutions during or after the negotiated period of his or her incentive concludes, including
36 contract employment in excess of \$25,000 per fiscal year.

37 (f) The West Virginia network for educational telecomputing may utilize the incentives
38 contained in any plan approved by the legislative Joint Committee on Pensions and Retirement
39 pursuant to this section.

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

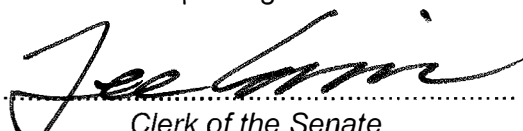

Chairman, Senate Committee


Chairman, House Committee

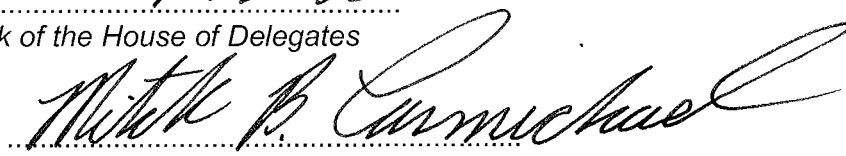
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CLERK OF THE SENATE
SCOTT W. C. SMITH

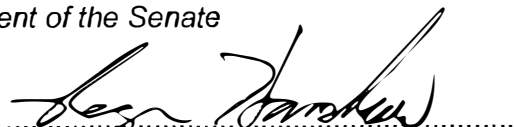
Originated in the Senate.

In effect from passage.

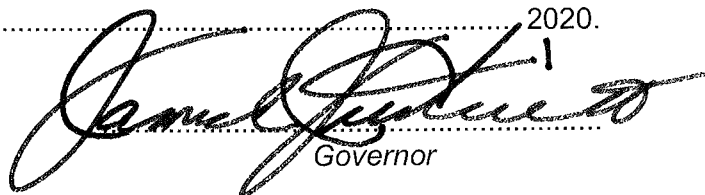

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 25th
Day of March 2020.


Governor

PRESENTED TO THE GOVERNOR

MAR 10 2020

Time 10:56am