

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3191

BY DELEGATES BOGGS, STORCH, PETHTEL,

HOUSEHOLDER, WESTFALL AND HOTT

[Introduced March 16, 2021; referred to the

Committee on Finance]

1 A BILL to amend and reenact §5-10-19 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §18-7A-13a of said code, all relating to requiring employers to send
3 certain notifications when retirants are hired as temporary, part-time employees.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-19. Employers to file information as to employees' service.

1 (a) Each participating public employer shall file with the board of trustees, in such form as
2 the board shall from time to time prescribe, a detailed statement of all service rendered to
3 participating public employers by each of its employees and by any retirant who retired under
4 section twenty-two-c of this article and who is working for the employer on a contract basis, as
5 defined in section twenty-two-c of this article, and such other information as the board shall require
6 in the operation of the retirement system.

7 (b) If a retirant subsequently becomes employed on a part-time, temporary basis by a
8 participating public employer, the employer shall notify the retirant if the retirant's subsequent
9 employment will negatively impact the retirant's retired status or benefits.

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-13a. Resumption of service by retired teachers.

1 (a) For the purpose of this section, reemployment of a former or retired teacher as a
2 teacher shall in no way impair the teacher's eligibility for a prior service pension or any other
3 benefit provided by this article.

4 (b) Retired teachers who qualified for an annuity because of age or service may not
5 receive prior service allowance from the retirement board when employed as a teacher and when
6 regularly employed by the State of West Virginia. The payment of the allowance shall be
7 discontinued on the first day of the month within which such employment begins and shall be
8 resumed on the first day of the month succeeding the month within which such employment
9 ceases. The annuity paid the teacher on first retirement resulting from the Teachers' Accumulation
10 Fund and the Employers' Accumulation Fund shall continue throughout the governmental service
11 and thereafter according to the option selected by the teacher upon first retirement.

12 (c) Retired teachers who qualified for an annuity because of disability shall receive no
13 further retirement payments if the retirement board finds that the disability of the teacher no longer
14 exists; payment shall be discontinued on the first day of the month within which the finding is
15 made. If the retired teacher returns to service as a teacher, he or she shall contribute to the
16 Teachers' Accumulation Fund as a member of the system. His or her prior service eligibility, if
17 any, shall not be impaired because of his or her disability retirement. His or her accumulated
18 contributions which were transferred to the benefit fund upon his or her retirement shall be
19 returned to his or her individual account in the Teachers' Accumulation Fund, minus retirement
20 payments received which were not supported by such contributions and interest. Upon
21 subsequent retirement, he or she shall receive credit for all of his or her contributory experience,
22 anything to the contrary in this article notwithstanding.

23 (d) Notwithstanding any provision of this code to the contrary, a person who retires under
24 the system provided by this article may subsequently become employed on either a full-time
25 basis, part-time basis or contract basis by any institution of higher education without any loss of
26 retirement annuity or retirement benefits if the person's retirement commences between the
27 effective date of the enactment of this section in 2002 and December 31, 2002: *Provided, That*
28 the person shall not be eligible to participate in any other state retirement system provided by this
29 code.

30 (e) The retirement board is herewith authorized to require of the retired teachers and their
31 employers such reports as it deems necessary to effectuate the provisions of this section.

32 (f) If a retirant subsequently becomes employed on a part-time, temporary basis which if
33 full-time would qualify the retirant as a teacher member or a nonteaching member, the employer
34 shall notify the retirant if the retirant's subsequent employment will negatively impact the retirant's
35 retired status or benefits.

NOTE: The purpose of this bill is to require employers to notify retirants if their subsequent employment will negatively impact the retirant's retired status or benefit.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.