

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 3095

BY DELEGATE ESPINOSA

[Originating in the Committee on Education;

March 24, 2017]

1 A BILL to amend §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to allowing
2 retired teachers to be subsequently employed by the Higher Education Policy Commission
3 or the council for community and technical college education without any loss of retirement
4 annuity or retirement benefits under certain circumstances.

Be it enacted by the Legislature of West Virginia:

1 That §18-7A-13a of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted as follows:

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~~ does not impair the teacher's eligibility for a prior service pension or any
3 other benefit provided by this article.

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

14 (c) Retired teachers who qualified for an annuity because of disability shall receive no
15 further retirement payments if the retirement board finds that the disability of the teacher no longer
16 exists; payment shall be discontinued on the first day of the month within which the finding is
17 made. If the retired teacher returns to service as a teacher, he or she shall contribute to the

18 Teachers' Accumulation Fund as a member of the system. His or her prior service eligibility, if
19 any, shall not be impaired because of his or her disability retirement. His or her accumulated
20 contributions which were transferred to the benefit fund upon his or her retirement shall be
21 returned to his or her individual account in the Teachers' Accumulation Fund, minus retirement
22 payments received which were not supported by such contributions and interest. Upon
23 subsequent retirement, he or she shall receive credit for all of his or her contributory experience,
24 anything to the contrary in this article notwithstanding.

25 (d) Notwithstanding any provision of this code to the contrary, a person who retires under
26 the system provided by this article, may subsequently become employed on either a full-time
27 basis, part-time basis or contract basis by any state institution of higher education, the Higher
28 Education Policy Commission or the Council for Community and Technical College Education
29 without any loss of retirement annuity or retirement benefits: ~~if the person's retirement~~
30 ~~commences between the effective date of the enactment of this section in 2002 and December~~
31 ~~31, 2002~~ Provided, That the person has a break in service of no less than six months following
32 retirement before being subsequently reemployed; Provided, however, That the person shall is
33 not be eligible to participate in any other state retirement system provided by this code except
34 that system set out in section five, article seven, chapter eighteen-b of this code.

35 (e) The retirement board ~~is herewith authorized to~~ may require of the retired teachers and
36 their employers ~~such~~ reports as it ~~deems~~ considers necessary to effectuate the provisions of this
37 section.