

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3095**

BY DELEGATE ESPINOSA

[Enter References]

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:*

**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 commences~~  
30 ~~between the effective date of the enactment of this section in 2002 and December 31, 2002~~  
31 Provided, That the person has a break in service of no less than six months following retirement  
32 before being subsequently reemployed; Provided, however, That the person shall is not be eligible  
33 to participate in any other state retirement system provided by this code except that system set  
34 out in §18B-7-5 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.