

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 595

BY SENATORS BLAIR, BOSO, CLINE, SYPOLT, AND

MARONEY

[Introduced February 13, 2019; Referred
to the Committee on Education]

1 A BILL to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended,
 2 relating to allowing retired teachers to be subsequently employed by the Higher Education
 3 Policy Commission, Council for Community and Technical College Education, or state
 4 institutions of higher education without any loss of retirement annuity or retirement benefits
 5 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 prior service allowance from the retirement board when employed as a teacher ~~and~~
 6 ~~when regularly employed by the State of West Virginia~~ or nonteaching member. The payment of
 7 the prior service allowance shall be discontinued on the first day of the month within which ~~such~~
 8 the employment begins and shall be resumed on the first day of the month succeeding the month
 9 within which ~~such~~ the employment ceases. The guaranteed annuity portion paid the ~~teacher~~
 10 retirant 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~~ Retirants who qualified for an annuity because of disability ~~shall~~ may
 15 receive no further retirement payments if the retirement board finds that the disability of the
 16 teacher no longer exists. Payment shall be discontinued on the first day of the month within which
 17 the finding is made. If the ~~retired teacher~~ retirant returns to service as a teacher, he or she shall
 18 contribute to the Teachers' Accumulation Fund as a member of the system. His or her prior service

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

25 (d) Notwithstanding any provision of this code to the contrary, a person who retires prior
 26 to July 1, 2019, under the system provided by this article may subsequently become employed
 27 on either a full-time, ~~basis~~ part-time ~~basis~~ or contract basis by the West Virginia Higher Education
 28 Policy Commission, West Virginia Council for Community and Technical College Education, or
 29 any state institution of higher education without any loss of retirement annuity or retirement
 30 benefits if the ~~person's retirement commences between the effective date of the enactment of this~~
 31 ~~section in 2002 and December 31, 2002: *Provided*, That the person shall not be~~ person has a
 32 break in service of not less than six months following retirement before the subsequent
 33 employment commences. Such person is not eligible to participate in any other state retirement
 34 system provided by this code, except that system set out in §18B-7-5 of this code.

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

NOTE: The purpose of this bill is to allow retired members of the Teachers Retirement System to be employed by the Higher Education Policy Commission, Council for Community and Technical College Education or state institutions of higher education without any loss of retirement annuity or retirement benefits.

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