

# **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]



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.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2020.

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*Governor*