

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3095

BY DELEGATE ESPINOSA

[Introduced March 14, 2017; Referred
to the Committee on Education.]

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 employed by a higher education institution, the Higher Education
3 Policy Commission or the council for community and technical college education without
4 forfeiting their retirement.

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 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~~ six months prior to being employed
25 on either a full-time basis, part-time basis or contract basis by any state institution of higher
26 education, the Higher Education Policy Commission or the council for community and technical
27 college education without any loss of retirement annuity or retirement benefits: ~~if the person's~~
28 ~~retirement commences between the effective date of the enactment of this section in 2002 and~~
29 ~~December 31, 2002~~ *Provided*, That the person shall is not ~~be~~ eligible to participate in any other
30 state retirement system provided by this code except that system set out in section five, article
31 seven, chapter eighteen-b of this code.

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

NOTE: The purpose of this bill is to allow retired teachers to be employed by a higher education institution, the Higher Education Policy Commission or the Council for Community and Technical College Education without forfeiting their retirement.

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