

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 660

By Senators Oliverio, Clements, Hamilton, Rose, and
Takubo

[Introduced January 29, 2026; referred
to the Committee on Banking and Insurance; and
then to the Committee on Finance]

1 A BILL to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to
2 spousal coverage under the Public Employees Insurance Agency; removing the
3 requirement for payment of the spousal surcharge; and requiring that employee pay for
4 spousal coverage based upon employee's salary and tier of coverage.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-13. Payment of costs by employer and employee; spouse and dependent coverage; involuntary employee termination coverage; conversion of annual leave and sick leave authorized for health or retirement benefits; authorization for retiree participation; continuation of health insurance for surviving dependents of deceased employees; requirement of new health plan; limiting employer contribution.

1 (a) Cost-sharing. — The director shall provide plans that shall be paid by the employer and
2 employee.

3 (b) Spouse and dependent coverage. — (1) An employee is entitled to have his or her
4 spouse and dependents included in any plan to which the employee is entitled to participate.

5 (2) The spouse and dependent coverage is limited to excess or secondary coverage for
6 each spouse and dependent who has primary coverage from any other source. If an employee's
7 spouse has health insurance available through an employer not defined in §5-16-2 of this code,
8 then the employer may not cover any portion of premiums for the employee's spouse coverage,
9 unless the employee adds his or her spouse to his or her coverage by paying the cost of the
10 ~~actuarial value of the plan based upon the employee's salary and tier of coverage:~~ *Provided*, That
11 this does not apply to spouses of retired employees or employers subject to §5-16-22 of this code.
12 For purposes of this subsection, "actuarial value" means the value as recommended by healthcare
13 actuaries under ~~§5-16-5 of this code.~~

14 The director may require proof regarding spouse and dependent primary coverage and

15 shall adopt rules governing the nature, discontinuance, and resumption of any employee's
16 coverage for his or her spouse and dependents.

17 (c) Continuation after termination. — If an employee participating in the plan is terminated
18 from employment involuntarily or in reduction of work force, the employee's insurance coverage
19 provided under this article shall continue for a period of three months at no additional cost to the
20 employee and the employer shall continue to contribute the employer's share of plan premiums for
21 the coverage. An employee discharged for misconduct shall not be eligible for extended benefits
22 under this section. Coverage may be extended up to the maximum period of three months, while
23 administrative remedies contesting the charge of misconduct are pursued. If the discharge for
24 misconduct be upheld, the full cost of the extended coverage shall be reimbursed by the
25 employee. If the employee is again employed or recalled to active employment within 12 months of
26 his or her prior termination, he or she shall not be considered a new enrollee and may not be
27 required to again contribute his or her share of the premium cost if he or she had already fully
28 contributed such share during the prior period of employment.

29 (d) Conversion of accrued annual and sick leave for extended insurance coverage upon
30 retirement for employees who elected to participate in the plan before July, 1988. — Except as
31 otherwise provided in subsection (g) of this section, when an employee participating in the plan,
32 who elected to participate in the plan before July 1, 1988, is compelled or required by law to retire
33 before reaching the age of 65, or when a participating employee voluntarily retires as provided by
34 law, that employee's accrued annual leave and sick leave, if any, shall be credited toward an
35 extension of the insurance coverage provided by this article, according to the following formulae:
36 The insurance coverage for a retired employee shall continue one additional month for every two
37 days of annual leave or sick leave, or both, which the employee had accrued as of the effective
38 date of his or her retirement. For a retired employee, his or her spouse and dependents, the
39 insurance coverage shall continue one additional month for every three days of annual leave or
40 sick leave, or both, which the employee had accrued as of the effective date of his or her

41 retirement.

42 (e) Conversion of accrued annual and sick leave for extended insurance coverage upon
43 retirement for employees who elected to participate in the plan after June, 1988. —
44 Notwithstanding subsection (d) of this section, and except as otherwise provided in subsections
45 (g) and (l) of this section, when an employee participating in the plan who elected to participate in
46 the plan on and after July 1, 1988, is compelled or required by law to retire before reaching the age
47 of 65, or when the participating employee voluntarily retires as provided by law, that employee's
48 annual leave or sick leave, if any, shall be credited toward one half of the premium cost of the
49 insurance provided by this article, for periods and scope of coverage determined according to the
50 following formulae: (1) One additional month of single retiree coverage for every two days of
51 annual leave or sick leave, or both, which the employee had accrued as of the effective date of his
52 or her retirement; or (2) one additional month of coverage for a retiree, his or her spouse, and
53 dependents for every three days of annual leave or sick leave, or both, which the employee had
54 accrued as of the effective date of his or her retirement. The remaining premium cost shall be
55 borne by the retired employee if he or she elects the coverage. For purposes of this subsection, an
56 employee who has been a participant under spouse or dependent coverage and who reenters the
57 plan within 12 months after termination of his or her prior coverage shall be considered to have
58 elected to participate in the plan as of the date of commencement of the prior coverage. For
59 purposes of this subsection, an employee shall not be considered a new employee after returning
60 from extended authorized leave on or after July 1, 1988.

61 (f) In the alternative to the extension of insurance coverage through premium payment
62 provided in subsections (d) and (e) of this section, the accrued annual leave and sick leave of an
63 employee participating in the plan may be applied, on the basis of two days' retirement service
64 credit for each one day of accrued annual and sick leave, toward an increase in the employee's
65 retirement benefits with those days constituting additional credited service in computation of the
66 benefits under any state retirement system: *Provided*, That for a person who first becomes a

67 member of the Teachers Retirement System as provided in §18-7A-1 *et seq.* of this code on or
68 after July 1, 2015, accrued annual and sick leave of an employee participating in the plan may not
69 be applied for retirement service credit: *Provided, however,* That the additional credited service
70 shall not be used in meeting initial eligibility for retirement criteria, but only as additional service
71 credited in excess thereof.

72 (g) Conversion of accrued annual and sick leave for extended insurance coverage upon
73 retirement for certain higher education employees. Except as otherwise provided in subsection (k)
74 of this section, when an employee, who is a higher education full-time faculty member employed
75 on an annual contract basis other than for 12 months, is compelled or required by law to retire
76 before reaching the age of 65, or when such a participating employee voluntarily retires as
77 provided by law, that employee's insurance coverage, as provided by this article, shall be
78 extended according to the following formulae: The insurance coverage for a retired higher
79 education full-time faculty member, formerly employed on an annual contract basis other than for
80 12 months, shall continue beyond the effective date of his or her retirement one additional year for
81 each three and one-third years of teaching service, as determined by uniform guidelines
82 established by the University of West Virginia Board of Trustees and the Board of Directors of the
83 State College System, for individual coverage, or one additional year for each five years of
84 teaching service for family coverage.

85 (h) Retiree participation. —All retired employees are eligible to obtain health insurance
86 coverage. The retired employee's premium contribution for the coverage shall be established by
87 the finance board.

88 (i) Surviving spouse and dependent participation. — A surviving spouse and dependents
89 of a deceased employee, who was either an active or retired employee participating in the plan just
90 prior to his or her death, are entitled to be included in any comprehensive group health insurance
91 coverage provided under this article to which the deceased employee was entitled, and the
92 spouse and dependents shall bear the premium cost of the insurance coverage. The finance

board shall establish the premium cost of the coverage.

(j) Elected officials. — In construing the provisions of this section or any other provisions of this code, the Legislature declares that it is not now, nor has it ever been the Legislature's intent that elected public officials be provided any sick leave, annual leave, or personal leave, and the enactment of this section is based upon the fact and assumption that no statutory or inherent authority exists extending sick leave, annual leave, or personal leave to elected public officials, and the very nature of those positions preclude the arising or accumulation of any leave so as to be thereafter usable as premium paying credits for which the officials may claim extended insurance benefits.

(k) Participation of certain former employees. — An employee, eligible for coverage under the provisions of this article who has 20 years of service with any agency or entity participating in the public employees insurance program or who has been covered by the public employees insurance program for 20 years may, upon leaving employment with a participating agency or entity, continue to be covered by the program if the employee pays 105 percent of the cost of retiree coverage: *Provided*, That the employee shall elect to continue coverage under this subsection within two years of the date the employment with a participating agency or entity is terminated.

(l) Prohibition on conversion of accrued annual and sick leave for extended coverage upon retirement for new employees who elect to participate in the plan after June, 2001. — Any employee hired on or after July 1, 2001, who elects to participate in the plan may not apply accrued annual or sick leave toward the cost of premiums for extended insurance coverage upon his or her retirement. This prohibition does not apply to the conversion of accrued annual or sick leave for increased retirement benefits, as authorized by this section: *Provided*, That any person who has participated in the plan prior to July 1, 2001, is not a new employee for purposes of this subsection if he or she becomes reemployed with an employer participating in the plan within two years following his or her separation from employment and he or she elects to participate in the plan

119 upon his or her reemployment.

120 (m) Prohibition on conversion of accrued years of teaching service for extended coverage
121 upon retirement for new employees who elect to participate in the plan July, 2009. —Any
122 employee hired on or after July 1, 2009, who elects to participate in the plan may not apply accrued
123 years of teaching service toward the cost of premiums for extended insurance coverage upon his
124 or her retirement.

NOTE: The purpose of this bill is to remove the requirement that an employee pay that actuarial value for spousal coverage and require the employee to pay for coverage based upon their salary and tier of coverage.

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