



OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Si Galperin, Jr., Executive Secretary,
Title or position

Public Employees Insurance Board, hereby submit to record in
Department or division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
 - () proposed rules and regulations superseding rules and regulations already on file;
 - () notice of hearing;
 - () findings and determinations;
 - () rules and regulations;
 - (X) other - specify Emergency rules filed in accordance with S29A-3-15
- This filing pertains to

Chapter 5
Article 16
Series 1
Section 3 and 12 and 13
Page No.

FILED IN THE OFFICE
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 5-22-84
Administrative Law Division

- (X) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

May 22, 1984
Date Submitted

State Auditor
Glen B. Gainer, Jr., Chairman

State Treasurer
Larrie Bailey, Member

Worker's Compensation
Commissioner
Gretchen O. Lewis, Member

Executive Secretary
Si Galperin, Jr.



JOHN D. ROCKEFELLER, IV
GOVERNOR

PUBLIC EMPLOYEES INSURANCE BOARD

Embleton Building, Second Floor
922 Quarrier Street
Charleston, West Virginia 25301
Telephone (304) 348-7850

May 22, 1984

Emergency

The Honorable A. James Manchin
West Virginia Secretary of State
State Capitol
Charleston, West Virginia

Dear Mr. Manchin:

The attached rules were authorized and approved by the West Virginia Public Employees Insurance Board at a meeting held on May 11, 1984.

In accordance with Chapter 29A, Article 3, Section 15 of the West Virginia Code, these rules are being filed as emergency rules in order to compliment the administration of allowing retirees who retire on or after July 1, 1984, to apply their accrued annual and or sick leave at the time of retirement as credit towards their retirement insurance premium and also the implementation of an increase in the employee optional life insurance benefits and the statewide open enrollment which is now being conducted.

Sincerely Yours,

Si Galperin, Jr.
Executive Secretary

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE May 22, 1984
Administrative Law Division

State Auditor
Glen B. Gainer, Jr., Chairman

State Treasurer
Larrie Bailey, Member

Worker's Compensation
Commissioner
Gretchen O. Lewis, Member

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Si Galperin, Jr.



JOHN D. ROCKEFELLER, IV
GOVERNOR

PUBLIC EMPLOYEES INSURANCE BOARD

Emergency

Embleton Building, Second Floor
922 Quarrier Street
Charleston, West Virginia 25301
Telephone (304) 348-7850

November 9, 1984

The Honorable A. James Manchin
West Virginia Secretary of State
State Capitol
Charleston, WV 25301

Dear Mr. Manchin:

The attached rules were originally filed as emergency rules on May 22, 1984, and as proposed rules on August 7, 1984.

In accordance with Chapter 29 A, Article 3, Section 15 of the W.V. Code as amended, I am now filing the attached rules as an extension of the emergency rules which will expire on November 18, 1984.

Respectfully Submitted:

Si Galperin, Jr.
Si Galperin, Jr.
Executive Secretary

Enc:

SGjr/as

1984 NOV -9 PM 3: 24
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
FILED

3.02. Determination of Participants

(b) All employees of the State of West Virginia who retired after April 29, 1971; all employees of the West Virginia Board of Regents or of the county boards of education who retired after April 21, 1972; all employees of any county, city or other participating agency who retired after July 13, 1973; and their spouses and dependents as defined by these rules may participate at the retiree's own expense for the total cost of the coverage, subject to the criteria set forth in section four of these rules and the provisions for earned extended insurance coverage set forth in section twelve of these rules.

NOTE: underlining means new language added to existing rule.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 5-22-84
Law Division

PROPOSE RULE TO IMPLEMENT H.B. 1429 WHICH ADDED EARNED EXTENDED INSURANCE COVERAGE TO W.VA. CODE § 5-16-12 and § 5-16-18

SECTION 12. EARNED EXTENDED INSURANCE COVERAGE.

12.01. ELIGIBILITY.

(a) On or after July 1, 1984, when a participating employee is compelled or required by law to retire before reaching the age of sixty-five, or when a participating employee voluntarily retires as provided by law, and, in either instance, such employee becomes a retired employee within the definition of W.Va. Code § 5-16-2, that employee's unpaid accrued annual leave and/or sick leave, if any, shall be credited toward an extension of the employee's insurance coverage provided under the Plan.

(b) A participating employee is an employee who has insurance coverage under the Plan in his/her name. An employee can qualify as a participating employee even if he/she has only basic life insurance in his/her name. A person who is merely a dependent in the Plan is not a participating employee for purposes of applying earned extended insurance coverage.

(c) When a participating employee retires, he/she must continue coverage in his/her own name in order to use the employee's unpaid accumulated sick and/or annual leave as a credit for earned extended insurance coverage under the Plan.

(d) A retired employee who wishes to continue his/her participation in the PEIB benefit plan after his/her earned extended insurance coverage has been used, must authorize a deduction from their retirement check by so indicating on

their enrollment card at the time of initial enrollment. Such authorization may be revoked at any time. A retired employee who fails to authorize the deduction must re-enroll in the PEIB prior to their last month of earned extended insurance coverage or their participation in the plan will be terminated on the last day of the last month of earned extended insurance coverage.

(e) The amount of unpaid accrued annual leave and/or sick leave to which a retired employee shall be entitled shall be the amount that would be available to the employee should he/she continue active employment in lieu of retiring, less any leave days for which he/she is paid.

12.02. FORMULAE. The following formulae shall apply: Such insurance coverage for a retired employee shall continue one additional month for every two days of unpaid annual leave and/or sick leave which the employee has accrued as of the effective date of the employee's retirement. For a retired employee, his spouse and dependents, such insurance coverage shall continue one additional month for every three days of unpaid annual and/or sick leave which the employee had accrued as of the effective date of the employee's retirement.

There shall be no partial accreditation. Only fully accumulated months shall be eligible for accreditation. That is, any odd day of unpaid sick and/or annual leave remaining after the statutory formulae has been applied, shall not be credited toward a partial or fraction of a month's earned extended insurance coverage.

12.03. CERTIFICATION. (a) For each employee retiring pursuant to this section, the employee's agency shall provide the following information on the employee's enrollment cards:

(1) The number of accumulated unpaid sick and/or annual leave days to be credited to earned extended insurance coverage;

(2) Whether the employee wants his/her unpaid accumulated sick and/or annual leave credited to a single or family plan;

(3) The number of months of earned extended insurance coverage as calculated by the employee's agency; and

(4) Whether the employee is a general or special revenue employee.

(b) The said employee's enrollment card shall be signed by the following persons:

(1) The employee's payroll clerk;

(2) The employee; and

(3) The agency's chief administrative officer or designee. This signature shall be notarized.

12.04. FAMILY AND SINGLE PLAN.

(a) The retired employee can change his/her plan from SINGLE to FAMILY or vice versa at any time. The PEIB will then be responsible for recalculating the amount of remaining earned extended insurance coverage.

(b) If an employee changes from SINGLE to FAMILY, at the time of retirement or thereafter, the employee's dependents will be required to provide evidence of insurability acceptable to the PEIB before the dependent(s) will be enrolled.

(c) The death of an employee with the FAMILY plan terminates any and all remaining earned extended insurance coverage.

From the date of the employee's death, the dependents shall be entitled to continue their participation and coverage in the Plan upon payment of the total cost for such coverage in accordance with Rule 4.03 of these rules.

12.05. Deferred Retirement.

When a participating employee leaves state employment after July 1, 1984, pursuant to 12.01(a), but does not immediately become a member of a state retirement system, he/she can later choose to join the PEIB as a retired employee and apply his/her unpaid accumulated sick and/or annual leave to earned extended insurance coverage only if the said employee elects to retire and enroll in the PEIB within twelve (12) months after the last day of active employment and provides evidence of insurability acceptable to the PEIB.

If an employee elects to retire and enroll in the PEIB later than twelve (12) months after he/she leaves active employment, then the employee is not eligible to apply any unpaid accumulated sick and/or annual leave to earned extended insurance coverage.

12.06. Non-State Agency.

Employees of Non-state agencies who retire pursuant to these rules may receive the earned extended insurance coverage only if the employee's agency pays the PEIB for the amount of earned extended insurance coverage. If the agency fails to pay the PEIB then the employee's earned extended insurance coverage will be terminated.

12.07 GENERAL REVENUE AND SPECIAL REVENUE EMPLOYEES

(a) The determination as to whether an employee is a General Revenue or Special Revenue employee shall be determined by the employee's status as a General Revenue or Special Revenue employee for the last month worked prior to the employee's date of retirement.

(b) All agencies are responsible to remit to the PEIB the monthly premiums for retired Special Revenue employees qualifying for earned extended insurance coverage for the time period of the employees earned extended insurance coverage.

SECTION 13. OPTIONAL LIFE.

13.01.

(a) The board shall make available to member employees, at full cost to the employee, the opportunity to purchase optional group life and accidental death insurance in an amount not to exceed fifty thousand dollars (\$50,000) for life insurance and fifty thousand dollars (\$50,000) for accidental death insurance.

(b) The board shall also make available to member employees, at full cost to the employee, the opportunity to purchase said optional coverage for the employees' spouse and dependents, in an amount not to exceed five thousand dollars (\$5,000) for accidental death insurance for the spouse and not to exceed two thousand dollars (\$2,000) in life insurance and two thousand dollars (\$2,000) in accidental death insurance for each eligible dependent.

(c) The term "dependents" shall mean the same as defined in Section 2 of these Rules.

SENATE BILL NO. 412(By Mr. R. Williams)Introduced March 6, 1985referred to the Committee on Banking and Insurance; then to
the Committee on the Judiciary

10 A BILL to amend and reenact section five
11 (sixteen)(eighteen), article two, chapter sixty-four of
12 the code of West Virginia, one thousand nine hundred
13 thirty-one, as amended, relating to authorizing the
14 public employees insurance board to promulgate
15 legislative rules for the purpose of regulating credit
16 for accrued sick/annual leave and optional life
17 insurance.

18 Be it enacted by the Legislature of West Virginia:

19 That section five (sixteen)(eighteen), article two,
20 chapter sixty-four of the code of West Virginia, one
21 thousand nine hundred thirty-one, as amended, be amended and
22 reenacted to read as follows:

23 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
24 LEGISLATIVE RULES.

25 §64-2-5(16)(18). Public employees insurance board.

26 (a) The legislative rules filed in the state register on

1 the sixteenth day of May, one thousand nine hundred
2 eighty-three, relating to the public employees insurance
3 board (public employees insurance plan) are authorized with
4 the amendments set forth below:

5 §2.01(b) shall read as follows: -

6 "(b) "Children" shall mean unmarried children between
7 birth and age nineteen and shall include: (1) The employee's
8 natural children, (2) legally adopted children, including
9 children living with the employee during the period of
10 probation, (3) stepchildren residing in the employee's
11 household, and (4) other children fully dependent upon the
12 employee for support and maintenance and residing in the
13 household of which the employee is head and actually being
14 supported by the employee. Children may be included after
15 the attainment of age nineteen, but not beyond the
16 attainment of age twenty-five, if they are enrolled as
17 full-time students, are unmarried and are fully dependent
18 upon the employee for support. Children may also be
19 included after the attainment of age nineteen while
20 incapable of self-support because of a mental illness,
21 mental retardation or a physical disability, if the child
22 was dependent upon the employee for support and maintenance
23 at the onset of the mental illness, mental retardation or
24 physical disability.

25 §6.03.--In the second sentence delete the words
26 "Executive Secretary" and insert the word "Board."

1 On page 11, insert a new section as follows:

2 "§5.07.--Coverage for dependents shall terminate at the
3 end of the month in which they no longer meet the definition
4 of 'dependent' set forth in section 2.01 of these rules."

5 (b) The legislative rules filed in the state register on
6 the twenty-seventh day of September, one thousand nine
7 hundred eighty-four, modified by the public employees
8 insurance board to meet the objections of the legislative
9 rule-making review committee and refiled in the state
10 register on the fourth day of March, one thousand nine
11 hundred eighty-five, relating to the public employees
12 insurance board (credit for accrued sick/annual leave and
13 optional life insurance) are authorized.

14

15 NOTE: The purpose of this bill is to authorize the
16 public employees insurance board to promulgate legislative
17 rules relating to credit for accrued sick/annual leave and
18 optional life insurance.

19 Strike-throughs indicate language that would be stricken
20 from the present law, and underscoring indicates new
21 language that would be added.

H. B. 1623

(By Delegate Casey)
(Introduced March 6, 1985; referred to the
Committee on Finance with the direction that it
later be referred to the Committee
on the Judiciary.)

A BILL to amend and reenact section five
(sixteen)(eighteen), article two, chapter sixty-four of
the code of West Virginia, one thousand nine hundred
thirty-one, as amended, relating to authorizing the
public employees insurance board to promulgate
legislative rules for the purpose of regulating credit
for accrued sick/annual leave and optional life
insurance.

Be it enacted by the Legislature of West Virginia:

That section five (sixteen)(eighteen), article two,
chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, be amended and
reenacted to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
LEGISLATIVE RULES.

§64-2-5(16)(18). Public employees insurance board.

(a) The legislative rules filed in the state register on

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12 employee for support and maintenance and residing in the
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16 attainment of age twenty-five, if they are enrolled as
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