

**STATE OF WEST VIRGINIA**

**EXECUTIVE DEPARTMENT**

**At Charleston**

**EXECUTIVE ORDER NO. 28-21**

**By the Governor**

**WHEREAS**, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the “State of Emergency Declaration”), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

**WHEREAS**, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

**WHEREAS**, Executive Order 63-20 suspended W. Va. Code § 5-10-48(c) for the sole purpose of allowing certain individuals employed by WorkForce West Virginia to be eligible to continue in their positions without suspension of their retirement annuity; and

**WHEREAS**, there have been additional positions identified by the West Virginia Department of Health and Human Resources that would benefit from the same suspension of this statutory provision at this time, given workforce issues in a number of sectors, especially including healthcare and public health sectors, because enforcement of the provision is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

**NOW, THEREFORE, I, JIM JUSTICE**, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulation is to be suspended for the duration of the State of Emergency for the sole purpose of allowing certain individuals employed by the West Virginia Department of Health and Human Resources and local boards of health in this State, who are engaged in response to the COVID-19 pandemic as certified by the applicable agency head, to be eligible to continue in these positions without suspension of such individual's retirement annuity:

1. In the discretion of the West Virginia Consolidated Public Retirement Board who shall issue additional guidance, only with respect to temporary employees of the West Virginia Department of Health and Human Resources and local boards of health in this State, who are engaged in response to the COVID-19 pandemic as certified by the applicable agency head, the requirement that persons having retired from public employment who render post-retirement employment may not receive annual compensation in excess of \$20,000 without suspending such person's retirement annuity (W. Va. Code § 5-10-48(c)).

*[Signature Page Follows]*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**By the Governor**

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of October, in the Year of our Lord, Two Thousand Twenty-One in the One Hundred Fifty-Ninth year of the State.

  
**GOVERNOR**

  
**SECRETARY OF STATE**