WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2340

By Delegate Griffith

[Introduced January 11, 2023; Referred to the Committee on Pensions and Retirement then Finance]

A BILL to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to providing that the Consolidated Public Retirement Board may not set forth in a rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than 180 days.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-38. Maximum number of days a retired teacher may accept employment; calculating days worked for retirants engaged in substitute teaching.

(a) The Legislature finds that:

(1) The Consolidated Public Retirement Board has determined that retired substitute teachers should not perform substitute teaching without limit;

(2) The Consolidated Public Retirement Board has established, by rule, a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced; and

(3) There have been inconsistencies in the manner in which county boards calculate the maximum number of days established by rule.

(b) The Consolidated Public Retirement Board may not set forth in rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than ~~one hundred forty~~ 180 days.

(c) For the purpose of calculating whether a retired substitute teacher has exceeded the maximum number of days in which a substitute teacher may accept employment without incurring a reduction in his or her retirement benefit, the number of days worked shall be determined by:

(1) Totaling the number of hours worked; and

(2) Dividing by the standard number of hours that a full-time teacher works per day.

NOTE: The purpose of this bill is to provide that the Consolidated Public Retirement Board may not set forth in a rule a maximum number of days in which a retired teacher may accept employment prior to having his or her retirement benefit reduced that is less than 180 days.

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