

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4808

By Delegates Hornby, Thorne, Willis, Ferrell, Dittman,

Maynor, Clark, Hite, Heckert, Hillenbrand, and

Rohrbach

[Introduced January 16, 2024; Referred

to the Committee on Pensions and Retirement then

Finance]

1 A BILL to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating
 2 to the number of days a retired teacher may accept employment; permitting employment
 3 beyond 140 days under specific conditions; and prohibiting reduction of benefits or
 4 requiring additional contributions for retirement benefits.

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.**

1 (a) The Legislature finds that:

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

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

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

9 (b) The Consolidated Public Retirement Board may not set forth in rule a maximum number
10 of days in which a retired teacher may accept employment prior to having his or her retirement
11 benefit reduced that is less than 140 days: Provided, That notwithstanding the limitation referred
12 to in subsection (a) subdivision (1) of this section, retired teachers may accept employment
13 beyond a period of 140 days without having his or her retirement benefit reduced when there are
14 teaching vacancies and a need for teachers exists without having his or her retirement benefit
15 reduced: Provided, however, That days worked beyond a period of 140 days may not be used to
16 increasing retirement benefits, nor may additional contributions to the retirement of these persons
17 be required.

18 (c) For the purpose of calculating whether a retired substitute teacher has exceeded the

- 19 maximum number of days in which a substitute teacher may accept employment without incurring
20 a reduction in his or her retirement benefit, the number of days worked shall be determined by:
- 21 (1) Totaling the number of hours worked; and
 - 22 (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 number of days a retired teacher may accept employment may extend beyond 140 days under specific conditions; and to prohibit reduction of benefits or requiring additional contributions for retirement benefits.

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