

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4798

FISCAL
NOTE

BY DELEGATES MILLER, ZATEZALO, REYNOLDS, SMITH,
WESTFALL, FERRELL, MALLOW, CROUSE, HOUSEHOLDER,
BOOTH, AND J. JEFFRIES

[Introduced February 15, 2022; Referred
to the Committee on Education then Finance]

1 A BILL to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating
 2 to permitting retirees under the state Teachers Retirement System to work as substitute
 3 teachers for up to 180 days without loss of the payment of monthly retirement benefits;
 4 adding a legislative finding; changing the allowed period of employment; and providing
 5 that no additional retirement system contributions will be made from such employment.

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; and

9 (4) Employment of qualified retired teachers helps to alleviate persistent teacher shortages
 10 in this state.

11 (b) The Consolidated Public Retirement Board may not set forth in rule a maximum
 12 number of days in which a retired teacher may accept employment prior to having his or her
 13 retirement benefit reduced that is less than ~~one hundred forty~~ 180 days per academic year:
 14 Provided, That no contributions to the retirement system shall be made by a retirant who is
 15 employed by a participating employer as a substitute teacher and no contribution shall be required
 16 of the employer while the retirant is so employed.

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

- 18 maximum number of days in which a substitute teacher may accept employment without incurring
19 a reduction in his or her retirement benefit, the number of days worked shall be determined by:
- 20 (1) Totaling the number of hours worked; and
 - 21 (2) Dividing by the standard number of hours that a full-time teacher works per day.

NOTE: The purpose of this bill is to allow retired teachers to serve as substitute teachers without sacrificing their 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.