

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 3481

FISCAL  
NOTE

By Delegates Miller, Longanacre, Marple, Hite,  
Mallow, Jennings, DeVault, and Householder

[Introduced February 14, 2023; 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 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 that  
 5 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, county workers, employees of municipalities,  
10 and anyone under the Teachers Retirement System ("TRS") helps to alleviate persistent teacher  
11 shortages in this state.

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

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.

23 (d) Any worker who is employed as a substitute teacher shall be paid as an employee in  
24 the school system, municipality, county, or any other organization wherein his or her retirement is  
25 affiliated with the West Virginia Consolidated Teachers Retirement Board. No additional benefits  
26 may be added to what a worker or employee is currently receiving when the long-term contract is  
27 accepted by his or her employer.

NOTE: The purpose of this bill is to allow all employees included under the Teachers Retirement System, including teachers, municipality employees, county workers, and otherwise 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.