

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 408**

By Senators Chapman, Deeds, Grady, Hamilton, and

Woelfel

[Introduced January 12, 2024; referred  
to the Committee on Pensions]

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 per academic year without loss of the payment of monthly  
 4 retirement benefits; adding a legislative finding; changing the allowed period of  
 5 employment; providing that no additional retirement system contributions will be made by  
 6 the employer from such employment; and allowing the retirant to choose to contribute to  
 7 his or her retirement from this employment should the retirant choose to do so.

*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 number  
 12 of days in which a retired teacher may accept employment prior to having his or her retirement  
 13 benefit reduced that is less than ~~one hundred forty~~ 180 days per academic year: *Provided, That a*  
 14 retirant who is employed by a participating employer as a substitute teacher may elect to  
 15 contribute to the retirement system; however, no contribution shall be required of the employer

16 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 and allowing the retired teachers employed as substitute teachers to contribute to their retirement funds but that no contribution shall be required of the employer.

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