

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3459

**FISCAL
NOTE**

By Delegate Green

[Introduced March 17, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §7-14D-24a and §18-7A-38 of the Code of West Virginia, 1931, as
2 amended, and to amend the code by adding a new section, designated §15A-3-7a, relating
3 to allowing retired county Sheriff deputies to work for unlimited days without loss of the
4 payment of monthly retirement benefits in counties where this is necessary; establishing a
5 process to determine in which counties this is necessary and for how long; permitting
6 retired correctional officers to work for unlimited days without loss of the payment of
7 monthly retirement benefits; and permitting retirees under the state Teachers Retirement
8 System to work as substitute teachers for unlimited days without loss of the payment of
9 monthly retirement benefits; adding a legislative finding; changing the allowed period of
10 employment; and providing that no additional retirement system contributions will be made
11 from such employment for teachers.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-24a. Return to covered employment by retired member.

1 (a) The annuity of any member who retires under the provisions of this article and who
2 resumes service in covered employment shall be suspended while the member continues in
3 covered employment. The monthly annuity payment for the month in which the service resumes
4 shall be prorated to the date of commencement of service, and the member shall again become a
5 contributing member during resumption of service. At the conclusion of resumed service in
6 covered employment the member shall have his or her annuity recalculated to take into account
7 the entirety of service in covered employment.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the annuity of a
9 member who retires under the provisions of this article shall not be suspended if the member
10 resumes covered employment and the following conditions are met:

(1) ~~The member has been retired for at least 180 days; In the bottom ten counties in per capita income, or any county in which the county commission has approved the hiring of a retired member, and the member accepts employment as a corrections officer under §15A-3-1 et seq. of this code.~~

(2) The retired member did not retire as a result of a disability pursuant to the provisions of §7-14D-14 of this code;

(3) The retired member is a certified, or certifiable, law-enforcement officer as provided in §30-29-5 of this code;

(4) The sheriff of the county seeking to re-employ the retired member has fewer than five 10 deputies in his or her employ and has been unable to recruit additional qualified deputy sheriffs despite the exercise of due diligence;

(5) The re-employment of the retired member is for a period not to exceed five years or until such time as the sheriff may recruit additional deputy sheriffs to provide for five full-time deputy sheriffs not hired pursuant to this subsection, whichever is sooner; and the sheriff is required to post the vacancy until it is filled by a non-retirant;

~~(6) The retired member may not again become a contributing member of the Deputy Sheriff Retirement System while performing services under the provisions of this subsection; and~~

(7) (6) The employer of any deputy sheriff rehired pursuant to this subsection shall remit an employer contribution pursuant to §7-14D-7 of this code on the deputy sheriff's monthly salary.

(c) Any retired member who is seeking re-employment pursuant to the provisions of this section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.

(d) Unless acted upon by the Legislature, the provisions of subsections (b) and (c) of this section will sunset on July 1, 2026 2030. On or before October 1, 2025 2029, any employer of a member of the Deputy Sheriff Retirement System rehired pursuant to subsection (b) of this section must make a report to the Joint Standing Committee on Pensions and Retirement.

(e) Any member who retired under the early retirement provisions of §7-14D-11(b) of this

code, and is subsequently reemployed in covered employment pursuant to subsection (a) of this section, and who again retires shall have his or her retirement annuity recalculated as if he or she were retiring at an age calculated by adding his or her original early retirement age to the number of years and months during which he or she was reemployed and contributing to the plan. In the event the artificially determined age, as determined in accordance with the preceding sentence, exceeds 60, the board shall not make any reduction for early retirement.

CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-7a. Return to covered employment by a retired member.

(a) Any county in the bottom ten counties in per capita income may hire a retired member to return to covered employment, and any county commission can vote to hire a covered member to return to covered employment under this article. The bottom ten counties in per capita income must be reviewed every even year, and every county commission that votes to hire retired members must review this decision every two years and discontinue the practice if it is deemed unnecessary.

(b) The annuity of any member who retires under the provisions of this article and who resumes service in covered employment shall not be suspended while the member continues in covered employment for up to five years after the employee's initial retirement. The member shall again become a contributing member during resumption of service. At the conclusion of resumed service in covered employment the member shall have his or her annuity recalculated to take into account the entirety of service in covered employment.

(c) Unless acted upon by the Legislature, the provisions of this section will sunset on July 1, 2030. On or before October 1, 2029, any employer of an employee covered by this section rehired pursuant to this section must make a report to the Joint Standing Committee on Pensions and Retirement.

CHAPTER 18. EDUCATION.**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 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 permit retired county Sheriff deputies to for unlimited days without loss of the payment of monthly retirement benefits; to permit retired correctional officers to work for unlimited days without loss of the payment of monthly retirement benefits; and permitting retirees under the state Teachers Retirement System to work as substitute teachers for unlimited days without loss of the payment of monthly retirement benefits; adding a legislative finding; changing the allowed period of employment; and providing that no additional retirement system contributions will be made from such employment for teachers.

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