

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2803

FISCAL
NOTE

BY DELEGATES CAMPBELL, LOVEJOY, CANESTRARO,
LAVENDER-BOWE, HIGGINBOTHAM, MAYNARD, PACK,
COOPER, PAYNTER AND ANDERSON

[Introduced February 1, 2019; 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 increasing the number of days a retired teacher may accept employment prior to having
 3 retirement benefits reduced, from 140 days to 180 days.

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
10 number of days in which a retired teacher may accept employment prior to having his or her
11 retirement benefit reduced that is less than ~~140~~ 180 days.

12 (c) For the purpose of calculating whether a retired substitute teacher has exceeded the
13 maximum number of days in which a substitute teacher may accept employment without incurring
14 a reduction in his or her retirement benefit, the number of days worked shall be determined by:

15 (1) Totaling the number of hours worked; and

16 (2) Dividing by the standard number of hours that a full-time teacher works per day.

NOTE: The purpose of this bill is to permit retired teachers to substitute teach a total of 180 days each year without having retirement benefits reduced.

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