

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5219

By Delegates E. Pritt, Brooks, Chiarelli, Willis,
Holstein and Dittman

[Introduced January 26, 2024; 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 the number of days a retired teacher may accept employment; and permitting
 3 employment beyond 140 days under specific conditions.

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 number
 10 of days in which a retired teacher may accept employment prior to having his or her retirement
 11 benefit reduced that is less than 140 days: Provided, That notwithstanding the limitation referred
 12 to in subsection (a) subdivision (1) of this section, retired teachers may accept employment
 13 beyond a period of 140 days without having his or her retirement benefit reduced when there are
 14 teaching vacancies and a need for teachers exists without having his or her retirement benefit
 15 reduced.

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

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

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

NOTE: The purpose of this bill is to provide that the number of days a retired teacher may accept employment may extend beyond 140 days under specific conditions; and to prohibit reduction of benefits or requiring additional contributions for 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.