

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-4-15a as follows: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

The Board additionally finds and determines that:

- A. there presently exists within the County a critical need for substitute bus operators
- B. there is also a shortage of available qualified substitute bus operators, who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

When a retired bus operator is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed bus operator who is fully qualified for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a bus operator position of a regular bus operator on leave of absence, nor does it apply when a position is filled with a certified bus operator, but the bus operator is not available at the time the bus operators accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

A retired bus operator is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

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WV Code 18A-4-15a

Adopted: 08/10/2026



Book	POLICY MANUAL
Section	G: Personnel
Title	GABA Critical Need Bus Drivers
Code	
Status	Active
Adopted	September 5, 2023
Last Revised	September 22, 2026
Prior Revised Dates	10/7/2024; 10/20/2025

1. PURPOSE

The Legislature has authorized county boards of education experiencing a shortage of qualified substitute bus operators to expand the use of retired bus operators to provide service as substitute bus operators in an area of critical need and shortage. Subject to certain conditions, a retiree may accept employment as a critical needs substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled under W.Va. Code 18-7A-1 et seq.

2. DEFINITION

“Area of critical need and shortage for substitute bus operators” means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

3. FINDINGS

1. The Superintendent has informed the Board that a critical need and shortage for substitute bus operators exists in Berkeley County, West Virginia.
2. The Superintendent has recommended that the Board adopt this policy to address a critical need and shortage for substitute bus operators.

4. AUTHORIZATION

The employment of retired bus operators as critical need substitute bus operators during fiscal year 2026-2027 on an expanded basis in areas of critical need and shortage for substitute bus operators is hereby authorized.

5. POLICY

1. A retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators on an expanded basis only when no other qualified bus operator who is not retired is available and accepts the substitute assignment.
2. Retired bus operators employed to perform expanded substitute service pursuant to this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.
3. A retired bus operator is eligible to be employed as a critical need substitute bus operator to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical need substitute bus operator.
4. Every contract of employment for a retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the Consolidated Public Retirement Board shall include therein the following information:

Any person who retires and begins work as a critical need substitute bus operator within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as critical need substitute bus operator.

- 5.5 When a retired bus operator is employed as a critical need substitute to fill a vacant position, the vacant position shall continue to be posted until it is filled with a regularly employed bus operator who is fully qualified for the position and the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the State Board and is only required to occur once at the beginning of the year and once mid-year.

6. WEST VIRGINIA BOARD OF EDUCATION APPROVAL/AFFIDAVIT

Prior to the employment of a retired bus operator on an expended basis as critical need substitute bus operator each fiscal year, the Superintendent shall submit to the State Board of Education, in a form approved by the Consolidated Public Retirement Board and the State Board, an affidavit signed by the Superintendent stating the following: name of

the county; the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage; the name or names of the person or persons to be employed as a critical need substitute pursuant to this policy; the date the person gave notice to the county board of the person's intent to retire; and the effective date of the person's retirement.

7. EFFECTIVE DATE/EXPIRATION

This policy shall be effective for the 2026-2027 school year and shall be renewed annually by the Berkeley County Board of Education and the State Board of Education. The West Virginia Code provision that authorizes this policy is scheduled to expire on June 30, 2030, unless extended by the Legislature; therefore, this policy shall be eligible for renewal through said date.

8. SEVERABILITY

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: W.Va. Code §18A-4-15a
Adopted: 09/05/2023, 10/7/24; 10/20/25; 9/23/26

Policy 5220**Bus Operator Substitute in Areas of Critical Need and Shortage****Clay County Schools****1. Purpose**

As recommended by the Superintendent, the purpose of this policy is to provide for the employment of retired bus operators as critical needs substitutes on an expanded basis in areas of critical need and shortage for bus operators.

2. Use of Substitute Bus Operators in Areas of Critical Need and Shortage

2.1. W. Va. Code §18A-4-15a defines an “area of critical need and shortage for substitute bus operators” as occurring when:

“the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.”

2.2. The Clay County Board of Education (CCBOE) has determined that a critical need for substitute bus operators currently exists within the district.

2.3. Accordingly, the CCBOE hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in the area of bus operators as recommended by the Superintendent.

In no case shall a retired bus operator be employed where there is available for employment another qualified bus operator who is not retired and accepts the substitute assignment.

2.4. The Superintendent shall forward a copy of this policy to the West Virginia Board of Education (WVBE) for approval in the first year of utilization. The CCBOE must annually renew this policy and provide confirmation to the WVBE of its intent to utilize this policy in subsequent years.

2.5. Prior to employment of a retired bus operator as a critical needs substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board (CPRB), the Superintendent shall submit to

the WVBE, in a form approved by the CPRB and WVBE, an affidavit signed by the Superintendent stating:

- a. The name of the county (Clay);
- b. The fact that the CCBOE has adopted this policy to employ retired bus operators as substitutes to address its critical need and shortage;
- c. The name(s) of person(s) to be employed as a critical need substitute pursuant to this policy;
- d. The date that the person gave notice to the CCBOE of the person's intent to retire; and
- e. The effective date of the person's retirement.

2.6. Any person who retires and begins work as a critical need substitute bus operator within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retired critical need substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical need substitute bus operator.

2.7. A retired bus operator is eligible to be employed as a critical needs substitute bus operator to fill a vacant position, without any loss of retirement benefits attributed to the annuity reserve, only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which they are employed as a critical needs substitute bus operator.

2.8. Retired bus operators employed to perform expanded substitute service provided for in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

2.9. When a retired bus operator is employed as a critical need substitute to fill a vacant position, the CCBOE shall continue to post the vacant position until it is filled with a regularly employed bus operator who is fully qualified for the position.

2.10. When a retired bus operator is employed as a critical need substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the WVBE.

2.11. The subsection of W. Va. Code that authorizes this policy is scheduled to expire June 30, 2028, unless extended by the legislature; therefore, this policy shall also expire on that date and must be reviewed annually.

3. Severability

If any provision of this policy or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Approved by the Clay County Board of Education: August 18, 2026

Approved by the West Virginia Board of Education:

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

po4120.12

ADOPTED September 12, 2023

REVISED July 28, 2026

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-4-15a as follows: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

The Board additionally finds and determines that:

- A. there presently exists within the County a critical need for substitute bus operators
- B. there is also a shortage of available qualified substitute bus operators, who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

When a retired bus operator is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed bus operator who is fully qualified for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a bus operator position of a regular bus operator on leave of absence, nor does it apply when a position is filled with a certified bus operator, but the bus operator is not available at the time the bus operator accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

A retired bus operator is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 7/16/24

T.C. 7/15/25

Revised 12/22/25

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WV Code 18A-4-15a

SERVICE PERSONNEL

po4120.12

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

ADOPTED Feb 12, 2024 • REVISED Sep 14, 2026

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area of critical need and shortage.

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Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits to the state board in a form approved by the

Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

When a retired bus operator is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed bus operator who is fully qualified for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a bus operator position of a regular bus operator on leave of absence, nor does it apply when a position is filled with a certified bus operator, but the bus operator is not available at the time the bus operators accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

A retired bus operator is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 10/28/24

T.C. 11/18/24

T.C. 3/31/25

Revised 12/15/25

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WV Code 18A-4-15a

**Harrison County Schools**

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS (2)

po4120.12

ADOPTED September 15, 2026

REVISED September 15, 2026

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-4-15a as follows: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

The Board additionally finds and determines that:

- A. there presently exists within the County a critical need for substitute bus operators
- B. and that there is also a shortage of available qualified substitute bus operators who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to

retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

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The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

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Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 11/19/24

T.C. 6/3/25

Revised 10/21/25

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WV Code 18A-4-15a

Jackson County Schools

SERVICE PERSONNEL

po4120.12

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

ADOPTED Dec 14, 2023 · REVISED Jul 23, 2026

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

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The Board additionally finds and determines that:

A. There presently exists within the County a critical need for substitute bus operators;

B. And that there is also a shortage of available qualified substitute bus operators, who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above, as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

1 This policy shall be effective upon approval by the West Virginia Board of Education for
2 the 2026-2027 year only, subject to annual review by the County Board and re-
3 approval by the West Virginia Board of Education.

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5 Prior to employment of a retired bus operator as a critical need substitute bus operator
6 beyond the post-retirement employment limitations established by the Consolidated
7 Public Retirement Board, the county superintendent submits to the state board in a
8 form approved by the Consolidated Public Retirement Board and the state board, an
9 affidavit signed by the superintendent stating the name of the county, the fact that the
10 county has adopted a policy to employ retired bus operators as substitutes to address
11 its critical need and shortage, the name or names of the person or persons to be
12 employed as a critical need substitute pursuant to the policy, the date that the person
13 gave notice to the county board of the person's intent to retire, and the effective date of
14 the person's retirement. Upon verification of compliance with this section and the
15 eligibility of the critical need substitute bus operator for employment beyond the post-
16 retirement limit, the state board shall submit the affidavit to the Consolidated Public
17 Retirement Board.

18
19 The County Board shall cooperate with the West Virginia Board of Education to verify
20 the county's compliance with the requirements of WV Code and verify the eligibility of
21 the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic
22 posting of position opening, retirement date effective before the first day of July,
23 preceding at least the fiscal year during which s/he is employed, continuous and
24 ongoing posting seeking fully qualified non-retired bus operators, and absence of a
25 non-retired bus operator who holds qualification and training in the required area).

26
27 When a retired bus operator is employed as a substitute to fill a vacant position, the
28 County shall continue to post the vacant position electronically and easily accessible to
29 prospective employees until it is filled with a regularly employed bus operator who is
30 fully qualified for the position. Such a posting will only be required once at the
31 beginning of the year and once mid-year. This does not apply when filling a bus
32 operator position of a regular bus operator on leave of absence, nor does it apply when
33 a position is filled with a certified bus operator, but the bus operator is not available at
34 the time the bus operator accepts the position.

35
36 The County Superintendent shall forward a copy of this policy annually to the State
37 Superintendent of Schools for approval by the West Virginia Board of Education prior to
38 employment of retired bus operators on an expanded basis as substitutes in areas of
39 critical need and shortage for bus operators.

40
41 A retired bus operator is eligible to be employed as a critical needs substitute to fill a
42 vacant position without any loss of retirement benefits attributed to the annuity reserve

only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical needs substitute.

Every contract of employment for such a retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2028, unless extended by the legislature.

T.C. 7/24/24

T.C. 10/17/24

Revised 1/2/25

T.C. 6/5/25

Revised 10/16/25

T.C. 7/23/26

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WV Code 18A-4-15a

SECTIONS

- 0000 Bylaws
- 1000 Administration
- 2000 Program
- 3000 Professional Staff
- 4000 Service Personnel
- 5000 Students
- 6000 Finances
- 7000 Property
- 8000 Operations
- 9000 Relations

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

po4120.12 ADOPTED September 19, 2023

REVISED July 20, 2026

4120.12 - AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS OPERATORS

Bus Operators

The purpose of this policy, as recommended by the Superintendent, is to provide for the employment of retired bus operators as substitute bus operators on an expanded basis in this area of critical need and shortage.

The Board of Education hereby adopts the definition of "area of critical need and shortage" set forth in West Virginia Code 18A-4-15a as follows: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

The Board additionally finds and determines that:

- A. there presently exists within the County a critical need for substitute bus operators
- B. and that, there is also a shortage of available qualified substitute bus operators, who are not retired, available to cover this critical need.

Accordingly, the Board hereby authorizes the employment of retired bus operators as substitute bus operators during the 2026-2027 school year on an expanded basis in this area of critical need and shortage noted above as is recommended by the Superintendent. In no case shall a retired substitute bus operator be employed where there is available for employment another qualified bus operator who is not retired and who will accept the substitute assignment.

This policy shall be effective upon approval by the West Virginia Board of Education for the 2026-2027 year only, subject to annual review by the County Board and re-approval by the West Virginia Board of Education.

Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the county superintendent submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired bus operators as substitutes to address its critical need and shortage, the name or names of the person or persons to be employed as a critical need substitute pursuant to the policy, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical need substitute bus operator for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

The County Board shall cooperate with the West Virginia Board of Education to verify the county's compliance with the requirements of WV Code and verify the eligibility of the critical needs substitute bus operator (i.e., adoption of local policy, prior electronic posting of position opening, retirement date effective before the first day of July, preceding at least the fiscal year during which s/he is employed, continuous and ongoing posting seeking fully qualified non-retired bus operators, and absence of a non-retired bus operator who holds qualification and training in the required area).

When a retired bus operator is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed bus operator who is fully qualified for the position. Such posting will only be required once at the beginning of the year and once mid-year. This does not apply when filling a bus operator position of a regular bus operator on leave of absence, nor does it apply when a position is filled with a certified bus operator, but the bus operator is not available at the time the bus operators accepts the position.

The County Superintendent shall forward a copy of this policy annually to the State Superintendent of Schools for approval by the West Virginia Board of Education prior to employment of retired bus operators on an expanded basis as substitutes in areas of critical need and shortage for bus operators.

A retired bus operator is eligible to be employed as a critical needs substitute to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which s/he is employed as a critical need substitute.

Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy, are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2030, unless extended by the legislature.

Revised 7/1/24

Revised 7/1/25

T.C. 8/5/25

Revised 10/7/25

T.C. 7/20/26

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WV Code 18A-4-15a

4B.2 EMPLOYMENT OF SUBSTITUTE SERVICE PERSONNEL

The Board recognizes the need to procure the services of substitute service personnel in order to continue the operation of the schools as a result of the absence of regular service personnel.

An applicant for substitute service employment will be placed on the waiting list as of the date he/she applies for employment if her/his services are not needed immediately.

When substitutes for a particular classification are needed, the applicants with the earliest application date shall be contacted and given an opportunity to test. An applicant who passes the test and meets the other employment qualifications shall be added to the substitute calling list. If more than one substitute in a classification is hired at the same time, they shall be called to meet at the Board office during the regular business day and shall draw an object from a container. The object shall be labeled with a number that indicates the order of seniority with "1" being first in seniority and so forth. Said employees shall be assigned calling seniority in the order determined by the drawing and shall complete the seniority form along with two witnesses. In the event an affected employee is unable or unwilling to attend and/or draw, another Board employee will draw in the stead of the employee. Their names will be placed on the substitute rotation list by the help desk secretary/accountant.

The Superintendent, subject to approval of the Board, may employ and assign substitute service personnel to any of the following duties:

- A. to fill the temporary absence of another service employee,
- B. to fill the position of a regular service employee who requests and is granted a leave of absence,
- C. to fill the position of a regular service employee who is absent due to workers' compensation, or
- D. to fill the position of a regular service employee who steps up into the position of another regular service employee who is absent.

A substitute service employee accrues substitute seniority as of the first (1st) day that he/she works in a particular classification for the purpose of applying for a job. The Personnel Department shall maintain the waiting list. Substitute service personnel are employed on a rotating basis according to their length of service until each substitute has had an opportunity to perform similar assignments.

A substitute service employee who is employed to fill the position of an absent employee for more than twenty (20) days

- A. shall acquire regular employment status, with the exception of regular employee job bidding rights;
- B. does not accrue regular seniority; and
- C. is accorded all other rights, privileges, and benefits pertaining to the position until the regular employee returns.

A substitute who commits to fill a long-term absence and works in excess of 30 consecutive work days in a single assignment is eligible for the following additional benefits:

- A. paid legal holidays that fall within the period of such assignment, funded by the district;

- B. paid out-of-school environment days that fall within the period of such assignment, funded by the district; and
- C. personal leave subject to the following provisions:
 - 1. such leave must be earned prior to its use;
 - 2. such leave may be earned only during employment in a single assignment exceeding 30 consecutive work days and may not be prorated for less than 20 working days; and
 - 3. such leave may be used only during employment in a single assignment exceeding 30 work days and may not be used during subsequent assignments of less than 30 work days.

A substitute service employee must accept 50% of the assignments for which he/she is called. Refusal to accept 50% of the assignments shall constitute grounds for dismissal. The Personnel Department shall review substitute service records at the end of each semester to determine compliance with the policy.

A retired service employee may substitute a maximum of 140 days per year and may substitute in the same year in which he/she retires.

WV Code § 18A-4-15

Critical Need and Shortage Policy

A retired bus operator may accept employment as a substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retiree is otherwise entitled provided no non-retired substitute bus operator who holds the appropriate licensure is available to accept the assignment within the parameters of this policy. A retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage on an expanded basis only when no other bus operator who holds licensure and training in the area and who is not retired is available and accepts the substitute assignment.

When a retired bus operator is employed as a substitute to fill a vacant position, the county board shall continue to post the vacancy until it is filled with a regularly employed operator who is fully certified or permitted for the position. The position vacancy shall be posted electronically and easily accessible to prospective employees.

Prior to employment of a substitute bus operator under the critical need and shortage provision, the county superintendent must submit to the Consolidated Public Retirement Board (CPRB) and to the West Virginia Board of Education (WVBOE), in a form approved by the retirement board, an affidavit stating the name of the county, the fact that the county has adopted this policy to employ retired bus operators as substitutes to address areas of critical need and shortage. The form shall also include and the name(s) of the person(s) to be employed pursuant to this policy, critical need and shortage area as well as the position

filled, the date the person gave notice of intent to retire, and the effective date of the person's retirement. Affidavits will be submitted to the WVDE and CPRB on an annual basis.

A bus operator is eligible to be employed as a critical needs substitute only if the retired bus operator's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute. Any person who retires and begins work as a substitute bus operator under the critical need and shortage provisions within the same fiscal year in which he/she retires shall lose retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree substitute in that fiscal year and ending with the month following the date the retiree ceases to perform service as a substitute.

A retired bus operator employed under these critical need and shortage provisions is considered a day-to-day, temporary, part-time employee and is not eligible for additional pension or other benefits paid to regular employees. Such a substitute shall not accrue seniority.

This policy is effective for the current 2026 – 2027 school year only. The policy must be renewed by the county board annually and is subject to approval by the state board of education. The provisions allowed by this policy expire 30 June 2027 .

WV Code 18A-4-15a

The West Virginia Code that authorizes this policy is scheduled to expire on June 30, 2028, unless extended by the legislature.

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po4120.12 ADOPTED October 10, 2023 REVISED July 28, 2026

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Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include therein the following information:

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute bus operator in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

The West Virginia Code that authorizes this policy is scheduled to expire June 30, 2030, unless extended by the legislature.

Revised 12/10/24

T.C. 6/24/25

Revised 11/18/25

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WV Code 18A-4-15a

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The County Board shall cooperate with the West Virginia Board of Education to verify compliance with WV Code and eligibility requirements.

When a retired bus operator is employed as a substitute to fill a vacant position, the County shall continue to post the vacant position electronically and easily accessible to prospective employees until it is filled with a regularly employed bus operator who is fully qualified for

the position. Such posting will only be required once at the beginning of the year and once mid-year.

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Every contract of employment for such retired bus operator to be employed for periods beyond the post-retirement employment limitation established by the consolidated public retirement board shall include the required statutory information.

Any person who retires and begins work as a substitute bus operator within the same fiscal year shall lose those retirement benefits attributed to the annuity reserve during the period of employment as a retiree critical needs substitute bus operator.

Retired bus operators employed to perform expanded substitute service provided in this policy are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and shall not accrue seniority.

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Revised 12/10/24 T.C. 4/15/25