

*Reviewed & Approved by
Kelli on 10/25/24
KHP*

BERKELEY COUNTY FILE: GABA

PERSONNEL

CRITICAL NEED/SHORTAGE - RETIRED BUS OPERATORS

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

- 3.1. The Superintendent has informed the Board that a critical need and shortage for substitute bus operators exists in Berkeley County, West Virginia.
- 3.2. 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 2024-2025 on an expanded basis in areas of critical need and shortage for substitute bus operators is hereby authorized.

5. POLICY

- 5.1. 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.
- 5.2. 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.
- 5.3. 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.
- 5.4. 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.

6. WEST VIRGINIA BOARD OF EDUCATION APPROVAL/AFFIDAVIT

Prior to the employment of a retired bus operator on an expanded 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 2024-2025 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, 2028, 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

KANAWHA COUNTY BOARD OF EDUCATION POLICY

Series G72 – Recruitment and Training Program for Prospective School Bus Operators and Service Substitutes in Areas of Critical Need and Shortage

1. Purpose. The purpose of this policy is to provide payment to prospective full-time bus operators, in an effort to recruit and train individuals in this area of critical need for Kanawha County Schools. This policy must be approved by the West Virginia Department of Education (WVDE), before it may become effective. Upon approval, this policy provides a framework for a paid training program so that individuals interested in becoming bus operators may be paid for their time during training and provide employment of retired bus operators as substitutes in areas of critical need and shortage.

2. Findings.

The Kanawha County Board of Education (KCBOE) finds that it is currently unable to maintain an adequate number of bus operators to meet the transportation needs of our District. The current bus operators that we employ are being asked to cover not only the runs of absent employees, but also runs that remain vacant throughout the year. This is creating a daily undue burden on the Transportation Department and the District as a whole in getting students to and from school in an orderly, consistent, and timely manner.

Currently, prospective bus operators are not paid for required pre-employment training within the District. That training requires individuals interested in become a bus operator to take over 40 hours of both classroom and practical training in either day or evening courses prior to employment, as well as to take several tests. The District has low completion rates of these courses, which prevents individuals without appropriate bus operator experience from being eligible to apply for these positions in which we have a critical need.

Therefore, pursuant to West Virginia Code §18A-2-15, the KCBOE, upon approval of the WVDE, adopts the following policy to pay Prospective Bus Operators (PBOs) during the time of their initial training to qualify to become bus operators. The policy outlines a paid Recruitment and Training Program (The Program) for PBOs.

Pursuant to West Virginia Code §18A-4-15a, the KCBOE, upon approval of the WVDE, adopts the following critical need and shortage policy that will allow a retired bus operator to 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 with the specific parameters outlined in the critical need and shortage section of this policy.

3. Policy.

The District's Transportation Department, in conjunction with Human Resources will continually identify KCBOE Bus Operator vacancies and ensure those positions are posted appropriately and available to PBOs. The Program will be available to interested PBOs as long as there is a critical need to fill full time bus operator positions within the county.

This Program, currently, is designed to focus on filling full time positions, not substitute positions. However, if every bus operator vacancy becomes full while there are still trainees in the Program, the remaining trainees in the Program will be eligible to receive their payment upon acceptance of a substitute contract, under the condition that they will become a full-time bus operator at the first available vacancy within the county. Once bus operator vacancies are filled, report to the Board will be made, and either payment for completion of the training will end, or the Board may adapt the policy to fully consider training substitute bus operators.

ENCLOSURE 57

Seniority for a position does not begin to accrue until the PBO is hired as either a full-time or substitute bus operator, in accordance with West Virginia Code §18A-4-8B.

Entry into and completion of the Program will be done as follows:

A. Entry into the Program. Entry into this program will only be considered if you are not currently fully trained to be a school bus operator with the appropriate requirements to operate a Kanawha County bus. If the PBO meets the following requirements, they may be considered for entry into the paid PBO training program. The PBO:

- is 21 years or older;
- has a high school diploma or GED;
- submits to a DMV record check and is not found to have evidence of frequent traffic violations;
- submits to and passes a background check;
- submits to and passes a drug test.

B. Completion of the Program.

The Program checklist is attached to this policy as Appendix A. Successful completion of the Program requires that the PBO complete all the requirements listed in Appendix A, which are also required by West Virginia Board of Education Policy 4336.

At the completion of the Program and once hired as a regularly employed full-time bus operator, the PBO will be paid in a lump sum for the training portions of the Program, as broken out in Appendix A. If the PBO does not successfully complete the program and become employed full-time with the District, they will not receive any payment for their time in the program.

C. Post Program Obligations.

Upon successful completion of the Program, the PBO must apply to and become employed with the District as a Bus Operator or Substitute Bus Operator and maintain that employment for three years. Part of obtaining that employment may require the employee to submit to and pass another pre-employment drug test.

If the PBO does not become employed with the District or maintain their employment for the required three years, the PBO must pay back the payment they received for participating in the training program.

Completion of the Program, does not entitle a PBO to a position as a full-time bus operator. The PBO must still apply for a position, pass another background test, drug test, and physical. If qualified and there is an available vacancy, the PBO will be selected for the position in which there is no more senior applicant. If all the vacancies are filled, the PBO will be given a substitute contract until a vacancy becomes available.

D. Payment. A PBO, who has completed the Program and is employed, as either a full time Bus Operator or substitute Bus Operator with the KCBOE, will receive \$1000, before taxes, for participating in the training at the time they sign their contract.

4. Critical Need and Shortage: 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 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 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 WVBE 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/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.

5. West Virginia Department of Education and or West Virginia Board of Education Approval. Upon review of the critical need and vote of the KCBOE to institute such a Program, the Superintendent shall cause a copy of this policy to be transmitted to the West Virginia State Department of Education for its approval prior to permitting any PBO into the Program outlined in this policy. This policy shall be effective at the time of the WVDE approval. The service substitutes in areas of critical need and shortage section of this policy is effective for the current 2024-2025 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 2025.

ENCLOSURE 57

Issued: 01.19.23; 07.11.23; 11.02.23; 11.16.24

**Appendix A
School Bus Driver Training Requirements**

1. Must be 21 years or older, with a high school diploma or GED
2. Must have three years driving experience as a licensed driver and be eligible to get CDL
3. Have a driving record, as recorded on a DMV record check, that does not show evidence of frequent traffic violations. If your driver's license has been issued in WV for less than five years, you must obtain a DMV record check from previous state or states.
4. Pass a CIB/FBI background check
5. Minimum 40 hours non-driving classroom training **(\$600)**
 - This training includes First Aid / CPR /AED certification, New ELDT training requirements, etc.
 - Classes are in person and broken up over several days.
 - Classes are offered during the day, in the evening, and can be offered with limited flexibility to meet trainee need.
6. Pass a DOT Physical – must be done within 6 months of certification
7. Obtain a CDL Instruction Permit – must have this for 14 days before you can take the CDL driving exam
8. Pass a FMCSA DOT Drug test
9. Minimum of 12 hours behind the wheel training, including two hours of night-time driving **(\$300)**
10. Pass a written examination provided by the WVDE online
 - This test may only be retaken three times, if failed, during a 12-month period
11. Take and pass a CDL driving exam to obtain actual CDL license
12. Pass a skills and physical performance exam administered by the WVDE School Bus Examiner
 - If failed, this test must be passed before any other portion of the test may be administered. PBO must wait 5 days before they may take the test again and receive additional training.
13. Upon successful certification with the WVDE, new Bus Operator must drive a minimum of two bus routes with a certified operator and students on-board prior to accepting any assignment. **(\$100)**

A total of \$1000, before taxes, will be paid at the time of the contract signing.

Lincoln County Schools
Bylaws & Policies

*Renewed & Approved by
Kelli on 10/18/24*

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 2024 - 2025 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 2024 - 2025 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.

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:

*Reviewed & Approved by
Dylli on 10/21/24*

**MERCER COUNTY FILE: G-40
(Revised: 10/14/24)**

CRITICAL NEED AND SHORTAGE: SUBSTITUTE BUS OPERATORS

1.0 Purpose

The Superintendent has found that a critical need and shortage of substitute bus operators exist in Mercer County, West Virginia.

The purpose of this policy is to provide for the employment of retired bus operators on an extended basis to fill a critical need and shortage. The Mercer County Board of Education finds that there is a critical need and shortage. The Mercer County Board of Education finds that there is a critical shortage of qualified bus operators in the district. Therefore, the employment of retired bus operators as a retired bus operator as critical need substitute bus operator during the fiscal year 2024-2025 on an expanded basis in areas of critical need and shortage for the substitute bus operator is hereby authorized.

2.0 Definitions

2.1 “Area of Critical Need and Shortage of Bus Operators” means that the number of available and qualified substitute bus operators in the county who are not retired and are available and willing to accept a substitute bus operator assignment is insufficient to meet the projected need for qualified substitute bus operators.

3.0 Procedures

3.1 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 extended basis only when no other qualified bus operator who is not retired is available and accepts the substitute assignment.

3.2 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 a regularly employed employees and may not accrue seniority.

3.3 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.

3.4 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.

CRITICAL NEED AND SHORTAGE: SUBSTITUTE BUS OPERATORS

Any person who retires and begins work as a critical need substitute bus operator within the same fiscal year in which the 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 comes to perform service as a critical need substitute bus operator.

3.5 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.

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

- Name of county;
- The fact that the county has adopted a policy to employ a retired bus operator 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.

4.0 Policy

4.1 This policy shall be effective for the 2024-2025 school year and shall be renewed annually by the Mercer 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, 2028, unless extended by the Legislature, therefore, this policy shall be eligible for renewal throughout the state.

CRITICAL NEED AND SHORTAGE: SUBSTITUTE BUS OPERATORS

5.0 Severability

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

Authority: W.Va. Code §18A-4-15a

Date(s): 04/08/24, 10/14/24



*Renewed and Approved by
Kelli Gallott on
10/16/24 JAP*

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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 these areas 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 2024-2025 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 2024-2025 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.

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, 2028, unless extended by the legislature.

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