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Section: 4000 Service Staff

Title:

AREAS OF CRITICAL NEED AND SHORTAGE FOR SUBSTITUTE BUS  
OPERATORS

Number: po4120.12

Adopted: November 13, 2023

Last Revised: November 12, 2024

**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:

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, 2028, unless extended by the legislature.

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WV Code 18A-4-15a