

reviewed & approved
4/15/24 - lkb

MERCER COUNTY FILE: G-40
(New: 04/08/24)

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 2023-2024 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.

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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 2023-2024 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.

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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