

# House Bill 3130

Sponsored by Representative NOBLE (at the request of Debbie Fery)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that certain substitute teachers are considered employees of school district and are eligible for retirement benefits and health benefit plans.

Allows for retroactive applicability of law.

## A BILL FOR AN ACT

1  
2 Relating to the employment of substitute teachers; creating new provisions; and amending ORS  
3 342.610.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 342.610 is amended to read:

6 342.610. (1) Teachers employed as substitute teachers shall not be paid less per day than 85  
7 percent of 1/190th of the salary of a beginning teacher who holds a bachelor's degree. The salary  
8 of the substitute teacher shall be computed as required in this subsection based on the statewide  
9 average salary for beginning teachers who hold bachelor's degrees. The Department of Education  
10 shall compute the statewide average salary to be used for purposes of this subsection, using the  
11 latest data available to the department, but not data from earlier than the preceding school year.

12 (2) The school district shall set the working hours for a substitute teacher, and, when employed,  
13 shall pay the substitute teacher a salary that is no less than one-half of the daily minimum salary  
14 computed under subsection (1) of this section. However, if the substitute teacher is employed for  
15 more than one-half day, the substitute teacher shall receive a full day's pay.

16 (3)(a) Notwithstanding subsection (1) of this section, teachers employed as substitute teachers  
17 for more than 10 consecutive days in any one assignment for the same teacher shall not be paid  
18 after the 10th day of the assignment less per day than 100 percent of 1/190th of the statewide av-  
19 erage salary computed in subsection (1) of this section for districts with no salary scale; or, for  
20 districts with a salary scale, the higher of:

21 (A) 1/190th of the employing school district's salary for a beginning teacher who holds a  
22 bachelor's degree; or

23 (B) The daily minimum salary computed under subsection (1) of this section.

24 (b) Used sick leave, whether paid or unpaid, and weekends, school holidays and days when  
25 schools are closed by weather or other conditions and when substitute teachers are not required to  
26 appear in person at the school shall not be considered in determining consecutive days for purposes  
27 of this subsection.

28 (c) When substituting for a part-time teacher, the part of the day worked by the substitute shall  
29 count as a full day in determining consecutive days for purposes of this subsection.

30 (4) Notwithstanding subsections (1) and (3) of this section, if a school district has a class  
31 schedule based on a four-day week:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (a) The daily minimum salary computed under subsection (1) or (3) of this section must be  
2 multiplied by 1.125; and

3 (b) Calculations described in subsection (3) of this section must be made after a teacher has been  
4 employed as a substitute teacher for more than eight consecutive days in any one assignment for  
5 the same teacher.

6 **(5) A teacher employed as a substitute teacher for one or more days at a time by the  
7 same school district shall be:**

8 **(a) Considered an employee of the school district; and**

9 **(b) Eligible for retirement benefits as an employee for purposes of the public employees'  
10 retirement law and eligible for health benefit plans as an eligible employee for purposes of  
11 ORS 243.105 to 243.285.**

12 ~~[(5)]~~ (6) This section does not apply to substitute teachers represented in a bargaining unit in  
13 the school district by which they are employed.

14 **SECTION 2. (1) The amendments to ORS 342.610 by section 1 of this 2021 Act first apply  
15 to the 2017-2018 school year.**

16 **(2) To the extent allowed by public employees' retirement law and health benefit plans  
17 under ORS 243.105 to 243.285, a teacher shall be eligible for any benefits that would have  
18 accrued to the teacher under ORS 342.610 (5), as amended by section 1 of this 2021 Act, be-  
19 tween the 2017-2018 school year and the effective date of this 2021 Act.**

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