

Requested by Representative NOBLE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3130**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 342.610 is amended to read:

4 “342.610. (1) [*Teachers employed as substitute teachers shall*] **A teacher**
5 **employed or performing services as a substitute teacher** may not be
6 paid less per day than 85 percent of 1/190th of the salary of a beginning
7 teacher who holds a bachelor’s degree. The salary of the substitute teacher
8 shall be computed as required in this subsection based on the statewide av-
9 erage salary for beginning teachers who hold bachelor’s degrees. The De-
10 partment of Education shall compute the statewide average salary to be used
11 for purposes of this subsection, using the latest data available to the de-
12 partment, but not data from earlier than the preceding school year.

13 “(2) [*The*] **A school district** shall set the working hours for a substitute
14 teacher, and, when **the substitute teacher is employed by or performing**
15 **services for the school district, the school district** shall pay the substi-
16 tute teacher a salary that is no less than one-half of the daily minimum
17 salary computed under subsection (1) of this section. However, if the substi-
18 tute teacher is employed **or performing services** for more than one-half day,
19 the substitute teacher shall receive a full day’s pay.

20 “(3)(a) Notwithstanding subsection (1) of this section, [*teachers employed*
21 *as substitute teachers*] **a teacher employed or performing services as a**

1 **substitute teacher** for more than 10 consecutive days in any one assignment
2 for the same teacher shall not be paid after the 10th day of the assignment
3 less per day than 100 percent of 1/190th of the statewide average salary
4 computed in subsection (1) of this section for districts with no salary scale;
5 or, for districts with a salary scale, the higher of:

6 “(A) 1/190th of the [*employing*] school district’s salary for a beginning
7 teacher who holds a bachelor’s degree; or

8 “(B) The daily minimum salary computed under subsection (1) of this
9 section.

10 “(b) Used sick leave, whether paid or unpaid, and weekends, school holi-
11 days and days when schools are closed by weather or other conditions and
12 when substitute teachers are not required to appear in person at the school
13 shall not be considered in determining consecutive days for purposes of this
14 subsection.

15 “(c) When substituting for a part-time teacher, the part of the day worked
16 by [*the substitute*] **a substitute teacher** shall count as a full day in deter-
17 mining consecutive days for purposes of this subsection.

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

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

22 “(b) Calculations described in subsection (3) of this section must be made
23 after a teacher has been employed **or performed services** as a substitute
24 teacher for more than eight consecutive days in any one assignment for the
25 same teacher.

26 “(5) **A teacher employed by or performing services for a school dis-**
27 **trict as a substitute teacher shall be:**

28 “(a) **Considered to be an employee of the school district, regardless**
29 **of whether the school district delegates any aspect of the management**
30 **of the teacher to a third party; and**

1 **“(b) Considered to be performing hours of service for a participating**
2 **public employer in a qualifying position, as defined in ORS 238.005 (22)**
3 **or 238A.005 (15), for purposes of public employee retirement benefits.**

4 **“[(5)] (6) This section does not apply to substitute teachers represented**
5 **in a bargaining unit in the school district by which they are employed.**

6 **“SECTION 2. (1) For purposes of public employees’ retirement law,**
7 **the amendments to ORS 342.610 by section 1 of this 2021 Act apply to**
8 **employment or the performance of service that occurred on or after**
9 **January 1, 2015.**

10 **“(2) To the extent allowed by public employees’ retirement law, a**
11 **teacher shall be eligible for any retirement benefits that would have**
12 **accrued to the teacher under ORS 342.610 (5), as amended by section**
13 **1 of this 2021 Act, on or after January 1, 2015.”.**

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