S-3234.1

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**SENATE BILL 6289**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Conway, Chase, Van De Wege, Ranker, and Hunt

AN ACT Relating to the need for substitutes in schools; amending RCW 41.32.068; adding a new section to chapter 41.35 RCW; creating a new section; and repealing 2016 c 233 s 19 (uncodified).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  School employees who retire using early retirement factors known as the 2008 ERFs are essentially prohibited from working in any capacity for employers that are part of the state retirement system. In 2016, the legislature created a narrow exception that allowed retirees in the teachers' retirement system who retired under the 2008 ERFs to work only as substitute teachers for a limited number of hours per year. This exception was created in response to the teacher shortages seen across the state, which have severely depleted the numbers of available substitutes. School districts face challenges in other areas too, such as finding substitute bus drivers, counselors, and paraprofessionals. Retired school employees have the experience that allows them to step in and maintain the best educational services for our students when substitutes are needed. Therefore, it is the intent of the legislature to allow a narrow exception to the 2008 early retirement structure to allow those retirees to serve as substitutes in roles that directly serve students.

**Sec.**  RCW 41.32.068 and 2016 c 233 s 7 are each amended to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862((~~, and only until August 1, 2020~~)), a ((~~teacher~~)) retiree in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retired ((~~teacher~~)) educator reenters employment more than one calendar month after his or her accrual date and after June 9, 2016; and (2) ((~~[the retired teacher]~~)) the retired educator is employed ((~~exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); and (3) the employing school district compensates the district's substitute teachers at a rate that is at least eighty-five percent of the full daily amount allocated by the state to the district for substitute teacher compensation~~)) in a nonadministrative position.

NEW SECTION. **Sec.**  A new section is added to chapter 41.35 RCW to read as follows:

In addition to the postretirement employment options available in RCW 41.35.060, a retiree in the school employees retirement system plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retired educator reenters employment more than one calendar month after his or her accrual date; and (2) the retired educator is employed in a nonadministrative position.

NEW SECTION. **Sec.**  2016 c 233 s 19 (uncodified) is repealed.

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