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HOUSE BILL 2379

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Doglio, Orcutt, Dolan, Appleton, Muri, Stambaugh,  
and Chandler

Prefiled 01/04/18.

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

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

5 NEW SECTION. **Sec. 1.** School employees who retire using early  
6 retirement factors known as the 2008 ERFs are essentially prohibited  
7 from working in any capacity for employers that are part of the state  
8 retirement system. In 2016, the legislature created a narrow  
9 exception that allowed retirees in the teachers' retirement system  
10 who retired under the 2008 ERFs to work only as substitute teachers  
11 for a limited number of hours per year. This exception was created in  
12 response to the teacher shortages seen across the state, which have  
13 severely depleted the numbers of available substitutes. School  
14 districts face challenges in other areas too, such as finding  
15 substitute bus drivers, counselors, and paraprofessionals. Retired  
16 school employees have the experience that allows them to step in and  
17 maintain the best educational services for our students when  
18 substitutes are needed. Therefore, it is the intent of the  
19 legislature to allow a narrow exception to the 2008 early retirement  
20 structure to allow those retirees to serve as substitutes in roles  
21 that directly serve students.

1       **Sec. 2.** RCW 41.32.068 and 2016 c 233 s 7 are each amended to  
2 read as follows:

3       In addition to the postretirement employment options available in  
4 RCW 41.32.802 or 41.32.862(~~(, and only until August 1, 2020)~~), a  
5 (~~teacher~~) retiree in plan 2 or plan 3 who has retired under the  
6 alternate early retirement provisions of RCW 41.32.765(3)(b) or  
7 41.32.875(3)(b) may be employed with an employer for up to eight  
8 hundred sixty-seven hours per calendar year without suspension of his  
9 or her benefit, provided that: (1) The retired (~~teacher~~) educator  
10 reenters employment more than one calendar month after his or her  
11 accrual date and after June 9, 2016; and (2) (~~{the retired~~  
12 ~~teacher}~~) the retired educator is employed (~~(exclusively as either a~~  
13 ~~substitute teacher as defined in RCW 41.32.010(48)(a) in an~~  
14 ~~instructional capacity, as opposed to other capacities identified in~~  
15 ~~RCW 41.32.010(49); and (3) the employing school district compensates~~  
16 ~~the district's substitute teachers at a rate that is at least eighty-~~  
17 ~~five percent of the full daily amount allocated by the state to the~~  
18 ~~district for substitute teacher compensation)~~) in a nonadministrative  
19 position.

20       NEW SECTION.   **Sec. 3.** A new section is added to chapter 41.35  
21 RCW to read as follows:

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

31       NEW SECTION.   **Sec. 4.** 2016 c 233 s 19 (uncodified) is repealed.

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