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HOUSE BILL 2387

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Quall, Peery, Veloria, Linville, Wineberry, Bray, Basich, Kremen, Dunshee, Romero, Carlson and H. Myers

Read first time 01/14/94. Referred to Committee on Appropriations.

1 AN ACT Relating to early retirement benefits; reenacting and  
2 amending RCW 43.01.170 and 28A.400.212; creating new sections; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) Subject to subsection (2) of this  
6 section, in addition to members eligible to retire under RCW 41.40.180,  
7 any member of the public employees' retirement system plan I who meets  
8 the following criteria may retire after providing written notification  
9 to the member's employer and submitting the required application to  
10 the director on a form provided by the department:

11 (a) The member is employed by an employer in an eligible position  
12 on March 1, 1994; and

13 (b) The member has: (i) Attained the age of fifty-five years and  
14 completed five service credit years of service; (ii) completed twenty-  
15 five service credit years of service; or (iii) attained the age of  
16 fifty years and completed twenty service credit years of service.

17 (2) A member who wishes to apply for retirement under subsection  
18 (1) of this section must submit the required notification and

1 application form no later than July 1, 1994, setting forth that the  
2 member shall be retired no later than August 31, 1994.

3 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter  
4 41.40 RCW, but because of its temporary nature, shall not be codified.

5 NEW SECTION. **Sec. 3.** (1) Subject to subsection (2) of this  
6 section, in addition to members eligible to retire under RCW 41.32.480,  
7 any member of the teachers' retirement system plan I who meets the  
8 following criteria may retire after providing written notification to  
9 the member's employer and submitting the required application to the  
10 director on a form provided by the department:

11 (a) The member is employed by an employer on March 1, 1994, and is  
12 not a substitute teacher; and

13 (b) The member has: (i) Attained the age of fifty-five years and  
14 completed five service credit years of service; (ii) completed twenty-  
15 five service credit years of service; or (iii) attained the age of  
16 fifty years and completed twenty service credit years of service.

17 (2) A member who wishes to apply for retirement under subsection  
18 (1) of this section must submit the required notification and  
19 application form no later than July 1, 1994, setting forth that the  
20 member shall be retired no later than August 31, 1994.

21 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter  
22 41.32 RCW, but because of its temporary nature, shall not be codified.

23 NEW SECTION. **Sec. 5.** In order to ensure that the state derives  
24 the expected benefits from the early retirement provisions of this act,  
25 no state agency may engage through personal service contracts persons  
26 who retire from service under the provisions of this act. Exceptions  
27 to this section may be granted by written approval from the director of  
28 the office of financial management if the director finds that the  
29 proposed contract is necessary to protect the public safety, protect  
30 against the loss of federal certification or loss of critical federal  
31 funds, or carry out functions so essential to the agency that even  
32 temporary suspension or delay of services would have a significant  
33 negative impact on the public. At the end of each three-month period  
34 in which exceptions are approved, the director shall forward a copy of  
35 any approvals, together with justification for the exceptions, to the

1 fiscal committees of the legislature. Each forwarded approval shall  
2 include the name of the proposed contractor, the agency and division or  
3 department requesting the contract, duration and cost of the proposed  
4 contract, and specific functions and duties to be carried out under the  
5 contract. This section shall expire June 30, 1996.

6 NEW SECTION. **Sec. 6.** Section 5 of this act is added to chapter  
7 39.29 RCW, but because of its temporary nature, shall not be codified.

8 NEW SECTION. **Sec. 7.** In order to ensure that the state derives  
9 the expected benefits from the early retirement provisions of this act,  
10 no board of directors of a school district or educational service  
11 district may engage through personal service contracts persons who  
12 retire from service under the provisions of this act. Exceptions to  
13 this section may be granted by written approval from the superintendent  
14 of public instruction if the superintendent finds that the proposed  
15 contract is necessary to protect student safety, protect against the  
16 loss of school district certification or loss of federal funds, or  
17 carry out functions so essential to the district that even temporary  
18 suspension or delay of services would have a significant negative  
19 impact on students. At the end of each three-month period in which  
20 exceptions are approved, the superintendent shall forward a copy of any  
21 approvals, together with justification for the exceptions, to the  
22 office of financial management and the fiscal committees of the  
23 legislature. Each forwarded approval shall include the name of the  
24 proposed contractor, the district requesting the contract, duration and  
25 cost of the proposed contract, and specific functions and duties to be  
26 carried out under the contract. This section shall expire August 31,  
27 1996.

28 NEW SECTION. **Sec. 8.** Section 7 of this act is added to chapter  
29 28A.400 RCW, but because of its temporary nature, shall not be  
30 codified.

31 **Sec. 9.** RCW 43.01.170 and 1993 c 519 s 13, 1993 c 281 s 44, and  
32 1993 c 86 s 7 are each reenacted and amended to read as follows:

33 In order to ensure that the state derives the expected benefits  
34 from the early retirement provisions of chapter 234, Laws of 1992,  
35 chapter 86, Laws of 1993, ((and)) chapter 519, Laws of 1993, and

1 chapter . . . , Laws of 1994 (this act), no state agency may hire  
2 persons who retire from service under the provisions of chapter 234,  
3 Laws of 1992, ~~((and))~~ chapter 86, Laws of 1993, ~~((or))~~ chapter 519,  
4 Laws of 1993, or chapter . . . , Laws of 1994 (this act), as temporary  
5 or project employees, as defined by the Washington personnel resources  
6 board for employees covered under chapter 41.06 RCW, and by the  
7 employer for persons ~~((not covered under chapter 28B.16 RCW))~~ who are  
8 employed by institutions of higher education or community or technical  
9 colleges. Exceptions to this section may be granted by written  
10 approval from the director of the office of financial management if the  
11 director finds that the temporary or project employment of a retiree is  
12 necessary to protect the public safety, protect against the loss of  
13 federal certification or loss of critical federal funds, or carry out  
14 functions so essential to the agency that even temporary suspension or  
15 delay of services would have a significant negative impact on the  
16 public. At the end of each three-month period in which exceptions are  
17 approved, the director shall forward a copy of any approvals, together  
18 with justification for the exceptions, to the fiscal committees of the  
19 legislature. Each forwarded approval shall include the name of the  
20 temporary or project employee, the agency and division or department  
21 requesting the employment, duration and cost of the proposed  
22 employment, and specific functions and duties to be carried out during  
23 the employment. This section shall expire June 30, ~~((1995))~~ 1996.

24 **Sec. 10.** RCW 28A.400.212 and 1993 c 519 s 14 and 1993 c 86 s 8 are  
25 each reenacted and amended to read as follows:

26 An employee of a school district that has established an attendance  
27 incentive program under RCW 28A.400.210 who retires under section 1 or  
28 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993,  
29 ~~((or))~~ section 4 or 6, chapter 519, Laws of 1993, or section 1 or 3,  
30 chapter . . . , Laws of 1994 (section 1 or 3 of this act), shall  
31 receive, at the time of his or her separation from school district  
32 employment, not less than one-half of the remuneration for accrued  
33 leave for illness or injury payable to him or her under the district's  
34 incentive program. The school district board of directors may, at its  
35 discretion, pay the remainder of such an employee's remuneration for  
36 accrued leave for illness or injury after the time of the employee's  
37 separation from school district employment, but the employee or the  
38 employee's estate is entitled to receive the remainder of the

1 remuneration no later than the date the employee would have been  
2 eligible to retire under the provisions of RCW 41.40.180 or 41.32.480  
3 had the employee continued to work for the district until eligible to  
4 retire, or three years following the date of the employee's separation  
5 from school district employment, whichever occurs first. A district  
6 exercising its discretion under this section to pay the remainder of  
7 the remuneration after the time of the employee's separation from  
8 school district employment shall establish a policy and procedure for  
9 paying the remaining remuneration that applies to all affected  
10 employees equally and without discrimination. Any remuneration paid  
11 shall be based on the number of days of leave the employee had accrued  
12 and the compensation the employee received at the time he or she  
13 retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or  
14 3, chapter 86, Laws of 1993, ((or)) section 4 or 6, chapter 519, Laws  
15 of 1993, or section 1 or 3, chapter . . . , Laws of 1994 (section 1 or  
16 3 of this act).

17       NEW SECTION.   **Sec. 11.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and shall take  
20 effect immediately.

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