

SENATE BILL REPORT

SB 5294

AS OF FEBRUARY 5, 1993

Brief Description: Recodifying RCW 41.26.281.

SPONSORS: Senators Vognild, Roach, Prentice, Hargrove, von Reichbauer, Loveland, Talmadge, A. Smith, M. Rasmussen, Williams, West, Bauer, Drew, Jesernig, Moore, Owen, Haugen, Sheldon, Pelz, Fraser, McAuliffe, Winsley, Skratek, Gaspard, Wojahn and Quigley

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: David Cheal (786-7576)

Hearing Dates: February 8, 1993

BACKGROUND:

Law enforcement officers and fire fighters currently have two different retirement systems with different benefits. Personnel hired on or before October 1, 1977 are members of LEOFF I system and those hired on or after October 1, 1977 are members of LEOFF II. The chapter of the code which covers both systems is divided into three sections: provisions which apply to both plans, provisions applicable to plan I, and provisions applicable only to plan II.

Currently RCW 41.26.281 is contained in that portion of Chapter 41.26 that applies only to plan I. That section gives injured law enforcement officers and fire fighters, or their survivors, the right to benefits under the pension law and the right to sue their employer for negligently or intentionally caused injury on the job. Recovery is limited to the excess of damages over the amount due under the pension law.

From the time of enactment of the LEOFF II plan to the present, various recodifications of this chapter have made this section both applicable and not applicable to LEOFF II personnel.

LEOFF II personnel are entitled to workers' compensation benefits for on the job injuries or occupational disease. Duty related injury or disease benefits for LEOFF I personnel are provided for in the pension law, which provides a different benefit package.

SUMMARY:

The section of the pension law which gives law enforcement officers and fire fighters the right to sue their employers for negligence or for intentionally caused harm on the job, as well as benefits due under the pension act, is recodified to that portion of the chapter that applies to both plan I and

plan II members. Recovery is limited to the excess of damages over the benefits due under the pension law.

The act is declared remedial and procedural and retroactive in effect to June 11, 1992.

Appropriation: none

Revenue: none

Fiscal Note: requested