
HOUSE BILL 1973

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53rd Legislature

1993 Regular Session

By Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl

Read first time 02/19/93. Referred to Committee on Appropriations.

1 AN ACT Relating to retirement eligibility for plan I members of the
2 teachers' and public employees' retirement systems who submitted late
3 applications for early retirement; amending RCW 43.01.170 and
4 28A.400.212; amending 1992 c 234 s 6 (uncodified); amending 1992 c 234
5 s 8 (uncodified); creating new sections; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) Any member of the teachers' retirement
8 system plan I who meets the criteria in subsection (2) of this section
9 may retire under chapter 234, Laws of 1992, by submitting a written
10 application by July 1, 1993, to the director of the department of
11 retirement systems on the form required by the department.

12 (2) This section applies only to members who:

13 (a) Were otherwise eligible to retire under the terms and
14 conditions of section 3, chapter 234, Laws of 1992; and

15 (b) Submitted a written application to retire on the form required
16 by the department not later than August 31, 1992; but

17 (c) Were denied retirement eligibility because the department of
18 retirement systems received the application after the June 15, 1992,
19 deadline.

1 (3) A retirement under this section shall take effect:

2 (a) September 1, 1992, for members who separated from service on or
3 before that date and who did not subsequently render membership service
4 to an employer; or

5 (b) The first day of the month following the member's separation
6 from service, but no later than September 1, 1993, for members who
7 separate from service after September 1, 1992. However, if a full year
8 of membership service was established for the 1992-93 school year, the
9 effective date of a retirement under this subsection (3)(b) shall be
10 July 1, 1993.

11 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
12 41.32 RCW, but because of its temporary nature, shall not be codified.

13 NEW SECTION. **Sec. 3.** (1) Any member of the public employees'
14 retirement system plan I who meets the criteria in subsection (2) of
15 this section may retire under chapter 234, Laws of 1992, by submitting
16 a written application by July 1, 1993, to the director of the
17 department of retirement systems on the form required by the
18 department.

19 (2) This section applies only to members who:

20 (a) Were otherwise eligible to retire under the terms and
21 conditions of section 1, chapter 234, Laws of 1992; and

22 (b) Submitted a written application to retire on the form required
23 by the department not later than August 31, 1992; but

24 (c) Were denied retirement eligibility because the department of
25 retirement systems received the application after the June 15, 1992,
26 deadline.

27 (3) A retirement under this section shall take effect:

28 (a) September 1, 1992, for members who separated from service on or
29 before that date and who were not subsequently employed in an eligible
30 position; or

31 (b) The first day of the month following the member's separation
32 from service, but no later than September 1, 1993, for members who
33 separate from service after September 1, 1992.

34 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter
35 41.40 RCW, but because of its temporary nature, shall not be codified.

1 **Sec. 5.** 1992 c 234 s 6 (uncodified) is amended to read as follows:

2 In order to ensure that the state derives the expected benefits
3 from the early retirement provisions of chapter 234, Laws of 1992 and
4 chapter . . . , Laws of 1993 (this act), no state agency may engage
5 through personal service contracts persons who retire from state
6 service under the provisions of chapter 234, Laws of 1992 and chapter
7 . . . , Laws of 1993 (this act). Exceptions to this section may be
8 granted by written approval from the director of the office of
9 financial management if the director finds that the proposed contract
10 is necessary to protect the public safety, protect against the loss of
11 federal certification or loss of critical federal funds, or carry out
12 functions so essential to the agency that even temporary suspension or
13 delay of services would have a significant negative impact on the
14 public. At the end of each three-month period in which exceptions are
15 approved, the director shall forward a copy of any approvals, together
16 with justification for the exceptions, to the fiscal committees of the
17 legislature. Each forwarded approval shall include the name of the
18 proposed contractor, the agency and division or department requesting
19 the contract, duration and cost of the proposed contract, and specific
20 functions and duties to be carried out under the contract. This
21 section shall expire June 30, 1995.

22 **Sec. 6.** 1992 c 234 s 8 (uncodified) is amended to read as follows:

23 In order to ensure that the state derives the expected benefits
24 from the early retirement provisions of chapter 234, Laws of 1992 and
25 chapter . . . , Laws of 1993 (this act), no board of directors of a
26 school district or educational service district may engage through
27 personal service contracts persons who retire from ((state)) service
28 under the provisions of chapter 234, Laws of 1992 and chapter . . . ,
29 Laws of 1993 (this act). Exceptions to this section may be granted by
30 written approval from the superintendent of public instruction if the
31 superintendent finds that the proposed contract is necessary to protect
32 student safety, protect against the loss of school district
33 certification or loss of federal funds, or carry out functions so
34 essential to the district that even temporary suspension or delay of
35 services would have a significant negative impact on students. At the
36 end of each three-month period in which exceptions are approved, the
37 superintendent shall forward a copy of any approvals, together with
38 justification for the exceptions, to the office of financial management

1 and the fiscal committees of the legislature. Each forwarded approval
2 shall include the name of the proposed contractor, the district
3 requesting the contract, duration and cost of the proposed contract,
4 and specific functions and duties to be carried out under the contract.
5 This section shall expire August 31, 1995.

6 **Sec. 7.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to read
7 as follows:

8 In order to ensure that the state derives the expected benefits
9 from the early retirement provisions of chapter 234, Laws of 1992, and
10 chapter . . . , Laws of 1993 (this act), no state agency may hire
11 persons who retire from state service under the provisions of chapter
12 234, Laws of 1992, and chapter . . . , Laws of 1993 (this act), as
13 temporary or project employees, as defined by the state personnel board
14 for employees covered under chapter 41.06 RCW (~~and~~), by the higher
15 education personnel board for employees covered under chapter 28B.16
16 RCW, and by the employer for persons not covered under chapter 28B.16
17 RCW who are employed by institutions of higher education or community
18 or technical colleges. Exceptions to this section may be granted by
19 written approval from the director of the office of financial
20 management if the director finds that the temporary or project
21 employment of a retiree is necessary to protect the public safety,
22 protect against the loss of federal certification or loss of critical
23 federal funds, or carry out functions so essential to the agency that
24 even temporary suspension or delay of services would have a significant
25 negative impact on the public. At the end of each three-month period
26 in which exceptions are approved, the director shall forward a copy of
27 any approvals, together with justification for the exceptions, to the
28 fiscal committees of the legislature. Each forwarded approval shall
29 include the name of the temporary or project employee, the agency and
30 division or department requesting the employment, duration and cost of
31 the proposed employment, and specific functions and duties to be
32 carried out during the employment. This section shall expire June 30,
33 1995.

34 **Sec. 8.** RCW 28A.400.212 and 1992 c 234 s 13 are each amended to
35 read as follows:

36 An employee of a school district that has established an attendance
37 incentive program under RCW 28A.400.210 who retires under section 1 or

1 3, chapter 234, Laws of 1992, or section 1 or 3, chapter . . . , Laws of
2 1993 (this act), shall receive, at the time of his or her separation
3 from school district employment, not less than one-half of the
4 remuneration for accrued leave for illness or injury payable to him or
5 her under the district's incentive program. The school district board
6 of directors may, at its discretion, pay the remainder of such an
7 employee's remuneration for accrued leave for illness or injury after
8 the time of the employee's separation from school district employment,
9 but the employee or the employee's estate is entitled to receive the
10 remainder of the remuneration no later than the date the employee would
11 have been eligible to retire under the provisions of RCW 41.40.180 or
12 41.32.480 had the employee continued to work for the district until
13 eligible to retire, or three years following the date of the employee's
14 separation from school district employment, whichever occurs first. A
15 district exercising its discretion under this section to pay the
16 remainder of the remuneration after the time of the employee's
17 separation from school district employment shall establish a policy and
18 procedure for paying the remaining remuneration that applies to all
19 affected employees equally and without discrimination. Any
20 remuneration paid shall be based on the number of days of leave the
21 employee had accrued and the compensation the employee received at the
22 time he or she retired under section 1 or 3, chapter 234, Laws of 1992,
23 or section 1 or 3, chapter . . . , Laws of 1993 (this act).

24 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and shall take
27 effect immediately.

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