

2 **SB 5990** - H COMM AMD **ADOPTED 4/6/95**

3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 41.50 RCW  
8 to read as follows:

9 (1) Except as limited by subsection (3) of this section, the  
10 governing body of an employer under chapter 41.32 or 41.40 RCW shall  
11 comply with the provisions of subsection (2) of this section prior to  
12 executing a contract or collective bargaining agreement with members  
13 under chapter 41.32 or 41.40 RCW which provides for:

14 (a) A cash out of unused annual leave in excess of two hundred  
15 forty hours of such leave. "Cash out" for purposes of this subsection  
16 means any payment in lieu of an accrual of annual leave or any payment  
17 added to regular salary, concurrent with a reduction of annual leave;

18 (b) A cash out of any other form of leave;

19 (c) A payment for, or in lieu of, any personal expense or  
20 transportation allowance;

21 (d) The portion of any payment that exceeds twice the regular rate  
22 of pay; or

23 (e) Any other termination or severance payment.

24 (2) Any governing body entering into a contract or collective  
25 bargaining agreement that includes a compensation provision listed in  
26 subsection (1) of this section shall do so only after public notice in  
27 compliance with the open public meetings act, chapter 42.30 RCW. This  
28 notification requirement may be accomplished as part of the approval  
29 process for adopting a contract or collective bargaining agreement in  
30 whole, and does not require separate or additional open public  
31 meetings. At the meeting, full disclosure shall be made of the nature  
32 of the proposed compensation provision, and the employer's estimate of  
33 the excess compensation billings under RCW 41.50.150 that the employing  
34 entity would have to pay as a result of the proposed compensation  
35 provision. The employer shall notify the department of its compliance  
36 with this section at the time the department bills the employer under

1 RCW 41.40.150 for the pension impact of compensation provisions listed  
2 in subsection (1) of this section that are adopted after the effective  
3 date of this act.

4 (3) The requirements of subsection (2) of this section shall not  
5 apply to the adoption of a compensation provision listed in subsection  
6 (1) of this section if the compensation would not be includable in  
7 calculating benefits under chapter 41.32 or 41.40 RCW for the employees  
8 covered by the compensation provision."

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12 On page 1, line 2 of the title, after "compensation;" strike the  
13 remainder of the title and insert "and adding a new section to chapter  
14 41.50 RCW."

15 EFFECT: Only requires public notice if compensation is used in  
16 calculating a retirement benefit under PERS or TRS; only requires one  
17 public notice and meeting prior to adoption of one of the listed forms  
18 of compensation; eliminates LEOFF employers and members from the  
19 reporting requirement.

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