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HOUSE BILL 2606

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State of Washington

56th Legislature

2000 Regular Session

By Representatives H. Sommers, Wolfe, Kenney, Morris, Keiser, Haigh, Rockefeller and Romero; by request of Governor Locke

Read first time 01/17/2000. Referred to Committee on Appropriations.

1 AN ACT Relating to early retirement under the public employees'  
2 retirement system for affected employees of specific state agencies  
3 specifically designated for a reduction in staffing; adding a new  
4 chapter to Title 41 RCW; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that if it becomes  
7 necessary for significant downsizing in a state facility, whether for  
8 fiscal reasons, obsolescence, or other extraordinary reasons, the state  
9 has a responsibility to provide certain benefits to affected employees.  
10 It is the purpose of this chapter to establish an economic impact  
11 act for the state of Washington to meet the emergency situation in  
12 existence for state employees affected by the significant downsizing of  
13 state facilities.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.  
16 (1) "Significant downsizing of a state facility" means those state  
17 agencies, or divisions or programs within an agency, specifically

1 designated by the legislature for a reduction in staffing under section  
2 3 of this act.

3 (2) "Affected employees" includes those persons who are members of  
4 the public employees' retirement system performing services for the  
5 state on a salaried or hourly basis including, but not limited to,  
6 persons in classified service as defined in RCW 41.06.020(3) and those  
7 persons defined as exempt from the state civil service laws under RCW  
8 41.06.070 employed by the agencies, or divisions of agencies, under  
9 section 3 of this act on the effective date of this act.

10 NEW SECTION. **Sec. 3.** For the period ending June 30, 2001, those  
11 agencies designated for a reduction in staffing include:

12 (1) The department of transportation, limited to affected employees  
13 working in programs I, P, Q, W, and X; and

14 (2) The department of social and health services, limited to  
15 affected employees working within the economic services administration,  
16 the developmental disabilities division of the health and  
17 rehabilitative services administration, and the juvenile rehabilitation  
18 administration.

19 NEW SECTION. **Sec. 4.** In order to carry out the purposes of this  
20 chapter, the state shall take every reasonable step at its disposal to  
21 provide alternative employment and to minimize the economic loss of  
22 state employees affected by the significant downsizing of a state  
23 facility. Affected state employees shall be provided benefits as  
24 specified in this section.

25 As an option for leaving state employment an affected employee may  
26 elect early retirement under the following conditions:

27 (1) Notwithstanding the age requirements of RCW 41.40.180, any  
28 affected employee under this chapter who is a member of the public  
29 employees' retirement system, plan 1 and has: (a) Attained the age of  
30 fifty-five years, and completed five service credit years of service;  
31 (b) completed twenty-five service credit years; or (c) attained the age  
32 of fifty years and completed twenty service credit years of service is  
33 immediately eligible to retire, with no actuarial reduction in the  
34 amount of the member's pension benefit.

35 (2) Notwithstanding the age requirements of RCW 41.40.630, any  
36 affected employee under this chapter who is a member of the public  
37 employees' retirement system, plan 2 and has attained the age of fifty-

1 five years, with at least fifteen years creditable service, is  
2 immediately eligible to retire with an actuarial reduction in the  
3 amount of the member's pension benefit of two percent for each complete  
4 year that the employee is under sixty-five years of age.

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

23 NEW SECTION. **Sec. 6.** In order to assure that the state derives  
24 the expected benefits from the early retirement provisions of this  
25 chapter, no state agency may hire persons who retire from state service  
26 under the provisions of this chapter as temporary or project employees,  
27 as defined by the state personnel board for employees covered under  
28 chapter 41.06 RCW. Exceptions to this section may be granted by  
29 written approval from the director of financial management, if the  
30 director finds that the temporary or project employment of a retiree is  
31 necessary to protect the public safety, protect against the loss of  
32 federal certification or loss of critical federal funds, or carry out  
33 functions so essential to the agency that even temporary suspension or  
34 delay of services would have a significant impact on the public. At  
35 the end of each three-month period in which exceptions are approved,  
36 the director shall forward a copy of any approvals, together with  
37 justification for the exceptions, to the fiscal committees of the

1 legislature. Each forwarded approval shall include the name of the  
2 temporary or project employee, the agency and division or department  
3 requesting the employment, duration and cost of the proposed  
4 employment, and specific functions and duties to be carried out during  
5 the employment.

6 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

10 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
11 a new chapter in Title 41 RCW.

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