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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: AMH-2772.2/01 2nd draft

ATTY/TYPIST: LL:mos

BRIEF DESCRIPTION:

2 **ESSB 5937** - H AMD  
3 By Representative

4 ADOPTED AS AMENDED 6/19/01

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

7 "NEW SECTION. Sec. 1. (1) The department of retirement systems,  
8 the office of the superintendent of public instruction, the department  
9 of personnel, and the health care authority shall jointly develop  
10 publications for use during the 2001-03 biennium to explain options  
11 for, and implications of, postretirement employment for members and  
12 retirees of the teachers' retirement system plan 1 and the public  
13 employees' retirement system plan 1.

14 (2) The publications shall address such issues as: (a) Health  
15 insurance coverage upon reemployment; (b) health benefit options upon  
16 termination of postretirement employment; (c) sick leave, annual leave,  
17 and other compensation practices; (d) options for, and implications of,  
18 reentry into active retirement system membership; (e) hiring procedures  
19 for retirees; and (f) collective bargaining rights and  
20 responsibilities.

21 **Sec. 2.** RCW 28A.405.900 and 1990 c 33 s 404 are each amended to  
22 read as follows:

23 Certificated employees subject to the provisions of RCW  
24 28A.310.250, 28A.405.010 through 28A.405.240, 28A.405.400 through  
25 28A.405.410, 28A.415.250, and 28A.405.900 shall not include those  
26 certificated employees hired to replace certificated employees who have  
27 been granted sabbatical, regular, or other leave by school districts,  
28 and shall not include retirees hired for postretirement employment  
29 under the provisions of this act.

30 It is not the intention of the legislature that this section apply  
31 to any regularly hired certificated employee or that the legal or  
32 constitutional rights of such employee be limited, abridged, or  
33 abrogated.

1       **Sec. 3.** RCW 41.32.570 and 1999 c 387 s 1 are each amended to read  
2 as follows:

3       (1)(a) If a retiree enters employment with an employer sooner than  
4 one calendar month after his or her accrual date, the retiree's monthly  
5 retirement allowance will be reduced by five and one-half percent for  
6 every seven hours worked during that month. This reduction will be  
7 applied each month until the retiree remains absent from employment  
8 with an employer for one full calendar month.

9       (b) The benefit reduction provided in (a) of this subsection will  
10 accrue for a maximum of one hundred forty hours per month. Any monthly  
11 benefit reduction over one hundred percent will be applied to the  
12 benefit the retiree is eligible to receive in subsequent months.

13       (2) Any retired teacher or retired administrator who enters service  
14 in any public educational institution in Washington state and who has  
15 satisfied the break in employment requirement of subsection (1) of this  
16 section shall cease to receive pension payments while engaged in such  
17 service(~~(: PROVIDED, That service may be rendered up to five hundred~~  
18 ~~twenty-five hours per school year without reduction of pension.~~

19       ~~(3) In addition to the five hundred twenty-five hours of service~~  
20 ~~permitted under subsection (2) of this section, a retired teacher or~~  
21 ~~retired administrator may also serve only as a substitute teacher for~~  
22 ~~up to an additional three hundred fifteen hours per school year without~~  
23 ~~reduction of pension if:~~

24       ~~(a) A school district, which is not a member of a multidistrict~~  
25 ~~substitute cooperative, determines that it has exhausted or can~~  
26 ~~reasonably anticipate that it will exhaust its list of qualified and~~  
27 ~~available substitutes and the school board of the district adopts a~~  
28 ~~resolution to make its substitute teachers who are retired teachers or~~  
29 ~~retired administrators eligible for the extended service once the list~~  
30 ~~of qualified and available substitutes has been exhausted.—The~~  
31 ~~resolution by the school district shall state that the services of~~  
32 ~~retired teachers and retired administrators are necessary to address~~  
33 ~~the shortage of qualified and available substitutes.—The resolution~~  
34 ~~shall be valid only for the school year in which it is adopted.—The~~  
35 ~~district shall forward a copy of the resolution with a list of retired~~  
36 ~~teachers and retired administrators who have been employed as~~  
37 ~~substitute teachers to the department and may notify the retired~~  
38 ~~teachers and retired administrators included on the list of their right~~  
39 ~~to take advantage of the provisions of this subsection; or~~

1       ~~(b) A multidistrict substitute cooperative determines that the~~  
2 ~~school districts have exhausted or can reasonably anticipate that they~~  
3 ~~will exhaust their list of qualified and available substitutes and each~~  
4 ~~of the school boards adopts a resolution to make their substitute~~  
5 ~~teachers who are retired teachers or retired administrators eligible~~  
6 ~~for the extended service once the list of qualified and available~~  
7 ~~substitutes has been exhausted. The resolutions by each of the school~~  
8 ~~districts shall state that the services of retired teachers and retired~~  
9 ~~administrators are necessary to address the shortage of qualified and~~  
10 ~~available substitutes. The resolutions shall be valid only for the~~  
11 ~~school year in which they are adopted. The cooperative shall forward~~  
12 ~~a copy of the resolutions with a list of retired teachers and retired~~  
13 ~~administrators who have been employed as substitute teachers to the~~  
14 ~~department and may notify the retired teachers and retired~~  
15 ~~administrators included on the list of their right to take advantage of~~  
16 ~~the provisions of this subsection.~~

17       ~~(4) In addition to the five hundred twenty five hours of service~~  
18 ~~permitted under subsection (2) of this section, a retired administrator~~  
19 ~~or retired teacher may also serve as a substitute administrator up to~~  
20 ~~an additional one hundred five hours per school year without reduction~~  
21 ~~of pension if a school district board of directors adopts a resolution~~  
22 ~~declaring that the services of a retired administrator or retired~~  
23 ~~teacher are necessary because it cannot find a replacement~~  
24 ~~administrator to fill a vacancy. The resolution shall be valid only~~  
25 ~~for the school year in which it is adopted. The district shall forward~~  
26 ~~a copy of the resolution with the name of the retired administrator or~~  
27 ~~retired teacher who has been employed as a substitute administrator to~~  
28 ~~the department.~~

29       ~~(5) In addition to the five hundred twenty five hours of service~~  
30 ~~permitted under subsection (2) of this section and the one hundred five~~  
31 ~~hours permitted under subsection (4) of this section, a retired~~  
32 ~~principal may also serve as a substitute principal up to an additional~~  
33 ~~two hundred ten hours per school year without a reduction of pension if~~  
34 ~~a school district board of directors adopts a resolution declaring that~~  
35 ~~the services of a retired principal are necessary because it cannot~~  
36 ~~find a replacement principal to fill a vacancy. The resolution shall~~  
37 ~~be valid only for the school year in which it is adopted. The district~~  
38 ~~shall forward a copy of the resolution with the name of the retired~~

1 principal who has been employed as a substitute principal to the  
2 department.

3 ~~(6) Subsection (2) of this section shall apply to all persons~~  
4 ~~governed by the provisions of plan 1, regardless of the date of their~~  
5 ~~retirement, but shall apply only to benefits payable after June 11,~~  
6 ~~1986.~~

7 ~~(7) Subsection (3) of this section shall apply to all persons~~  
8 ~~governed by the provisions of plan 1, regardless of the date of their~~  
9 ~~retirement, but shall only apply to benefits payable after September 1,~~  
10 ~~1994)), after the retiree has rendered service for more than one~~  
11 ~~thousand five hundred hours in a school year. When a retired teacher~~  
12 ~~or administrator renders service beyond eight hundred sixty-seven~~  
13 ~~hours, the department shall collect from the employer the applicable~~  
14 ~~employer retirement contributions for the entire duration of the~~  
15 ~~member's employment during that fiscal year.~~

16 (3) The department shall collect and provide the state actuary with  
17 information relevant to the use of this section for the joint committee  
18 on pension policy.

19 (4) The legislature reserves the right to amend or repeal this  
20 section in the future and no member or beneficiary has a contractual  
21 right to be employed for more than five hundred twenty-five hours per  
22 year without a reduction of his or her pension.

23 **Sec. 4.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to read  
24 as follows:

25 (1)(a) If a retiree enters employment with an employer sooner than  
26 one calendar month after his or her accrual date, the retiree's monthly  
27 retirement allowance will be reduced by five and one-half percent for  
28 every eight hours worked during that month. This reduction will be  
29 applied each month until the retiree remains absent from employment  
30 with an employer for one full calendar month.

31 (b) The benefit reduction provided in (a) of this subsection will  
32 accrue for a maximum of one hundred sixty hours per month. Any benefit  
33 reduction over one hundred percent will be applied to the benefit the  
34 retiree is eligible to receive in subsequent months.

35 (2)(a) A retiree from plan 1 who has satisfied the break in  
36 employment requirement of subsection (1) of this section and who enters  
37 employment with an employer may continue to receive pension payments  
38 while engaged in such service for up to one thousand five hundred hours

1 of service in a calendar year without a reduction of pension. When a  
2 plan 1 member renders service beyond eight hundred sixty-seven hours,  
3 the department shall collect from the employer the applicable employer  
4 retirement contributions for the entire duration of the member's  
5 employment during that calendar year.

6 (b) A retiree from plan 2 or plan 3 who has satisfied the break in  
7 employment requirement of subsection (1) of this section((7)) may work  
8 up to ((five months per)) eight hundred sixty-seven hours in a calendar  
9 year in an eligible position, as defined in RCW 41.32.010, 41.35.010,  
10 or 41.40.010, or as a fire fighter or law enforcement officer, as  
11 defined in RCW 41.26.030, without suspension of his or her benefit.

12 (3) If the retiree opts to reestablish membership under RCW  
13 41.40.023(12), he or she terminates his or her retirement status and  
14 becomes a member. Retirement benefits shall not accrue during the  
15 period of membership and the individual shall make contributions and  
16 receive membership credit. Such a member shall have the right to again  
17 retire if eligible in accordance with RCW 41.40.180. However, if the  
18 right to retire is exercised to become effective before the member has  
19 rendered two uninterrupted years of service, the retirement formula and  
20 survivor options the member had at the time of the member's previous  
21 retirement shall be reinstated.

22 (4) The department shall collect and provide the state actuary with  
23 information relevant to the use of this section for the joint committee  
24 on pension policy.

25 (5) The legislature reserves the right to amend or repeal this  
26 section in the future and no member or beneficiary has a contractual  
27 right to be employed for more than five months in a calendar year  
28 without a reduction of his or her pension.

29 NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire June 30,  
30 2004.

31 NEW SECTION. Sec. 6. Section 4 of this act expires December 31,  
32 2004.

33 NEW SECTION. Sec. 7. The office of the state actuary shall review  
34 the actuarial impact of the temporary expansion of the postretirement  
35 employment limitations provided by sections 3 and 4 of this act. No  
36 later than July 1, 2003, the state actuary shall prepare a report for

1 the joint committee on pension policy regarding the fiscal and policy  
2 impacts of this act. The joint committee shall solicit information  
3 from the superintendent of public instruction, the department of  
4 personnel, the office of financial management, the department of  
5 retirement systems, and the health care authority regarding the program  
6 impacts of this act and shall report to the legislative fiscal  
7 committees no later than October 1, 2003, on any proposed changes or  
8 improvements to this act. If the state actuary determines the  
9 expansion of postretirement options under sections 3 and 4 of this act  
10 has resulted in increased costs for the state retirement funds, the  
11 joint committee report shall include a proposal for a process to charge  
12 those employers who employ retirees pursuant to an extension of  
13 sections 3 and 4 of this act for the costs incurred by the retirement  
14 funds under the extension.

15 **Sec. 8.** RCW 41.32.802 and 1997 c 254 s 8 are each amended to read  
16 as follows:

17 (1)(a) If a retiree enters employment with an employer sooner than  
18 one calendar month after his or her accrual date, the retiree's monthly  
19 retirement allowance will be reduced by five and one-half percent for  
20 every seven hours worked during that month. This reduction will be  
21 applied each month until the retiree remains absent from employment  
22 with an employer for one full calendar month.

23 (b) The benefit reduction provided in (a) of this subsection will  
24 accrue for a maximum of one hundred forty hours per month. Any benefit  
25 reduction over one hundred percent will be applied to the benefit the  
26 retiree is eligible to receive in subsequent months.

27 (2) A retiree who has satisfied the break in employment requirement  
28 of subsection (1) of this section, may work up to (~~five months~~) eight  
29 hundred sixty-seven hours per calendar year in an eligible position, as  
30 defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter  
31 or law enforcement officer, as defined in RCW 41.26.030, without  
32 suspension of his or her benefit.

33 (3) If the retiree opts to reestablish membership under RCW  
34 41.32.044, he or she terminates his or her retirement status and  
35 immediately becomes a member. Retirement benefits shall not accrue  
36 during the period of membership and the individual shall make  
37 contributions and receive membership credit. Such a member shall have  
38 the right to again retire if eligible.

1       **Sec. 9.** RCW 41.32.860 and 1997 c 254 s 7 are each amended to read  
2 as follows:

3       (1) Except under RCW 41.32.862, no retiree shall be eligible to  
4 receive such retiree's monthly retirement allowance if he or she is  
5 employed in an eligible position as defined in RCW 41.40.010 (~~(or)~~),  
6 41.32.010, or 41.35.010, or as a law enforcement officer or fire  
7 fighter as defined in RCW 41.26.030.

8       (2) If a retiree's benefits have been suspended under this section,  
9 his or her benefits shall be reinstated when the retiree terminates the  
10 employment that caused the suspension of benefits. Upon reinstatement,  
11 the retiree's benefits shall be actuarially recomputed pursuant to the  
12 rules adopted by the department.

13       **Sec. 10.** RCW 41.32.862 and 1997 c 254 s 9 are each amended to read  
14 as follows:

15       (1)(a) If a retiree enters employment with an employer sooner than  
16 one calendar month after his or her accrual date, the retiree's monthly  
17 retirement allowance will be reduced by five and one-half percent for  
18 every seven hours worked during that month. This reduction will be  
19 applied each month until the retiree remains absent from employment  
20 with an employer for one full calendar month.

21       (b) The benefit reduction provided in (a) of this subsection will  
22 accrue for a maximum of one hundred forty hours per month. Any benefit  
23 reduction over one hundred percent will be applied to the benefit the  
24 retiree is eligible to receive in subsequent months.

25       (2) A retiree who has satisfied the break in employment requirement  
26 of subsection (1) of this section, may work up to (~~(five months))~~ eight  
27 hundred sixty-seven hours per calendar year in an eligible position, as  
28 defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter  
29 or law enforcement officer, as defined in RCW 41.26.030, without  
30 suspension of his or her benefit.

31       (3) If the retiree opts to reestablish membership under RCW  
32 41.32.044, he or she terminates his or her retirement status and  
33 immediately becomes a member. Retirement benefits shall not accrue  
34 during the period of membership and the individual shall make  
35 contributions and receive membership credit. Such a member shall have  
36 the right to again retire if eligible.



1       **Sec. 11.** RCW 41.35.060 and 1998 c 341 s 7 are each amended to read  
2 as follows:

3       (1)(a) If a retiree enters employment with an employer sooner than  
4 one calendar month after his or her accrual date, the retiree's monthly  
5 retirement allowance will be reduced by five and one-half percent for  
6 every eight hours worked during that month. This reduction will be  
7 applied each month until the retiree remains absent from employment  
8 with an employer for one full calendar month.

9       (b) The benefit reduction provided in (a) of this subsection will  
10 accrue for a maximum of one hundred sixty hours per month. Any benefit  
11 reduction over one hundred percent will be applied to the benefit the  
12 retiree is eligible to receive in subsequent months.

13       (2) A retiree who has satisfied the break in employment requirement  
14 of subsection (1) of this section may work up to (~~five months~~) eight  
15 hundred sixty-seven hours per calendar year in an eligible position, as  
16 defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter  
17 or law enforcement officer, as defined in RCW 41.26.030, without  
18 suspension of his or her benefit.

19       (3) If the retiree opts to reestablish membership under RCW  
20 41.35.030, he or she terminates his or her retirement status and  
21 becomes a member. Retirement benefits shall not accrue during the  
22 period of membership and the individual shall make contributions and  
23 receive membership credit. Such a member shall have the right to again  
24 retire if eligible in accordance with RCW 41.35.420 or 41.35.680.  
25 However, if the right to retire is exercised to become effective before  
26 the member has rendered two uninterrupted years of service, the  
27 retirement formula and survivor options the member had at the time of  
28 the member's previous retirement shall be reinstated.

29       **Sec. 12.** RCW 41.40.037 and 1997 c 254 s 14 are each amended to  
30 read as follows:

31       (1)(a) If a retiree enters employment with an employer sooner than  
32 one calendar month after his or her accrual date, the retiree's monthly  
33 retirement allowance will be reduced by five and one-half percent for  
34 every eight hours worked during that month. This reduction will be  
35 applied each month until the retiree remains absent from employment  
36 with an employer for one full calendar month.

37       (b) The benefit reduction provided in (a) of this subsection will  
38 accrue for a maximum of one hundred sixty hours per month. Any benefit

1 reduction over one hundred percent will be applied to the benefit the  
2 retiree is eligible to receive in subsequent months.

3 (2) A retiree who has satisfied the break in employment requirement  
4 of subsection (1) of this section, may work up to (~~five months~~) eight  
5 hundred sixty-seven hours per calendar year in an eligible position, as  
6 defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter  
7 or law enforcement officer, as defined in RCW 41.26.030, without  
8 suspension of his or her benefit.

9 (3) If the retiree opts to reestablish membership under RCW  
10 41.40.023(12), he or she terminates his or her retirement status and  
11 becomes a member. Retirement benefits shall not accrue during the  
12 period of membership and the individual shall make contributions and  
13 receive membership credit. Such a member shall have the right to again  
14 retire if eligible in accordance with RCW 41.40.180. However, if the  
15 right to retire is exercised to become effective before the member has  
16 rendered two uninterrupted years of service, the retirement formula and  
17 survivor options the member had at the time of the member's previous  
18 retirement shall be reinstated.

19 **Sec. 13.** RCW 41.40.750 and 1998 c 341 s 113 are each amended to  
20 read as follows:

21 (1) Effective September 1, 2000, the membership of all plan 2  
22 members currently employed in eligible positions in a school district  
23 or educational service district and all plan 2 service credit for such  
24 members, is transferred to the Washington school employees' retirement  
25 system plan 2. Plan 2 members who have withdrawn their member  
26 contributions for prior plan 2 service may restore contributions and  
27 service credit to the Washington school employees' retirement system  
28 plan 2 as provided under RCW 41.40.740.

29 (2)(a) The membership and previous service credit of a plan 2  
30 member not employed in an eligible position on September 1, 2000, will  
31 be transferred to the Washington school employees' retirement system  
32 plan 2 when he or she becomes employed in an eligible position. Plan  
33 2 members not employed in an eligible position on September 1, 2000,  
34 who have withdrawn their member contributions for prior plan 2 service  
35 may restore contributions and service credit to the Washington school  
36 employees' retirement system plan 2 as provided under RCW 41.40.740.

37 (b) The membership and previous service credit of a plan 2 member  
38 last employed by a school district or educational service district and

1 retired prior to September 1, 2000, will be transferred to the  
2 Washington school employees' retirement system plan 2 if the member  
3 opts to reestablish membership.

4 (3) Members who restore contributions and service credit under  
5 subsection (1) or (2) of this section shall have their contributions  
6 and service credit transferred to the Washington school employees'  
7 retirement system.

8 NEW SECTION. Sec. 14. Except for section 12 of this act which  
9 takes effect December 31, 2004, this act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 July 1, 2001."

13 Correct the title.

EFFECT: The underlying bill allowed retirees of public employees' retirement system plan 1 (PERS 1) and teachers' retirement system plan 1 (TRS 1) to work up to 1,500 hours in a given year without a reduction in pension benefit and without employer contributions. The underlying bill also allowed those employees of PERS over age 70-1/2 to retire and return to work without a break in service.

This amendment provides for the 1,500 hour limit, but creates two subgroups within the working retirees of TRS 1 and PERS 1: Those who work fewer than 867 hours in a year, and those who work more than 867 hours in a year. This amendment provides for the same treatment as the underlying bill for those who work fewer than 867 hours per year: They receive their full pension benefit and the employer is not required to contribute to the retirement system. For those retirees who exceed 867 hours, the amendment requires the employer to contribute to the retirement system for all the hours the retiree worked in that year. This would require retroactive payment on the part of the employer. This amendment also eliminates the exemption from the break in service requirement for those members over age 70-1/2.

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