
SUBSTITUTE HOUSE BILL 1124

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives VanDeWege, B. Sullivan, O'Brien, Eickmeyer, Lovick, McCoy, Lantz, Simpson, Williams and Dickerson)

READ FIRST TIME 01/30/07.

1 AN ACT Relating to the inclusion of the department of natural
2 resources' law enforcement officers in the Washington public safety
3 employees' retirement system by adding the department of natural
4 resources to the definition of "employer" under chapter 41.37 RCW; and
5 amending RCW 41.37.010 and 41.40.113.

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

7 **Sec. 1.** RCW 41.37.010 and 2006 c 309 s 2 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this chapter,
10 unless the context clearly requires otherwise.

11 (1) "Retirement system" means the Washington public safety
12 employees' retirement system provided for in this chapter.

13 (2) "Department" means the department of retirement systems created
14 in chapter 41.50 RCW.

15 (3) "State treasurer" means the treasurer of the state of
16 Washington.

17 (4) "Employer" means the Washington state department of
18 corrections, the Washington state parks and recreation commission, the
19 Washington state gambling commission, the Washington state patrol, the

1 Washington state department of natural resources, and the Washington
2 state liquor control board; any county corrections department; or any
3 city corrections department not covered under chapter 41.28 RCW(~~(; or~~
4 ~~other employers employing statewide elective officials)~~)).

5 (5) "Member" means any employee employed by an employer on a full-
6 time basis:

7 (a) Who is in a position that requires completion of a certified
8 criminal justice training course and is authorized by their employer to
9 arrest, conduct criminal investigations, enforce the criminal laws of
10 the state of Washington, and carry a firearm as part of the job;

11 (b) Whose primary responsibility is to ensure the custody and
12 security of incarcerated or probationary individuals as a corrections
13 officer, probation officer, or jailer;

14 (c) Who is a limited authority Washington peace officer, as defined
15 in RCW 10.93.020, for an employer; or

16 (d) Whose primary responsibility is to supervise members eligible
17 under this subsection.

18 (6)(a) "Compensation earnable" for members, means salaries or wages
19 earned by a member during a payroll period for personal services,
20 including overtime payments, and shall include wages and salaries
21 deferred under provisions established pursuant to sections 403(b),
22 414(h), and 457 of the United States internal revenue code, but shall
23 exclude nonmoney maintenance compensation and lump sum or other
24 payments for deferred annual sick leave, unused accumulated vacation,
25 unused accumulated annual leave, or any form of severance pay.

26 (b) "Compensation earnable" for members also includes the following
27 actual or imputed payments, which are not paid for personal services:

28 (i) Retroactive payments to an individual by an employer on
29 reinstatement of the employee in a position, or payments by an employer
30 to an individual in lieu of reinstatement, which are awarded or granted
31 as the equivalent of the salary or wage which the individual would have
32 earned during a payroll period shall be considered compensation
33 earnable to the extent provided in this subsection, and the individual
34 shall receive the equivalent service credit;

35 (ii) In any year in which a member serves in the legislature, the
36 member shall have the option of having such member's compensation
37 earnable be the greater of:

1 (A) The compensation earnable the member would have received had
2 such member not served in the legislature; or

3 (B) Such member's actual compensation earnable received for
4 nonlegislative public employment and legislative service combined. Any
5 additional contributions to the retirement system required because
6 compensation earnable under (b)(ii)(A) of this subsection is greater
7 than compensation earnable under (b)(ii)(B) of this subsection shall be
8 paid by the member for both member and employer contributions;

9 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
10 and 72.09.240;

11 (iv) Compensation that a member would have received but for a
12 disability occurring in the line of duty only as authorized by RCW
13 41.37.070;

14 (v) Compensation that a member receives due to participation in the
15 leave sharing program only as authorized by RCW 41.04.650 through
16 41.04.670; and

17 (vi) Compensation that a member receives for being in standby
18 status. For the purposes of this section, a member is in standby
19 status when not being paid for time actually worked and the employer
20 requires the member to be prepared to report immediately for work, if
21 the need arises, although the need may not arise.

22 (7) "Service" means periods of employment by a member on or after
23 July 1, 2006, for one or more employers for which compensation earnable
24 is paid. Compensation earnable earned for ninety or more hours in any
25 calendar month shall constitute one service credit month. Compensation
26 earnable earned for at least seventy hours but less than ninety hours
27 in any calendar month shall constitute one-half service credit month of
28 service. Compensation earnable earned for less than seventy hours in
29 any calendar month shall constitute one-quarter service credit month of
30 service. Time spent in standby status, whether compensated or not, is
31 not service.

32 Any fraction of a year of service shall be taken into account in
33 the computation of such retirement allowance or benefits.

34 (a) Service in any state elective position shall be deemed to be
35 full-time service.

36 (b) A member shall receive a total of not more than twelve service
37 credit months of service for such calendar year. If an individual is
38 employed in an eligible position by one or more employers the

1 individual shall receive no more than one service credit month during
2 any calendar month in which multiple service for ninety or more hours
3 is rendered.

4 (8) "Service credit year" means an accumulation of months of
5 service credit which is equal to one when divided by twelve.

6 (9) "Service credit month" means a month or an accumulation of
7 months of service credit which is equal to one.

8 (10) "Membership service" means all service rendered as a member.

9 (11) "Beneficiary" means any person in receipt of a retirement
10 allowance or other benefit provided by this chapter resulting from
11 service rendered to an employer by another person.

12 (12) "Regular interest" means such rate as the director may
13 determine.

14 (13) "Accumulated contributions" means the sum of all contributions
15 standing to the credit of a member in the member's individual account,
16 including any amount paid under RCW 41.50.165(2), together with the
17 regular interest thereon.

18 (14) "Average final compensation" means the member's average
19 compensation earnable of the highest consecutive sixty months of
20 service credit months prior to such member's retirement, termination,
21 or death. Periods constituting authorized leaves of absence may not be
22 used in the calculation of average final compensation except under RCW
23 41.37.290.

24 (15) "Final compensation" means the annual rate of compensation
25 earnable by a member at the time of termination of employment.

26 (16) "Annuity" means payments for life derived from accumulated
27 contributions of a member. All annuities shall be paid in monthly
28 installments.

29 (17) "Pension" means payments for life derived from contributions
30 made by the employer. All pensions shall be paid in monthly
31 installments.

32 (18) "Retirement allowance" means monthly payments to a retiree or
33 beneficiary as provided in this chapter.

34 (19) "Employee" or "employed" means a person who is providing
35 services for compensation to an employer, unless the person is free
36 from the employer's direction and control over the performance of work.
37 The department shall adopt rules and interpret this subsection
38 consistent with common law.

1 (20) "Actuarial equivalent" means a benefit of equal value when
2 computed upon the basis of such mortality and other tables as may be
3 adopted by the director.

4 (21) "Retirement" means withdrawal from active service with a
5 retirement allowance as provided by this chapter.

6 (22) "Eligible position" means any permanent, full-time, fully
7 compensated position included in subsection (5) of this section.

8 (23) "Ineligible position" means any position which does not
9 conform with the requirements set forth in subsection (22) of this
10 section.

11 (24) "Leave of absence" means the period of time a member is
12 authorized by the employer to be absent from service without being
13 separated from membership.

14 (25) "Retiree" means any person who has begun accruing a retirement
15 allowance or other benefit provided by this chapter resulting from
16 service rendered to an employer while a member.

17 (26) "Director" means the director of the department.

18 (27) "State elective position" means any position held by any
19 person elected or appointed to statewide office or elected or appointed
20 as a member of the legislature.

21 (28) "State actuary" or "actuary" means the person appointed
22 pursuant to RCW 44.44.010(2).

23 (29) "Plan" means the Washington public safety employees'
24 retirement system plan 2.

25 (30) "Index" means, for any calendar year, that year's annual
26 average consumer price index, Seattle, Washington area, for urban wage
27 earners and clerical workers, all items, compiled by the bureau of
28 labor statistics, United States department of labor.

29 (31) "Index A" means the index for the year prior to the
30 determination of a postretirement adjustment.

31 (32) "Index B" means the index for the year prior to index A.

32 (33) "Adjustment ratio" means the value of index A divided by index
33 B.

34 (34) "Separation from service" occurs when a person has terminated
35 all employment with an employer.

36 **Sec. 2.** RCW 41.40.113 and 2004 c 242 s 5 are each amended to read
37 as follows:

1 (1) An employee who was a member of the public employees'
2 retirement system plan 2 or plan 3 before July 1, 2006, and on July 1,
3 2006, is employed by an employer as defined in RCW 41.37.010(4) and is
4 an employee in a job class included in RCW 41.37.010(5), has the
5 following options during the election period:

6 (a) Remain a member of the public employees' retirement system; or

7 (b) Become a member of the public safety employees' retirement
8 system plan 2. All members will be dual members as provided in chapter
9 41.54 RCW, and public employees' retirement system service credit may
10 not be transferred to the public safety employees' retirement system
11 plan 2.

12 (2) The "election period" is the period between July 1, 2006, and
13 September 30, 2006.

14 (3) During the election period, employees remain members of the
15 public employees' retirement system plan 2 or plan 3 until they elect
16 to join the public safety employees' retirement system. Members who
17 elect to join the public safety employees' retirement system as
18 described in subsection (1) of this section will have their membership
19 begin prospectively from the date of their election.

20 (4) If after September 30, 2006, the member has not made an
21 election to join the public safety employees' retirement system he or
22 she will remain in the public employees' retirement system plan 2 or
23 plan 3.

24 (5) An employee who was a member of the public employees'
25 retirement system plan 1 on or before July 1, 2006, and on or after
26 July 1, 2006, is employed by an employer as defined in RCW 41.37.010(4)
27 as an employee in a job class included in RCW 41.37.010(5), shall
28 remain a member of the public employees' retirement system plan 1.

29 (6) All new employees hired on or after July 1, 2006, who become
30 employed by an employer as defined in RCW 41.37.010(4) as an employee
31 in a job class included in RCW 41.37.010(5) will become members of the
32 public safety employees' retirement system.

33 (7) An employee of the department of natural resources who was a
34 member of the public employees' retirement system plan 2 or plan 3
35 before July 1, 2007, and on July 1, 2007, is performing the duties as
36 defined in RCW 41.37.010(5), has the following options during the
37 election period defined in subsection (8) of this section:

38 (a) Remain in the public employees' retirement system; or

1 (b) Become a member of the public safety employees' retirement
2 system plan 2 and be a dual member as provided in chapter 41.54 RCW,
3 and public employees' retirement system service credit may not be
4 transferred to the public safety employees' retirement system.

5 (8) The "election period" is the period between July 1, 2007, and
6 September 30, 2007.

7 (9) During the election period, department of natural resources
8 employees remain members of the public employees' retirement system
9 plan 2 or plan 3 until they elect to join the public safety employees'
10 retirement system. Members who elect to join the public safety
11 employees' retirement system as described in subsection (7) of this
12 section will have their membership begin prospectively from the date of
13 their election.

14 (10) If after September 30, 2007, an employee has not made an
15 election to join the public safety employees' retirement system, he or
16 she will remain in the public employees' retirement system plan 2 or
17 plan 3.

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