
SENATE BILL 5172

State of Washington

60th Legislature

2007 Regular Session

By Senators Fraser, Schoesler, Pridemore, Fairley, Rockefeller, McAuliffe, Shin, Jacobsen, Eide, Keiser, Sheldon, Franklin, Kline, Murray, Rasmussen and Roach; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

Read first time 01/12/2007. Referred to Committee on Ways & Means.

1 AN ACT Relating to purchasing service credit for periods of
2 temporary duty disability in the law enforcement officers' and fire
3 fighters' retirement system plan 2, the teachers' retirement system,
4 the school employees' retirement system, and the public safety
5 employees' retirement system; amending RCW 41.35.070 and 41.37.060;
6 adding a new section to chapter 41.26 RCW; adding a new section to
7 chapter 41.32 RCW; providing an effective date; and declaring an
8 emergency.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.26 RCW
11 under the subchapter heading "plan 2" to read as follows:

12 Those members subject to this chapter who became disabled in the
13 line of duty on or after July 1, 2002, and who received or are
14 receiving benefits under Title 51 RCW or a similar federal workers'
15 compensation program shall receive or continue to receive service
16 credit subject to the following:

17 (1) No member may receive more than one month's service credit in
18 a calendar month.

1 (2) No service credit under this section may be allowed after a
2 member separates or is separated without leave of absence.

3 (3) Employer contributions shall be paid by the employer at the
4 rate in effect for the period of the service credited.

5 (4) Employee contributions shall be collected by the employer and
6 paid to the department at the rate in effect for the period of service
7 credited.

8 (5) State contribution shall be as provided in RCW 41.45.060 and
9 41.45.067.

10 (6) Contributions shall be based on the regular compensation which
11 the member would have received had the disability not occurred. If
12 contribution payments are made retroactively, interest shall be charged
13 at the rate set by the director on both employee and employer
14 contributions. Service credit shall not be granted until the employee
15 contribution has been paid.

16 (7) The service and compensation credit shall not be granted for a
17 period to exceed twenty-four consecutive months.

18 (8) This section does not abridge service credit rights granted in
19 RCW 41.26.470(3). However, members receiving service credit under RCW
20 41.26.470(3) may not receive service credit under this section.

21 (9) Should the legislature revoke the service credit authorized
22 under this section or repeal this section, no affected employee is
23 entitled to receive the credit as a matter of contractual right.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.32 RCW
25 under the subchapter heading "provisions applicable to plan 1, plan 2,
26 and plan 3" to read as follows:

27 Those members subject to this chapter who became disabled in the
28 line of duty and who received or are receiving benefits under Title 51
29 RCW or a similar federal workers' compensation program shall receive or
30 continue to receive service credit subject to the following:

31 (1) No member may receive more than one month's service credit in
32 a calendar month.

33 (2) No service credit under this section may be allowed after a
34 member separates or is separated without leave of absence.

35 (3) Employer contributions shall be paid by the employer at the
36 rate in effect for the period of the service credited.

1 (4) Employee contributions shall be collected by the employer and
2 paid to the department at the rate in effect for the period of service
3 credited.

4 (5) Contributions shall be based on the regular compensation which
5 the member would have received had the disability not occurred. If
6 contribution payments are made retroactively, interest shall be charged
7 at the rate set by the director on both employee and employer
8 contributions. Service credit shall not be granted until the employee
9 contribution has been paid.

10 (6) The service and compensation credit shall not be granted for a
11 period to exceed twenty-four consecutive months.

12 (7) Should the legislature revoke the service credit authorized
13 under this section or repeal this section, no affected employee is
14 entitled to receive the credit as a matter of contractual right.

15 **Sec. 3.** RCW 41.35.070 and 1998 c 341 s 8 are each amended to read
16 as follows:

17 Those members subject to this chapter who became disabled in the
18 line of duty and who received or are receiving benefits under Title 51
19 RCW or a similar federal workers' compensation program shall receive or
20 continue to receive service credit subject to the following:

21 (1) No member may receive more than one month's service credit in
22 a calendar month.

23 (2) No service credit under this section may be allowed after a
24 member separates or is separated without leave of absence.

25 (3) Employer contributions shall be paid by the employer at the
26 rate in effect for the period of the service credited.

27 (4) Employee contributions shall be collected by the employer and
28 paid to the department at the rate in effect for the period of service
29 credited.

30 (5) Contributions shall be based on the regular compensation which
31 the member would have received had the disability not occurred. If
32 contribution payments are made retroactively, interest shall be charged
33 at the rate set by the director on both employee and employer
34 contributions. No service credit shall be granted until the employee
35 contribution has been paid.

36 (6) The service and compensation credit shall not be granted for a
37 period to exceed (~~twelve~~) twenty-four consecutive months.

1 (7) Should the legislature revoke the service credit authorized
2 under this section or repeal this section, no affected employee is
3 entitled to receive the credit as a matter of contractual right.

4 **Sec. 4.** RCW 41.37.060 and 2004 c 242 s 9 are each amended to read
5 as follows:

6 Those members subject to this chapter who became disabled in the
7 line of duty and who received or are receiving benefits under Title 51
8 RCW or a similar federal workers' compensation program shall receive or
9 continue to receive service credit subject to the following:

10 (1) No member may receive more than one month's service credit in
11 a calendar month.

12 (2) No service credit under this section may be allowed after a
13 member separates or is separated without leave of absence.

14 (3) Employer contributions shall be paid by the employer at the
15 rate in effect for the period of the service credited.

16 (4) Employee contributions shall be collected by the employer and
17 paid to the department at the rate in effect for the period of service
18 credited.

19 (5) Contributions shall be based on the regular compensation which
20 the member would have received had the disability not occurred. If
21 contribution payments are made retroactively, interest shall be charged
22 at the rate set by the director on both employee and employer
23 contributions. Service credit shall not be granted until the employee
24 contribution has been paid.

25 (6) The service and compensation credit shall not be granted for a
26 period to exceed (~~twelve~~) twenty-four consecutive months.

27 (7) Should the legislature revoke the service credit authorized
28 under this section or repeal this section, no affected employee is
29 entitled to receive the credit as a matter of contractual right.

30 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 July 1, 2007.

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