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SENATE BILL 5661

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State of Washington

65th Legislature

2017 Regular Session

By Senator Rolfes

Read first time 02/01/17. Referred to Committee on Ways & Means.

1 AN ACT Relating to interruptive service credit for members of the  
2 law enforcement officers' and fire fighters' retirement system; and  
3 amending RCW 41.26.520 and 41.26.030.

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

5 **Sec. 1.** RCW 41.26.520 and 2016 c 115 s 2 are each amended to  
6 read as follows:

7 (1) A member who is on a paid leave of absence authorized by a  
8 member's employer shall continue to receive service credit as  
9 provided for under the provisions of RCW 41.26.410 through 41.26.550.

10 (2) A member who receives compensation from an employer while on  
11 an authorized leave of absence to serve as an elected official of a  
12 labor organization, and whose employer is reimbursed by the labor  
13 organization for the compensation paid to the member during the  
14 period of absence, may also be considered to be on a paid leave of  
15 absence. This subsection shall only apply if the member's leave of  
16 absence is authorized by a collective bargaining agreement that  
17 provides that the member retains seniority rights with the employer  
18 during the period of leave. The basic salary reported for a member  
19 who establishes service credit under this subsection may not be  
20 greater than the salary paid to the highest paid job class covered by  
21 the collective bargaining agreement.

1 (3) Except as specified in subsection (7) of this section, a  
2 member shall be eligible to receive a maximum of two years service  
3 credit during a member's entire working career for those periods when  
4 a member is on an unpaid leave of absence authorized by an employer.  
5 Such credit may be obtained only if the member makes the employer,  
6 member, and state contributions plus interest as determined by the  
7 department for the period of the authorized leave of absence within  
8 five years of resumption of service or prior to retirement whichever  
9 comes sooner.

10 (4) A law enforcement member may be authorized by an employer to  
11 work part time and to go on a part-time leave of absence. During a  
12 part-time leave of absence a member is prohibited from any other  
13 employment with their employer. A member is eligible to receive  
14 credit for any portion of service credit not earned during a month of  
15 part-time leave of absence if the member makes the employer, member,  
16 and state contributions, plus interest, as determined by the  
17 department for the period of the authorized leave within five years  
18 of resumption of full-time service or prior to retirement whichever  
19 comes sooner. Any service credit purchased for a part-time leave of  
20 absence is included in the two-year maximum provided in subsection  
21 (3) of this section.

22 (5) If a member fails to meet the time limitations of subsection  
23 (3) or (4) of this section, the member may receive a maximum of two  
24 years of service credit during a member's working career for those  
25 periods when a member is on unpaid leave of absence authorized by an  
26 employer. This may be done by paying the amount required under RCW  
27 41.50.165(2) prior to retirement.

28 (6) For the purpose of subsection (3) or (4) of this section the  
29 contribution shall not include the contribution for the unfunded  
30 supplemental present value as required by RCW 41.45.060, 41.45.061,  
31 and 41.45.067. The contributions required shall be based on the  
32 average of the member's basic salary at both the time the authorized  
33 leave of absence was granted and the time the member resumed  
34 employment.

35 (7) A member who leaves the employ of an employer to enter the  
36 uniformed services of the United States shall be entitled to  
37 retirement system service credit for up to five years of military  
38 service. This subsection shall be administered in a manner consistent  
39 with the requirements of the federal uniformed services employment  
40 and reemployment rights act.

1 (a) The member qualifies for service credit under this subsection  
2 if:

3 (i) Within ninety days of the member's honorable discharge from  
4 the uniformed services of the United States, the member applies for  
5 reemployment with the employer who employed the member immediately  
6 prior to the member entering the uniformed services; and

7 (ii) The member makes the employee contributions required under  
8 RCW 41.45.060, 41.45.061, and 41.45.067 within five years of  
9 resumption of service or prior to retirement, whichever comes sooner;  
10 or

11 (iii) Prior to retirement and not within ninety days of the  
12 member's honorable discharge or five years of resumption of service  
13 the member pays the amount required under RCW 41.50.165(2); or

14 (iv) Prior to retirement the member provides to the director  
15 proof that the member's interruptive military service was during a  
16 period of war as defined in RCW ((41.04.005)) 41.26.030. Any member  
17 who made payments for service credit for interruptive military  
18 service during a period of war as defined in RCW ((41.04.005))  
19 41.26.030 may, prior to retirement and on a form provided by the  
20 department, request a refund of the funds standing to his or her  
21 credit for up to five years of such service, and this amount shall be  
22 paid to him or her. Members with one or more periods of interruptive  
23 military service credit during a period of war may receive no more  
24 than five years of free retirement system service credit under this  
25 subsection.

26 (b) Upon receipt of member contributions under (a)(ii), (d)(iii),  
27 or (e)(iii) of this subsection, or adequate proof under (a)(iv),  
28 (d)(iv), or (e)(iv) of this subsection, the department shall  
29 establish the member's service credit and shall bill the employer and  
30 the state for their respective contributions required under RCW  
31 41.26.450 for the period of military service, plus interest as  
32 determined by the department.

33 (c) The contributions required under (a)(ii), (d)(iii), or  
34 (e)(iii) of this subsection shall be based on the compensation the  
35 member would have earned if not on leave, or if that cannot be  
36 estimated with reasonable certainty, the compensation reported for  
37 the member in the year prior to when the member went on military  
38 leave.

39 (d) The surviving spouse, domestic partner, or eligible child or  
40 children of a member who left the employ of an employer to enter the

1 uniformed services of the United States and died while serving in the  
2 uniformed services may, on behalf of the deceased member, apply for  
3 retirement system service credit under this subsection up to the date  
4 of the member's death in the uniformed services. The department shall  
5 establish the deceased member's service credit if the surviving  
6 spouse or eligible child or children:

7 (i) Provides to the director proof of the member's death while  
8 serving in the uniformed services;

9 (ii) Provides to the director proof of the member's honorable  
10 service in the uniformed services prior to the date of death; and

11 (iii) Pays the employee contributions required under chapter  
12 41.45 RCW within five years of the date of death or prior to the  
13 distribution of any benefit, whichever comes first; or

14 (iv) Prior to the distribution of any benefit, provides to the  
15 director proof that the member's interruptive military service was  
16 during a period of war as defined in RCW 41.04.005. If the deceased  
17 member made payments for service credit for interruptive military  
18 service during a period of war as defined in RCW 41.04.005, the  
19 surviving spouse or eligible child or children may, prior to the  
20 distribution of any benefit and on a form provided by the department,  
21 request a refund of the funds standing to the deceased member's  
22 credit for up to five years of such service, and this amount shall be  
23 paid to the surviving spouse or children. Members with one or more  
24 periods of interruptive military service during a period of war may  
25 receive no more than five years of free retirement system service  
26 credit under this subsection.

27 (e) A member who leaves the employ of an employer to enter the  
28 uniformed services of the United States and becomes totally  
29 incapacitated for continued employment by an employer while serving  
30 in the uniformed services is entitled to retirement system service  
31 credit under this subsection up to the date of discharge from the  
32 uniformed services if:

33 (i) The member obtains a determination from the director that he  
34 or she is totally incapacitated for continued employment due to  
35 conditions or events that occurred while serving in the uniformed  
36 services;

37 (ii) The member provides to the director proof of honorable  
38 discharge from the uniformed services; and

39 (iii) The member pays the employee contributions required under  
40 chapter 41.45 RCW within five years of the director's determination

1 of total disability or prior to the distribution of any benefit,  
2 whichever comes first; or

3 (iv) Prior to retirement the member provides to the director  
4 proof that the member's interruptive military service was during a  
5 period of war as defined in RCW 41.04.005. Any member who made  
6 payments for service credit for interruptive military service during  
7 a period of war as defined in RCW 41.04.005 may, prior to retirement  
8 and on a form provided by the department, request a refund of the  
9 funds standing to his or her credit for up to five years of such  
10 service, and this amount shall be paid to him or her. Members with  
11 one or more periods of interruptive military service credit during a  
12 period of war may receive no more than five years of free retirement  
13 system service credit under this subsection.

14 (f) The surviving spouse, domestic partner, or eligible child or  
15 children of a member who left the employ of an employer to enter the  
16 uniformed services of the United States, federal emergency management  
17 agency, or national disaster medical system of the United States  
18 department of health and human services and died while performing  
19 service in response to a disaster, major emergency, special event,  
20 federal exercise, or official training on or after March 22, 2014,  
21 may, on behalf of the deceased member, apply for retirement system  
22 service credit under this subsection up to the date of the member's  
23 death in such service. The department shall establish the deceased  
24 member's service credit if the surviving spouse or eligible child or  
25 children provides to the director proof of the member's death while  
26 in such service.

27 (g) A member who leaves the employ of an employer to enter the  
28 uniformed services of the United States, federal emergency management  
29 agency, or national disaster medical system of the United States  
30 department of health and human services and becomes totally  
31 incapacitated for continued employment by an employer while providing  
32 such service is entitled to retirement system service credit under  
33 this subsection up to the date of separation from such service if the  
34 member obtains a determination from the director that he or she is  
35 totally incapacitated for continued employment due to conditions or  
36 events that occurred while performing such service.

37 (8) A member receiving benefits under Title 51 RCW who is not  
38 receiving benefits under this chapter shall be deemed to be on  
39 unpaid, authorized leave of absence.

1       **Sec. 2.** RCW 41.26.030 and 2012 c 236 s 2 are each amended to  
2 read as follows:

3       As used in this chapter, unless a different meaning is plainly  
4 required by the context:

5       (1) "Accumulated contributions" means the employee's  
6 contributions made by a member, including any amount paid under RCW  
7 41.50.165(2), plus accrued interest credited thereon.

8       (2) "Actuarial reserve" means a method of financing a pension or  
9 retirement plan wherein reserves are accumulated as the liabilities  
10 for benefit payments are incurred in order that sufficient funds will  
11 be available on the date of retirement of each member to pay the  
12 member's future benefits during the period of retirement.

13       (3) "Actuarial valuation" means a mathematical determination of  
14 the financial condition of a retirement plan. It includes the  
15 computation of the present monetary value of benefits payable to  
16 present members, and the present monetary value of future employer  
17 and employee contributions, giving effect to mortality among active  
18 and retired members and also to the rates of disability, retirement,  
19 withdrawal from service, salary and interest earned on investments.

20       (4)(a) "Basic salary" for plan 1 members, means the basic monthly  
21 rate of salary or wages, including longevity pay but not including  
22 overtime earnings or special salary or wages, upon which pension or  
23 retirement benefits will be computed and upon which employer  
24 contributions and salary deductions will be based.

25       (b) "Basic salary" for plan 2 members, means salaries or wages  
26 earned by a member during a payroll period for personal services,  
27 including overtime payments, and shall include wages and salaries  
28 deferred under provisions established pursuant to sections 403(b),  
29 414(h), and 457 of the United States Internal Revenue Code, but shall  
30 exclude lump sum payments for deferred annual sick leave, unused  
31 accumulated vacation, unused accumulated annual leave, or any form of  
32 severance pay. In any year in which a member serves in the  
33 legislature the member shall have the option of having such member's  
34 basic salary be the greater of:

35       (i) The basic salary the member would have received had such  
36 member not served in the legislature; or

37       (ii) Such member's actual basic salary received for  
38 nonlegislative public employment and legislative service combined.  
39 Any additional contributions to the retirement system required  
40 because basic salary under (b)(i) of this subsection is greater than

1 basic salary under (b)(ii) of this subsection shall be paid by the  
2 member for both member and employer contributions.

3 (5)(a) "Beneficiary" for plan 1 members, means any person in  
4 receipt of a retirement allowance, disability allowance, death  
5 benefit, or any other benefit described herein.

6 (b) "Beneficiary" for plan 2 members, means any person in receipt  
7 of a retirement allowance or other benefit provided by this chapter  
8 resulting from service rendered to an employer by another person.

9 (6)(a) "Child" or "children" means an unmarried person who is  
10 under the age of eighteen or mentally or physically disabled as  
11 determined by the department, except a person who is disabled and in  
12 the full time care of a state institution, who is:

13 (i) A natural born child;

14 (ii) A stepchild where that relationship was in existence prior  
15 to the date benefits are payable under this chapter;

16 (iii) A posthumous child;

17 (iv) A child legally adopted or made a legal ward of a member  
18 prior to the date benefits are payable under this chapter; or

19 (v) An illegitimate child legitimized prior to the date any  
20 benefits are payable under this chapter.

21 (b) A person shall also be deemed to be a child up to and  
22 including the age of twenty years and eleven months while attending  
23 any high school, college, or vocational or other educational  
24 institution accredited, licensed, or approved by the state, in which  
25 it is located, including the summer vacation months and all other  
26 normal and regular vacation periods at the particular educational  
27 institution after which the child returns to school.

28 (7) "Department" means the department of retirement systems  
29 created in chapter 41.50 RCW.

30 (8) "Director" means the director of the department.

31 (9) "Disability board" for plan 1 members means either the county  
32 disability board or the city disability board established in RCW  
33 41.26.110.

34 (10) "Disability leave" means the period of six months or any  
35 portion thereof during which a member is on leave at an allowance  
36 equal to the member's full salary prior to the commencement of  
37 disability retirement. The definition contained in this subsection  
38 shall apply only to plan 1 members.

1 (11) "Disability retirement" for plan 1 members, means the period  
2 following termination of a member's disability leave, during which  
3 the member is in receipt of a disability retirement allowance.

4 (12) "Domestic partners" means two adults who have registered as  
5 domestic partners under RCW 26.60.020.

6 (13) "Employee" means any law enforcement officer or firefighter  
7 as defined in subsections (16) and (18) of this section.

8 (14)(a) "Employer" for plan 1 members, means the legislative  
9 authority of any city, town, county, or district or the elected  
10 officials of any municipal corporation that employs any law  
11 enforcement officer and/or firefighter, any authorized association of  
12 such municipalities, and, except for the purposes of RCW 41.26.150,  
13 any labor guild, association, or organization, which represents the  
14 firefighters or law enforcement officers of at least seven cities of  
15 over 20,000 population and the membership of each local lodge or  
16 division of which is composed of at least sixty percent law  
17 enforcement officers or firefighters as defined in this chapter.

18 (b) "Employer" for plan 2 members, means the following entities  
19 to the extent that the entity employs any law enforcement officer  
20 and/or firefighter:

21 (i) The legislative authority of any city, town, county, or  
22 district;

23 (ii) The elected officials of any municipal corporation;

24 (iii) The governing body of any other general authority law  
25 enforcement agency; or

26 (iv) A four-year institution of higher education having a fully  
27 operational fire department as of January 1, 1996.

28 (c) Except as otherwise specifically provided in this chapter,  
29 "employer" does not include a government contractor. For purposes of  
30 this subsection, a "government contractor" is any entity, including a  
31 partnership, limited liability company, for-profit or nonprofit  
32 corporation, or person, that provides services pursuant to a contract  
33 with an "employer." The determination whether an employer-employee  
34 relationship has been established is not based on the relationship  
35 between a government contractor and an "employer," but is based  
36 solely on the relationship between a government contractor's employee  
37 and an "employer" under this chapter.

38 (15)(a) "Final average salary" for plan 1 members, means (i) for  
39 a member holding the same position or rank for a minimum of twelve  
40 months preceding the date of retirement, the basic salary attached to

1 such same position or rank at time of retirement; (ii) for any other  
2 member, including a civil service member who has not served a minimum  
3 of twelve months in the same position or rank preceding the date of  
4 retirement, the average of the greatest basic salaries payable to  
5 such member during any consecutive twenty-four month period within  
6 such member's last ten years of service for which service credit is  
7 allowed, computed by dividing the total basic salaries payable to  
8 such member during the selected twenty-four month period by twenty-  
9 four; (iii) in the case of disability of any member, the basic salary  
10 payable to such member at the time of disability retirement; (iv) in  
11 the case of a member who hereafter vests pursuant to RCW 41.26.090,  
12 the basic salary payable to such member at the time of vesting.

13 (b) "Final average salary" for plan 2 members, means the monthly  
14 average of the member's basic salary for the highest consecutive  
15 sixty service credit months of service prior to such member's  
16 retirement, termination, or death. Periods constituting authorized  
17 unpaid leaves of absence may not be used in the calculation of final  
18 average salary.

19 (c) In calculating final average salary under (a) or (b) of this  
20 subsection, the department of retirement systems shall include:

21 (i) Any compensation forgone by a member employed by a state  
22 agency or institution during the 2009-2011 fiscal biennium as a  
23 result of reduced work hours, mandatory or voluntary leave without  
24 pay, temporary reduction in pay implemented prior to December 11,  
25 2010, or temporary layoffs if the reduced compensation is an integral  
26 part of the employer's expenditure reduction efforts, as certified by  
27 the employer; and

28 (ii) Any compensation forgone by a member employed by the state  
29 or a local government employer during the 2011-2013 fiscal biennium  
30 as a result of reduced work hours, mandatory leave without pay,  
31 temporary layoffs, or reductions to current pay if the reduced  
32 compensation is an integral part of the employer's expenditure  
33 reduction efforts, as certified by the employer. Reductions to  
34 current pay shall not include elimination of previously agreed upon  
35 future salary increases.

36 (16) "Firefighter" means:

37 (a) Any person who is serving on a full time, fully compensated  
38 basis as a member of a fire department of an employer and who is  
39 serving in a position which requires passing a civil service  
40 examination for firefighter, and who is actively employed as such;

1 (b) Anyone who is actively employed as a full time firefighter  
2 where the fire department does not have a civil service examination;

3 (c) Supervisory firefighter personnel;

4 (d) Any full time executive secretary of an association of fire  
5 protection districts authorized under RCW 52.12.031. The provisions  
6 of this subsection (16)(d) shall not apply to plan 2 members;

7 (e) The executive secretary of a labor guild, association or  
8 organization (which is an employer under subsection (14) of this  
9 section), if such individual has five years previous membership in a  
10 retirement system established in chapter 41.16 or 41.18 RCW. The  
11 provisions of this subsection (16)(e) shall not apply to plan 2  
12 members;

13 (f) Any person who is serving on a full time, fully compensated  
14 basis for an employer, as a fire dispatcher, in a department in  
15 which, on March 1, 1970, a dispatcher was required to have passed a  
16 civil service examination for firefighter;

17 (g) Any person who on March 1, 1970, was employed on a full time,  
18 fully compensated basis by an employer, and who on May 21, 1971, was  
19 making retirement contributions under the provisions of chapter 41.16  
20 or 41.18 RCW; and

21 (h) Any person who is employed on a full-time, fully compensated  
22 basis by an employer as an emergency medical technician.

23 (17) "General authority law enforcement agency" means any agency,  
24 department, or division of a municipal corporation, political  
25 subdivision, or other unit of local government of this state, and any  
26 agency, department, or division of state government, having as its  
27 primary function the detection and apprehension of persons committing  
28 infractions or violating the traffic or criminal laws in general, but  
29 not including the Washington state patrol. Such an agency,  
30 department, or division is distinguished from a limited authority law  
31 enforcement agency having as one of its functions the apprehension or  
32 detection of persons committing infractions or violating the traffic  
33 or criminal laws relating to limited subject areas, including but not  
34 limited to, the state departments of natural resources and social and  
35 health services, the state gambling commission, the state lottery  
36 commission, the state parks and recreation commission, the state  
37 utilities and transportation commission, the state liquor ~~((control))~~  
38 and cannabis board, and the state department of corrections. A  
39 general authority law enforcement agency under this chapter does not  
40 include a government contractor.

1 (18) "Law enforcement officer" beginning January 1, 1994, means  
2 any person who is commissioned and employed by an employer on a full  
3 time, fully compensated basis to enforce the criminal laws of the  
4 state of Washington generally, with the following qualifications:

5 (a) No person who is serving in a position that is basically  
6 clerical or secretarial in nature, and who is not commissioned shall  
7 be considered a law enforcement officer;

8 (b) Only those deputy sheriffs, including those serving under a  
9 different title pursuant to county charter, who have successfully  
10 completed a civil service examination for deputy sheriff or the  
11 equivalent position, where a different title is used, and those  
12 persons serving in unclassified positions authorized by RCW 41.14.070  
13 except a private secretary will be considered law enforcement  
14 officers;

15 (c) Only such full time commissioned law enforcement personnel as  
16 have been appointed to offices, positions, or ranks in the police  
17 department which have been specifically created or otherwise  
18 expressly provided for and designated by city charter provision or by  
19 ordinance enacted by the legislative body of the city shall be  
20 considered city police officers;

21 (d) The term "law enforcement officer" also includes the  
22 executive secretary of a labor guild, association or organization  
23 (which is an employer under subsection (14) of this section) if that  
24 individual has five years previous membership in the retirement  
25 system established in chapter 41.20 RCW. The provisions of this  
26 subsection (18)(d) shall not apply to plan 2 members; and

27 (e) The term "law enforcement officer" also includes a person  
28 employed on or after January 1, 1993, as a public safety officer or  
29 director of public safety, so long as the job duties substantially  
30 involve only either police or fire duties, or both, and no other  
31 duties in a city or town with a population of less than ten thousand.  
32 The provisions of this subsection (18)(e) shall not apply to any  
33 public safety officer or director of public safety who is receiving a  
34 retirement allowance under this chapter as of May 12, 1993.

35 (19) "Medical services" for plan 1 members, shall include the  
36 following as minimum services to be provided. Reasonable charges for  
37 these services shall be paid in accordance with RCW 41.26.150.

38 (a) Hospital expenses: These are the charges made by a hospital,  
39 in its own behalf, for

1 (i) Board and room not to exceed semiprivate room rate unless  
2 private room is required by the attending physician due to the  
3 condition of the patient.

4 (ii) Necessary hospital services, other than board and room,  
5 furnished by the hospital.

6 (b) Other medical expenses: The following charges are considered  
7 "other medical expenses", provided that they have not been considered  
8 as "hospital expenses".

9 (i) The fees of the following:

10 (A) A physician or surgeon licensed under the provisions of  
11 chapter 18.71 RCW;

12 (B) An osteopathic physician and surgeon licensed under the  
13 provisions of chapter 18.57 RCW;

14 (C) A chiropractor licensed under the provisions of chapter 18.25  
15 RCW.

16 (ii) The charges of a registered graduate nurse other than a  
17 nurse who ordinarily resides in the member's home, or is a member of  
18 the family of either the member or the member's spouse.

19 (iii) The charges for the following medical services and  
20 supplies:

21 (A) Drugs and medicines upon a physician's prescription;

22 (B) Diagnostic X-ray and laboratory examinations;

23 (C) X-ray, radium, and radioactive isotopes therapy;

24 (D) Anesthesia and oxygen;

25 (E) Rental of iron lung and other durable medical and surgical  
26 equipment;

27 (F) Artificial limbs and eyes, and casts, splints, and trusses;

28 (G) Professional ambulance service when used to transport the  
29 member to or from a hospital when injured by an accident or stricken  
30 by a disease;

31 (H) Dental charges incurred by a member who sustains an  
32 accidental injury to his or her teeth and who commences treatment by  
33 a legally licensed dentist within ninety days after the accident;

34 (I) Nursing home confinement or hospital extended care facility;

35 (J) Physical therapy by a registered physical therapist;

36 (K) Blood transfusions, including the cost of blood and blood  
37 plasma not replaced by voluntary donors;

38 (L) An optometrist licensed under the provisions of chapter 18.53  
39 RCW.

1 (20) "Member" means any firefighter, law enforcement officer, or  
2 other person as would apply under subsections (16) or (18) of this  
3 section whose membership is transferred to the Washington law  
4 enforcement officers' and firefighters' retirement system on or after  
5 March 1, 1970, and every law enforcement officer and firefighter who  
6 is employed in that capacity on or after such date.

7 (21) "Period of war" means:

8 (a) World War I;

9 (b) World War II;

10 (c) The Korean conflict;

11 (d) The Vietnam era, which means:

12 (i) The period beginning February 28, 1961, and ending May 7,  
13 1975, in the case of a veteran who served in the Republic of Vietnam  
14 during that period; and

15 (ii) The period beginning August 5, 1964, and ending May 7, 1975;

16 (e) The Persian Gulf War, which was the period beginning August  
17 2, 1990, and ending on the date prescribed by presidential  
18 proclamation or law;

19 (f) The period beginning on the date of any future declaration of  
20 war by the congress and ending on the date prescribed by presidential  
21 proclamation or concurrent resolution of the congress; and

22 (g) The following armed conflicts: The crisis in Lebanon; the  
23 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation  
24 Restore Hope; Haiti, Operation Uphold Democracy; Bosnia, Operation  
25 Joint Endeavor; Operation Noble Eagle; southern or central Asia,  
26 Operation Enduring Freedom; and Persian Gulf, Operation Iraqi  
27 Freedom.

28 (22) "Plan 1" means the law enforcement officers' and  
29 firefighters' retirement system, plan 1 providing the benefits and  
30 funding provisions covering persons who first became members of the  
31 system prior to October 1, 1977.

32 ((+22+)) (23) "Plan 2" means the law enforcement officers' and  
33 firefighters' retirement system, plan 2 providing the benefits and  
34 funding provisions covering persons who first became members of the  
35 system on and after October 1, 1977.

36 ((+23+)) (24) "Position" means the employment held at any  
37 particular time, which may or may not be the same as civil service  
38 rank.

39 ((+24+)) (25) "Regular interest" means such rate as the director  
40 may determine.

1        ~~((+25+))~~ (26) "Retiree" for persons who establish membership in  
2 the retirement system on or after October 1, 1977, means any member  
3 in receipt of a retirement allowance or other benefit provided by  
4 this chapter resulting from service rendered to an employer by such  
5 member.

6        ~~((+26+))~~ (27) "Retirement fund" means the "Washington law  
7 enforcement officers' and firefighters' retirement system fund" as  
8 provided for herein.

9        ~~((+27+))~~ (28) "Retirement system" means the "Washington law  
10 enforcement officers' and firefighters' retirement system" provided  
11 herein.

12        ~~((+28+))~~ (29)(a) "Service" for plan 1 members, means all periods  
13 of employment for an employer as a firefighter or law enforcement  
14 officer, for which compensation is paid, together with periods of  
15 suspension not exceeding thirty days in duration. For the purposes of  
16 this chapter service shall also include service in the armed forces  
17 of the United States as provided in RCW 41.26.190. Credit shall be  
18 allowed for all service credit months of service rendered by a member  
19 from and after the member's initial commencement of employment as a  
20 firefighter or law enforcement officer, during which the member  
21 worked for seventy or more hours, or was on disability leave or  
22 disability retirement. Only service credit months of service shall be  
23 counted in the computation of any retirement allowance or other  
24 benefit provided for in this chapter.

25        (i) For members retiring after May 21, 1971 who were employed  
26 under the coverage of a prior pension act before March 1, 1970,  
27 "service" shall also include (A) such military service not exceeding  
28 five years as was creditable to the member as of March 1, 1970, under  
29 the member's particular prior pension act, and (B) such other periods  
30 of service as were then creditable to a particular member under the  
31 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no  
32 event shall credit be allowed for any service rendered prior to March  
33 1, 1970, where the member at the time of rendition of such service  
34 was employed in a position covered by a prior pension act, unless  
35 such service, at the time credit is claimed therefor, is also  
36 creditable under the provisions of such prior act.

37        (ii) A member who is employed by two employers at the same time  
38 shall only be credited with service to one such employer for any  
39 month during which the member rendered such dual service.

1 (b) "Service" for plan 2 members, means periods of employment by  
2 a member for one or more employers for which basic salary is earned  
3 for ninety or more hours per calendar month which shall constitute a  
4 service credit month. Periods of employment by a member for one or  
5 more employers for which basic salary is earned for at least seventy  
6 hours but less than ninety hours per calendar month shall constitute  
7 one-half service credit month. Periods of employment by a member for  
8 one or more employers for which basic salary is earned for less than  
9 seventy hours shall constitute a one-quarter service credit month.

10 Members of the retirement system who are elected or appointed to  
11 a state elective position may elect to continue to be members of this  
12 retirement system.

13 Service credit years of service shall be determined by dividing  
14 the total number of service credit months of service by twelve. Any  
15 fraction of a service credit year of service as so determined shall  
16 be taken into account in the computation of such retirement allowance  
17 or benefits.

18 If a member receives basic salary from two or more employers  
19 during any calendar month, the individual shall receive one service  
20 credit month's service credit during any calendar month in which  
21 multiple service for ninety or more hours is rendered; or one-half  
22 service credit month's service credit during any calendar month in  
23 which multiple service for at least seventy hours but less than  
24 ninety hours is rendered; or one-quarter service credit month during  
25 any calendar month in which multiple service for less than seventy  
26 hours is rendered.

27 ~~((+29+))~~ (30) "Service credit month" means a full service credit  
28 month or an accumulation of partial service credit months that are  
29 equal to one.

30 ~~((+30+))~~ (31) "Service credit year" means an accumulation of  
31 months of service credit which is equal to one when divided by  
32 twelve.

33 ~~((+31+))~~ (32) "State actuary" or "actuary" means the person  
34 appointed pursuant to RCW 44.44.010(2).

35 ~~((+32+))~~ (33) "State elective position" means any position held  
36 by any person elected or appointed to statewide office or elected or  
37 appointed as a member of the legislature.

1        (~~(33)~~) (34) "Surviving spouse" means the surviving widow or  
2 widower of a member. "Surviving spouse" shall not include the  
3 divorced spouse of a member except as provided in RCW 41.26.162.

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