
HOUSE BILL 1413

State of Washington

68th Legislature

2023 Regular Session

By Representatives Shavers, Lekanoff, Ramel, and Davis

Read first time 01/18/23. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to flexible work for general and limited
2 authority Washington peace officers; amending RCW 41.26.030;
3 reenacting and amending RCW 10.93.020; and adding a new section to
4 chapter 49.28 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28
7 RCW to read as follows:

8 (1) Every general authority and limited authority Washington law
9 enforcement agency may adopt a flexible work policy. The policy may
10 allow for general authority and limited authority Washington peace
11 officers to work at less than full time when feasible, such as
12 supplementing work during peak hours with part-time officers. The
13 flexible work policy may include alternative shift and work schedules
14 that fit the needs of the law enforcement agency.

15 (2) The flexible work policy adopted in subsection (1) of this
16 section may require an officer have a certain number of years of
17 experience as a full-time officer or have additional training for the
18 officer to work part time or be eligible for any other types of
19 flexible work.

20 (3) This section does not alter any existing collective
21 bargaining unit or the provisions of any existing agreement.

1 (4) This section does not alter any laws or workplace policies
2 relating to restrictions on secondary employment for general
3 authority and limited authority Washington peace officers.

4 (5) For the purposes of this section, the definitions in this
5 subsection apply.

6 (a) "General authority and limited authority Washington law
7 enforcement agency" has the same meaning as "general authority
8 Washington law enforcement agency" and "limited authority Washington
9 law enforcement agency" as defined in RCW 10.93.020 (3) and (5),
10 respectively.

11 (b) "General authority and limited authority Washington peace
12 officers" has the same meaning as "general authority Washington peace
13 officer" and "limited authority Washington peace officer" as defined
14 in RCW 10.93.020 (4) and (6), respectively.

15 **Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted
16 and amended to read as follows:

17 As used in this chapter, the following terms have the meanings
18 indicated unless the context clearly requires otherwise.

19 (1) "Agency with primary territorial jurisdiction" means a city
20 or town police agency which has responsibility for police activity
21 within its boundaries; or a county police or sheriff's department
22 which has responsibility with regard to police activity in the
23 unincorporated areas within the county boundaries; or a statutorily
24 authorized port district police agency or four-year state college or
25 university police agency which has responsibility for police activity
26 within the statutorily authorized enforcement boundaries of the port
27 district, state college, or university.

28 (2) "Federal peace officer" means any employee or agent of the
29 United States government who has the authority to carry firearms and
30 make warrantless arrests and whose duties involve the enforcement of
31 criminal laws of the United States.

32 (3) "General authority Washington law enforcement agency" means
33 any agency, department, or division of a municipal corporation,
34 political subdivision, or other unit of local government of this
35 state, and any agency, department, or division of state government,
36 having as its primary function the detection and apprehension of
37 persons committing infractions or violating the traffic or criminal
38 laws in general, as distinguished from a limited authority Washington
39 law enforcement agency, and any other unit of government expressly

1 designated by statute as a general authority Washington law
2 enforcement agency. The Washington state patrol and the department of
3 fish and wildlife are general authority Washington law enforcement
4 agencies.

5 (4) "General authority Washington peace officer" means any
6 (~~full-time,~~) fully compensated and elected, appointed, or employed
7 officer of a general authority Washington law enforcement agency who
8 is commissioned to enforce the criminal laws of the state of
9 Washington generally.

10 (5) "Limited authority Washington law enforcement agency" means
11 any agency, political subdivision, or unit of local government of
12 this state, and any agency, department, or division of state
13 government, having as one of its functions the apprehension or
14 detection of persons committing infractions or violating the traffic
15 or criminal laws relating to limited subject areas, including but not
16 limited to, the state departments of natural resources and social and
17 health services, the state gambling commission, the state lottery
18 commission, the state parks and recreation commission, the state
19 utilities and transportation commission, the state liquor and
20 cannabis board, the office of the insurance commissioner, the state
21 department of corrections, and the office of independent
22 investigations.

23 (6) "Limited authority Washington peace officer" means any
24 (~~full-time,~~) fully compensated officer of a limited authority
25 Washington law enforcement agency empowered by that agency to detect
26 or apprehend violators of the laws in some or all of the limited
27 subject areas for which that agency is responsible. A limited
28 authority Washington peace officer may be a specially commissioned
29 Washington peace officer if otherwise qualified for such status under
30 this chapter.

31 (7) "Mutual law enforcement assistance" includes, but is not
32 limited to, one or more law enforcement agencies aiding or assisting
33 one or more other such agencies through loans or exchanges of
34 personnel or of material resources, for law enforcement purposes.

35 (8) "Primary commissioning agency" means (a) the employing agency
36 in the case of a general authority Washington peace officer, a
37 limited authority Washington peace officer, a tribal peace officer
38 from a federally recognized tribe, or a federal peace officer, and
39 (b) the commissioning agency in the case of a specially commissioned
40 Washington peace officer (i) who is performing functions within the

1 course and scope of the special commission and (ii) who is not also a
2 general authority Washington peace officer, a limited authority
3 Washington peace officer, a tribal peace officer from a federally
4 recognized tribe, or a federal peace officer.

5 (9) "Primary function of an agency" means that function to which
6 greater than fifty percent of the agency's resources are allocated.

7 (10) "Specially commissioned Washington peace officer," for the
8 purposes of this chapter, means any officer, whether part-time or
9 full-time, compensated or not, commissioned by a general authority
10 Washington law enforcement agency to enforce some or all of the
11 criminal laws of the state of Washington, who does not qualify under
12 this chapter as a general authority Washington peace officer for that
13 commissioning agency, specifically including reserve peace officers,
14 and specially commissioned full-time, fully compensated peace
15 officers duly commissioned by the states of Oregon or Idaho or any
16 such peace officer commissioned by a unit of local government of
17 Oregon or Idaho. A reserve peace officer is an individual who is an
18 officer of a Washington law enforcement agency who does not serve
19 such agency on a full-time basis but who, when called by the agency
20 into active service, is fully commissioned on the same basis as full-
21 time peace officers to enforce the criminal laws of the state.

22 **Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read
23 as follows:

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

26 (1) "Accumulated contributions" means the employee's
27 contributions made by a member, including any amount paid under RCW
28 41.50.165(2), plus accrued interest credited thereon.

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

34 (3) "Actuarial valuation" means a mathematical determination of
35 the financial condition of a retirement plan. It includes the
36 computation of the present monetary value of benefits payable to
37 present members, and the present monetary value of future employer
38 and employee contributions, giving effect to mortality among active

1 and retired members and also to the rates of disability, retirement,
2 withdrawal from service, salary and interest earned on investments.

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

8 (b) "Basic salary" for plan 2 members, means salaries or wages
9 earned by a member during a payroll period for personal services,
10 including overtime payments, and shall include wages and salaries
11 deferred under provisions established pursuant to sections 403(b),
12 414(h), and 457 of the United States Internal Revenue Code, but shall
13 exclude lump sum payments for deferred annual sick leave, unused
14 accumulated vacation, unused accumulated annual leave, or any form of
15 severance pay. In any year in which a member serves in the
16 legislature the member shall have the option of having such member's
17 basic salary be the greater of:

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

20 (ii) Such member's actual basic salary received for
21 nonlegislative public employment and legislative service combined.
22 Any additional contributions to the retirement system required
23 because basic salary under (b) (i) of this subsection is greater than
24 basic salary under (b) (ii) of this subsection shall be paid by the
25 member for both member and employer contributions.

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

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

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

36 (i) A natural born child;

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

39 (iii) A posthumous child;

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

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

5 (b) A person shall also be deemed to be a child up to and
6 including the age of twenty years and eleven months while attending
7 any high school, college, or vocational or other educational
8 institution accredited, licensed, or approved by the state, in which
9 it is located, including the summer vacation months and all other
10 normal and regular vacation periods at the particular educational
11 institution after which the child returns to school.

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

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

15 (9) "Disability board" for plan 1 members means either the county
16 disability board or the city disability board established in RCW
17 41.26.110.

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

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

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

28 (13) "Employee" means any law enforcement officer or firefighter
29 as defined in subsections (17) and (19) of this section.

30 (14)(a) "Employer" for plan 1 members, means the legislative
31 authority of any city, town, county, district, or regional fire
32 protection service authority or the elected officials of any
33 municipal corporation that employs any law enforcement officer and/or
34 firefighter, any authorized association of such municipalities, and,
35 except for the purposes of RCW 41.26.150, any labor guild,
36 association, or organization, which represents the firefighters or
37 law enforcement officers of at least seven cities of over 20,000
38 population and the membership of each local lodge or division of
39 which is composed of at least sixty percent law enforcement officers
40 or firefighters as defined in this chapter.

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

4 (i) The legislative authority of any city, town, county,
5 district, public corporation, or regional fire protection service
6 authority established under RCW 35.21.730 to provide emergency
7 medical services as defined in RCW 18.73.030;

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

9 (iii) The governing body of any other general authority law
10 enforcement agency;

11 (iv) A four-year institution of higher education having a fully
12 operational fire department as of January 1, 1996; or

13 (v) The department of social and health services or the
14 department of corrections when employing firefighters serving at a
15 prison or civil commitment center on an island.

16 (c) Except as otherwise specifically provided in this chapter,
17 "employer" does not include a government contractor. For purposes of
18 this subsection, a "government contractor" is any entity, including a
19 partnership, limited liability company, for-profit or nonprofit
20 corporation, or person, that provides services pursuant to a contract
21 with an "employer." The determination whether an employer-employee
22 relationship has been established is not based on the relationship
23 between a government contractor and an "employer," but is based
24 solely on the relationship between a government contractor's employee
25 and an "employer" under this chapter.

26 (15)(a) "Final average salary" for plan 1 members, means (i) for
27 a member holding the same position or rank for a minimum of twelve
28 months preceding the date of retirement, the basic salary attached to
29 such same position or rank at time of retirement; (ii) for any other
30 member, including a civil service member who has not served a minimum
31 of twelve months in the same position or rank preceding the date of
32 retirement, the average of the greatest basic salaries payable to
33 such member during any consecutive twenty-four month period within
34 such member's last ten years of service for which service credit is
35 allowed, computed by dividing the total basic salaries payable to
36 such member during the selected twenty-four month period by twenty-
37 four; (iii) in the case of disability of any member, the basic salary
38 payable to such member at the time of disability retirement; (iv) in
39 the case of a member who hereafter vests pursuant to RCW 41.26.090,
40 the basic salary payable to such member at the time of vesting.

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

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

9 (i) Any compensation forgone by a member employed by a state
10 agency or institution during the 2009-2011 fiscal biennium as a
11 result of reduced work hours, mandatory or voluntary leave without
12 pay, temporary reduction in pay implemented prior to December 11,
13 2010, or temporary layoffs if the reduced compensation is an integral
14 part of the employer's expenditure reduction efforts, as certified by
15 the employer;

16 (ii) Any compensation forgone by a member employed by the state
17 or a local government employer during the 2011-2013 fiscal biennium
18 as a result of reduced work hours, mandatory leave without pay,
19 temporary layoffs, or reductions to current pay if the reduced
20 compensation is an integral part of the employer's expenditure
21 reduction efforts, as certified by the employer. Reductions to
22 current pay shall not include elimination of previously agreed upon
23 future salary increases; and

24 (iii) Any compensation forgone by a member employed by the state
25 or a local government employer during the 2019-2021 and 2021-2023
26 fiscal biennia as a result of reduced work hours, mandatory leave
27 without pay, temporary layoffs, furloughs, reductions to current pay,
28 or other similar measures resulting from the COVID-19 budgetary
29 crisis, if the reduced compensation is an integral part of the
30 employer's expenditure reduction efforts, as certified by the
31 employer. Reductions to current pay shall not include elimination of
32 previously agreed upon future salary increases.

33 (16) "Fire department" includes a fire station operated by the
34 department of social and health services or the department of
35 corrections when employing firefighters serving a prison or civil
36 commitment center on an island.

37 (17) "Firefighter" means:

38 (a) Any person who is serving on a full time, fully compensated
39 basis as a member of a fire department of an employer and who is

1 serving in a position which requires passing a civil service
2 examination for firefighter, and who is actively employed as such;

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

5 (c) Supervisory firefighter personnel;

6 (d) Any full time executive secretary of an association of fire
7 protection districts authorized under RCW 52.12.031. The provisions
8 of this subsection (17)(d) shall not apply to plan 2 members;

9 (e) The executive secretary of a labor guild, association or
10 organization (which is an employer under subsection (14) of this
11 section), if such individual has five years previous membership in a
12 retirement system established in chapter 41.16 or 41.18 RCW. The
13 provisions of this subsection (17)(e) shall not apply to plan 2
14 members;

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

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

23 (h) Any person who is employed on a full-time, fully compensated
24 basis by an employer as an emergency medical technician that meets
25 the requirements of RCW 18.71.200 or 18.73.030(~~((12))~~) (13), and
26 whose duties include providing emergency medical services as defined
27 in RCW 18.73.030.

28 (18) "General authority law enforcement agency" means any agency,
29 department, or division of a municipal corporation, political
30 subdivision, or other unit of local government of this state, and any
31 agency, department, or division of state government, having as its
32 primary function the detection and apprehension of persons committing
33 infractions or violating the traffic or criminal laws in general, but
34 not including the Washington state patrol. Such an agency,
35 department, or division is distinguished from a limited authority law
36 enforcement agency having as one of its functions the apprehension or
37 detection of persons committing infractions or violating the traffic
38 or criminal laws relating to limited subject areas, including but not
39 limited to, the state departments of natural resources and social and
40 health services, the state gambling commission, the state lottery

1 commission, the state parks and recreation commission, the state
2 utilities and transportation commission, the state liquor and
3 cannabis board, and the state department of corrections. A general
4 authority law enforcement agency under this chapter does not include
5 a government contractor.

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

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

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

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

26 (d) The term "law enforcement officer" also includes the
27 executive secretary of a labor guild, association or organization
28 (which is an employer under subsection (14) of this section) if that
29 individual has five years previous membership in the retirement
30 system established in chapter 41.20 RCW. The provisions of this
31 subsection (19)(d) shall not apply to plan 2 members; (~~and~~)

32 (e) The term "law enforcement officer" also includes a person
33 employed on or after January 1, 1993, as a public safety officer or
34 director of public safety, so long as the job duties substantially
35 involve only either police or fire duties, or both, and no other
36 duties in a city or town with a population of less than ten thousand.
37 The provisions of this subsection (19)(e) shall not apply to any
38 public safety officer or director of public safety who is receiving a
39 retirement allowance under this chapter as of May 12, 1993; and

1 (f) Beginning July 1, 2023, the term "law enforcement officer"
2 also includes any person who is commissioned and employed by an
3 employer on a fully compensated basis to enforce the criminal laws of
4 the state of Washington generally, on a less than full-time basis,
5 with the qualifications in (a) through (e) of this subsection.

6 (20) "Medical services" for plan 1 members, shall include the
7 following as minimum services to be provided. Reasonable charges for
8 these services shall be paid in accordance with RCW 41.26.150.

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

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

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

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

19 (i) The fees of the following:

20 (A) A physician or surgeon licensed under the provisions of
21 chapter 18.71 RCW;

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

24 (C) A chiropractor licensed under the provisions of chapter 18.25
25 RCW.

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

29 (iii) The charges for the following medical services and
30 supplies:

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

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

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

34 (D) Anesthesia and oxygen;

35 (E) Rental of iron lung and other durable medical and surgical
36 equipment;

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

38 (G) Professional ambulance service when used to transport the
39 member to or from a hospital when injured by an accident or stricken
40 by a disease;

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

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

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

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

8 (L) An optometrist licensed under the provisions of chapter 18.53
9 RCW.

10 (21) "Member" means any firefighter, law enforcement officer, or
11 other person as would apply under subsection (17) or (19) of this
12 section whose membership is transferred to the Washington law
13 enforcement officers' and firefighters' retirement system on or after
14 March 1, 1970, and every law enforcement officer and firefighter who
15 is employed in that capacity on or after such date.

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

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

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

26 (25) "Regular interest" means such rate as the director may
27 determine.

28 (26) "Retiree" for persons who establish membership in the
29 retirement system on or after October 1, 1977, means any member in
30 receipt of a retirement allowance or other benefit provided by this
31 chapter resulting from service rendered to an employer by such
32 member.

33 (27) "Retirement fund" means the "Washington law enforcement
34 officers' and firefighters' retirement system fund" as provided for
35 herein.

36 (28) "Retirement system" means the "Washington law enforcement
37 officers' and firefighters' retirement system" provided herein.

38 (29)(a) "Service" for plan 1 members, means all periods of
39 employment for an employer as a firefighter or law enforcement
40 officer, for which compensation is paid, together with periods of

1 suspension not exceeding thirty days in duration. For the purposes of
2 this chapter service shall also include service in the armed forces
3 of the United States as provided in RCW 41.26.190. Credit shall be
4 allowed for all service credit months of service rendered by a member
5 from and after the member's initial commencement of employment as a
6 firefighter or law enforcement officer, during which the member
7 worked for seventy or more hours, or was on disability leave or
8 disability retirement. Only service credit months of service shall be
9 counted in the computation of any retirement allowance or other
10 benefit provided for in this chapter.

11 (i) For members retiring after May 21, 1971 who were employed
12 under the coverage of a prior pension act before March 1, 1970,
13 "service" shall also include (A) such military service not exceeding
14 five years as was creditable to the member as of March 1, 1970, under
15 the member's particular prior pension act, and (B) such other periods
16 of service as were then creditable to a particular member under the
17 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
18 event shall credit be allowed for any service rendered prior to March
19 1, 1970, where the member at the time of rendition of such service
20 was employed in a position covered by a prior pension act, unless
21 such service, at the time credit is claimed therefor, is also
22 creditable under the provisions of such prior act.

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

26 (iii) Reduction efforts such as furloughs, reduced work hours,
27 mandatory leave without pay, temporary layoffs, or other similar
28 situations as contemplated by subsection (15)(c)(iii) of this section
29 do not result in a reduction in service credit that otherwise would
30 have been earned for that month of work, and the member shall receive
31 the full service credit for the hours that were scheduled to be
32 worked before the reduction.

33 (b)(i) "Service" for plan 2 members, means periods of employment
34 by a member for one or more employers for which basic salary is
35 earned for ninety or more hours per calendar month which shall
36 constitute a service credit month. Periods of employment by a member
37 for one or more employers for which basic salary is earned for at
38 least seventy hours but less than ninety hours per calendar month
39 shall constitute one-half service credit month. Periods of employment
40 by a member for one or more employers for which basic salary is

1 earned for less than seventy hours shall constitute a one-quarter
2 service credit month.

3 (ii) Members of the retirement system who are elected or
4 appointed to a state elective position may elect to continue to be
5 members of this retirement system.

6 (iii) Service credit years of service shall be determined by
7 dividing the total number of service credit months of service by
8 twelve. Any fraction of a service credit year of service as so
9 determined shall be taken into account in the computation of such
10 retirement allowance or benefits.

11 (iv) If a member receives basic salary from two or more employers
12 during any calendar month, the individual shall receive one service
13 credit month's service credit during any calendar month in which
14 multiple service for ninety or more hours is rendered; or one-half
15 service credit month's service credit during any calendar month in
16 which multiple service for at least seventy hours but less than
17 ninety hours is rendered; or one-quarter service credit month during
18 any calendar month in which multiple service for less than seventy
19 hours is rendered.

20 (v) Reduction efforts such as furloughs, reduced work hours,
21 mandatory leave without pay, temporary layoffs, or other similar
22 situations as contemplated by subsection (15)(c)(iii) of this section
23 do not result in a reduction in service credit that otherwise would
24 have been earned for that month of work, and the member shall receive
25 the full service credit for the hours that were scheduled to be
26 worked before the reduction.

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

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

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

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

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

--- **END** ---