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**HOUSE BILL 2357**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Fey, Barkis, Hutchins, Robertson, Leavitt, Schmidt, Shavers, Nance, Bronoske, Paul, Timmons, and Caldier

Read first time 01/15/24. Referred to Committee on Transportation.

1 AN ACT Relating to establishment of a state patrol longevity  
2 bonus; amending RCW 43.43.120; adding a new section to chapter 43.43  
3 RCW; creating new sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the Washington  
6 state patrol has made strides in its efforts to recruit new troopers  
7 and address the unprecedented levels of vacancies within its ranks.  
8 The legislature has supported those efforts by providing sign-on  
9 bonuses for cadets and lateral hires, retention bonuses for new  
10 troopers and lateral hires, and requiring parity of trooper salaries  
11 relative to other law enforcement agencies in the state of  
12 Washington. The legislature further finds that trooper and sergeant  
13 vacancies diminish the staff available to advance up through the  
14 ranks of commissioned staff to build the leadership team for the  
15 organization. The legislature further finds that increases in  
16 retirement-eligible staff, with 122 commissioned staff expected to  
17 have 25 years of service or more in 2024, means that more needs to be  
18 done in the near term to ensure the success of efforts to rebuild the  
19 commissioned ranks of the state patrol. Therefore, the legislature  
20 intends to strengthen the Washington state patrol's ability to retain

1 senior, experienced commissioned staff with the establishment of a  
2 state patrol longevity bonus pilot program.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43  
4 RCW to read as follows:

5 (1) On July 1, 2024, an eligible commissioned employee having  
6 completed 25 years or more of commissioned service as of June 30,  
7 2024, shall receive a state patrol longevity bonus of \$7,500.

8 (2) Beginning July 1, 2024, an eligible commissioned employee  
9 completing 25 years of commissioned service shall receive a state  
10 trooper longevity bonus of \$7,500 on the employee's anniversary date  
11 of commissioned state employment.

12 (3) Beginning July 1, 2024, an eligible commissioned employee  
13 completing 26 or more years of commissioned service shall receive an  
14 annual state trooper longevity bonus of \$15,000 on the employee's  
15 anniversary date of commissioned state employment.

16 (4) The establishment of the state trooper longevity bonus is  
17 subject to a change to the applicable collective bargaining  
18 agreements negotiated with the exclusive bargaining representatives.

19 (5) This section does not interfere with, impede, or in any way  
20 diminish the right of the officers of the Washington state patrol to  
21 bargain collectively with the state through the exclusive bargaining  
22 representatives as provided for in RCW 41.56.473.

23 (6) The state patrol longevity bonus created in this section is a  
24 time-limited incentive targeted at retaining senior personnel and is  
25 not intended to be included in salary or average final salary for  
26 calculation of pension benefits in this chapter.

27 (7) The benefits provided pursuant to this act are not provided  
28 to employees as a matter of contractual right. The legislature  
29 retains the right to alter or abolish these benefits at any time.

30 (8) For the purposes of this section, "eligible commissioned  
31 employee" means a Washington state patrol employee serving in a  
32 commissioned position for 25 or more years of commissioned service.

33 (9) This section expires June 30, 2029.

34 **Sec. 3.** RCW 43.43.120 and 2021 c 12 s 8 are each amended to read  
35 as follows:

36 As used in this section and RCW 43.43.130 through 43.43.320,  
37 unless a different meaning is plainly required by the context:

1 (1) "Actuarial equivalent" shall mean a benefit of equal value  
2 when computed upon the basis of such mortality table as may be  
3 adopted and such interest rate as may be determined by the director.

4 (2) "Annual increase" means as of July 1, 1999, (~~seventy-seven~~)  
5 77 cents per month per year of service which amount shall be  
6 increased each subsequent July 1st by three percent, rounded to the  
7 nearest cent.

8 (3)(a) "Average final salary," for members commissioned prior to  
9 January 1, 2003, shall mean the average monthly salary received by a  
10 member during the member's last two years of service or any  
11 consecutive two-year period of service, whichever is the greater, as  
12 an employee of the Washington state patrol; or if the member has less  
13 than two years of service, then the average monthly salary received  
14 by the member during the member's total years of service.

15 (b) "Average final salary," for members commissioned on or after  
16 January 1, 2003, shall mean the average monthly salary received by a  
17 member for the highest consecutive (~~sixty~~) 60 service credit  
18 months; or if the member has less than (~~sixty~~) 60 months of  
19 service, then the average monthly salary received by the member  
20 during the member's total months of service.

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

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

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

36 (iii) Any compensation forgone by a member during the 2019-2021  
37 and 2021-2023 fiscal biennia as a result of reduced work hours,  
38 mandatory leave without pay, temporary layoffs, furloughs, reductions  
39 to current pay, or other similar measures resulting from the COVID-19  
40 budgetary crisis, if the reduced compensation is an integral part of

1 the employer's expenditure reduction efforts, as certified by the  
2 chief. Reductions to current pay shall not include elimination of  
3 previously agreed upon future salary increases.

4 (4) "Beneficiary" means any person in receipt of retirement  
5 allowance or any other benefit allowed by this chapter.

6 (5) (a) "Cadet," for a person who became a member of the  
7 retirement system after June 12, 1980, is a person who has passed the  
8 Washington state patrol's entry-level oral, written, physical  
9 performance, and background examinations and is, thereby, appointed  
10 by the chief as a candidate to be a commissioned officer of the  
11 Washington state patrol.

12 (b) "Cadet," for a person who became a member of the retirement  
13 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
14 employee of like classification, employed for the express purpose of  
15 receiving the on-the-job training required for attendance at the  
16 state patrol academy and for becoming a commissioned trooper. "Like  
17 classification" includes: Radio operators or dispatchers; persons  
18 providing security for the governor or legislature; patrol officers;  
19 drivers' license examiners; weighmasters; vehicle safety inspectors;  
20 central wireless operators; and warehouse workers.

21 (6) "Contributions" means the deduction from the compensation of  
22 each member in accordance with the contribution rates established  
23 under chapter 41.45 RCW.

24 (7) "Current service" shall mean all service as a member rendered  
25 on or after August 1, 1947.

26 (8) "Department" means the department of retirement systems  
27 created in chapter 41.50 RCW.

28 (9) "Director" means the director of the department of retirement  
29 systems.

30 (10) "Domestic partners" means two adults who have registered as  
31 domestic partners under RCW 26.60.040.

32 (11) "Employee" means any commissioned employee of the Washington  
33 state patrol.

34 (12) "Insurance commissioner" means the insurance commissioner of  
35 the state of Washington.

36 (13) "Lieutenant governor" means the lieutenant governor of the  
37 state of Washington.

38 (14) "Member" means any person included in the membership of the  
39 retirement fund.

1 (15) "Plan 2" means the Washington state patrol retirement system  
2 plan 2, providing the benefits and funding provisions covering  
3 commissioned employees who first become members of the system on or  
4 after January 1, 2003.

5 (16) "Prior service" shall mean all services rendered by a member  
6 to the state of Washington, or any of its political subdivisions  
7 prior to August 1, 1947, unless such service has been credited in  
8 another public retirement or pension system operating in the state of  
9 Washington.

10 (17) "Regular interest" means interest compounded annually at  
11 such rates as may be determined by the director.

12 (18) "Retirement board" means the board provided for in this  
13 chapter.

14 (19) "Retirement fund" means the Washington state patrol  
15 retirement fund.

16 (20) "Retirement system" means the Washington state patrol  
17 retirement system.

18 (21)(a) "Salary," for members commissioned prior to July 1, 2001,  
19 shall exclude any overtime earnings related to RCW 47.46.040, or any  
20 voluntary overtime, earned on or after July 1, 2001, and prior to  
21 July 1, 2017. On or after July 1, 2017, salary shall exclude overtime  
22 earnings in excess of (~~seventy~~) 70 hours per year in total related  
23 to either RCW 47.46.040 or any voluntary overtime. On or after the  
24 effective date of this section, salary shall exclude earnings from  
25 the longevity bonus created in section 2 of this act.

26 (b) "Salary," for members commissioned from July 1, 2001, to  
27 December 31, 2002, shall exclude any overtime earnings related to RCW  
28 47.46.040 or any voluntary overtime, earned prior to July 1, 2017,  
29 lump sum payments for deferred annual sick leave, or any form of  
30 severance pay. On or after July 1, 2017, salary shall exclude  
31 overtime earnings in excess of (~~seventy~~) 70 hours per year in total  
32 related to either RCW 47.46.040 or any voluntary overtime. On or  
33 after the effective date of this section, salary shall exclude  
34 earnings from the longevity bonus created in section 2 of this act.

35 (c) "Salary," for members commissioned on or after January 1,  
36 2003, shall exclude any overtime earnings related to RCW 47.46.040 or  
37 any voluntary overtime, earned prior to July 1, 2017, lump sum  
38 payments for deferred annual sick leave, unused accumulated vacation,  
39 unused accumulated annual leave, holiday pay, or any form of  
40 severance pay. On or after July 1, 2017, salary shall exclude

1 overtime earnings in excess of (~~seventy~~) 70 hours per year in total  
2 related to either RCW 47.46.040 or any voluntary overtime. On or  
3 after the effective date of this section, salary shall exclude  
4 earnings from the longevity bonus created in section 2 of this act.

5 (d) The addition of overtime earnings related to RCW 47.46.040 or  
6 any voluntary overtime earned on or after July 1, 2017, in chapter  
7 181, Laws of 2017 is a benefit improvement that increases the member  
8 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

9 (22)(a) "Service" shall mean services rendered to the state of  
10 Washington or any political subdivisions thereof for which  
11 compensation has been paid. Full time employment for (~~seventy~~) 70  
12 or more hours in any given calendar month shall constitute one month  
13 of service. An employee who is reinstated in accordance with RCW  
14 43.43.110 shall suffer no loss of service for the period reinstated  
15 subject to the contribution requirements of this chapter. Only months  
16 of service shall be counted in the computation of any retirement  
17 allowance or other benefit provided for herein. Years of service  
18 shall be determined by dividing the total number of months of service  
19 by (~~twelve~~) 12. Any fraction of a year of service as so determined  
20 shall be taken into account in the computation of such retirement  
21 allowance or benefit.

22 (b) Reduction efforts such as furloughs, reduced work hours,  
23 mandatory leave without pay, temporary layoffs, or other similar  
24 situations as contemplated by subsection (3)(c)(iii) of this section  
25 do not result in a reduction in service credit that otherwise would  
26 have been earned for that month of work, and the member shall receive  
27 the full service credit for the hours that were scheduled to be  
28 worked before the reduction.

29 (23) "State actuary" or "actuary" means the person appointed  
30 pursuant to RCW 44.44.010(2).

31 (24) "State treasurer" means the treasurer of the state of  
32 Washington.

33 Unless the context expressly indicates otherwise, words importing  
34 the masculine gender shall be extended to include the feminine gender  
35 and words importing the feminine gender shall be extended to include  
36 the masculine gender.

37 NEW SECTION. **Sec. 4.** (1) By November 1, 2028, the joint  
38 legislative audit and review committee must conduct a performance

1 review of the state patrol longevity bonus pilot program. The  
2 performance review must evaluate, at minimum:

3 (a) The program's impact on retention of senior commissioned  
4 staff of the state patrol;

5 (b) The change in vacancies in each of the commissioned staff  
6 categories over time;

7 (c) An evaluation of optimal commissioned staffing levels at the  
8 state patrol, including a comparison to other states' field force  
9 staffing levels;

10 (d) A description of other factors that may be impacting  
11 retention and vacancy rates; and

12 (e) Recommendations for addressing state patrol staffing levels,  
13 which must include whether to continue the state patrol longevity  
14 bonus program.

15 (2) This section expires June 30, 2029.

16 NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30,  
17 2029.

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