

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2357

68th Legislature
2024 Regular Session

Passed by the House March 7, 2024
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2024
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2357** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2357

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Transportation (originally sponsored by Representatives Fey, Barkis, Hutchins, Robertson, Leavitt, Schmidt, Shavers, Nance, Bronoske, Paul, Timmons, and Caldier)

READ FIRST TIME 02/05/24.

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) Beginning July 1, 2024, an eligible commissioned employee
6 completing 26 or more years of service shall qualify for an annual
7 state trooper longevity bonus of \$15,000 on the employee's
8 anniversary date of state employment, which shall be paid in four
9 equal quarterly payments.

10 (2) The establishment of the state trooper longevity bonus is
11 subject to a change to the applicable collective bargaining
12 agreements negotiated with the exclusive bargaining representatives.

13 (3) This section does not interfere with, impede, or in any way
14 diminish the right of the officers of the Washington state patrol to
15 bargain collectively with the state through the exclusive bargaining
16 representatives as provided for in RCW 41.56.473.

17 (4) The state patrol longevity bonus created in this section is a
18 time-limited incentive targeted at retaining senior personnel and is
19 not intended to be included in salary or average final salary for
20 calculation of pension benefits in this chapter.

21 (5) The benefits provided pursuant to this act are not provided
22 to employees as a matter of contractual right. The legislature
23 retains the right to alter or abolish these benefits at any time.

24 (6) Beginning July 15, 2024, and every three months thereafter,
25 the Washington state patrol must submit a report showing the average
26 filled positions in field force trooper positions in comparison to
27 the 683 total authorized field force trooper positions in the prior
28 fiscal quarter. The quarterly reports detailed must be submitted to
29 the office of financial management and the transportation committees
30 of the legislature. The authorized field force trooper level as the
31 basis for this comparison may be adjusted as specified in the omnibus
32 transportation appropriations act.

33 (7) For the purposes of this section, "eligible commissioned
34 employee" means a Washington state patrol employee with 26 or more
35 years of service in the Washington state patrol retirement system.

36 (8) This section expires June 30, 2029.

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

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

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

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

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

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

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

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

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

38 (iii) Any compensation forgone by a member during the 2019-2021
39 and 2021-2023 fiscal biennia as a result of reduced work hours,
40 mandatory leave without pay, temporary layoffs, furloughs, reductions

1 to current pay, or other similar measures resulting from the COVID-19
2 budgetary crisis, if the reduced compensation is an integral part of
3 the employer's expenditure reduction efforts, as certified by the
4 chief. Reductions to current pay shall not include elimination of
5 previously agreed upon future salary increases.

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

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

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

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

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

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

30 (9) "Director" means the director of the department of retirement
31 systems.

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

34 (11) "Employee" means any commissioned employee of the Washington
35 state patrol.

36 (12) "Insurance commissioner" means the insurance commissioner of
37 the state of Washington.

38 (13) "Lieutenant governor" means the lieutenant governor of the
39 state of Washington.

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

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

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

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

14 (18) "Retirement board" means the board provided for in this
15 chapter.

16 (19) "Retirement fund" means the Washington state patrol
17 retirement fund.

18 (20) "Retirement system" means the Washington state patrol
19 retirement system.

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

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

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

1 unused accumulated annual leave, holiday pay, or any form of
2 severance pay. On or after July 1, 2017, salary shall exclude
3 overtime earnings in excess of (~~seventy~~) 70 hours per year in total
4 related to either RCW 47.46.040 or any voluntary overtime. On or
5 after the effective date of this section, salary shall exclude
6 earnings from the longevity bonus created in section 2 of this act.

7 (d) The addition of overtime earnings related to RCW 47.46.040 or
8 any voluntary overtime earned on or after July 1, 2017, in chapter
9 181, Laws of 2017 is a benefit improvement that increases the member
10 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

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

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

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

33 (24) "State treasurer" means the treasurer of the state of
34 Washington.

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

1 NEW SECTION. **Sec. 4.** (1) By November 1, 2028, the joint
2 legislative audit and review committee must conduct a performance
3 review of the state patrol longevity bonus pilot program. The
4 performance review must evaluate, at minimum:

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

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

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

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

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

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

18 NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30,
19 2029.

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