

RCW 41.20.060 Pension on retirement for duty connected

disability. Whenever any person, while serving as a police officer in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his or her duties as a police officer, or becomes incapacitated for service on account of any duty connected disability, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his or her written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he or she be paid from the fund during his or her lifetime, a pension equal to fifty percent of the amount of salary *at any time hereafter attached to the position which he or she held in the department at the date of his or her retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: PROVIDED, That where, at the time of retirement hereafter for duty connected disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his or her salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he or she held at the time of his or her retirement, and at the current salary attached to said rank at the time of his or her return to active service.

Disability benefits provided for by this chapter shall not be paid when the police officer is disabled while he or she is engaged for compensation in outside work not of a police or special police nature. [2012 c 117 s 23; 1998 c 157 s 3; 1973 1st ex.s. c 181 s 4; 1969 ex.s. c 219 s 2; 1969 ex.s. c 209 s 37; 1969 c 123 s 2; 1961 c 191 s 2; 1959 c 78 s 4; 1959 c 6 s 2; 1957 c 84 s 2; 1955 c 69 s 5; 1937 c 24 s 2; 1911 c 18 s 3; 1909 c 39 s 5; RRS s 9583.]

***Reviser's note:** The words "at any time hereafter" first appear in the 1961 amendment.

Application—1998 c 157 s 3: "The provisions of section 3 of this act apply retrospectively to all line of duty disability retirement allowances heretofore granted under chapter 41.20 RCW." [1998 c 157 s 5.]

Purpose—1998 c 157 ss 2-5: "The purpose of sections 2 through 5 of this act is to clarify that the intent of the legislature in enacting RCW 41.20.060, insofar as that section provides benefits to members for disabilities incurred in the line of duty, was to provide a statute in the nature of a workers' compensation act that provides compensation to employees for personal injuries incurred in the course of employment. Accordingly this act amends and divides RCW 41.20.060

into two separate sections. Section 3 of this act clarifies and emphasizes the legislature's intent that the disability benefits granted by RCW 41.20.060, as amended, are granted only to those members who become disabled by any injury or incapacity that is incurred in the line of duty. Section 4 of this act continues to provide disability retirement benefits to members who become disabled by an injury or incapacity not incurred in the line of duty." [1998 c 157 s 2.]

Effective date—1998 c 157: See note following RCW 41.40.0931.

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.3901, 41.26.3902, and 41.26.3903.