



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Resolution 91-02 Administrative Order 125
State Board for Community College Education

Permanent Rule
 Emergency Rule

(1) Date of adoption: February 28, 1991

(2) Purpose: Repeal of former rule and enactment of a revised eligibility rule regarding membership in the community college retirement annuity plan.

(3) Citation of existing rules affected by this order:
Repealed: WAC 131-16-020
Amended:
Suspended:

(4) Authority for adoption:
Statute: RCW 28B.10.400
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Reasons for this finding: The State Board finds that replacement of the existing rule with one coordinated with the counterpart rule of the Teachers Retirement System, which was effective September 1, 1991, will result in a cost saving to the state and an improved retirement benefit for certain part-time community college employees who otherwise would be required to participate in the more costly Teachers Retirement plan.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
MAR 04 1991
TIME: 2:05 **PM**
WSR: 91-06-069

NAME (TYPE OR PRINT): Gilbert J. Carbone, Assistant Director
SIGNATURE: *Gilbert J. Carbone*
TITLE: _____ DATE: 3/4/91

REPEALER

WAC 131-16-020 is hereby repealed.

NEW SECTION

WAC 131-16-021 EMPLOYEES ELIGIBLE TO PARTICIPATE IN RETIREMENT ANNUITY PURCHASE PLAN.

(1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college districts or state board staff positions as part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and who otherwise would be eligible for membership in the Washington State Teachers Retirement System or who have acquired such membership after August 31, 1990.

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: PROVIDED, That such noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Participation in the plan without matching employer contributions is also permitted for any employee of a community college district or the state board who desires to utilize the plan as a supplemental retirement savings vehicle to any state-sponsored retirement plan in which the employee participates.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) Any eligible employee who at the time of initial employment is required to or elects to become a participant in this plan may also select at that time to delay active participation and payment of required contributions for two years following the date of initial employment.