
HOUSE BILL 1145

State of Washington

54th Legislature

1995 Regular Session

By Representatives Quall, Brumsickle, Basich, Benton, Kremen, Chappell, Romero, Kessler, Campbell, Scott, Cody, Wolfe, Mason, Mastin, Ebersole, Dellwo and Patterson

Read first time 01/16/95. Referred to Committee on Appropriations.

1 AN ACT Relating to early retirement benefits; reenacting and
2 amending RCW 43.01.170 and 28A.400.212; creating new sections; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) Subject to subsection (2) of this
6 section, in addition to members eligible to retire under RCW 41.40.180,
7 any member of the public employees' retirement system plan I who meets
8 the following criteria may retire after providing written notification
9 to the member's employer and submitting the required application to
10 the director on a form provided by the department:

11 (a) The member is employed by an employer in an eligible position
12 on March 1, 1995; and

13 (b) The member has: (i) Attained the age of fifty-five years and
14 completed five service credit years of service; (ii) completed twenty-
15 five service credit years of service; or (iii) attained the age of
16 fifty years and completed twenty service credit years of service.

17 (2) A member who wishes to apply for retirement under subsection
18 (1) of this section must submit the required notification and

1 application form no later than July 1, 1995, setting forth that the
2 member shall be retired no later than August 31, 1995.

3 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
4 41.40 RCW, but because of its temporary nature, shall not be codified.

5 NEW SECTION. **Sec. 3.** (1) Subject to subsection (2) of this
6 section, in addition to members eligible to retire under RCW 41.32.480,
7 any member of the teachers' retirement system plan I who meets the
8 following criteria may retire after providing written notification to
9 the member's employer and submitting the required application to the
10 director on a form provided by the department:

11 (a) The member is employed by an employer on March 1, 1995, and is
12 not a substitute teacher; and

13 (b) The member has: (i) Attained the age of fifty-five years and
14 completed five service credit years of service; (ii) completed twenty-
15 five service credit years of service; or (iii) attained the age of
16 fifty years and completed twenty service credit years of service.

17 (2) A member who wishes to apply for retirement under subsection
18 (1) of this section must submit the required notification and
19 application form no later than July 1, 1995, setting forth that the
20 member shall be retired no later than August 31, 1995.

21 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter
22 41.32 RCW, but because of its temporary nature, shall not be codified.

23 NEW SECTION. **Sec. 5.** In order to ensure that the state derives
24 the expected benefits from the early retirement provisions of this act,
25 no state agency may engage through personal service contracts persons
26 who retire from service under the provisions of this act. Exceptions
27 to this section may be granted by written approval from the director of
28 the office of financial management if the director finds that the
29 proposed contract is necessary to protect the public safety, protect
30 against the loss of federal certification or loss of critical federal
31 funds, or carry out functions so essential to the agency that even
32 temporary suspension or delay of services would have a significant
33 negative impact on the public. At the end of each three-month period
34 in which exceptions are approved, the director shall forward a copy of
35 any approvals, together with justification for the exceptions, to the

1 fiscal committees of the legislature. Each forwarded approval shall
2 include the name of the proposed contractor, the agency and division or
3 department requesting the contract, duration and cost of the proposed
4 contract, and specific functions and duties to be carried out under the
5 contract. This section shall expire June 30, 1997.

6 NEW SECTION. **Sec. 6.** Section 5 of this act is added to chapter
7 39.29 RCW, but because of its temporary nature, shall not be codified.

8 NEW SECTION. **Sec. 7.** In order to ensure that the state derives
9 the expected benefits from the early retirement provisions of this act,
10 no board of directors of a school district or educational service
11 district may engage through personal service contracts persons who
12 retire from service under the provisions of this act. Exceptions to
13 this section may be granted by written approval from the superintendent
14 of public instruction if the superintendent finds that the proposed
15 contract is necessary to protect student safety, protect against the
16 loss of school district certification or loss of federal funds, or
17 carry out functions so essential to the district that even temporary
18 suspension or delay of services would have a significant negative
19 impact on students. At the end of each three-month period in which
20 exceptions are approved, the superintendent shall forward a copy of any
21 approvals, together with justification for the exceptions, to the
22 office of financial management and the fiscal committees of the
23 legislature. Each forwarded approval shall include the name of the
24 proposed contractor, the district requesting the contract, duration and
25 cost of the proposed contract, and specific functions and duties to be
26 carried out under the contract. This section shall expire August 31,
27 1997.

28 NEW SECTION. **Sec. 8.** Section 7 of this act is added to chapter
29 28A.400 RCW, but because of its temporary nature, shall not be
30 codified.

31 **Sec. 9.** RCW 43.01.170 and 1993 c 519 s 13, 1993 c 281 s 44, and
32 1993 c 86 s 7 are each reenacted and amended to read as follows:

33 In order to ensure that the state derives the expected benefits
34 from the early retirement provisions of chapter 234, Laws of 1992,
35 chapter 86, Laws of 1993, ((and)) chapter 519, Laws of 1993, and

1 chapter . . . , Laws of 1995 (this act), no state agency may hire
2 persons who retire from service under the provisions of chapter 234,
3 Laws of 1992, ~~((and))~~ chapter 86, Laws of 1993, ~~((or))~~ chapter 519,
4 Laws of 1993, or chapter . . . , Laws of 1995 (this act), as temporary
5 or project employees, as defined by the Washington personnel resources
6 board for employees covered under chapter 41.06 RCW, and by the
7 employer for persons ~~((not covered under chapter 28B.16 RCW))~~ who are
8 employed by institutions of higher education or community or technical
9 colleges. Exceptions to this section may be granted by written
10 approval from the director of the office of financial management if the
11 director finds that the temporary or project employment of a retiree is
12 necessary to protect the public safety, protect against the loss of
13 federal certification or loss of critical federal funds, or carry out
14 functions so essential to the agency that even temporary suspension or
15 delay of services would have a significant negative impact on the
16 public. At the end of each three-month period in which exceptions are
17 approved, the director shall forward a copy of any approvals, together
18 with justification for the exceptions, to the fiscal committees of the
19 legislature. Each forwarded approval shall include the name of the
20 temporary or project employee, the agency and division or department
21 requesting the employment, duration and cost of the proposed
22 employment, and specific functions and duties to be carried out during
23 the employment. This section shall expire June 30, ~~((1995))~~ 1997.

24 **Sec. 10.** RCW 28A.400.212 and 1993 c 519 s 14 and 1993 c 86 s 8 are
25 each reenacted and amended to read as follows:

26 An employee of a school district that has established an attendance
27 incentive program under RCW 28A.400.210 who retires under section 1 or
28 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993,
29 ~~((or))~~ section 4 or 6, chapter 519, Laws of 1993, or section 1 or 3,
30 chapter . . . , Laws of 1995 (section 1 or 3 of this act), shall
31 receive, at the time of his or her separation from school district
32 employment, not less than one-half of the remuneration for accrued
33 leave for illness or injury payable to him or her under the district's
34 incentive program. The school district board of directors may, at its
35 discretion, pay the remainder of such an employee's remuneration for
36 accrued leave for illness or injury after the time of the employee's
37 separation from school district employment, but the employee or the
38 employee's estate is entitled to receive the remainder of the

1 remuneration no later than the date the employee would have been
2 eligible to retire under the provisions of RCW 41.40.180 or 41.32.480
3 had the employee continued to work for the district until eligible to
4 retire, or three years following the date of the employee's separation
5 from school district employment, whichever occurs first. A district
6 exercising its discretion under this section to pay the remainder of
7 the remuneration after the time of the employee's separation from
8 school district employment shall establish a policy and procedure for
9 paying the remaining remuneration that applies to all affected
10 employees equally and without discrimination. Any remuneration paid
11 shall be based on the number of days of leave the employee had accrued
12 and the compensation the employee received at the time he or she
13 retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or
14 3, chapter 86, Laws of 1993, (~~(or)~~) section 4 or 6, chapter 519, Laws
15 of 1993, or section 1 or 3, chapter . . . , Laws of 1995 (section 1 or
16 3 of this act).

17 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect immediately.

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