
HOUSE BILL 1834

State of Washington

54th Legislature

1995 Regular Session

By Representatives Wolfe, L. Thomas, Kessler, Dickerson, Romero, Chopp, Quall, Smith, Kremen, Ebersole, Basich, Costa and Cody

Read first time 02/10/95. 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, by December 31, 1995: (i) Attained the age of
14 fifty-five years and completed five service credit years of service;
15 (ii) completed twenty-five service credit years of service; or (iii)
16 attained the age of fifty years and completed twenty service credit
17 years of service.

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

1 department application form no later than August 31, 1995, setting
2 forth that the member shall be retired no later than December 31, 1995.
3 A member must submit the required employer notification six weeks prior
4 to the date of retirement.

5 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
6 41.40 RCW, but because of its temporary nature, shall not be codified.

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

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

15 (b) The member has, by December 31, 1995: (i) Attained the age of
16 fifty-five years and completed five service credit years of service;
17 (ii) completed twenty-five service credit years of service; or (iii)
18 attained the age of fifty years and completed twenty service credit
19 years of service.

20 (2) A member who wishes to apply for retirement under subsection
21 (1) of this section must submit the required notification and
22 application form no later than August 31, 1995, setting forth that the
23 member shall be retired no later than December 31, 1995. A member must
24 submit the required employer notification six weeks prior to the date
25 of retirement.

26 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter
27 41.32 RCW, but because of its temporary nature, shall not be codified.

28 NEW SECTION. **Sec. 5.** In order to ensure that the state derives
29 the expected benefits from the early retirement provisions of this act,
30 no state agency may engage through personal service contracts persons
31 who retire from service under the provisions of this act. Exceptions
32 to this section may be granted by written approval from the director of
33 the office of financial management if the director finds that the
34 proposed contract is necessary to protect the public safety, protect
35 against the loss of federal certification or loss of critical federal

1 funds, or carry out functions so essential to the agency that even
2 temporary suspension or delay of services would have a significant
3 negative impact on the public. At the end of each three-month period
4 in which exceptions are approved, the director shall forward a copy of
5 any approvals, together with justification for the exceptions, to the
6 fiscal committees of the legislature. Each forwarded approval shall
7 include the name of the proposed contractor, the agency and division or
8 department requesting the contract, duration and cost of the proposed
9 contract, and specific functions and duties to be carried out under the
10 contract. This section shall expire June 30, 1997.

11 NEW SECTION. **Sec. 6.** Section 5 of this act is added to chapter
12 39.29 RCW, but because of its temporary nature, shall not be codified.

13 NEW SECTION. **Sec. 7.** In order to ensure that the state derives
14 the expected benefits from the early retirement provisions of this act,
15 no board of directors of a school district or educational service
16 district may engage through personal service contracts persons who
17 retire from service under the provisions of this act. Exceptions to
18 this section may be granted by written approval from the superintendent
19 of public instruction if the superintendent finds that the proposed
20 contract is necessary to protect student safety, protect against the
21 loss of school district certification or loss of federal funds, or
22 carry out functions so essential to the district that even temporary
23 suspension or delay of services would have a significant negative
24 impact on students. At the end of each three-month period in which
25 exceptions are approved, the superintendent shall forward a copy of any
26 approvals, together with justification for the exceptions, to the
27 office of financial management and the fiscal committees of the
28 legislature. Each forwarded approval shall include the name of the
29 proposed contractor, the district requesting the contract, duration and
30 cost of the proposed contract, and specific functions and duties to be
31 carried out under the contract. This section shall expire August 31,
32 1997.

33 NEW SECTION. **Sec. 8.** Section 7 of this act is added to chapter
34 28A.400 RCW, but because of its temporary nature, shall not be
35 codified.

1 **Sec. 9.** RCW 43.01.170 and 1993 c 519 s 13, 1993 c 281 s 44, and
2 1993 c 86 s 7 are each reenacted and amended to read as follows:

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

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

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

1 incentive program. The school district board of directors may, at its
2 discretion, pay the remainder of such an employee's remuneration for
3 accrued leave for illness or injury after the time of the employee's
4 separation from school district employment, but the employee or the
5 employee's estate is entitled to receive the remainder of the
6 remuneration no later than the date the employee would have been
7 eligible to retire under the provisions of RCW 41.40.180 or 41.32.480
8 had the employee continued to work for the district until eligible to
9 retire, or three years following the date of the employee's separation
10 from school district employment, whichever occurs first. A district
11 exercising its discretion under this section to pay the remainder of
12 the remuneration after the time of the employee's separation from
13 school district employment shall establish a policy and procedure for
14 paying the remaining remuneration that applies to all affected
15 employees equally and without discrimination. Any remuneration paid
16 shall be based on the number of days of leave the employee had accrued
17 and the compensation the employee received at the time he or she
18 retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or
19 3, chapter 86, Laws of 1993, (~~(or)~~) section 4 or 6, chapter 519, Laws
20 of 1993, or section 1 or 3, chapter . . . , Laws of 1995 (section 1 or
21 3 of this act).

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

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