
HOUSE BILL 2096

State of Washington

54th Legislature

1995 Regular Session

By Representatives Pelesky, Quall, L. Thomas, Hymes, Smith, Carrell, McMahan, Elliot, Brumsickle, Talcott, Casada, Reams, D. Schmidt, Clements, Basich, Sherstad, Campbell, Blanton, Huff, Backlund, Hatfield, Kremen, Honeyford, Mulliken, Benton and Kessler

Read first time 04/18/95. Referred to Committee on Education.

1 AN ACT Relating to teachers' early retirement benefits; reenacting
2 and amending RCW 28A.400.212; creating new sections; and declaring an
3 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 41.32.480,
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, 1996, 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

1 application form no later than July 1, 1996, setting forth that the
2 member shall be retired no later than August 31, 1996.

3 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
4 41.32 RCW, but because of its temporary nature, shall not be codified.

5 NEW SECTION. **Sec. 3.** In order to ensure that the state derives
6 the expected benefits from the early retirement provisions of this act,
7 no board of directors of a school district or educational service
8 district may engage through personal service contracts persons who
9 retire from service under the provisions of this act. Exceptions to
10 this section may be granted by written approval from the superintendent
11 of public instruction if the superintendent finds that the proposed
12 contract is necessary to protect student safety, protect against the
13 loss of school district certification or loss of federal funds, or
14 carry out functions so essential to the district that even temporary
15 suspension or delay of services would have a significant negative
16 impact on students. At the end of each three-month period in which
17 exceptions are approved, the superintendent shall forward a copy of any
18 approvals, together with justification for the exceptions, to the
19 office of financial management and the fiscal committees of the
20 legislature. Each forwarded approval shall include the name of the
21 proposed contractor, the district requesting the contract, duration and
22 cost of the proposed contract, and specific functions and duties to be
23 carried out under the contract. This section shall expire August 31,
24 1998.

25 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter
26 28A.400 RCW, but because of its temporary nature, shall not be
27 codified.

28 **Sec. 5.** RCW 28A.400.212 and 1993 c 519 s 14 and 1993 c 86 s 8 are
29 each reenacted and amended to read as follows:

30 An employee of a school district that has established an attendance
31 incentive program under RCW 28A.400.210 who retires under section 1 or
32 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993,
33 ((or)) section 4 or 6, chapter 519, Laws of 1993, or section 1, chapter
34 . . . , Laws of 1996 (section 1 of this act), shall receive, at the time
35 of his or her separation from school district employment, not less than

1 one-half of the remuneration for accrued leave for illness or injury
2 payable to him or her under the district's incentive program. The
3 school district board of directors may, at its discretion, pay the
4 remainder of such an employee's remuneration for accrued leave for
5 illness or injury after the time of the employee's separation from
6 school district employment, but the employee or the employee's estate
7 is entitled to receive the remainder of the remuneration no later than
8 the date the employee would have been eligible to retire under the
9 provisions of RCW 41.40.180 or 41.32.480 had the employee continued to
10 work for the district until eligible to retire, or three years
11 following the date of the employee's separation from school district
12 employment, whichever occurs first. A district exercising its
13 discretion under this section to pay the remainder of the remuneration
14 after the time of the employee's separation from school district
15 employment shall establish a policy and procedure for paying the
16 remaining remuneration that applies to all affected employees equally
17 and without discrimination. Any remuneration paid shall be based on
18 the number of days of leave the employee had accrued and the
19 compensation the employee received at the time he or she retired under
20 section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86,
21 Laws of 1993, (~~(or)~~) section 4 or 6, chapter 519, Laws of 1993, or
22 section 1, chapter . . . , Laws of 1996 (section 1 of this act).

23 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and shall take
26 effect immediately.

--- END ---