

CERTIFICATION OF ENROLLMENT

SENATE BILL 6353

Chapter 194, Laws of 1998

55th Legislature
1998 Regular Session

WASHINGTON STATE PATROL OFFICERS DISABILITY--REFLECTION OF ACTUAL
WORKING HOURS

EFFECTIVE DATE: 6/11/98

Passed by the Senate February 12, 1998

YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 1998

YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 27, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6353** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 27, 1998 - 3:36 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6353

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senators Sellar and Goings; by request of Washington State Patrol

Read first time 01/16/98. Referred to Committee on Government Operations.

1 AN ACT Relating to use of sick leave before eligibility for
2 disability requirements of Washington state patrol officers; and
3 amending RCW 43.43.040.

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

5 **Sec. 1.** RCW 43.43.040 and 1987 c 185 s 17 are each amended to read
6 as follows:

7 (1) The chief of the Washington state patrol shall relieve from
8 active duty Washington state patrol officers who, while in the
9 performance of their official duties, or while on standby or available
10 for duty, have been or hereafter may be injured or incapacitated to
11 such an extent as to be mentally or physically incapable of active
12 service: PROVIDED, That:

13 (a) Any officer disabled while performing line duty who is found by
14 the chief to be physically incapacitated shall be placed on disability
15 leave for a period not to exceed six months from the date of injury or
16 the date incapacitated. During this period, the officer shall be
17 entitled to all pay, benefits, insurance, leave, and retirement
18 contributions awarded to an officer on active status, less any
19 compensation received through the department of labor and industries.

1 No such disability leave shall be approved until an officer has been
2 unavailable for duty for more than ((five)) forty consecutive work
3 ((days)) hours. Prior to the end of the six-month period, the chief
4 shall either place the officer on disability status or return the
5 officer to active status.

6 For the purposes of this section, "line duty" is active service
7 which encompasses the traffic law enforcement duties and/or other law
8 enforcement responsibilities of the state patrol. These activities
9 encompass all enforcement practices of the laws, accident and criminal
10 investigations, or actions requiring physical exertion or exposure to
11 hazardous elements.

12 The chief shall define by rule the situations where a disability
13 has occurred during line duty;

14 (b) Benefits under this section for a disability that is incurred
15 while in other employment will be reduced by any amount the officer
16 receives or is entitled to receive from workers' compensation, social
17 security, group insurance, other pension plan, or any other similar
18 source provided by another employer on account of the same disability;

19 (c) An officer injured while engaged in willfully tortious or
20 criminal conduct shall not be entitled to disability benefits under
21 this section; and

22 (d) Should a disability beneficiary whose disability was not
23 incurred in line of duty, prior to attaining age fifty, engage in a
24 gainful occupation, the chief shall reduce the amount of his retirement
25 allowance to an amount which when added to the compensation earned by
26 him in such occupation shall not exceed the basic salary currently
27 being paid for the rank the retired officer held at the time he was
28 disabled. All such disability beneficiaries under age fifty shall file
29 with the chief every six months a signed and sworn statement of
30 earnings and any person who shall knowingly swear falsely on such
31 statement shall be subject to prosecution for perjury. Should the
32 earning capacity of such beneficiary be further altered, the chief may
33 further alter his disability retirement allowance as indicated above.
34 The failure of any officer to file the required statement of earnings
35 shall be cause for cancellation of retirement benefits.

36 (2) Officers on disability status shall receive one-half of their
37 compensation at the existing wage, during the time the disability
38 continues in effect, less any compensation received through the
39 department of labor and industries. They shall be subject to mental or

1 physical examination at any state institution or otherwise under the
2 direction of the chief of the patrol at any time during such relief
3 from duty to ascertain whether or not they are able to resume active
4 duty.

Passed the Senate February 12, 1998.

Passed the House March 3, 1998.

Approved by the Governor March 27, 1998.

Filed in Office of Secretary of State March 27, 1998.