

HOUSE BILL ANALYSIS

HB 3067

Title: An act relating to service credit for a member of the Washington state patrol retirement system during paid leave of absence.

Brief Description: Providing service credit for certain members of the Washington state patrol retirement system.

Sponsors: Representatives Fisher, Mitchell, H. Sommers, Delvin, Hurst, Conway, Ogden, Lovick, Edwards, Rockefeller and McIntire; by request of Washington State Patrol.

Background: Public employee collective bargaining agreements typically contain provisions authorizing certain employees to take a leave of absence to engage in bargaining and other labor relations activities. In some cases, while on leave, an employee may continue to receive a salary from his or her public employer where the employer is reimbursed by the employee union.

Members of most of the state-run retirement systems who take an authorized leave of absence to serve as an elected official of a labor organization may continue to earn retirement system service credit if the following conditions are met: the employee must continue to receive compensation from the employer; the employer must be reimbursed by the labor organization for compensation paid to the member while on leave of absence; the leave of absence must be authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave; and the salary paid must not exceed the salary paid to the highest paid job class that is covered under the collective bargaining agreement. These provisions are included in the Teachers' Retirement System Plan 1 and Plan 2, the Public Employees' Retirement System Plan 1 and Plan 2, the School Employees' Retirement System Plan 2 and Plan 3, and the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 1 and Plan 2.

The Washington State Patrol Retirement System (WSPRS) currently has no statutory provision for earning service credit during any paid leave of absence. However, the Washington State Patrol has continued to report service credit on behalf of their employees who have taken leave to serve in an elected office for their union.

Summary: A WSPRS member who takes leave to serve as an elected official of a labor organization is considered to be on a paid leave of absence and is eligible to receive retirement service credit, as long as the following conditions are met: (1) the member

receives compensation from the employer during the leave of absence; (2) the employer is reimbursed by the labor organization for compensation paid to the member while on leave of absence; (3) the leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave; and (4) the salary paid does not exceed the salary paid to the highest paid job class that is covered under the collective bargaining agreement.

These provisions apply retroactively for any members who had compensation and hours reported under the above circumstances. The provisions also apply retroactively to November 23, 1987, for any members for whom compensation and hours would have been reported except for explicit instructions from DRS.

Appropriation: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Fiscal Note: Requested on February 2, 2000.