
SENATE BILL 5275

State of Washington

65th Legislature

2017 Regular Session

By Senators Conway, Bailey, Schoesler, and Hobbs; by request of
Select Committee on Pension Policy

Read first time 01/19/17. Referred to Committee on Ways & Means.

1 AN ACT Relating to transferring public employees' retirement
2 system service credit to the public safety employees' retirement
3 system due to differing definitions of full-time; adding a new
4 section to chapter 41.37 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** Since the establishment of the public
7 safety employees' retirement system in 2006, some employees have been
8 reported by employers as members of that retirement system even
9 though they did not work what is normally considered full-time for
10 the purposes of determining plan membership under RCW 41.37.010(19)
11 due to written employment agreements that defined full-time
12 differently. As a result, some employees who believed they were in
13 the public safety employees' retirement system have been, or will be,
14 moved into the public employees' retirement system that has different
15 plan provisions and, generally, a later retirement date. The
16 legislature intends that section 2 of this act only applies to those
17 employees who believed they were in the public safety employees'
18 retirement system and have been, or will be, moved into the public
19 employees' retirement system, as described in this section.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.37
2 RCW to read as follows:

3 (1) An employee may elect to have their public employees'
4 retirement system service credit transferred to the public safety
5 employees' retirement system if:

6 (a) They worked under a written employment contract prior to
7 January 1, 2017, that defined full-time as less than one hundred
8 sixty hours per month;

9 (b) Other than the full-time requirement under RCW 41.37.010(19),
10 have met all membership requirements for the public safety employees'
11 retirement system under RCW 41.37.010(19);

12 (c) Their employer incorrectly reported the employee's service in
13 the public safety employees' retirement system instead of the public
14 employees' retirement system; and

15 (d) All contributions required for past periods of service
16 established under this subsection are paid to the department, as
17 follows:

18 (i) A member who elects to transfer service credit under this
19 subsection shall pay, for the applicable period of service, the
20 difference between the contributions the employee paid to the public
21 employees' retirement system and the contributions that would have
22 been paid by the employee had the employee been a member of the
23 public safety employees' retirement system.

24 (ii) Employer contributions shall be paid by the employer and
25 calculated by the department equal to the difference between the
26 contributions the employer paid to the public employees' retirement
27 system and the contributions that would have been paid by the
28 employer had the employee been a member of the public safety
29 employees' retirement system.

30 (2) This section applies retroactively to July 1, 2006.

31 (3) All employees who elect to have their public employees'
32 retirement system service credit transferred to the public safety
33 employees' retirement system under this section shall continue to
34 have their service credit reported in the public safety employees'
35 retirement system so long as:

36 (a) They remain with their current employer in an otherwise
37 public safety employees' retirement system eligible position; and

1 (b) Continue to work under a written employment contract that
2 defines full-time as less than one hundred sixty hours per month, but
3 at least one hundred forty hours per month.

--- END ---