
SENATE BILL 5920

State of Washington

66th Legislature

2019 Regular Session

By Senators Conway, Bailey, Keiser, and Schoesler

1 AN ACT Relating to firefighters and law enforcement officers
2 pension and disability boards; amending RCW 41.16.010, 41.16.020,
3 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW
4 41.18.010 and 41.26.110.

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

6 **Sec. 1.** RCW 41.16.010 and 2009 c 521 s 88 are each amended to
7 read as follows:

8 For the purpose of this chapter, unless clearly indicated by the
9 context, words and phrases shall have the following meaning:

10 (1) "Beneficiary" shall mean any person or persons designated by
11 a firefighter in a writing filed with the board, and who shall be
12 entitled to receive any benefits of a deceased firefighter under this
13 chapter.

14 (2) "Board" shall mean the municipal firefighters' pension board.

15 (3) "Child or children" shall mean a child or children unmarried
16 and under eighteen years of age.

17 (4) "Contributions" shall mean and include all sums deducted from
18 the salary of firefighters and paid into the fund as hereinafter
19 provided.

20 (5) "Disability" shall mean and include injuries or sickness
21 sustained as a result of the performance of duty.

1 (6) "Firefighter" shall mean any person regularly or temporarily,
2 or as a substitute, employed and paid as a member of a fire
3 department, who has passed a civil service examination for
4 firefighter and who is actively employed as a firefighter; and shall
5 include any "prior firefighter."

6 (7) "Fire department" shall mean the regularly organized, full
7 time, paid, and employed force of firefighters of the municipality.

8 (8) "Fund" shall mean the firefighters' pension fund created
9 herein.

10 (9) "Municipality" shall mean every city (~~and~~), town, and
11 regional fire protection service authority, having a regularly
12 organized full time, paid, fire department employing firefighters.

13 (10) "Performance of duty" shall mean the performance of work and
14 labor regularly required of firefighters and shall include services
15 of an emergency nature rendered while off regular duty, but shall not
16 include time spent in traveling to work before answering roll call or
17 traveling from work after dismissal at roll call.

18 (11) "Prior firefighter" shall mean a firefighter who was
19 actively employed as a firefighter of a fire department prior to the
20 first day of January, 1947, and who continues such employment
21 thereafter.

22 (12) "Retired firefighter" shall mean and include a person
23 employed as a firefighter and retired under the provisions of chapter
24 50, Laws of 1909, as amended.

25 (13) "Widow or widower" means the surviving wife, husband, or
26 state registered domestic partner of a retired firefighter who was
27 retired on account of length of service and who was lawfully married
28 to, or in a state registered domestic partnership with, such
29 firefighter; and whenever that term is used with reference to the
30 wife or former wife, husband or former husband, or current or former
31 state registered domestic partner of a retired firefighter who was
32 retired because of disability, it shall mean his or her lawfully
33 married wife, husband, or state registered domestic partner on the
34 date he or she sustained the injury or contracted the illness that
35 resulted in his or her disability. Said term shall not mean or
36 include a surviving wife, husband, or state registered domestic
37 partner who by process of law within one year prior to the retired
38 firefighter's death, collected or attempted to collect from him or
39 her funds for the support of herself or himself or for his or her
40 children.

1 **Sec. 2.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to
2 read as follows:

3 (1) There is hereby created in each city and town a municipal
4 firefighters' pension board to consist of the following five members,
5 ex officio, the mayor, or in a city of the first class, the mayor or
6 a designated representative who shall be an elected official of the
7 city, who shall be chairperson of the board, the city comptroller or
8 clerk, the chairperson of finance of the city council, or if there is
9 no chairperson of finance, the city treasurer, and in addition, two
10 regularly employed or retired firefighters elected by secret ballot
11 of those employed and retired firefighters who are subject to the
12 jurisdiction of the board. The members to be elected by the
13 firefighters shall be elected annually for a two year term. The two
14 firefighters elected as members shall, in turn, select a third
15 eligible member who shall serve as an alternate in the event of an
16 absence of one of the regularly elected members. In case a vacancy
17 occurs in the membership of the firefighters or retired members, the
18 members shall in the same manner elect a successor to serve the
19 unexpired term. The board may select and appoint a secretary who may,
20 but need not be, a member of the board. In case of absence or
21 inability of the chairperson to act, the board may select a
22 chairperson pro tempore who shall during such absence or inability
23 perform the duties and exercise the powers of the chairperson. A
24 majority of the members of the board shall constitute a quorum and
25 have power to transact business.

26 (2) If no eligible regularly employed or retired firefighters are
27 willing or able to be elected to the board under subsection (1) of
28 this section, then any active or retired firefighters who reside
29 within the jurisdiction served by the board may be elected under
30 subsection (1) of this section. This includes active and retired
31 firefighters under this chapter and chapters 41.18, 41.26, and 52.26
32 RCW.

33 **Sec. 3.** RCW 41.18.010 and 2009 c 521 s 90 are each reenacted and
34 amended to read as follows:

35 For the purpose of this chapter, unless clearly indicated
36 otherwise by the context, words and phrases shall have the meaning
37 hereinafter ascribed.

38 (1) "Basic salary" means the basic monthly salary, including
39 longevity pay, attached to the rank held by the retired firefighter

1 at the date of his or her retirement, without regard to extra
2 compensation which such firefighter may have received for special
3 duties assignments not acquired through civil service examination:
4 PROVIDED, That such basic salary shall not be deemed to exceed the
5 salary of a battalion chief.

6 (2) "Beneficiary" shall mean any person or persons designated by
7 a firefighter in a writing filed with the board, and who shall be
8 entitled to receive any benefits of a deceased firefighter under this
9 chapter.

10 (3) "Board" shall mean the municipal firefighters' pension board.

11 (4) "Child" or "children" means a firefighter's child or children
12 under the age of eighteen years, unmarried, and in the legal custody
13 of such firefighter at the time of his death or her death.

14 (5) "Contributions" shall mean and include all sums deducted from
15 the salary of firefighters and paid into the fund as hereinafter
16 provided.

17 (6) "Disability" shall mean and include injuries or sickness
18 sustained by a firefighter.

19 (7) "Earned interest" means and includes all annual increments to
20 the firefighters' pension fund from income earned by investment of
21 the fund. The earned interest payable to any firefighter when he or
22 she leaves the service and accepts his or her contributions, shall be
23 that portion of the total earned income of the fund which is directly
24 attributable to each individual firefighter's contributions. Earnings
25 of the fund for the preceding year attributable to individual
26 contributions shall be allocated to individual firefighters' accounts
27 as of January 1st of each year.

28 (8) "Fire department" shall mean the regularly organized, full
29 time, paid, and employed force of firefighters of the municipality.

30 (9) "Firefighter" means any person hereafter regularly or
31 temporarily, or as a substitute newly employed and paid as a member
32 of a fire department, who has passed a civil service examination for
33 firefighters and who is actively employed as a firefighter or, if
34 provided by the municipality by appropriate local legislation, as a
35 fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex.
36 sess. shall impair or permit the impairment of any vested pension
37 rights of persons who are employed as fire dispatchers at the time
38 chapter 209, Laws of 1969 ex. sess. takes effect; and any person
39 heretofore regularly or temporarily, or as a substitute, employed and
40 paid as a member of a fire department, and who has contributed under

1 and been covered by the provisions of chapter 41.16 RCW as now or
2 hereafter amended and who has come under the provisions of this
3 chapter in accordance with RCW 41.18.170 and who is actively engaged
4 as a firefighter or as a member of the fire department as a
5 firefighter or fire dispatcher.

6 (10) "Fund" shall have the same meaning as in RCW 41.16.010 as
7 now or hereafter amended. Such fund shall be created in the manner
8 and be subject to the provisions specified in chapter 41.16 RCW as
9 now or hereafter amended.

10 (11) "Municipality" shall mean every city, town (~~and~~), fire
11 protection district, or regional fire protection service authority
12 having a regularly organized full time, paid, fire department
13 employing firefighters.

14 (12) "Performance of duty" shall mean the performance of work or
15 labor regularly required of firefighters and shall include services
16 of an emergency nature normally rendered while off regular duty.

17 (13) "Retired firefighter" means and includes a person employed
18 as a firefighter and retired under the provisions of this chapter.

19 (14) "Widow or widower" means the surviving spouse of a
20 firefighter and shall include the surviving wife, husband, or state
21 registered domestic partner of a firefighter, retired on account of
22 length of service, who was lawfully married to, or in a state
23 registered domestic partnership with, him or to her for a period of
24 five years prior to the time of his or her retirement; and the
25 surviving wife, husband, or state registered domestic partner of a
26 firefighter, retired on account of disability, who was lawfully
27 married to, or in a state registered domestic partnership with, him
28 or her at and prior to the time he or she sustained the injury or
29 contracted the illness resulting in his or her disability. The word
30 shall not mean the divorced wife or husband or former state
31 registered domestic partner of an active or retired firefighter.

32 **Sec. 4.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to
33 read as follows:

34 (1) There is hereby created in each fire protection district
35 which qualifies under this chapter, a firefighters' pension board to
36 consist of the following five members, the chairperson of the fire
37 commissioners for said district who shall be chairperson of the
38 board, the county auditor, county treasurer, and in addition, two
39 regularly employed or retired firefighters elected by secret ballot

1 of the employed and retired firefighters. Retired members who are
2 subject to the jurisdiction of the pension board have both the right
3 to elect and the right to be elected under this section. The first
4 members to be elected by the firefighters shall be elected annually
5 for a two-year term. The two firefighter elected members shall, in
6 turn, select a third eligible member who shall serve in the event of
7 an absence of one of the regularly elected members. In case a vacancy
8 occurs in the membership of the firefighter or retired members, the
9 members shall in the same manner elect a successor to serve the
10 unexpired term. The board may select and appoint a secretary who may,
11 but need not be a member of the board. In case of absence or
12 inability of the chairperson to act, the board may select a
13 chairperson pro tempore who shall during such absence or inability
14 perform the duties and exercise the powers of the chairperson. A
15 majority of the members of said board shall constitute a quorum and
16 have power to transact business.

17 (2) If no eligible regularly employed or retired firefighters are
18 willing or able to be elected to the board under subsection (1) of
19 this section, then any active or retired firefighters who reside
20 within the jurisdiction served by the board may be elected under
21 subsection (1) of this section. This includes active and retired
22 firefighters under this chapter and chapters 41.16, 41.26, and 52.26
23 RCW.

24 **Sec. 5.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to
25 read as follows:

26 (1) The mayor or his or her designated representative who shall
27 be an elected official of the city, and the clerk, treasurer,
28 president of the city council or mayor pro tem of each city of the
29 first class, or in case any such city has no city council, the
30 commissioner who has supervision of the police department, together
31 with three active or retired members of the police department, to be
32 elected as herein provided, in addition to the duties now required of
33 them, are constituted a board of trustees of the relief and pension
34 fund of the police department of each such city, and shall provide
35 for the disbursement of the fund, and designate the beneficiaries
36 thereof.

37 (2) The police department and the retired law enforcement
38 officers of each city of the first class shall elect three members to
39 act as members of the board. Members shall be elected for three year

1 terms. Existing members shall continue in office until replaced as
2 provided for in this section.

3 (3) Such election shall be held in the following manner. Not more
4 than thirty nor less than fifteen days preceding the first day of
5 June in each year, written notice of the nomination of any member or
6 retired member of the department for membership on the board may be
7 filed with the secretary of the board. Each notice of nomination
8 shall be signed by not less than five members or retired members of
9 the department, and nothing herein contained shall prevent any member
10 or retired member of the department from signing more than one notice
11 of nomination. The election shall be held on a date to be fixed by
12 the secretary during the month of June. Notice of the dates upon
13 which notice of nomination may be filed and of the date fixed for the
14 election of such members of the board shall be given by the secretary
15 of the board by posting written notices thereof in a prominent place
16 in the police headquarters. For the purpose of such election, the
17 secretary of the board shall prepare and furnish printed or
18 typewritten ballots in the usual form, containing the names of all
19 persons regularly nominated for membership and shall furnish a ballot
20 box for the election. Each member and each retired member of the
21 police department shall be entitled to vote at the election for one
22 nominee as a member of the board. The chief of the department shall
23 appoint two members to act as officials of the election, who shall be
24 allowed their regular wages for the day, but shall receive no
25 additional compensation therefor. The election shall be held in the
26 police headquarters of the department and the polls shall open at
27 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the
28 highest number of votes shall be declared elected to the board and
29 his or her term shall commence on the first day of July succeeding
30 the election. In the first election the nominee receiving the
31 greatest number of votes shall be elected to the three year term, the
32 second greatest to the two year term and the third greatest to the
33 one year term. Retired members who are subject to the jurisdiction of
34 the board have both the right to elect and the right to be elected
35 under this section. Ballots shall contain all names of those
36 nominated, both active and retired. Notice of nomination and voting
37 by retired members shall be conducted by the board.

38 (4) If no eligible active or retired members of the police
39 department are willing or able to be elected to the board under
40 subsection (3) of this section, then any active or retired law

1 enforcement officers who reside within the jurisdiction served by the
2 board may be elected under subsection (3) of this section. This
3 includes active and retired law enforcement officers under this
4 chapter and chapter 41.26 RCW.

5 **Sec. 6.** RCW 41.26.030 and 2018 c 230 s 1 are each amended to
6 read as follows:

7 As used in this chapter, unless a different meaning is plainly
8 required by the context:

9 (1) "Accumulated contributions" means the employee's
10 contributions made by a member, including any amount paid under RCW
11 41.50.165(2), plus accrued interest credited thereon.

12 (2) "Actuarial reserve" means a method of financing a pension or
13 retirement plan wherein reserves are accumulated as the liabilities
14 for benefit payments are incurred in order that sufficient funds will
15 be available on the date of retirement of each member to pay the
16 member's future benefits during the period of retirement.

17 (3) "Actuarial valuation" means a mathematical determination of
18 the financial condition of a retirement plan. It includes the
19 computation of the present monetary value of benefits payable to
20 present members, and the present monetary value of future employer
21 and employee contributions, giving effect to mortality among active
22 and retired members and also to the rates of disability, retirement,
23 withdrawal from service, salary and interest earned on investments.

24 (4)(a) "Basic salary" for plan 1 members, means the basic monthly
25 rate of salary or wages, including longevity pay but not including
26 overtime earnings or special salary or wages, upon which pension or
27 retirement benefits will be computed and upon which employer
28 contributions and salary deductions will be based.

29 (b) "Basic salary" for plan 2 members, means salaries or wages
30 earned by a member during a payroll period for personal services,
31 including overtime payments, and shall include wages and salaries
32 deferred under provisions established pursuant to sections 403(b),
33 414(h), and 457 of the United States Internal Revenue Code, but shall
34 exclude lump sum payments for deferred annual sick leave, unused
35 accumulated vacation, unused accumulated annual leave, or any form of
36 severance pay. In any year in which a member serves in the
37 legislature the member shall have the option of having such member's
38 basic salary be the greater of:

1 (i) The basic salary the member would have received had such
2 member not served in the legislature; or

3 (ii) Such member's actual basic salary received for
4 nonlegislative public employment and legislative service combined.
5 Any additional contributions to the retirement system required
6 because basic salary under (b)(i) of this subsection is greater than
7 basic salary under (b)(ii) of this subsection shall be paid by the
8 member for both member and employer contributions.

9 (5)(a) "Beneficiary" for plan 1 members, means any person in
10 receipt of a retirement allowance, disability allowance, death
11 benefit, or any other benefit described herein.

12 (b) "Beneficiary" for plan 2 members, means any person in receipt
13 of a retirement allowance or other benefit provided by this chapter
14 resulting from service rendered to an employer by another person.

15 (6)(a) "Child" or "children" means an unmarried person who is
16 under the age of eighteen or mentally or physically disabled as
17 determined by the department, except a person who is disabled and in
18 the full time care of a state institution, who is:

19 (i) A natural born child;

20 (ii) A stepchild where that relationship was in existence prior
21 to the date benefits are payable under this chapter;

22 (iii) A posthumous child;

23 (iv) A child legally adopted or made a legal ward of a member
24 prior to the date benefits are payable under this chapter; or

25 (v) An illegitimate child legitimized prior to the date any
26 benefits are payable under this chapter.

27 (b) A person shall also be deemed to be a child up to and
28 including the age of twenty years and eleven months while attending
29 any high school, college, or vocational or other educational
30 institution accredited, licensed, or approved by the state, in which
31 it is located, including the summer vacation months and all other
32 normal and regular vacation periods at the particular educational
33 institution after which the child returns to school.

34 (7) "Department" means the department of retirement systems
35 created in chapter 41.50 RCW.

36 (8) "Director" means the director of the department.

37 (9) "Disability board" for plan 1 members means either the county
38 disability board or the city disability board established in RCW
39 41.26.110.

1 (10) "Disability leave" means the period of six months or any
2 portion thereof during which a member is on leave at an allowance
3 equal to the member's full salary prior to the commencement of
4 disability retirement. The definition contained in this subsection
5 shall apply only to plan 1 members.

6 (11) "Disability retirement" for plan 1 members, means the period
7 following termination of a member's disability leave, during which
8 the member is in receipt of a disability retirement allowance.

9 (12) "Domestic partners" means two adults who have registered as
10 domestic partners under RCW 26.60.020.

11 (13) "Employee" means any law enforcement officer or firefighter
12 as defined in subsections (17) and (19) of this section.

13 (14)(a) "Employer" for plan 1 members, means the legislative
14 authority of any city, town, county, ~~((or))~~ district, or regional
15 fire protection service authority or the elected officials of any
16 municipal corporation that employs any law enforcement officer and/or
17 firefighter, any authorized association of such municipalities, and,
18 except for the purposes of RCW 41.26.150, any labor guild,
19 association, or organization, which represents the firefighters or
20 law enforcement officers of at least seven cities of over 20,000
21 population and the membership of each local lodge or division of
22 which is composed of at least sixty percent law enforcement officers
23 or firefighters as defined in this chapter.

24 (b) "Employer" for plan 2 members, means the following entities
25 to the extent that the entity employs any law enforcement officer
26 and/or firefighter:

27 (i) The legislative authority of any city, town, county,
28 district, ~~((or))~~ public corporation, or regional fire protection
29 service authority established under RCW 35.21.730 to provide
30 emergency medical services as defined in RCW 18.73.030;

31 (ii) The elected officials of any municipal corporation;

32 (iii) The governing body of any other general authority law
33 enforcement agency;

34 (iv) A four-year institution of higher education having a fully
35 operational fire department as of January 1, 1996; or

36 (v) The department of social and health services or the
37 department of corrections when employing firefighters serving at a
38 prison or civil commitment center on an island.

39 (c) Except as otherwise specifically provided in this chapter,
40 "employer" does not include a government contractor. For purposes of

1 this subsection, a "government contractor" is any entity, including a
2 partnership, limited liability company, for-profit or nonprofit
3 corporation, or person, that provides services pursuant to a contract
4 with an "employer." The determination whether an employer-employee
5 relationship has been established is not based on the relationship
6 between a government contractor and an "employer," but is based
7 solely on the relationship between a government contractor's employee
8 and an "employer" under this chapter.

9 (15)(a) "Final average salary" for plan 1 members, means (i) for
10 a member holding the same position or rank for a minimum of twelve
11 months preceding the date of retirement, the basic salary attached to
12 such same position or rank at time of retirement; (ii) for any other
13 member, including a civil service member who has not served a minimum
14 of twelve months in the same position or rank preceding the date of
15 retirement, the average of the greatest basic salaries payable to
16 such member during any consecutive twenty-four month period within
17 such member's last ten years of service for which service credit is
18 allowed, computed by dividing the total basic salaries payable to
19 such member during the selected twenty-four month period by twenty-
20 four; (iii) in the case of disability of any member, the basic salary
21 payable to such member at the time of disability retirement; (iv) in
22 the case of a member who hereafter vests pursuant to RCW 41.26.090,
23 the basic salary payable to such member at the time of vesting.

24 (b) "Final average salary" for plan 2 members, means the monthly
25 average of the member's basic salary for the highest consecutive
26 sixty service credit months of service prior to such member's
27 retirement, termination, or death. Periods constituting authorized
28 unpaid leaves of absence may not be used in the calculation of final
29 average salary.

30 (c) In calculating final average salary under (a) or (b) of this
31 subsection, the department of retirement systems shall include:

32 (i) Any compensation forgone by a member employed by a state
33 agency or institution during the 2009-2011 fiscal biennium as a
34 result of reduced work hours, mandatory or voluntary leave without
35 pay, temporary reduction in pay implemented prior to December 11,
36 2010, or temporary layoffs if the reduced compensation is an integral
37 part of the employer's expenditure reduction efforts, as certified by
38 the employer; and

39 (ii) Any compensation forgone by a member employed by the state
40 or a local government employer during the 2011-2013 fiscal biennium

1 as a result of reduced work hours, mandatory leave without pay,
2 temporary layoffs, or reductions to current pay if the reduced
3 compensation is an integral part of the employer's expenditure
4 reduction efforts, as certified by the employer. Reductions to
5 current pay shall not include elimination of previously agreed upon
6 future salary increases.

7 (16) "Fire department" includes a fire station operated by the
8 department of social and health services or the department of
9 corrections when employing firefighters serving a prison or civil
10 commitment center on an island.

11 (17) "Firefighter" means:

12 (a) Any person who is serving on a full time, fully compensated
13 basis as a member of a fire department of an employer and who is
14 serving in a position which requires passing a civil service
15 examination for firefighter, and who is actively employed as such;

16 (b) Anyone who is actively employed as a full time firefighter
17 where the fire department does not have a civil service examination;

18 (c) Supervisory firefighter personnel;

19 (d) Any full time executive secretary of an association of fire
20 protection districts authorized under RCW 52.12.031. The provisions
21 of this subsection (17) (d) shall not apply to plan 2 members;

22 (e) The executive secretary of a labor guild, association or
23 organization (which is an employer under subsection (14) of this
24 section), if such individual has five years previous membership in a
25 retirement system established in chapter 41.16 or 41.18 RCW. The
26 provisions of this subsection (17) (e) shall not apply to plan 2
27 members;

28 (f) Any person who is serving on a full time, fully compensated
29 basis for an employer, as a fire dispatcher, in a department in
30 which, on March 1, 1970, a dispatcher was required to have passed a
31 civil service examination for firefighter;

32 (g) Any person who on March 1, 1970, was employed on a full time,
33 fully compensated basis by an employer, and who on May 21, 1971, was
34 making retirement contributions under the provisions of chapter 41.16
35 or 41.18 RCW; and

36 (h) Any person who is employed on a full-time, fully compensated
37 basis by an employer as an emergency medical technician that meets
38 the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties
39 include providing emergency medical services as defined in RCW
40 18.73.030.

1 (18) "General authority law enforcement agency" means any agency,
2 department, or division of a municipal corporation, political
3 subdivision, or other unit of local government of this state, and any
4 agency, department, or division of state government, having as its
5 primary function the detection and apprehension of persons committing
6 infractions or violating the traffic or criminal laws in general, but
7 not including the Washington state patrol. Such an agency,
8 department, or division is distinguished from a limited authority law
9 enforcement agency having as one of its functions the apprehension or
10 detection of persons committing infractions or violating the traffic
11 or criminal laws relating to limited subject areas, including but not
12 limited to, the state departments of natural resources and social and
13 health services, the state gambling commission, the state lottery
14 commission, the state parks and recreation commission, the state
15 utilities and transportation commission, the state liquor and
16 cannabis board, and the state department of corrections. A general
17 authority law enforcement agency under this chapter does not include
18 a government contractor.

19 (19) "Law enforcement officer" beginning January 1, 1994, means
20 any person who is commissioned and employed by an employer on a full
21 time, fully compensated basis to enforce the criminal laws of the
22 state of Washington generally, with the following qualifications:

23 (a) No person who is serving in a position that is basically
24 clerical or secretarial in nature, and who is not commissioned shall
25 be considered a law enforcement officer;

26 (b) Only those deputy sheriffs, including those serving under a
27 different title pursuant to county charter, who have successfully
28 completed a civil service examination for deputy sheriff or the
29 equivalent position, where a different title is used, and those
30 persons serving in unclassified positions authorized by RCW 41.14.070
31 except a private secretary will be considered law enforcement
32 officers;

33 (c) Only such full time commissioned law enforcement personnel as
34 have been appointed to offices, positions, or ranks in the police
35 department which have been specifically created or otherwise
36 expressly provided for and designated by city charter provision or by
37 ordinance enacted by the legislative body of the city shall be
38 considered city police officers;

39 (d) The term "law enforcement officer" also includes the
40 executive secretary of a labor guild, association or organization

1 (which is an employer under subsection (14) of this section) if that
2 individual has five years previous membership in the retirement
3 system established in chapter 41.20 RCW. The provisions of this
4 subsection (19)(d) shall not apply to plan 2 members; and

5 (e) The term "law enforcement officer" also includes a person
6 employed on or after January 1, 1993, as a public safety officer or
7 director of public safety, so long as the job duties substantially
8 involve only either police or fire duties, or both, and no other
9 duties in a city or town with a population of less than ten thousand.
10 The provisions of this subsection (19)(e) shall not apply to any
11 public safety officer or director of public safety who is receiving a
12 retirement allowance under this chapter as of May 12, 1993.

13 (20) "Medical services" for plan 1 members, shall include the
14 following as minimum services to be provided. Reasonable charges for
15 these services shall be paid in accordance with RCW 41.26.150.

16 (a) Hospital expenses: These are the charges made by a hospital,
17 in its own behalf, for

18 (i) Board and room not to exceed semiprivate room rate unless
19 private room is required by the attending physician due to the
20 condition of the patient.

21 (ii) Necessary hospital services, other than board and room,
22 furnished by the hospital.

23 (b) Other medical expenses: The following charges are considered
24 "other medical expenses," provided that they have not been considered
25 as "hospital expenses".

26 (i) The fees of the following:

27 (A) A physician or surgeon licensed under the provisions of
28 chapter 18.71 RCW;

29 (B) An osteopathic physician and surgeon licensed under the
30 provisions of chapter 18.57 RCW;

31 (C) A chiropractor licensed under the provisions of chapter 18.25
32 RCW.

33 (ii) The charges of a registered graduate nurse other than a
34 nurse who ordinarily resides in the member's home, or is a member of
35 the family of either the member or the member's spouse.

36 (iii) The charges for the following medical services and
37 supplies:

38 (A) Drugs and medicines upon a physician's prescription;

39 (B) Diagnostic X-ray and laboratory examinations;

40 (C) X-ray, radium, and radioactive isotopes therapy;

1 (D) Anesthesia and oxygen;
2 (E) Rental of iron lung and other durable medical and surgical
3 equipment;
4 (F) Artificial limbs and eyes, and casts, splints, and trusses;
5 (G) Professional ambulance service when used to transport the
6 member to or from a hospital when injured by an accident or stricken
7 by a disease;
8 (H) Dental charges incurred by a member who sustains an
9 accidental injury to his or her teeth and who commences treatment by
10 a legally licensed dentist within ninety days after the accident;
11 (I) Nursing home confinement or hospital extended care facility;
12 (J) Physical therapy by a registered physical therapist;
13 (K) Blood transfusions, including the cost of blood and blood
14 plasma not replaced by voluntary donors;
15 (L) An optometrist licensed under the provisions of chapter 18.53
16 RCW.

17 (21) "Member" means any firefighter, law enforcement officer, or
18 other person as would apply under subsection((§)) (17) or (19) of
19 this section whose membership is transferred to the Washington law
20 enforcement officers' and firefighters' retirement system on or after
21 March 1, 1970, and every law enforcement officer and firefighter who
22 is employed in that capacity on or after such date.

23 (22) "Plan 1" means the law enforcement officers' and
24 firefighters' retirement system, plan 1 providing the benefits and
25 funding provisions covering persons who first became members of the
26 system prior to October 1, 1977.

27 (23) "Plan 2" means the law enforcement officers' and
28 firefighters' retirement system, plan 2 providing the benefits and
29 funding provisions covering persons who first became members of the
30 system on and after October 1, 1977.

31 (24) "Position" means the employment held at any particular time,
32 which may or may not be the same as civil service rank.

33 (25) "Regular interest" means such rate as the director may
34 determine.

35 (26) "Retiree" for persons who establish membership in the
36 retirement system on or after October 1, 1977, means any member in
37 receipt of a retirement allowance or other benefit provided by this
38 chapter resulting from service rendered to an employer by such
39 member.

1 (27) "Retirement fund" means the "Washington law enforcement
2 officers' and firefighters' retirement system fund" as provided for
3 herein.

4 (28) "Retirement system" means the "Washington law enforcement
5 officers' and firefighters' retirement system" provided herein.

6 (29)(a) "Service" for plan 1 members, means all periods of
7 employment for an employer as a firefighter or law enforcement
8 officer, for which compensation is paid, together with periods of
9 suspension not exceeding thirty days in duration. For the purposes of
10 this chapter service shall also include service in the armed forces
11 of the United States as provided in RCW 41.26.190. Credit shall be
12 allowed for all service credit months of service rendered by a member
13 from and after the member's initial commencement of employment as a
14 firefighter or law enforcement officer, during which the member
15 worked for seventy or more hours, or was on disability leave or
16 disability retirement. Only service credit months of service shall be
17 counted in the computation of any retirement allowance or other
18 benefit provided for in this chapter.

19 (i) For members retiring after May 21, 1971 who were employed
20 under the coverage of a prior pension act before March 1, 1970,
21 "service" shall also include (A) such military service not exceeding
22 five years as was creditable to the member as of March 1, 1970, under
23 the member's particular prior pension act, and (B) such other periods
24 of service as were then creditable to a particular member under the
25 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
26 event shall credit be allowed for any service rendered prior to March
27 1, 1970, where the member at the time of rendition of such service
28 was employed in a position covered by a prior pension act, unless
29 such service, at the time credit is claimed therefor, is also
30 creditable under the provisions of such prior act.

31 (ii) A member who is employed by two employers at the same time
32 shall only be credited with service to one such employer for any
33 month during which the member rendered such dual service.

34 (b) "Service" for plan 2 members, means periods of employment by
35 a member for one or more employers for which basic salary is earned
36 for ninety or more hours per calendar month which shall constitute a
37 service credit month. Periods of employment by a member for one or
38 more employers for which basic salary is earned for at least seventy
39 hours but less than ninety hours per calendar month shall constitute
40 one-half service credit month. Periods of employment by a member for

1 one or more employers for which basic salary is earned for less than
2 seventy hours shall constitute a one-quarter service credit month.

3 Members of the retirement system who are elected or appointed to
4 a state elective position may elect to continue to be members of this
5 retirement system.

6 Service credit years of service shall be determined by dividing
7 the total number of service credit months of service by twelve. Any
8 fraction of a service credit year of service as so determined shall
9 be taken into account in the computation of such retirement allowance
10 or benefits.

11 If a member receives basic salary from two or more employers
12 during any calendar month, the individual shall receive one service
13 credit month's service credit during any calendar month in which
14 multiple service for ninety or more hours is rendered; or one-half
15 service credit month's service credit during any calendar month in
16 which multiple service for at least seventy hours but less than
17 ninety hours is rendered; or one-quarter service credit month during
18 any calendar month in which multiple service for less than seventy
19 hours is rendered.

20 (30) "Service credit month" means a full service credit month or
21 an accumulation of partial service credit months that are equal to
22 one.

23 (31) "Service credit year" means an accumulation of months of
24 service credit which is equal to one when divided by twelve.

25 (32) "State actuary" or "actuary" means the person appointed
26 pursuant to RCW 44.44.010(2).

27 (33) "State elective position" means any position held by any
28 person elected or appointed to statewide office or elected or
29 appointed as a member of the legislature.

30 (34) "Surviving spouse" means the surviving widow or widower of a
31 member. "Surviving spouse" shall not include the divorced spouse of a
32 member except as provided in RCW 41.26.162.

33 **Sec. 7.** RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are
34 each reenacted and amended to read as follows:

35 (1) All claims for disability shall be acted upon and either
36 approved or disapproved by either type of disability board authorized
37 to be created in this section.

38 (a) Each city having a population of twenty thousand or more
39 shall establish a disability board having jurisdiction over all

1 members employed by those cities and composed of the following five
2 members: Two members of the city legislative body to be appointed by
3 the mayor; one active or retired firefighter employed by or retired
4 from the city to be elected by the firefighters employed by or
5 retired from the city who are subject to the jurisdiction of the
6 board; one active or retired law enforcement officer employed by or
7 retired from the city to be elected by the law enforcement officers
8 employed by or retired from the city who are subject to the
9 jurisdiction of the board; and one member from the public at large
10 who resides within the city to be appointed by the other four members
11 designated in this subsection. Only those active or retired
12 firefighters and law enforcement officers who are subject to the
13 jurisdiction of the board have the right to elect under this section.
14 All firefighters and law enforcement officers employed by or retired
15 from the city are eligible for election. Each of the elected members
16 shall serve a two year term. If there are either no firefighters or
17 law enforcement officers under the jurisdiction of the board eligible
18 to vote, a second eligible employee representative shall be elected
19 by the law enforcement officers or firefighters eligible to vote. The
20 members appointed pursuant to this subsection shall serve for two
21 year terms: PROVIDED, That cities of the first class only, shall
22 retain existing firefighters' pension boards established pursuant to
23 RCW 41.16.020 and existing boards of trustees of the relief and
24 pension fund of the police department as established pursuant to RCW
25 41.20.010 which such boards shall have authority to act upon and
26 approve or disapprove claims for disability by firefighters or law
27 enforcement officers as provided under the Washington law enforcement
28 officers' and firefighters' retirement system act.

29 (b) If no eligible active or retired firefighter or law
30 enforcement officer is willing or able to be elected to the board
31 under (a) of this subsection, then any active or retired firefighter
32 under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law
33 enforcement officer under this chapter and chapter 41.20 RCW who
34 resides within the jurisdiction served by the board may be elected
35 under (a) of this subsection.

36 (c) Each county shall establish a disability board having
37 jurisdiction over all members employed by or retired from an employer
38 within the county and not employed by a city in which a disability
39 board is established. The county disability board so created shall be
40 composed of five members to be chosen as follows: One member of the

1 legislative body of the county to be appointed by the county
2 legislative body; one member of a city or town legislative body
3 located within the county which does not contain a city disability
4 board established pursuant to (a) of this subsection to be chosen by
5 a majority of the mayors of such cities and towns within the county
6 which does not contain a city disability board; one active
7 firefighter or retired firefighter employed by or retired from an
8 employer within the county to be elected by the firefighters employed
9 or retired from an employer within the county (~~who are not employed~~
10 ~~by or retired from a city in which a disability board is established~~
11 ~~and~~) who are subject to the jurisdiction of that board; one law
12 enforcement officer or retired law enforcement officer employed by or
13 retired from an employer within the county to be elected by the law
14 enforcement officers employed in or retired from an employer within
15 the county (~~who are not employed by or retired from a city in which~~
16 ~~a disability board is established and~~) who are subject to the
17 jurisdiction of that board; and one member from the public at large
18 who resides within the county but does not reside within a city in
19 which a city disability board is established, to be appointed by the
20 other four members designated in this subsection. However, in
21 counties with a population less than sixty thousand, the member of
22 the disability board appointed by a majority of the mayors of the
23 cities and towns within the county that do not contain a city
24 disability board must be a resident of one of the cities and towns
25 but need not be a member of a city or town legislative body. Only
26 those active or retired firefighters and law enforcement officers who
27 are subject to the jurisdiction of the board have the right to elect
28 under this section. All firefighters and law enforcement officers
29 employed by or retired from an employer within the county (~~who are~~
30 ~~not employed by or retired from a city in which a disability board is~~
31 ~~established~~) are eligible for election. All members appointed or
32 elected pursuant to this subsection shall serve for two year terms.
33 If there are no firefighters under the jurisdiction of the board
34 eligible to vote, a second eligible employee representative shall be
35 elected by the law enforcement officers eligible to vote. If there
36 are no law enforcement officers under the jurisdiction of the board
37 eligible to vote, a second eligible representative shall be elected
38 by the firefighters eligible to vote.

39 (d) If no eligible active or retired firefighter or law
40 enforcement officer is willing or able to be elected to the board

1 under (c) of this subsection, then any active or retired firefighter
2 under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law
3 enforcement officer under this chapter or chapter 41.20 RCW who
4 resides within the jurisdiction served by the board may be elected
5 under (c) of this subsection.

6 (2) The members of both the county and city disability boards
7 shall not receive compensation for their service upon the boards but
8 the members shall be reimbursed by their respective county or city
9 for all expenses incidental to such service as to the amount
10 authorized by law.

11 (3) The disability boards authorized for establishment by this
12 section shall perform all functions, exercise all powers, and make
13 all such determinations as specified in this chapter.

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