

**WAC 415-108-640 Effect of meeting union verification requirements.** (1) Plan 1 union employer status applies only to the level of union organization that meets the requirements of WAC 415-108-620(1). Therefore, if only a single union lodge of a union with multiple lodges has been verified to meet the requirements of WAC 415-108-620(1), only that union lodge is a Plan 1 union employer.

(2) Plan 1 members who are employed by union employers shall have an irrevocable option to reenter membership. You lose this option if you do not reenter PERS Plan 1 when you begin working in an eligible position with the union employer. The union employer must notify you, as its new employee, of the option to reenter Plan 1. Failure of the union employer to notify you shall not prevent your loss of the right to participate in Plan 1 under this section. Union employers and their Plan 1 employees who choose to reenter membership will be subject to the same statutory and regulatory requirements as other Plan 1 non-state agency employers and employees.

(3) Plan 1 union employers employing persons who have previously established Plan 1 membership must report you for participation in the retirement system if you choose to reenter membership under RCW 41.40.023.

(4) Union employers shall have all new employees state on a written form whether they have ever been a Plan 1 member.

(5)(a) Upon first establishing union employer status the union must pay the required retroactive contributions and interest as determined by the department under RCW 41.40.363 or 41.40.057, as applicable for union elective officials and employees who choose to become a member under RCW 41.40.023 and are eligible for Plan 1.

(b) If employer and employee contributions have been submitted in error and the union subsequently establishes retroactive union employer status for the period in question, the contributions on deposit with the retirement system will be considered valid to the extent that the periods of erroneous contributions coincide with periods for which the union has established union employer status.

(6) Notwithstanding any provisions of WAC 415-108-620 Plan 1 retirees who enter into employment with a union employer in an eligible position are subject to the provisions of RCW 41.40.150 (5)(a).

(7) A union employer may not report employees for participation in Plan 2 or Plan 3.

[Statutory Authority: RCW 41.50.050(5), 41.40.010 (4)(a), 41.40.057, 41.40.363. WSR 02-03-120, § 415-108-640, filed 1/23/02, effective 3/1/02. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). WSR 93-11-077, § 415-108-640, filed 5/18/93, effective 6/18/93.]