

**WAC 415-108-720 Participation—Can I be excluded from participating in membership even if I am employed in an eligible position?**  
(1) **You may be exempt from participating in membership even if you meet eligibility criteria.** Even if you are employed in an eligible position you are exempt from participating in PERS if your individual circumstances qualify you for one of the exceptions to membership under RCW 41.40.023.

(2) **If you work for a PERS employer after you retire, you are subject to post-retirement employment restrictions even if you are excluded from participating in membership.** If you become employed in an eligible position after you retire, you are subject to the post-retirement employment restrictions under RCW 41.40.150, 41.40.690, and 41.40.850 even if you are excluded from membership.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010.
- (b) "Employer" - RCW 41.40.010.
- (c) "Ineligible position" - RCW 41.40.010.
- (d) "Membership" - RCW 41.40.023.

[Statutory Authority: RCW 41.50.050(5), 41.40.023, 41.40.150, 41.40.690. WSR 02-03-120, § 415-108-720, filed 1/23/02, effective 3/1/02. Statutory Authority: RCW 41.50.050. WSR 95-16-053, § 415-108-720, filed 7/25/95, effective 8/25/95.]