

WSR 24-10-022
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 22, 2024, 10:08 a.m., effective April 23, 2024]

Effective Date of Rule: One day after filing [April 23, 2024].

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule implements laws that are already in effect, so the department of retirement systems is putting the rule into effect one business day after filing.

Purpose: Making further revisions to recent retiree return to work rules to correct conflicting rules to achieve full implementation.

Citation of Rules Affected by this Order: Repealing WAC 415-02-170; and amending WAC 415-02-173.

Statutory Authority for Adoption: RCW 41.50.050; chapter 110, Laws of 2022; and chapters 99 and 410, Laws of 2023.

Adopted under notice filed as WSR 24-06-087 on March 6, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 22, 2024.

Tracy Guerin
Director

OTS-5259.1

AMENDATORY SECTION (Amending WSR 23-24-091, filed 12/5/23, effective 12/7/23)

WAC 415-02-173 How is my benefit affected if I return to work and am impacted by more than one annual hourly limit? (1) How is my benefit affected if I return to work in positions with two different employers that qualify for more than one annual hourly limit?

If you return to work in more than one position, and the positions have different annual hourly limits, you will be limited to the highest annual hourly limit for all positions combined.

Examples: Don is retired from teachers' retirement system (TRS) 2 and returned to work as a teacher. Don's nonadministrative TRS position at a school district has an annual limit of 1,040 hours. While working at the school district Don also takes a position at a state agency. The state agency position is a public employees' retirement

system (PERS) position and (~~Don~~) is subject to an annual limit of 867 hours. Don's annual hourly limit (~~is lowered to 867~~) remains at 1,040 hours (~~while working in both positions~~). Don (~~then~~) later separates from the (~~state agency~~) TRS nonadministrative school district position and Don's annual hourly limit (~~will return to~~) of 1,040 hours remains in effect for the remainder of the current calendar year. Don's limit will be 867 hours the following year if he continues in the PERS position.

Pat is a 2008 ERF retiree, who returned to work as a driver for the department of transportation (DOT) in a PERS position with an annual limit of 867 hours. Pat gets a second job, working as a bus driver for a school district. The nonadministrative position in the school employees' retirement system (SERS) is subject to an annual limit of 1,040 hours. Pat's benefit is governed by the (~~lowest~~) highest limit, in this case the (~~PERS~~) SERS bus driver position at (~~DOT~~) the school district. Pat's annual limit will be (~~867~~) 1,040 hours in a calendar year.

(2) If I receive pension payments from more than one DRS administered retirement system, and each system has different annual hourly limits, how will my benefit be affected?

If you are retired from multiple DRS systems, each of your benefits will be affected according to rules of the respective system.

Example: Alex retired from two systems, PERS and SERS, and returned to work as a bus driver in a SERS-eligible position at a school district after the mandatory 30-day break. Alex's two benefits will be impacted differently.

- PERS - To qualify for the 1,040-hour annual hourly limit in PERS, you need a 100-day break in service. Alex only has a 30-day break before returning to work, so Alex's PERS benefit will be (~~limited~~) subject to an 867-hour(~~s~~) limit.

- SERS - Alex's SERS benefit does not require the 100-day break. So, Alex's annual hourly limit for the SERS benefit will be (~~limited to~~) 1,040 hours.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-02-170	How is my benefit affected if I return to work and am impacted by more than one annual hourly limit?
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