

# SENATE BILL REPORT

## SB 5509

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As of February 28, 1995

**Title:** An act relating to the law enforcement officers' and fire fighters' retirement system.

**Brief Description:** Changing provisions in LEOFF Plan I.

**Sponsors:** Senators Long, Roach, Heavey and Bauer.

**Brief History:**

**Committee Activity:** Ways & Means: 3/1/95.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Denise Graham (786-7715)

**Background:** A member of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan I (LEOFF I) can be retired for disability. However, no disability retirement can be granted until and after the member has received disability leave at full pay for up to six months. All disability leave and disability retirement benefits are granted by the local disability board.

There is no limit on the time that the board has to render a disability retirement determination. Therefore, disability leave can run out before such determination is made.

Furthermore, if disability leave expires and the board determines that the member is no longer disabled, the employer is not obligated to return the employee to the position or rank (former position) held at the time of disability.

The board's disability retirement determination is subject to approval by the Director of the Department of Retirement Systems (Director). The member can appeal a determination by the disability board which the director can affirm or remand back to the board. If the director affirms the board's determination, the member can ask for a hearing held by the director. There is no limit on the time that the director has to render a determination following a hearing.

If the member is judged disabled, benefits are retroactive to the day following the end of the disability leave period.

A member on disability retirement can be reexamined and found no longer disabled. In such case, the employer must offer him or her the former position held at time of disability. If the member is unable to perform duties required of the former position, upon request, he or she must be offered a position of like or lesser rank.

The director also sets rules for the local disability boards.

**Summary of Bill:** The director's rules regarding disability retirement applications and reexaminations must recognize that disability leave pay continues until:

- (1) The disability board is awarded a retirement allowance to the member; or
- (2) A member returns to or is offered employment in the former position held at the time the member applied for disability; or
- (3) If the member is unable to perform duties required of the former position, he or she returns to duty in a like or lesser rank.

At a hearing before the director, the disability board can present testimony in opposition to as well as in support of the director's initial determination. The Department of Retirement Systems may appear in support of its position as well. The director has six months to render a decision after the hearing. If the claimant is judged disabled, benefits are retroactive, with a 12 percent annual interest rate.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.