
SENATE BILL 6397

State of Washington

63rd Legislature

2014 Regular Session

By Senators Llias, Honeyford, and Conway; by request of LEOFF Plan 2 Retirement Board

Read first time 01/23/14. Referred to Committee on Ways & Means.

1 AN ACT Relating to retired law enforcement officers and
2 firefighters employed in certain public positions; amending RCW
3 41.26.500; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature has recognized the physical
6 demands of law enforcement officer and firefighter duties by providing
7 for earlier retirement from the law enforcement officers' and
8 firefighters' retirement system than from other state retirement
9 systems. Chapter 372, Laws of 2005 facilitates transition of
10 firefighters and law enforcement officers to other careers, recognizing
11 those career professionals could still provide valuable public service
12 in positions other than law enforcement and firefighting.

13 It is not the intent, nor is it a reasonable expectation of
14 members, that chapter 372, Laws of 2005 allow plan 2 retirees of the
15 law enforcement officers' and firefighters' retirement system to
16 continue in a law enforcement officer or firefighter career and still
17 collect their retirement allowance.

1 **Sec. 2.** RCW 41.26.500 and 2005 c 372 s 2 are each amended to read
2 as follows:

3 (1) Except under subsection (3) of this section, a retiree under
4 the provisions of plan 2 shall not be eligible to receive such
5 retiree's monthly retirement allowance if he or she is employed in an
6 eligible position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or
7 41.35.010, or as a law enforcement officer or firefighter as defined in
8 RCW 41.26.030. If a retiree's benefits have been suspended under this
9 section, his or her benefits shall be reinstated when the retiree
10 terminates the employment that caused his or her benefits to be
11 suspended. Upon reinstatement, the retiree's benefits shall be
12 actuarially recomputed pursuant to the rules adopted by the department.

13 (2) The department shall adopt rules implementing this section.

14 (3) A member or retiree who becomes employed in an eligible
15 position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or
16 41.37.010 shall have the option to enter into membership in the
17 corresponding retirement system for that position notwithstanding any
18 provision of RCW 41.04.270.

19 (a) A retiree who elects to enter into plan membership shall have
20 his or her benefits suspended as provided in subsection (1) of this
21 section.

22 (b) A member or retiree who does not elect to enter into plan
23 membership shall be eligible to initiate or continue to receive his or
24 her benefits without interruption except as provided in (c) of this
25 subsection.

26 (c) This subsection (3) does not apply to retirees or members in
27 positions that would otherwise be eligible for the law enforcement
28 officers' and firefighters' retirement system except that:

29 (i) The position is less than full-time;

30 (ii) The position is less than fully compensated;

31 (iii) The position is not fully commissioned;

32 (iv) The position includes additional duties that would make the
33 position ineligible for the law enforcement officers' and firefighters'
34 retirement system; or

35 (v) The retiree or member is designated as an independent
36 contractor.

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