
HOUSE BILL 2024

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By Representatives Shavers, Rule, Paul, Caldier, and Wylie

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1 AN ACT Relating to flexible work policies for law enforcement
2 officers and participation in the law enforcement officers' and
3 firefighters' retirement system plan 2; amending RCW 41.26.030 and
4 41.26.030; reenacting and amending RCW 10.93.020; adding a new
5 section to chapter 49.28 RCW; providing an effective date; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28
9 RCW to read as follows:

10 (1) Every general authority and limited authority Washington law
11 enforcement agency may adopt a flexible work policy. The policy may
12 allow for general authority and limited authority Washington peace
13 officers to work at less than full time when feasible, such as
14 supplementing work during peak hours with part-time officers. The
15 flexible work policy may include alternative shift and work schedules
16 that fit the needs of the law enforcement agency.

17 (2) The flexible work policy adopted in subsection (1) of this
18 section may require an officer have a certain number of years of
19 experience as a full-time officer or have additional training for the
20 officer to work part time or be eligible for any other types of
21 flexible work.

1 (3) The flexible work policy adopted in subsection (1) of this
2 section may not cause the layoff or otherwise displace any full-time
3 officer.

4 (4) This section does not alter any existing collective
5 bargaining unit or the provisions of any existing collective
6 bargaining agreement or the duty of a law enforcement agency to meet
7 their duty to bargain under chapter 41.56 or 41.80 RCW. Full-time and
8 part-time officers working for the same law enforcement agency who
9 are covered by a collective bargaining agreement must be in the same
10 bargaining unit.

11 (5) This section does not alter any laws or workplace policies
12 relating to restrictions on secondary employment for general
13 authority and limited authority Washington peace officers.

14 (6) For the purposes of this section, the definitions in this
15 subsection apply.

16 (a) "General authority and limited authority Washington law
17 enforcement agency" has the same meaning as "general authority
18 Washington law enforcement agency" and "limited authority Washington
19 law enforcement agency" as defined in RCW 10.93.020 (3) and (5),
20 respectively.

21 (b) "General authority and limited authority Washington peace
22 officers" has the same meaning as "general authority Washington peace
23 officer" and "limited authority Washington peace officer" as defined
24 in RCW 10.93.020 (4) and (6), respectively.

25 **Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted
26 and amended to read as follows:

27 As used in this chapter, the following terms have the meanings
28 indicated unless the context clearly requires otherwise.

29 (1) "Agency with primary territorial jurisdiction" means a city
30 or town police agency which has responsibility for police activity
31 within its boundaries; or a county police or sheriff's department
32 which has responsibility with regard to police activity in the
33 unincorporated areas within the county boundaries; or a statutorily
34 authorized port district police agency or four-year state college or
35 university police agency which has responsibility for police activity
36 within the statutorily authorized enforcement boundaries of the port
37 district, state college, or university.

38 (2) "Federal peace officer" means any employee or agent of the
39 United States government who has the authority to carry firearms and

1 make warrantless arrests and whose duties involve the enforcement of
2 criminal laws of the United States.

3 (3) "General authority Washington law enforcement agency" means
4 any agency, department, or division of a municipal corporation,
5 political subdivision, or other unit of local government of this
6 state, and any agency, department, or division of state government,
7 having as its primary function the detection and apprehension of
8 persons committing infractions or violating the traffic or criminal
9 laws in general, as distinguished from a limited authority Washington
10 law enforcement agency, and any other unit of government expressly
11 designated by statute as a general authority Washington law
12 enforcement agency. The Washington state patrol and the department of
13 fish and wildlife are general authority Washington law enforcement
14 agencies.

15 (4) "General authority Washington peace officer" means any
16 (~~full-time,~~) fully compensated and elected, appointed, or employed
17 officer of a general authority Washington law enforcement agency who
18 is commissioned to enforce the criminal laws of the state of
19 Washington generally.

20 (5) "Limited authority Washington law enforcement agency" means
21 any agency, political subdivision, or unit of local government of
22 this state, and any agency, department, or division of state
23 government, having as one of its functions the apprehension or
24 detection of persons committing infractions or violating the traffic
25 or criminal laws relating to limited subject areas, including but not
26 limited to, the state departments of natural resources and social and
27 health services, the state gambling commission, the state lottery
28 commission, the state parks and recreation commission, the state
29 utilities and transportation commission, the state liquor and
30 cannabis board, the office of the insurance commissioner, the state
31 department of corrections, and the office of independent
32 investigations.

33 (6) "Limited authority Washington peace officer" means any
34 (~~full-time,~~) fully compensated officer of a limited authority
35 Washington law enforcement agency empowered by that agency to detect
36 or apprehend violators of the laws in some or all of the limited
37 subject areas for which that agency is responsible. A limited
38 authority Washington peace officer may be a specially commissioned
39 Washington peace officer if otherwise qualified for such status under
40 this chapter.

1 (7) "Mutual law enforcement assistance" includes, but is not
2 limited to, one or more law enforcement agencies aiding or assisting
3 one or more other such agencies through loans or exchanges of
4 personnel or of material resources, for law enforcement purposes.

5 (8) "Primary commissioning agency" means (a) the employing agency
6 in the case of a general authority Washington peace officer, a
7 limited authority Washington peace officer, a tribal peace officer
8 from a federally recognized tribe, or a federal peace officer, and
9 (b) the commissioning agency in the case of a specially commissioned
10 Washington peace officer (i) who is performing functions within the
11 course and scope of the special commission and (ii) who is not also a
12 general authority Washington peace officer, a limited authority
13 Washington peace officer, a tribal peace officer from a federally
14 recognized tribe, or a federal peace officer.

15 (9) "Primary function of an agency" means that function to which
16 greater than fifty percent of the agency's resources are allocated.

17 (10) "Specially commissioned Washington peace officer," for the
18 purposes of this chapter, means any officer, whether part-time or
19 full-time, compensated or not, commissioned by a general authority
20 Washington law enforcement agency to enforce some or all of the
21 criminal laws of the state of Washington, who does not qualify under
22 this chapter as a general authority Washington peace officer for that
23 commissioning agency, specifically including reserve peace officers,
24 and specially commissioned full-time, fully compensated peace
25 officers duly commissioned by the states of Oregon or Idaho or any
26 such peace officer commissioned by a unit of local government of
27 Oregon or Idaho. A reserve peace officer is an individual who is an
28 officer of a Washington law enforcement agency who does not serve
29 such agency on a full-time basis but who, when called by the agency
30 into active service, is fully commissioned on the same basis as full-
31 time peace officers to enforce the criminal laws of the state.

32 **Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read
33 as follows:

34 As used in this chapter, unless a different meaning is plainly
35 required by the context:

36 (1) "Accumulated contributions" means the employee's
37 contributions made by a member, including any amount paid under RCW
38 41.50.165(2), plus accrued interest credited thereon.

1 (2) "Actuarial reserve" means a method of financing a pension or
2 retirement plan wherein reserves are accumulated as the liabilities
3 for benefit payments are incurred in order that sufficient funds will
4 be available on the date of retirement of each member to pay the
5 member's future benefits during the period of retirement.

6 (3) "Actuarial valuation" means a mathematical determination of
7 the financial condition of a retirement plan. It includes the
8 computation of the present monetary value of benefits payable to
9 present members, and the present monetary value of future employer
10 and employee contributions, giving effect to mortality among active
11 and retired members and also to the rates of disability, retirement,
12 withdrawal from service, salary and interest earned on investments.

13 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
14 rate of salary or wages, including longevity pay but not including
15 overtime earnings or special salary or wages, upon which pension or
16 retirement benefits will be computed and upon which employer
17 contributions and salary deductions will be based.

18 (b) "Basic salary" for plan 2 members, means salaries or wages
19 earned by a member during a payroll period for personal services,
20 including overtime payments, and shall include wages and salaries
21 deferred under provisions established pursuant to sections 403(b),
22 414(h), and 457 of the United States Internal Revenue Code, but shall
23 exclude lump sum payments for deferred annual sick leave, unused
24 accumulated vacation, unused accumulated annual leave, or any form of
25 severance pay. In any year in which a member serves in the
26 legislature the member shall have the option of having such member's
27 basic salary be the greater of:

28 (i) The basic salary the member would have received had such
29 member not served in the legislature; or

30 (ii) Such member's actual basic salary received for
31 nonlegislative public employment and legislative service combined.
32 Any additional contributions to the retirement system required
33 because basic salary under (b) (i) of this subsection is greater than
34 basic salary under (b) (ii) of this subsection shall be paid by the
35 member for both member and employer contributions.

36 (5) (a) "Beneficiary" for plan 1 members, means any person in
37 receipt of a retirement allowance, disability allowance, death
38 benefit, or any other benefit described herein.

1 (b) "Beneficiary" for plan 2 members, means any person in receipt
2 of a retirement allowance or other benefit provided by this chapter
3 resulting from service rendered to an employer by another person.

4 (6) (a) "Child" or "children" means an unmarried person who is
5 under the age of eighteen or mentally or physically disabled as
6 determined by the department, except a person who is disabled and in
7 the full time care of a state institution, who is:

8 (i) A natural born child;

9 (ii) A stepchild where that relationship was in existence prior
10 to the date benefits are payable under this chapter;

11 (iii) A posthumous child;

12 (iv) A child legally adopted or made a legal ward of a member
13 prior to the date benefits are payable under this chapter; or

14 (v) An illegitimate child legitimized prior to the date any
15 benefits are payable under this chapter.

16 (b) A person shall also be deemed to be a child up to and
17 including the age of twenty years and eleven months while attending
18 any high school, college, or vocational or other educational
19 institution accredited, licensed, or approved by the state, in which
20 it is located, including the summer vacation months and all other
21 normal and regular vacation periods at the particular educational
22 institution after which the child returns to school.

23 (7) "Department" means the department of retirement systems
24 created in chapter 41.50 RCW.

25 (8) "Director" means the director of the department.

26 (9) "Disability board" for plan 1 members means either the county
27 disability board or the city disability board established in RCW
28 41.26.110.

29 (10) "Disability leave" means the period of six months or any
30 portion thereof during which a member is on leave at an allowance
31 equal to the member's full salary prior to the commencement of
32 disability retirement. The definition contained in this subsection
33 shall apply only to plan 1 members.

34 (11) "Disability retirement" for plan 1 members, means the period
35 following termination of a member's disability leave, during which
36 the member is in receipt of a disability retirement allowance.

37 (12) "Domestic partners" means two adults who have registered as
38 domestic partners under RCW 26.60.020.

39 (13) "Employee" means any law enforcement officer or firefighter
40 as defined in subsections (17) and (19) of this section.

1 (14) (a) "Employer" for plan 1 members, means the legislative
2 authority of any city, town, county, district, or regional fire
3 protection service authority or the elected officials of any
4 municipal corporation that employs any law enforcement officer and/or
5 firefighter, any authorized association of such municipalities, and,
6 except for the purposes of RCW 41.26.150, any labor guild,
7 association, or organization, which represents the firefighters or
8 law enforcement officers of at least seven cities of over 20,000
9 population and the membership of each local lodge or division of
10 which is composed of at least sixty percent law enforcement officers
11 or firefighters as defined in this chapter.

12 (b) "Employer" for plan 2 members, means the following entities
13 to the extent that the entity employs any law enforcement officer
14 and/or firefighter:

15 (i) The legislative authority of any city, town, county,
16 district, public corporation, or regional fire protection service
17 authority established under RCW 35.21.730 to provide emergency
18 medical services as defined in RCW 18.73.030;

19 (ii) The elected officials of any municipal corporation;

20 (iii) The governing body of any other general authority law
21 enforcement agency;

22 (iv) A four-year institution of higher education having a fully
23 operational fire department as of January 1, 1996; or

24 (v) The department of social and health services or the
25 department of corrections when employing firefighters serving at a
26 prison or civil commitment center on an island.

27 (c) Except as otherwise specifically provided in this chapter,
28 "employer" does not include a government contractor. For purposes of
29 this subsection, a "government contractor" is any entity, including a
30 partnership, limited liability company, for-profit or nonprofit
31 corporation, or person, that provides services pursuant to a contract
32 with an "employer." The determination whether an employer-employee
33 relationship has been established is not based on the relationship
34 between a government contractor and an "employer," but is based
35 solely on the relationship between a government contractor's employee
36 and an "employer" under this chapter.

37 (15) (a) "Final average salary" for plan 1 members, means (i) for
38 a member holding the same position or rank for a minimum of twelve
39 months preceding the date of retirement, the basic salary attached to
40 such same position or rank at time of retirement; (ii) for any other

1 member, including a civil service member who has not served a minimum
2 of twelve months in the same position or rank preceding the date of
3 retirement, the average of the greatest basic salaries payable to
4 such member during any consecutive twenty-four month period within
5 such member's last ten years of service for which service credit is
6 allowed, computed by dividing the total basic salaries payable to
7 such member during the selected twenty-four month period by twenty-
8 four; (iii) in the case of disability of any member, the basic salary
9 payable to such member at the time of disability retirement; (iv) in
10 the case of a member who hereafter vests pursuant to RCW 41.26.090,
11 the basic salary payable to such member at the time of vesting.

12 (b) "Final average salary" for plan 2 members, means the monthly
13 average of the member's basic salary for the highest consecutive
14 sixty service credit months of service prior to such member's
15 retirement, termination, or death. Periods constituting authorized
16 unpaid leaves of absence may not be used in the calculation of final
17 average salary.

18 (c) In calculating final average salary under (a) or (b) of this
19 subsection, the department of retirement systems shall include:

20 (i) Any compensation forgone by a member employed by a state
21 agency or institution during the 2009-2011 fiscal biennium as a
22 result of reduced work hours, mandatory or voluntary leave without
23 pay, temporary reduction in pay implemented prior to December 11,
24 2010, or temporary layoffs if the reduced compensation is an integral
25 part of the employer's expenditure reduction efforts, as certified by
26 the employer;

27 (ii) Any compensation forgone by a member employed by the state
28 or a local government employer during the 2011-2013 fiscal biennium
29 as a result of reduced work hours, mandatory leave without pay,
30 temporary layoffs, or reductions to current pay if the reduced
31 compensation is an integral part of the employer's expenditure
32 reduction efforts, as certified by the employer. Reductions to
33 current pay shall not include elimination of previously agreed upon
34 future salary increases; and

35 (iii) Any compensation forgone by a member employed by the state
36 or a local government employer during the 2019-2021 and 2021-2023
37 fiscal biennia as a result of reduced work hours, mandatory leave
38 without pay, temporary layoffs, furloughs, reductions to current pay,
39 or other similar measures resulting from the COVID-19 budgetary
40 crisis, if the reduced compensation is an integral part of the

1 employer's expenditure reduction efforts, as certified by the
2 employer. Reductions to current pay shall not include elimination of
3 previously agreed upon future salary increases.

4 (16) "Fire department" includes a fire station operated by the
5 department of social and health services or the department of
6 corrections when employing firefighters serving a prison or civil
7 commitment center on an island.

8 (17) "Firefighter" means:

9 (a) Any person who is serving on a full time, fully compensated
10 basis as a member of a fire department of an employer and who is
11 serving in a position which requires passing a civil service
12 examination for firefighter, and who is actively employed as such;

13 (b) Anyone who is actively employed as a full time firefighter
14 where the fire department does not have a civil service examination;

15 (c) Supervisory firefighter personnel;

16 (d) Any full time executive secretary of an association of fire
17 protection districts authorized under RCW 52.12.031. The provisions
18 of this subsection (17)(d) shall not apply to plan 2 members;

19 (e) The executive secretary of a labor guild, association or
20 organization (which is an employer under subsection (14) of this
21 section), if such individual has five years previous membership in a
22 retirement system established in chapter 41.16 or 41.18 RCW. The
23 provisions of this subsection (17)(e) shall not apply to plan 2
24 members;

25 (f) Any person who is serving on a full time, fully compensated
26 basis for an employer, as a fire dispatcher, in a department in
27 which, on March 1, 1970, a dispatcher was required to have passed a
28 civil service examination for firefighter;

29 (g) Any person who on March 1, 1970, was employed on a full time,
30 fully compensated basis by an employer, and who on May 21, 1971, was
31 making retirement contributions under the provisions of chapter 41.16
32 or 41.18 RCW; and

33 (h) Any person who is employed on a full-time, fully compensated
34 basis by an employer as an emergency medical technician that meets
35 the requirements of RCW 18.71.200 or 18.73.030(~~((+12+))~~) (13), and
36 whose duties include providing emergency medical services as defined
37 in RCW 18.73.030.

38 (18) "General authority law enforcement agency" means any agency,
39 department, or division of a municipal corporation, political
40 subdivision, or other unit of local government of this state, and any

1 agency, department, or division of state government, having as its
2 primary function the detection and apprehension of persons committing
3 infractions or violating the traffic or criminal laws in general, but
4 not including the Washington state patrol. Such an agency,
5 department, or division is distinguished from a limited authority law
6 enforcement agency having as one of its functions the apprehension or
7 detection of persons committing infractions or violating the traffic
8 or criminal laws relating to limited subject areas, including but not
9 limited to, the state departments of natural resources and social and
10 health services, the state gambling commission, the state lottery
11 commission, the state parks and recreation commission, the state
12 utilities and transportation commission, the state liquor and
13 cannabis board, and the state department of corrections. A general
14 authority law enforcement agency under this chapter does not include
15 a government contractor.

16 (19) "Law enforcement officer" beginning January 1, 1994, means
17 any person who is commissioned and employed by an employer on a full
18 time, fully compensated basis to enforce the criminal laws of the
19 state of Washington generally, with the following qualifications:

20 (a) No person who is serving in a position that is basically
21 clerical or secretarial in nature, and who is not commissioned shall
22 be considered a law enforcement officer;

23 (b) Only those deputy sheriffs, including those serving under a
24 different title pursuant to county charter, who have successfully
25 completed a civil service examination for deputy sheriff or the
26 equivalent position, where a different title is used, and those
27 persons serving in unclassified positions authorized by RCW 41.14.070
28 except a private secretary will be considered law enforcement
29 officers;

30 (c) Only such (~~full-time~~) commissioned law enforcement
31 personnel as have been appointed to offices, positions, or ranks in
32 the police department which have been specifically created or
33 otherwise expressly provided for and designated by city charter
34 provision or by ordinance enacted by the legislative body of the city
35 shall be considered city police officers;

36 (d) The term "law enforcement officer" also includes the
37 executive secretary of a labor guild, association or organization
38 (which is an employer under subsection (14) of this section) if that
39 individual has five years previous membership in the retirement

1 system established in chapter 41.20 RCW. The provisions of this
2 subsection (19)(d) shall not apply to plan 2 members; (~~and~~)

3 (e) The term "law enforcement officer" also includes a person
4 employed on or after January 1, 1993, as a public safety officer or
5 director of public safety, so long as the job duties substantially
6 involve only either police or fire duties, or both, and no other
7 duties in a city or town with a population of less than ten thousand.
8 The provisions of this subsection (19)(e) shall not apply to any
9 public safety officer or director of public safety who is receiving a
10 retirement allowance under this chapter as of May 12, 1993;

11 (f) The term "law enforcement officer" does not include reserve
12 peace officers authorized under chapter 10.93 RCW if called into
13 active service for a general authority Washington law enforcement
14 agency under RCW 10.93.020; and

15 (g) Beginning July 1, 2024, the term "law enforcement officer"
16 also includes any person who is commissioned and employed by an
17 employer on a fully compensated basis to enforce the criminal laws of
18 the state of Washington generally, on a less than full-time basis,
19 with the qualifications in (a) through (f) of this subsection.

20 (20) "Medical services" for plan 1 members, shall include the
21 following as minimum services to be provided. Reasonable charges for
22 these services shall be paid in accordance with RCW 41.26.150.

23 (a) Hospital expenses: These are the charges made by a hospital,
24 in its own behalf, for

25 (i) Board and room not to exceed semiprivate room rate unless
26 private room is required by the attending physician due to the
27 condition of the patient.

28 (ii) Necessary hospital services, other than board and room,
29 furnished by the hospital.

30 (b) Other medical expenses: The following charges are considered
31 "other medical expenses," provided that they have not been considered
32 as "hospital expenses".

33 (i) The fees of the following:

34 (A) A physician or surgeon licensed under the provisions of
35 chapter 18.71 RCW;

36 (B) An osteopathic physician and surgeon licensed under the
37 provisions of chapter 18.57 RCW;

38 (C) A chiropractor licensed under the provisions of chapter 18.25
39 RCW.

1 (ii) The charges of a registered graduate nurse other than a
2 nurse who ordinarily resides in the member's home, or is a member of
3 the family of either the member or the member's spouse.

4 (iii) The charges for the following medical services and
5 supplies:

6 (A) Drugs and medicines upon a physician's prescription;

7 (B) Diagnostic X-ray and laboratory examinations;

8 (C) X-ray, radium, and radioactive isotopes therapy;

9 (D) Anesthesia and oxygen;

10 (E) Rental of iron lung and other durable medical and surgical
11 equipment;

12 (F) Artificial limbs and eyes, and casts, splints, and trusses;

13 (G) Professional ambulance service when used to transport the
14 member to or from a hospital when injured by an accident or stricken
15 by a disease;

16 (H) Dental charges incurred by a member who sustains an
17 accidental injury to his or her teeth and who commences treatment by
18 a legally licensed dentist within ninety days after the accident;

19 (I) Nursing home confinement or hospital extended care facility;

20 (J) Physical therapy by a registered physical therapist;

21 (K) Blood transfusions, including the cost of blood and blood
22 plasma not replaced by voluntary donors;

23 (L) An optometrist licensed under the provisions of chapter 18.53
24 RCW.

25 (21) "Member" means any firefighter, law enforcement officer, or
26 other person as would apply under subsection (17) or (19) of this
27 section whose membership is transferred to the Washington law
28 enforcement officers' and firefighters' retirement system on or after
29 March 1, 1970, and every law enforcement officer and firefighter who
30 is employed in that capacity on or after such date.

31 (22) "Plan 1" means the law enforcement officers' and
32 firefighters' retirement system, plan 1 providing the benefits and
33 funding provisions covering persons who first became members of the
34 system prior to October 1, 1977.

35 (23) "Plan 2" means the law enforcement officers' and
36 firefighters' retirement system, plan 2 providing the benefits and
37 funding provisions covering persons who first became members of the
38 system on and after October 1, 1977.

39 (24) "Position" means the employment held at any particular time,
40 which may or may not be the same as civil service rank.

1 (25) "Regular interest" means such rate as the director may
2 determine.

3 (26) "Retiree" for persons who establish membership in the
4 retirement system on or after October 1, 1977, means any member in
5 receipt of a retirement allowance or other benefit provided by this
6 chapter resulting from service rendered to an employer by such
7 member.

8 (27) "Retirement fund" means the "Washington law enforcement
9 officers' and firefighters' retirement system fund" as provided for
10 herein.

11 (28) "Retirement system" means the "Washington law enforcement
12 officers' and firefighters' retirement system" provided herein.

13 (29)(a) "Service" for plan 1 members, means all periods of
14 employment for an employer as a firefighter or law enforcement
15 officer, for which compensation is paid, together with periods of
16 suspension not exceeding thirty days in duration. For the purposes of
17 this chapter service shall also include service in the armed forces
18 of the United States as provided in RCW 41.26.190. Credit shall be
19 allowed for all service credit months of service rendered by a member
20 from and after the member's initial commencement of employment as a
21 firefighter or law enforcement officer, during which the member
22 worked for seventy or more hours, or was on disability leave or
23 disability retirement. Only service credit months of service shall be
24 counted in the computation of any retirement allowance or other
25 benefit provided for in this chapter.

26 (i) For members retiring after May 21, 1971 who were employed
27 under the coverage of a prior pension act before March 1, 1970,
28 "service" shall also include (A) such military service not exceeding
29 five years as was creditable to the member as of March 1, 1970, under
30 the member's particular prior pension act, and (B) such other periods
31 of service as were then creditable to a particular member under the
32 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
33 event shall credit be allowed for any service rendered prior to March
34 1, 1970, where the member at the time of rendition of such service
35 was employed in a position covered by a prior pension act, unless
36 such service, at the time credit is claimed therefor, is also
37 creditable under the provisions of such prior act.

38 (ii) A member who is employed by two employers at the same time
39 shall only be credited with service to one such employer for any
40 month during which the member rendered such dual service.

1 (iii) Reduction efforts such as furloughs, reduced work hours,
2 mandatory leave without pay, temporary layoffs, or other similar
3 situations as contemplated by subsection (15)(c)(iii) of this section
4 do not result in a reduction in service credit that otherwise would
5 have been earned for that month of work, and the member shall receive
6 the full service credit for the hours that were scheduled to be
7 worked before the reduction.

8 (b)(i) "Service" for plan 2 members, means periods of employment
9 by a member for one or more employers for which basic salary is
10 earned for ninety or more hours per calendar month which shall
11 constitute a service credit month. Periods of employment by a member
12 for one or more employers for which basic salary is earned for at
13 least seventy hours but less than ninety hours per calendar month
14 shall constitute one-half service credit month. Periods of employment
15 by a member for one or more employers for which basic salary is
16 earned for less than seventy hours shall constitute a one-quarter
17 service credit month.

18 (ii) Members of the retirement system who are elected or
19 appointed to a state elective position may elect to continue to be
20 members of this retirement system.

21 (iii) Service credit years of service shall be determined by
22 dividing the total number of service credit months of service by
23 twelve. Any fraction of a service credit year of service as so
24 determined shall be taken into account in the computation of such
25 retirement allowance or benefits.

26 (iv) If a member receives basic salary from two or more employers
27 during any calendar month, the individual shall receive one service
28 credit month's service credit during any calendar month in which
29 multiple service for ninety or more hours is rendered; or one-half
30 service credit month's service credit during any calendar month in
31 which multiple service for at least seventy hours but less than
32 ninety hours is rendered; or one-quarter service credit month during
33 any calendar month in which multiple service for less than seventy
34 hours is rendered.

35 (v) Reduction efforts such as furloughs, reduced work hours,
36 mandatory leave without pay, temporary layoffs, or other similar
37 situations as contemplated by subsection (15)(c)(iii) of this section
38 do not result in a reduction in service credit that otherwise would
39 have been earned for that month of work, and the member shall receive

1 the full service credit for the hours that were scheduled to be
2 worked before the reduction.

3 (30) "Service credit month" means a full service credit month or
4 an accumulation of partial service credit months that are equal to
5 one.

6 (31) "Service credit year" means an accumulation of months of
7 service credit which is equal to one when divided by twelve.

8 (32) "State actuary" or "actuary" means the person appointed
9 pursuant to RCW 44.44.010(2).

10 (33) "State elective position" means any position held by any
11 person elected or appointed to statewide office or elected or
12 appointed as a member of the legislature.

13 (34) "Surviving spouse" means the surviving widow or widower of a
14 member. "Surviving spouse" shall not include the divorced spouse of a
15 member except as provided in RCW 41.26.162.

16 **Sec. 4.** RCW 41.26.030 and 2023 c 77 s 1 are each amended to read
17 as follows:

18 As used in this chapter, unless a different meaning is plainly
19 required by the context:

20 (1) "Accumulated contributions" means the employee's
21 contributions made by a member, including any amount paid under RCW
22 41.50.165(2), plus accrued interest credited thereon.

23 (2) "Actuarial reserve" means a method of financing a pension or
24 retirement plan wherein reserves are accumulated as the liabilities
25 for benefit payments are incurred in order that sufficient funds will
26 be available on the date of retirement of each member to pay the
27 member's future benefits during the period of retirement.

28 (3) "Actuarial valuation" means a mathematical determination of
29 the financial condition of a retirement plan. It includes the
30 computation of the present monetary value of benefits payable to
31 present members, and the present monetary value of future employer
32 and employee contributions, giving effect to mortality among active
33 and retired members and also to the rates of disability, retirement,
34 withdrawal from service, salary and interest earned on investments.

35 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
36 rate of salary or wages, including longevity pay but not including
37 overtime earnings or special salary or wages, upon which pension or
38 retirement benefits will be computed and upon which employer
39 contributions and salary deductions will be based.

1 (b) "Basic salary" for plan 2 members, means salaries or wages
2 earned by a member during a payroll period for personal services,
3 including overtime payments, and shall include wages and salaries
4 deferred under provisions established pursuant to sections 403(b),
5 414(h), and 457 of the United States Internal Revenue Code, but shall
6 exclude lump sum payments for deferred annual sick leave, unused
7 accumulated vacation, unused accumulated annual leave, or any form of
8 severance pay. In any year in which a member serves in the
9 legislature the member shall have the option of having such member's
10 basic salary be the greater of:

11 (i) The basic salary the member would have received had such
12 member not served in the legislature; or

13 (ii) Such member's actual basic salary received for
14 nonlegislative public employment and legislative service combined.
15 Any additional contributions to the retirement system required
16 because basic salary under (b)(i) of this subsection is greater than
17 basic salary under (b)(ii) of this subsection shall be paid by the
18 member for both member and employer contributions.

19 (5)(a) "Beneficiary" for plan 1 members, means any person in
20 receipt of a retirement allowance, disability allowance, death
21 benefit, or any other benefit described herein.

22 (b) "Beneficiary" for plan 2 members, means any person in receipt
23 of a retirement allowance or other benefit provided by this chapter
24 resulting from service rendered to an employer by another person.

25 (6)(a) "Child" or "children" means an unmarried person who is
26 under the age of eighteen or mentally or physically disabled as
27 determined by the department, except a person who is disabled and in
28 the full time care of a state institution, who is:

29 (i) A natural born child;

30 (ii) A stepchild where that relationship was in existence prior
31 to the date benefits are payable under this chapter;

32 (iii) A posthumous child;

33 (iv) A child legally adopted or made a legal ward of a member
34 prior to the date benefits are payable under this chapter; or

35 (v) An illegitimate child legitimized prior to the date any
36 benefits are payable under this chapter.

37 (b) A person shall also be deemed to be a child up to and
38 including the age of twenty years and eleven months while attending
39 any high school, college, or vocational or other educational
40 institution accredited, licensed, or approved by the state, in which

1 it is located, including the summer vacation months and all other
2 normal and regular vacation periods at the particular educational
3 institution after which the child returns to school.

4 (7) "Department" means the department of retirement systems
5 created in chapter 41.50 RCW.

6 (8) "Director" means the director of the department.

7 (9) "Disability board" for plan 1 members means either the county
8 disability board or the city disability board established in RCW
9 41.26.110.

10 (10) "Disability leave" means the period of six months or any
11 portion thereof during which a member is on leave at an allowance
12 equal to the member's full salary prior to the commencement of
13 disability retirement. The definition contained in this subsection
14 shall apply only to plan 1 members.

15 (11) "Disability retirement" for plan 1 members, means the period
16 following termination of a member's disability leave, during which
17 the member is in receipt of a disability retirement allowance.

18 (12) "Domestic partners" means two adults who have registered as
19 domestic partners under RCW 26.60.020.

20 (13) "Employee" means any law enforcement officer or firefighter
21 as defined in subsections (17) and (19) of this section.

22 (14)(a) "Employer" for plan 1 members, means the legislative
23 authority of any city, town, county, district, or regional fire
24 protection service authority or the elected officials of any
25 municipal corporation that employs any law enforcement officer and/or
26 firefighter, any authorized association of such municipalities, and,
27 except for the purposes of RCW 41.26.150, any labor guild,
28 association, or organization, which represents the firefighters or
29 law enforcement officers of at least seven cities of over 20,000
30 population and the membership of each local lodge or division of
31 which is composed of at least sixty percent law enforcement officers
32 or firefighters as defined in this chapter.

33 (b) "Employer" for plan 2 members, means the following entities
34 to the extent that the entity employs any law enforcement officer
35 and/or firefighter:

36 (i) The legislative authority of any city, town, county,
37 district, public corporation, or regional fire protection service
38 authority established under RCW 35.21.730 to provide emergency
39 medical services as defined in RCW 18.73.030;

40 (ii) The elected officials of any municipal corporation;

1 (iii) The governing body of any other general authority law
2 enforcement agency;

3 (iv) A four-year institution of higher education having a fully
4 operational fire department as of January 1, 1996; or

5 (v) The department of social and health services or the
6 department of corrections when employing firefighters serving at a
7 prison or civil commitment center on an island.

8 (c) Except as otherwise specifically provided in this chapter,
9 "employer" does not include a government contractor. For purposes of
10 this subsection, a "government contractor" is any entity, including a
11 partnership, limited liability company, for-profit or nonprofit
12 corporation, or person, that provides services pursuant to a contract
13 with an "employer." The determination whether an employer-employee
14 relationship has been established is not based on the relationship
15 between a government contractor and an "employer," but is based
16 solely on the relationship between a government contractor's employee
17 and an "employer" under this chapter.

18 (15)(a) "Final average salary" for plan 1 members, means (i) for
19 a member holding the same position or rank for a minimum of twelve
20 months preceding the date of retirement, the basic salary attached to
21 such same position or rank at time of retirement; (ii) for any other
22 member, including a civil service member who has not served a minimum
23 of twelve months in the same position or rank preceding the date of
24 retirement, the average of the greatest basic salaries payable to
25 such member during any consecutive twenty-four month period within
26 such member's last ten years of service for which service credit is
27 allowed, computed by dividing the total basic salaries payable to
28 such member during the selected twenty-four month period by twenty-
29 four; (iii) in the case of disability of any member, the basic salary
30 payable to such member at the time of disability retirement; (iv) in
31 the case of a member who hereafter vests pursuant to RCW 41.26.090,
32 the basic salary payable to such member at the time of vesting.

33 (b) "Final average salary" for plan 2 members, means the monthly
34 average of the member's basic salary for the highest consecutive
35 sixty service credit months of service prior to such member's
36 retirement, termination, or death. Periods constituting authorized
37 unpaid leaves of absence may not be used in the calculation of final
38 average salary.

39 (c) In calculating final average salary under (a) or (b) of this
40 subsection, the department of retirement systems shall include:

1 (i) Any compensation forgone by a member employed by a state
2 agency or institution during the 2009-2011 fiscal biennium as a
3 result of reduced work hours, mandatory or voluntary leave without
4 pay, temporary reduction in pay implemented prior to December 11,
5 2010, or temporary layoffs if the reduced compensation is an integral
6 part of the employer's expenditure reduction efforts, as certified by
7 the employer;

8 (ii) Any compensation forgone by a member employed by the state
9 or a local government employer during the 2011-2013 fiscal biennium
10 as a result of reduced work hours, mandatory leave without pay,
11 temporary layoffs, or reductions to current pay if the reduced
12 compensation is an integral part of the employer's expenditure
13 reduction efforts, as certified by the employer. Reductions to
14 current pay shall not include elimination of previously agreed upon
15 future salary increases; and

16 (iii) Any compensation forgone by a member employed by the state
17 or a local government employer during the 2019-2021 and 2021-2023
18 fiscal biennia as a result of reduced work hours, mandatory leave
19 without pay, temporary layoffs, furloughs, reductions to current pay,
20 or other similar measures resulting from the COVID-19 budgetary
21 crisis, if the reduced compensation is an integral part of the
22 employer's expenditure reduction efforts, as certified by the
23 employer. Reductions to current pay shall not include elimination of
24 previously agreed upon future salary increases.

25 (16) "Fire department" includes a fire station operated by the
26 department of social and health services or the department of
27 corrections when employing firefighters serving a prison or civil
28 commitment center on an island.

29 (17) "Firefighter" means:

30 (a) Any person who is serving on a full time, fully compensated
31 basis as a member of a fire department of an employer and who is
32 serving in a position which requires passing a civil service
33 examination for firefighter, and who is actively employed as such;

34 (b) Anyone who is actively employed as a full time firefighter
35 where the fire department does not have a civil service examination;

36 (c) Supervisory firefighter personnel;

37 (d) Any full time executive secretary of an association of fire
38 protection districts authorized under RCW 52.12.031. The provisions
39 of this subsection (17) (d) shall not apply to plan 2 members;

1 (e) The executive secretary of a labor guild, association or
2 organization (which is an employer under subsection (14) of this
3 section), if such individual has five years previous membership in a
4 retirement system established in chapter 41.16 or 41.18 RCW. The
5 provisions of this subsection (17)(e) shall not apply to plan 2
6 members;

7 (f) Any person who is serving on a full time, fully compensated
8 basis for an employer, as a fire dispatcher, in a department in
9 which, on March 1, 1970, a dispatcher was required to have passed a
10 civil service examination for firefighter;

11 (g) Any person who on March 1, 1970, was employed on a full time,
12 fully compensated basis by an employer, and who on May 21, 1971, was
13 making retirement contributions under the provisions of chapter 41.16
14 or 41.18 RCW; and

15 (h) Any person who is employed on a full-time, fully compensated
16 basis by an employer as an emergency medical technician that meets
17 the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties
18 include providing emergency medical services as defined in RCW
19 18.73.030.

20 (18) "General authority law enforcement agency" means any agency,
21 department, or division of a municipal corporation, political
22 subdivision, or other unit of local government of this state, the
23 government of a federally recognized tribe, and any agency,
24 department, or division of state government, having as its primary
25 function the detection and apprehension of persons committing
26 infractions or violating the traffic or criminal laws in general, but
27 not including the Washington state patrol. Such an agency,
28 department, or division is distinguished from a limited authority law
29 enforcement agency having as one of its functions the apprehension or
30 detection of persons committing infractions or violating the traffic
31 or criminal laws relating to limited subject areas, including but not
32 limited to, the state departments of natural resources and social and
33 health services, the state gambling commission, the state lottery
34 commission, the state parks and recreation commission, the state
35 utilities and transportation commission, the state liquor and
36 cannabis board, and the state department of corrections. A general
37 authority law enforcement agency under this chapter does not include
38 a government contractor.

39 (19) "Law enforcement officer" beginning January 1, 1994, means
40 any person who is commissioned and employed by an employer on a full

1 time, fully compensated basis to enforce the criminal laws of the
2 state of Washington generally, with the following qualifications:

3 (a) No person who is serving in a position that is basically
4 clerical or secretarial in nature, and who is not commissioned shall
5 be considered a law enforcement officer;

6 (b) Only those deputy sheriffs, including those serving under a
7 different title pursuant to county charter, who have successfully
8 completed a civil service examination for deputy sheriff or the
9 equivalent position, where a different title is used, and those
10 persons serving in unclassified positions authorized by RCW 41.14.070
11 except a private secretary will be considered law enforcement
12 officers;

13 (c) Only such (~~full-time~~) commissioned law enforcement
14 personnel as have been appointed to offices, positions, or ranks in
15 the police department which have been specifically created or
16 otherwise expressly provided for and designated by city charter
17 provision or by ordinance enacted by the legislative body of the city
18 shall be considered city police officers;

19 (d) The term "law enforcement officer" also includes the
20 executive secretary of a labor guild, association or organization
21 (which is an employer under subsection (14) of this section) if that
22 individual has five years previous membership in the retirement
23 system established in chapter 41.20 RCW. The provisions of this
24 subsection (19)(d) shall not apply to plan 2 members;

25 (e) The term "law enforcement officer" also includes a person
26 employed on or after January 1, 1993, as a public safety officer or
27 director of public safety, so long as the job duties substantially
28 involve only either police or fire duties, or both, and no other
29 duties in a city or town with a population of less than ten thousand.
30 The provisions of this subsection (19)(e) shall not apply to any
31 public safety officer or director of public safety who is receiving a
32 retirement allowance under this chapter as of May 12, 1993; (~~and~~)

33 (f) The term "law enforcement officer" also includes a person who
34 is employed on or after January 1, 2024, on a full-time basis by the
35 government of a federally recognized tribe within the state of
36 Washington that meets the terms and conditions of RCW 41.26.565, is
37 employed in a police department maintained by that tribe, and who is
38 currently certified as a general authority peace officer under
39 chapter 43.101 RCW;

1 (g) The term "law enforcement officer" does not include reserve
2 peace officers authorized under chapter 10.93 RCW if called into
3 active service for a general authority Washington law enforcement
4 agency under RCW 10.93.020; and

5 (h) Beginning July 1, 2024, the term "law enforcement officer"
6 also includes any person who is commissioned and employed by an
7 employer on a fully compensated basis to enforce the criminal laws of
8 the state of Washington generally, on a less than full-time basis,
9 with the qualifications in (a) through (g) of this subsection.

10 (20) "Medical services" for plan 1 members, shall include the
11 following as minimum services to be provided. Reasonable charges for
12 these services shall be paid in accordance with RCW 41.26.150.

13 (a) Hospital expenses: These are the charges made by a hospital,
14 in its own behalf, for

15 (i) Board and room not to exceed semiprivate room rate unless
16 private room is required by the attending physician due to the
17 condition of the patient.

18 (ii) Necessary hospital services, other than board and room,
19 furnished by the hospital.

20 (b) Other medical expenses: The following charges are considered
21 "other medical expenses," provided that they have not been considered
22 as "hospital expenses".

23 (i) The fees of the following:

24 (A) A physician or surgeon licensed under the provisions of
25 chapter 18.71 RCW;

26 (B) An osteopathic physician and surgeon licensed under the
27 provisions of chapter 18.57 RCW;

28 (C) A chiropractor licensed under the provisions of chapter 18.25
29 RCW.

30 (ii) The charges of a registered graduate nurse other than a
31 nurse who ordinarily resides in the member's home, or is a member of
32 the family of either the member or the member's spouse.

33 (iii) The charges for the following medical services and
34 supplies:

35 (A) Drugs and medicines upon a physician's prescription;

36 (B) Diagnostic X-ray and laboratory examinations;

37 (C) X-ray, radium, and radioactive isotopes therapy;

38 (D) Anesthesia and oxygen;

39 (E) Rental of iron lung and other durable medical and surgical
40 equipment;

1 (F) Artificial limbs and eyes, and casts, splints, and trusses;
2 (G) Professional ambulance service when used to transport the
3 member to or from a hospital when injured by an accident or stricken
4 by a disease;
5 (H) Dental charges incurred by a member who sustains an
6 accidental injury to his or her teeth and who commences treatment by
7 a legally licensed dentist within ninety days after the accident;
8 (I) Nursing home confinement or hospital extended care facility;
9 (J) Physical therapy by a registered physical therapist;
10 (K) Blood transfusions, including the cost of blood and blood
11 plasma not replaced by voluntary donors;
12 (L) An optometrist licensed under the provisions of chapter 18.53
13 RCW.

14 (21) "Member" means any firefighter, law enforcement officer, or
15 other person as would apply under subsection (17) or (19) of this
16 section whose membership is transferred to the Washington law
17 enforcement officers' and firefighters' retirement system on or after
18 March 1, 1970, and every law enforcement officer and firefighter who
19 is employed in that capacity on or after such date.

20 (22) "Plan 1" means the law enforcement officers' and
21 firefighters' retirement system, plan 1 providing the benefits and
22 funding provisions covering persons who first became members of the
23 system prior to October 1, 1977.

24 (23) "Plan 2" means the law enforcement officers' and
25 firefighters' retirement system, plan 2 providing the benefits and
26 funding provisions covering persons who first became members of the
27 system on and after October 1, 1977.

28 (24) "Position" means the employment held at any particular time,
29 which may or may not be the same as civil service rank.

30 (25) "Regular interest" means such rate as the director may
31 determine.

32 (26) "Retiree" for persons who establish membership in the
33 retirement system on or after October 1, 1977, means any member in
34 receipt of a retirement allowance or other benefit provided by this
35 chapter resulting from service rendered to an employer by such
36 member.

37 (27) "Retirement fund" means the "Washington law enforcement
38 officers' and firefighters' retirement system fund" as provided for
39 herein.

1 (28) "Retirement system" means the "Washington law enforcement
2 officers' and firefighters' retirement system" provided herein.

3 (29)(a) "Service" for plan 1 members, means all periods of
4 employment for an employer as a firefighter or law enforcement
5 officer, for which compensation is paid, together with periods of
6 suspension not exceeding thirty days in duration. For the purposes of
7 this chapter service shall also include service in the armed forces
8 of the United States as provided in RCW 41.26.190. Credit shall be
9 allowed for all service credit months of service rendered by a member
10 from and after the member's initial commencement of employment as a
11 firefighter or law enforcement officer, during which the member
12 worked for seventy or more hours, or was on disability leave or
13 disability retirement. Only service credit months of service shall be
14 counted in the computation of any retirement allowance or other
15 benefit provided for in this chapter.

16 (i) For members retiring after May 21, 1971 who were employed
17 under the coverage of a prior pension act before March 1, 1970,
18 "service" shall also include (A) such military service not exceeding
19 five years as was creditable to the member as of March 1, 1970, under
20 the member's particular prior pension act, and (B) such other periods
21 of service as were then creditable to a particular member under the
22 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
23 event shall credit be allowed for any service rendered prior to March
24 1, 1970, where the member at the time of rendition of such service
25 was employed in a position covered by a prior pension act, unless
26 such service, at the time credit is claimed therefor, is also
27 creditable under the provisions of such prior act.

28 (ii) A member who is employed by two employers at the same time
29 shall only be credited with service to one such employer for any
30 month during which the member rendered such dual service.

31 (iii) Reduction efforts such as furloughs, reduced work hours,
32 mandatory leave without pay, temporary layoffs, or other similar
33 situations as contemplated by subsection (15)(c)(iii) of this section
34 do not result in a reduction in service credit that otherwise would
35 have been earned for that month of work, and the member shall receive
36 the full service credit for the hours that were scheduled to be
37 worked before the reduction.

38 (b)(i) "Service" for plan 2 members, means periods of employment
39 by a member for one or more employers for which basic salary is
40 earned for ninety or more hours per calendar month which shall

1 constitute a service credit month. Periods of employment by a member
2 for one or more employers for which basic salary is earned for at
3 least seventy hours but less than ninety hours per calendar month
4 shall constitute one-half service credit month. Periods of employment
5 by a member for one or more employers for which basic salary is
6 earned for less than seventy hours shall constitute a one-quarter
7 service credit month.

8 (ii) Members of the retirement system who are elected or
9 appointed to a state elective position may elect to continue to be
10 members of this retirement system.

11 (iii) Service credit years of service shall be determined by
12 dividing the total number of service credit months of service by
13 twelve. Any fraction of a service credit year of service as so
14 determined shall be taken into account in the computation of such
15 retirement allowance or benefits.

16 (iv) If a member receives basic salary from two or more employers
17 during any calendar month, the individual shall receive one service
18 credit month's service credit during any calendar month in which
19 multiple service for ninety or more hours is rendered; or one-half
20 service credit month's service credit during any calendar month in
21 which multiple service for at least seventy hours but less than
22 ninety hours is rendered; or one-quarter service credit month during
23 any calendar month in which multiple service for less than seventy
24 hours is rendered.

25 (v) Reduction efforts such as furloughs, reduced work hours,
26 mandatory leave without pay, temporary layoffs, or other similar
27 situations as contemplated by subsection (15)(c)(iii) of this section
28 do not result in a reduction in service credit that otherwise would
29 have been earned for that month of work, and the member shall receive
30 the full service credit for the hours that were scheduled to be
31 worked before the reduction.

32 (30) "Service credit month" means a full service credit month or
33 an accumulation of partial service credit months that are equal to
34 one.

35 (31) "Service credit year" means an accumulation of months of
36 service credit which is equal to one when divided by twelve.

37 (32) "State actuary" or "actuary" means the person appointed
38 pursuant to RCW 44.44.010(2).

1 (33) "State elective position" means any position held by any
2 person elected or appointed to statewide office or elected or
3 appointed as a member of the legislature.

4 (34) "Surviving spouse" means the surviving widow or widower of a
5 member. "Surviving spouse" shall not include the divorced spouse of a
6 member except as provided in RCW 41.26.162.

7 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1,
8 2025.

9 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
10 2025.

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