
SUBSTITUTE HOUSE BILL 1973

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl)

Read first time 03/03/93.

1 AN ACT Relating to retirement eligibility for plan I members of the
2 teachers' and public employees' retirement systems who submitted late
3 applications for early retirement; amending RCW 43.01.170 and
4 28A.400.212; amending 1992 c 234 s 6 (uncodified); amending 1992 c 234
5 s 8 (uncodified); creating new sections; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) Any member of the teachers' retirement
8 system plan I who meets the criteria in subsection (2) of this section
9 may retire by submitting a written application by July 1, 1993, to the
10 director of the department of retirement systems on the form required
11 by the department.

12 (2) This section applies only to members who:

13 (a) Were otherwise eligible to retire under the terms and
14 conditions of section 3, chapter 234, Laws of 1992; and

15 (b) Submitted a written application to retire on the form required
16 by the department not later than August 31, 1992; but

17 (c) Were denied retirement eligibility because the department of
18 retirement systems received the application after the June 15, 1992,
19 deadline.

1 (3) A retirement under this section shall take effect:

2 (a) September 1, 1992, for members who separated from service on or
3 before that date and who did not subsequently render membership service
4 to an employer; or

5 (b) The first day of the month following the member's separation
6 from service, but no later than September 1, 1993, for members who
7 separate from service after September 1, 1992. However, if a full year
8 of membership service was established for the 1992-93 school year, the
9 effective date of a retirement under this subsection (3)(b) shall be
10 July 1, 1993.

11 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
12 41.32 RCW, but because of its temporary nature, shall not be codified.

13 NEW SECTION. **Sec. 3.** (1) Any member of the public employees'
14 retirement system plan I who meets the criteria in subsection (2) of
15 this section may retire by submitting a written application by July 1,
16 1993, to the director of the department of retirement systems on the
17 form required by the department.

18 (2) This section applies only to members who:

19 (a) Were otherwise eligible to retire under the terms and
20 conditions of section 1, chapter 234, Laws of 1992; and

21 (b) Submitted a written application to retire on the form required
22 by the department not later than August 31, 1992; but

23 (c) Were denied retirement eligibility because the department of
24 retirement systems received the application after the June 15, 1992,
25 deadline.

26 (3) A retirement under this section shall take effect:

27 (a) September 1, 1992, for members who separated from service on or
28 before that date and who were not subsequently employed in an eligible
29 position; or

30 (b) The first day of the month following the member's separation
31 from service, but no later than September 1, 1993, for members who
32 separate from service after September 1, 1992.

33 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter
34 41.40 RCW, but because of its temporary nature, shall not be codified.

35 **Sec. 5.** 1992 c 234 s 6 (uncodified) is amended to read as follows:

1 In order to ensure that the state derives the expected benefits
2 from the early retirement provisions of chapter 234, Laws of 1992 and
3 chapter . . . , Laws of 1993 (this act), no state agency may engage
4 through personal service contracts persons who retire from state
5 service under the provisions of chapter 234, Laws of 1992 and chapter
6 . . . , Laws of 1993 (this act). Exceptions to this section may be
7 granted by written approval from the director of the office of
8 financial management if the director finds that the proposed contract
9 is necessary to protect the public safety, protect against the loss of
10 federal certification or loss of critical federal funds, or carry out
11 functions so essential to the agency that even temporary suspension or
12 delay of services would have a significant negative impact on the
13 public. At the end of each three-month period in which exceptions are
14 approved, the director shall forward a copy of any approvals, together
15 with justification for the exceptions, to the fiscal committees of the
16 legislature. Each forwarded approval shall include the name of the
17 proposed contractor, the agency and division or department requesting
18 the contract, duration and cost of the proposed contract, and specific
19 functions and duties to be carried out under the contract. This
20 section shall expire June 30, 1995.

21 **Sec. 6.** 1992 c 234 s 8 (uncodified) is amended to read as follows:

22 In order to ensure that the state derives the expected benefits
23 from the early retirement provisions of chapter 234, Laws of 1992 and
24 chapter . . . , Laws of 1993 (this act), no board of directors of a
25 school district or educational service district may engage through
26 personal service contracts persons who retire from ((state)) service
27 under the provisions of chapter 234, Laws of 1992 and chapter . . . ,
28 Laws of 1993 (this act). Exceptions to this section may be granted by
29 written approval from the superintendent of public instruction if the
30 superintendent finds that the proposed contract is necessary to protect
31 student safety, protect against the loss of school district
32 certification or loss of federal funds, or carry out functions so
33 essential to the district that even temporary suspension or delay of
34 services would have a significant negative impact on students. At the
35 end of each three-month period in which exceptions are approved, the
36 superintendent shall forward a copy of any approvals, together with
37 justification for the exceptions, to the office of financial management
38 and the fiscal committees of the legislature. Each forwarded approval

1 shall include the name of the proposed contractor, the district
2 requesting the contract, duration and cost of the proposed contract,
3 and specific functions and duties to be carried out under the contract.
4 This section shall expire August 31, 1995.

5 **Sec. 7.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to read
6 as follows:

7 In order to ensure that the state derives the expected benefits
8 from the early retirement provisions of chapter 234, Laws of 1992, and
9 chapter . . . , Laws of 1993 (this act), no state agency may hire
10 persons who retire from state service under the provisions of chapter
11 234, Laws of 1992, and chapter . . . , Laws of 1993 (this act), as
12 temporary or project employees, as defined by the state personnel board
13 for employees covered under chapter 41.06 RCW (~~and~~), by the higher
14 education personnel board for employees covered under chapter 28B.16
15 RCW, and by the employer for persons not covered under chapter 28B.16
16 RCW who are employed by institutions of higher education or community
17 or technical colleges. Exceptions to this section may be granted by
18 written approval from the director of the office of financial
19 management if the director finds that the temporary or project
20 employment of a retiree is necessary to protect the public safety,
21 protect against the loss of federal certification or loss of critical
22 federal funds, or carry out functions so essential to the agency that
23 even temporary suspension or delay of services would have a significant
24 negative impact on the public. At the end of each three-month period
25 in which exceptions are approved, the director shall forward a copy of
26 any approvals, together with justification for the exceptions, to the
27 fiscal committees of the legislature. Each forwarded approval shall
28 include the name of the temporary or project employee, the agency and
29 division or department requesting the employment, duration and cost of
30 the proposed employment, and specific functions and duties to be
31 carried out during the employment. This section shall expire June 30,
32 1995.

33 **Sec. 8.** RCW 28A.400.212 and 1992 c 234 s 13 are each amended to
34 read as follows:

35 An employee of a school district that has established an attendance
36 incentive program under RCW 28A.400.210 who retires under section 1 or
37 3, chapter 234, Laws of 1992, or section 1 or 3, chapter . . . , Laws of

1 1993 (this act), shall receive, at the time of his or her separation
2 from school district employment, not less than one-half of the
3 remuneration for accrued leave for illness or injury payable to him or
4 her under the district's incentive program. The school district board
5 of directors may, at its discretion, pay the remainder of such an
6 employee's remuneration for accrued leave for illness or injury after
7 the time of the employee's separation from school district employment,
8 but the employee or the employee's estate is entitled to receive the
9 remainder of the remuneration no later than the date the employee would
10 have been eligible to retire under the provisions of RCW 41.40.180 or
11 41.32.480 had the employee continued to work for the district until
12 eligible to retire, or three years following the date of the employee's
13 separation from school district employment, whichever occurs first. A
14 district exercising its discretion under this section to pay the
15 remainder of the remuneration after the time of the employee's
16 separation from school district employment shall establish a policy and
17 procedure for paying the remaining remuneration that applies to all
18 affected employees equally and without discrimination. Any
19 remuneration paid shall be based on the number of days of leave the
20 employee had accrued and the compensation the employee received at the
21 time he or she retired under section 1 or 3, chapter 234, Laws of 1992,
22 or section 1 or 3, chapter . . . , Laws of 1993 (this act).

23 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and shall take
26 effect immediately.

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