
HOUSE BILL 2082

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Peery and Orr

Read first time 03/01/93. Referred to Committee on Appropriations.

1 AN ACT Relating to retirement eligibility for plan I members of the
2 teachers' retirement system employed under multiyear contracts;
3 amending RCW 28A.400.212; amending 1992 c 234 s 8 (uncodified);
4 creating new sections; and declaring an emergency.

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

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

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;

15 (b) Were employed as of April 2, 1992, under a contract with a
16 multiyear term; and

17 (c) Did not submit an application to retire under chapter 234, Laws
18 of 1992 to the department of retirement systems.

1 (3) A retirement under this section shall take effect no later than
2 September 1, 1993.

3 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter
4 41.32 RCW, but because of its temporary nature, shall not be codified.

5 **Sec. 3.** 1992 c 234 s 8 (uncodified) is amended to read as follows:

6 In order to ensure that the state derives the expected benefits
7 from the early retirement provisions of chapter 234, Laws of 1992 and
8 chapter . . . , Laws of 1993 (this act), no board of directors of a
9 school district or educational service district may engage through
10 personal service contracts persons who retire from ((state)) service
11 under the provisions of chapter 234, Laws of 1992 and chapter . . . ,
12 Laws of 1993 (this act). Exceptions to this section may be granted by
13 written approval from the superintendent of public instruction if the
14 superintendent finds that the proposed contract is necessary to protect
15 student safety, protect against the loss of school district
16 certification or loss of federal funds, or carry out functions so
17 essential to the district that even temporary suspension or delay of
18 services would have a significant negative impact on students. At the
19 end of each three-month period in which exceptions are approved, the
20 superintendent shall forward a copy of any approvals, together with
21 justification for the exceptions, to the office of financial management
22 and the fiscal committees of the legislature. Each forwarded approval
23 shall include the name of the proposed contractor, the district
24 requesting the contract, duration and cost of the proposed contract,
25 and specific functions and duties to be carried out under the contract.
26 This section shall expire August 31, 1995.

27 **Sec. 4.** RCW 28A.400.212 and 1992 c 234 s 13 are each amended to
28 read as follows:

29 An employee of a school district that has established an attendance
30 incentive program under RCW 28A.400.210 who retires under section 1 or
31 3, chapter 234, Laws of 1992, or section 1, chapter . . . , Laws of 1993
32 (this act), shall receive, at the time of his or her separation from
33 school district employment, not less than one-half of the remuneration
34 for accrued leave for illness or injury payable to him or her under the
35 district's incentive program. The school district board of directors
36 may, at its discretion, pay the remainder of such an employee's

1 remuneration for accrued leave for illness or injury after the time of
2 the employee's separation from school district employment, but the
3 employee or the employee's estate is entitled to receive the remainder
4 of the remuneration no later than the date the employee would have been
5 eligible to retire under the provisions of RCW 41.40.180 or 41.32.480
6 had the employee continued to work for the district until eligible to
7 retire, or three years following the date of the employee's separation
8 from school district employment, whichever occurs first. A district
9 exercising its discretion under this section to pay the remainder of
10 the remuneration after the time of the employee's separation from
11 school district employment shall establish a policy and procedure for
12 paying the remaining remuneration that applies to all affected
13 employees equally and without discrimination. Any remuneration paid
14 shall be based on the number of days of leave the employee had accrued
15 and the compensation the employee received at the time he or she
16 retired under section 1 or 3, chapter 234, Laws of 1992, or section 1,
17 chapter . . . , Laws of 1993 (this act).

18 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and shall take
21 effect immediately.

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