

2 **SB 5409** - S AMD - 239

3 By Senators Owen, Drew and Oke

4 ADOPTED 3/15/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
8 to read as follows:

9 (1) The director shall relieve from active duty full-time,
10 commissioned fish and wildlife personnel who, while in-service, have
11 been or may be injured or disabled to such an extent as to be incapable
12 of active duty.

13 (a) Any full-time, commissioned fish and wildlife personnel injured
14 or disabled while performing in-service line duties who is found by the
15 department of labor and industries to be incapable of active duty shall
16 be placed on temporary injury leave for a period not to exceed six
17 months from the date of injury or the date the person is determined to
18 be incapacitated. During this period, the full-time, commissioned fish
19 and wildlife personnel is entitled to all pay, benefits, insurance,
20 leave, and retirement contributions awarded to a full-time,
21 commissioned fish and wildlife personnel on active status, less any
22 compensation received through the department of labor and industries.
23 No such temporary injury leave may be approved until a full-time,
24 commissioned fish and wildlife personnel has been unavailable for
25 active duty for more than five consecutive work days. Prior to the end
26 of the six-month period, the director shall either place the full-time,
27 commissioned fish and wildlife personnel on disability status or return
28 the full-time, commissioned fish and wildlife personnel to full-time
29 employment status;

30 (b) Benefits under this section for an injury or disability that is
31 incurred while in other employment must be reduced by any amount the
32 full-time, commissioned fish and wildlife personnel receives or is
33 entitled to receive workers' compensation, social security, group
34 insurance, other pension plan, or any other similar compensation
35 provided by another employer for the same injury or disability;

36 (c) Full-time, commissioned fish and wildlife personnel on

1 disability status shall receive one-half of their compensation at the
2 existing wage during the time the disability continues in effect, less
3 any compensation received through the department of labor and
4 industries. They shall be subject to mental or physical examination at
5 any state institution or otherwise under the direction of the director
6 at any time during such relief from duty to ascertain whether or not
7 they are able to resume active duty;

8 (d) Should a disability beneficiary whose injury or disability was
9 incurred while performing in-service nonline duties engage in a gainful
10 occupation, the director shall reduce the amount of the disability
11 compensation to an amount which, when added to the compensation earned
12 by the beneficiary in such occupation, does not exceed the basic salary
13 currently being paid for the state civil service range and step the
14 full-time, commissioned fish and wildlife personnel held at the time he
15 or she was injured or disabled. Every six months, all such disability
16 beneficiaries shall file with the director a signed and sworn statement
17 of earnings, and any person who knowingly swears falsely on such
18 statement is subject to prosecution for perjury. Should the earning
19 capacity of the beneficiary be further altered, the director may
20 further alter the disability allowance as indicated in this subsection.
21 The director may cancel the disability allowance for a full-time,
22 commissioned fish and wildlife personnel who does not file the required
23 statement of earnings or who knowingly files a false statement of
24 earnings;

25 (e) A full-time, commissioned fish and wildlife personnel injured
26 while engaging in willfully tortious or criminal conduct is not
27 entitled to any benefits under this section.

28 (2) The director shall define by rule the situations in which full-
29 time, commissioned fish and wildlife personnel are on active duty, in-
30 service, are performing line duty, or are performing nonline duty.

31 (3) A person receiving disability compensation under this section
32 shall become ineligible to receive that compensation upon becoming
33 eligible for retirement under the applicable plan of the Washington
34 public employees' retirement system, chapter 41.40 RCW.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
36 to read as follows:

37 Section 1 of this act does not apply to persons who were fisheries
38 patrol officers employed prior to March 1, 1994."

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4 On page 1, line 2 of the title, after "officers;" strike the
5 remainder of the title and insert "and adding new sections to chapter
6 77.12 RCW."

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