
HOUSE BILL 2607

State of Washington 61st Legislature 2010 Regular Session

By Representatives Sullivan, Chase, Simpson, Hurst, and Santos

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1 AN ACT Relating to providing an exception to postretirement
2 employment restrictions for retirees teaching in high-demand subjects;
3 amending RCW 41.32.570; and adding a new section to chapter 41.32 RCW.

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

5 **Sec. 1.** RCW 41.32.570 and 2007 c 50 s 3 are each amended to read
6 as follows:

7 (1)(a) If a retiree enters employment with an employer sooner than
8 one calendar month after his or her accrual date, the retiree's monthly
9 retirement allowance will be reduced by five and one-half percent for
10 every seven hours worked during that month. This reduction will be
11 applied each month until the retiree remains absent from employment
12 with an employer for one full calendar month.

13 (b) The benefit reduction provided in (a) of this subsection will
14 accrue for a maximum of one hundred forty hours per month. Any monthly
15 benefit reduction over one hundred percent will be applied to the
16 benefit the retiree is eligible to receive in subsequent months.

17 (2) Except under subsection (3) of this section, any retired
18 teacher or retired administrator who enters service in any public
19 educational institution in Washington state at least one calendar month

1 after his or her accrual date shall cease to receive pension payments
2 while engaged in such service, after the retiree has rendered service
3 for more than eight hundred sixty-seven hours in a school year.

4 (3) Any retired teacher or retired administrator who enters service
5 in any public educational institution in Washington state one and one-
6 half calendar months or more after his or her accrual date and:

7 (a) Is hired pursuant to a written policy into a position for which
8 the school board has documented a justifiable need to hire a retiree
9 into the position;

10 (b) Is hired through the established process for the position with
11 the approval of the school board or other highest decision-making
12 authority of the prospective employer;

13 (c) Whose employer retains records of the procedures followed and
14 the decisions made in hiring the retired teacher or retired
15 administrator and provides those records in the event of an audit; and

16 (d) The employee has not already rendered a cumulative total of
17 more than one thousand nine hundred hours of service while in receipt
18 of pension payments beyond an annual threshold of eight hundred sixty-
19 seven hours;

20 shall cease to receive pension payments while engaged in that service
21 after the retiree has rendered service for more than one thousand five
22 hundred hours in a school year. The one thousand nine hundred hour
23 cumulative total limitation under this section applies prospectively
24 after July 22, 2007.

25 (4)(a) Any retired teacher, who enters service as a teacher in any
26 public educational institution in Washington state one and one-half
27 calendar months or more after his or her accrual date, must cease to
28 receive pension payments while engaged in that service after the
29 retiree has rendered service for more than one thousand five hundred
30 hours in a school year.

31 (b) A retired teacher may enter service under (a) of this
32 subsection (4), only if:

33 (i) The teacher is hired pursuant to a written policy into a high-
34 demand math, science, or special education teaching position for which
35 the school board has documented a justifiable need to hire a retiree
36 into the position;

37 (ii) The teacher is hired through the established process for the

1 position with the approval of the school board or other highest
2 decision-making authority of the prospective employer; and

3 (iii) The teacher's employer retains records of the procedures
4 followed and the decisions made in hiring the retired teacher or
5 retired administrator and provides those records in the event of an
6 audit.

7 (c) This subsection (4) applies prospectively after July 22, 2010.

8 (5) When a retired teacher or administrator renders service beyond
9 eight hundred sixty-seven hours, the department shall collect from the
10 employer the applicable employer retirement contributions for the
11 entire duration of the member's employment during that fiscal year.

12 ~~((+5))~~ (6) The department shall collect and provide the state
13 actuary with information relevant to the use of this section for the
14 select committee on pension policy.

15 ~~((+6))~~ (7) The legislature reserves the right to amend or repeal
16 this section in the future and no member or beneficiary has a
17 contractual right to be employed for more than five hundred twenty-five
18 hours per year without a reduction of his or her pension.

19 NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW
20 to read as follows:

21 The office of the superintendent of public instruction must
22 periodically study the demand for teaching positions that are included
23 in the provisions of RCW 41.32.570(4) and report to the select
24 committee on pension policy and the appropriate committees of the
25 legislature on any recommended changes to the postretirement provisions
26 for high-demand teachers.

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