

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6218**

66th Legislature  
2020 Regular Session

Passed by the Senate February 17,  
2020

Yeas 48 Nays 0

---

**President of the Senate**

Passed by the House March 4, 2020

Yeas 97 Nays 0

---

**Speaker of the House of  
Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6218** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

**SENATE BILL 6218**

---

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Schoesler and Conway; by request of Select Committee on Pension Policy

Prefiled 01/10/20.

1       AN ACT Relating to the definition of salary for the Washington  
2 state patrol retirement system; amending RCW 43.43.120; and creating  
3 a new section.

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

5       NEW SECTION.       **Sec. 1.**       (1) In 2001, the legislature passed  
6 chapter 329, Laws of 2001 which, beginning July 1, 2001, removed the  
7 ability for newly commissioned officers in the Washington state  
8 patrol to include certain types of earnings in their final average  
9 salary used for calculating their pension at the time of retirement.  
10 Chapter 329, Laws of 2001 also created the Washington state patrol  
11 retirement system plan 2 which applied to commissioned employees who  
12 first become members of the system on or after January 1, 2003.

13       (2) The legislature intends to allow state patrol troopers who  
14 were commissioned between July 1, 2001, and December 31, 2002, to  
15 include unused vacation, annual leave, and holiday pay in their  
16 salary average at retirement.

17       **Sec. 2.**       RCW 43.43.120 and 2017 c 181 s 1 are each amended to  
18 read as follows:

19       As used in this section and RCW 43.43.130 through 43.43.320,  
20 unless a different meaning is plainly required by the context:

1 (1) "Actuarial equivalent" shall mean a benefit of equal value  
2 when computed upon the basis of such mortality table as may be  
3 adopted and such interest rate as may be determined by the director.

4 (2) "Annual increase" means as of July 1, 1999, seventy-seven  
5 cents per month per year of service which amount shall be increased  
6 each subsequent July 1st by three percent, rounded to the nearest  
7 cent.

8 (3)(a) "Average final salary," for members commissioned prior to  
9 January 1, 2003, shall mean the average monthly salary received by a  
10 member during the member's last two years of service or any  
11 consecutive two-year period of service, whichever is the greater, as  
12 an employee of the Washington state patrol; or if the member has less  
13 than two years of service, then the average monthly salary received  
14 by the member during the member's total years of service.

15 (b) "Average final salary," for members commissioned on or after  
16 January 1, 2003, shall mean the average monthly salary received by a  
17 member for the highest consecutive sixty service credit months; or if  
18 the member has less than sixty months of service, then the average  
19 monthly salary received by the member during the member's total  
20 months of service.

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

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

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

36 (4) "Beneficiary" means any person in receipt of retirement  
37 allowance or any other benefit allowed by this chapter.

38 (5)(a) "Cadet," for a person who became a member of the  
39 retirement system after June 12, 1980, is a person who has passed the  
40 Washington state patrol's entry-level oral, written, physical

1 performance, and background examinations and is, thereby, appointed  
2 by the chief as a candidate to be a commissioned officer of the  
3 Washington state patrol.

4 (b) "Cadet," for a person who became a member of the retirement  
5 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
6 employee of like classification, employed for the express purpose of  
7 receiving the on-the-job training required for attendance at the  
8 state patrol academy and for becoming a commissioned trooper. "Like  
9 classification" includes: Radio operators or dispatchers; persons  
10 providing security for the governor or legislature; patrol officers;  
11 drivers' license examiners; weighmasters; vehicle safety inspectors;  
12 central wireless operators; and warehouse workers.

13 (6) "Contributions" means the deduction from the compensation of  
14 each member in accordance with the contribution rates established  
15 under chapter 41.45 RCW.

16 (7) "Current service" shall mean all service as a member rendered  
17 on or after August 1, 1947.

18 (8) "Department" means the department of retirement systems  
19 created in chapter 41.50 RCW.

20 (9) "Director" means the director of the department of retirement  
21 systems.

22 (10) "Domestic partners" means two adults who have registered as  
23 domestic partners under RCW 26.60.040.

24 (11) "Employee" means any commissioned employee of the Washington  
25 state patrol.

26 (12) "Insurance commissioner" means the insurance commissioner of  
27 the state of Washington.

28 (13) "Lieutenant governor" means the lieutenant governor of the  
29 state of Washington.

30 (14) "Member" means any person included in the membership of the  
31 retirement fund.

32 (15) "Plan 2" means the Washington state patrol retirement system  
33 plan 2, providing the benefits and funding provisions covering  
34 commissioned employees who first become members of the system on or  
35 after January 1, 2003.

36 (16) "Prior service" shall mean all services rendered by a member  
37 to the state of Washington, or any of its political subdivisions  
38 prior to August 1, 1947, unless such service has been credited in  
39 another public retirement or pension system operating in the state of  
40 Washington.

1 (17) "Regular interest" means interest compounded annually at  
2 such rates as may be determined by the director.

3 (18) "Retirement board" means the board provided for in this  
4 chapter.

5 (19) "Retirement fund" means the Washington state patrol  
6 retirement fund.

7 (20) "Retirement system" means the Washington state patrol  
8 retirement system.

9 (21)(a) "Salary," for members commissioned prior to July 1, 2001,  
10 shall exclude any overtime earnings related to RCW 47.46.040, or any  
11 voluntary overtime, earned on or after July 1, 2001, and prior to  
12 July 1, 2017. On or after July 1, 2017, salary shall exclude overtime  
13 earnings in excess of seventy hours per year in total related to  
14 either RCW 47.46.040 or any voluntary overtime.

15 (b) "Salary," for members commissioned (~~on or after~~) from July  
16 1, 2001, to December 31, 2002, shall exclude any overtime earnings  
17 related to RCW 47.46.040 or any voluntary overtime, earned prior to  
18 July 1, 2017, lump sum payments for deferred annual sick leave,  
19 (~~unused accumulated vacation, unused accumulated annual leave,~~  
20 ~~holiday pay,~~) or any form of severance pay. On or after July 1,  
21 2017, salary shall exclude overtime earnings in excess of seventy  
22 hours per year in total related to either RCW 47.46.040 or any  
23 voluntary overtime.

24 (c) "Salary," for members commissioned on or after January 1,  
25 2003, shall exclude any overtime earnings related to RCW 47.46.040 or  
26 any voluntary overtime, earned prior to July 1, 2017, lump sum  
27 payments for deferred annual sick leave, unused accumulated vacation,  
28 unused accumulated annual leave, holiday pay, or any form of  
29 severance pay. On or after July 1, 2017, salary shall exclude  
30 overtime earnings in excess of seventy hours per year in total  
31 related to either RCW 47.46.040 or any voluntary overtime.

32 (d) The addition of overtime earnings related to RCW 47.46.040 or  
33 any voluntary overtime earned on or after July 1, 2017, in chapter  
34 181, Laws of 2017 is a benefit improvement that increases the member  
35 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

36 (22) "Service" shall mean services rendered to the state of  
37 Washington or any political subdivisions thereof for which  
38 compensation has been paid. Full time employment for seventy or more  
39 hours in any given calendar month shall constitute one month of  
40 service. An employee who is reinstated in accordance with RCW

1 43.43.110 shall suffer no loss of service for the period reinstated  
2 subject to the contribution requirements of this chapter. Only months  
3 of service shall be counted in the computation of any retirement  
4 allowance or other benefit provided for herein. Years of service  
5 shall be determined by dividing the total number of months of service  
6 by twelve. Any fraction of a year of service as so determined shall  
7 be taken into account in the computation of such retirement allowance  
8 or benefit.

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

11 (24) "State treasurer" means the treasurer of the state of  
12 Washington.

13 Unless the context expressly indicates otherwise, words importing  
14 the masculine gender shall be extended to include the feminine gender  
15 and words importing the feminine gender shall be extended to include  
16 the masculine gender.

--- END ---