

SHB 2357 - S AMD 885
By Senator Lias

ADOPTED 03/06/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the Washington
4 state patrol has made strides in its efforts to recruit new troopers
5 and address the unprecedented levels of vacancies within its ranks.
6 The legislature has supported those efforts by providing sign-on
7 bonuses for cadets and lateral hires, retention bonuses for new
8 troopers and lateral hires, and requiring parity of trooper salaries
9 relative to other law enforcement agencies in the state of
10 Washington. The legislature further finds that trooper and sergeant
11 vacancies diminish the staff available to advance up through the
12 ranks of commissioned staff to build the leadership team for the
13 organization. The legislature further finds that increases in
14 retirement-eligible staff, with 122 commissioned staff expected to
15 have 25 years of service or more in 2024, means that more needs to be
16 done in the near term to ensure the success of efforts to rebuild the
17 commissioned ranks of the state patrol. Therefore, the legislature
18 intends to strengthen the Washington state patrol's ability to retain
19 senior, experienced commissioned staff with the establishment of a
20 state patrol longevity bonus pilot program.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.43
22 RCW to read as follows:

23 (1) Beginning July 1, 2024, an eligible commissioned employee
24 completing 26 or more years of service shall qualify for an annual
25 state trooper longevity bonus of \$15,000 on the employee's
26 anniversary date of state employment, which shall be paid in four
27 equal quarterly payments.

28 (2) The establishment of the state trooper longevity bonus is
29 subject to a change to the applicable collective bargaining
30 agreements negotiated with the exclusive bargaining representatives.

1 (3) This section does not interfere with, impede, or in any way
2 diminish the right of the officers of the Washington state patrol to
3 bargain collectively with the state through the exclusive bargaining
4 representatives as provided for in RCW 41.56.473.

5 (4) The state patrol longevity bonus created in this section is a
6 time-limited incentive targeted at retaining senior personnel and is
7 not intended to be included in salary or average final salary for
8 calculation of pension benefits in this chapter.

9 (5) The benefits provided pursuant to this act are not provided
10 to employees as a matter of contractual right. The legislature
11 retains the right to alter or abolish these benefits at any time.

12 (6) Beginning July 15, 2024, and every three months thereafter,
13 the Washington state patrol must submit a report showing the average
14 filled positions in field force trooper positions in comparison to
15 the 683 total authorized field force trooper positions in the prior
16 fiscal quarter. The quarterly reports detailed must be submitted to
17 the office of financial management and the transportation committees
18 of the legislature. The authorized field force trooper level as the
19 basis for this comparison may be adjusted as specified in the omnibus
20 transportation appropriations act.

21 (7) For the purposes of this section, "eligible commissioned
22 employee" means a Washington state patrol employee with 26 or more
23 years of service in the Washington state patrol retirement system.

24 (8) This section expires June 30, 2029.

25 **Sec. 3.** RCW 43.43.120 and 2021 c 12 s 8 are each amended to read
26 as follows:

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

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

32 (2) "Annual increase" means as of July 1, 1999, (~~seventy-seven~~)
33 77 cents per month per year of service which amount shall be
34 increased each subsequent July 1st by three percent, rounded to the
35 nearest cent.

36 (3)(a) "Average final salary," for members commissioned prior to
37 January 1, 2003, shall mean the average monthly salary received by a
38 member during the member's last two years of service or any
39 consecutive two-year period of service, whichever is the greater, as

1 an employee of the Washington state patrol; or if the member has less
2 than two years of service, then the average monthly salary received
3 by the member during the member's total years of service.

4 (b) "Average final salary," for members commissioned on or after
5 January 1, 2003, shall mean the average monthly salary received by a
6 member for the highest consecutive (~~sixty~~) 60 service credit
7 months; or if the member has less than (~~sixty~~) 60 months of
8 service, then the average monthly salary received by the member
9 during the member's total months of service.

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

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

18 (ii) Any compensation forgone by a member during the 2011-2013
19 fiscal biennium as a result of reduced work hours, mandatory leave
20 without pay, temporary layoffs, or reductions to current pay if the
21 reduced compensation is an integral part of the employer's
22 expenditure reduction efforts, as certified by the chief. Reductions
23 to current pay shall not include elimination of previously agreed
24 upon future salary reductions; and

25 (iii) Any compensation forgone by a member during the 2019-2021
26 and 2021-2023 fiscal biennia as a result of reduced work hours,
27 mandatory leave without pay, temporary layoffs, furloughs, reductions
28 to current pay, or other similar measures resulting from the COVID-19
29 budgetary crisis, if the reduced compensation is an integral part of
30 the employer's expenditure reduction efforts, as certified by the
31 chief. Reductions to current pay shall not include elimination of
32 previously agreed upon future salary increases.

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

35 (5) (a) "Cadet," for a person who became a member of the
36 retirement system after June 12, 1980, is a person who has passed the
37 Washington state patrol's entry-level oral, written, physical
38 performance, and background examinations and is, thereby, appointed
39 by the chief as a candidate to be a commissioned officer of the
40 Washington state patrol.

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

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

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

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

17 (9) "Director" means the director of the department of retirement
18 systems.

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

21 (11) "Employee" means any commissioned employee of the Washington
22 state patrol.

23 (12) "Insurance commissioner" means the insurance commissioner of
24 the state of Washington.

25 (13) "Lieutenant governor" means the lieutenant governor of the
26 state of Washington.

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

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

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

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

1 (18) "Retirement board" means the board provided for in this
2 chapter.

3 (19) "Retirement fund" means the Washington state patrol
4 retirement fund.

5 (20) "Retirement system" means the Washington state patrol
6 retirement system.

7 (21)(a) "Salary," for members commissioned prior to July 1, 2001,
8 shall exclude any overtime earnings related to RCW 47.46.040, or any
9 voluntary overtime, earned on or after July 1, 2001, and prior to
10 July 1, 2017. On or after July 1, 2017, salary shall exclude overtime
11 earnings in excess of (~~seventy~~) 70 hours per year in total related
12 to either RCW 47.46.040 or any voluntary overtime. On or after the
13 effective date of this section, salary shall exclude earnings from
14 the longevity bonus created in section 2 of this act.

15 (b) "Salary," for members commissioned from July 1, 2001, to
16 December 31, 2002, shall exclude any overtime earnings related to RCW
17 47.46.040 or any voluntary overtime, earned prior to July 1, 2017,
18 lump sum payments for deferred annual sick leave, or any form of
19 severance pay. On or after July 1, 2017, salary shall exclude
20 overtime earnings in excess of (~~seventy~~) 70 hours per year in total
21 related to either RCW 47.46.040 or any voluntary overtime. On or
22 after the effective date of this section, salary shall exclude
23 earnings from the longevity bonus created in section 2 of this act.

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~~) 70 hours per year in total
31 related to either RCW 47.46.040 or any voluntary overtime. On or
32 after the effective date of this section, salary shall exclude
33 earnings from the longevity bonus created in section 2 of this act.

34 (d) The addition of overtime earnings related to RCW 47.46.040 or
35 any voluntary overtime earned on or after July 1, 2017, in chapter
36 181, Laws of 2017 is a benefit improvement that increases the member
37 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

38 (22)(a) "Service" shall mean services rendered to the state of
39 Washington or any political subdivisions thereof for which
40 compensation has been paid. Full time employment for (~~seventy~~) 70

1 or more hours in any given calendar month shall constitute one month
2 of service. An employee who is reinstated in accordance with RCW
3 43.43.110 shall suffer no loss of service for the period reinstated
4 subject to the contribution requirements of this chapter. Only months
5 of service shall be counted in the computation of any retirement
6 allowance or other benefit provided for herein. Years of service
7 shall be determined by dividing the total number of months of service
8 by (~~twelve~~) 12. Any fraction of a year of service as so determined
9 shall be taken into account in the computation of such retirement
10 allowance or benefit.

11 (b) Reduction efforts such as furloughs, reduced work hours,
12 mandatory leave without pay, temporary layoffs, or other similar
13 situations as contemplated by subsection (3)(c)(iii) of this section
14 do not result in a reduction in service credit that otherwise would
15 have been earned for that month of work, and the member shall receive
16 the full service credit for the hours that were scheduled to be
17 worked before the reduction.

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

20 (24) "State treasurer" means the treasurer of the state of
21 Washington.

22 Unless the context expressly indicates otherwise, words importing
23 the masculine gender shall be extended to include the feminine gender
24 and words importing the feminine gender shall be extended to include
25 the masculine gender.

26 NEW SECTION. **Sec. 4.** (1) By November 1, 2028, the joint
27 legislative audit and review committee must conduct a performance
28 review of the state patrol longevity bonus pilot program. The
29 performance review must evaluate, at minimum:

30 (a) The program's impact on retention of senior commissioned
31 staff of the state patrol;

32 (b) The change in vacancies in each of the commissioned staff
33 categories over time;

34 (c) An evaluation of optimal commissioned staffing levels at the
35 state patrol, including a comparison to other states' field force
36 staffing levels;

37 (d) A description of other factors that may be impacting
38 retention and vacancy rates; and

1 (e) Recommendations for addressing state patrol staffing levels,
2 which must include whether to continue the state patrol longevity
3 bonus program.

4 (2) This section expires June 30, 2029.

5 NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30,
6 2029."

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7 On page 1, line 2 of the title, after "bonus;" strike the
8 remainder of the title and insert "amending RCW 43.43.120; adding a
9 new section to chapter 43.43 RCW; creating new sections; and
10 providing expiration dates."

EFFECT: • Specifies that the \$15,000 state trooper longevity
bonus will be paid in four quarterly payments.

• Requires the Washington State Patrol to submit quarterly
reports detailing the average filled positions in field force trooper
positions in comparison to the 683 total authorized field force
trooper positions.

• Allows the authorized field force trooper level as the basis
for this comparison to be adjusted as specified in the omnibus
transportation appropriations act.

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