

SHB 2357 - S COMM AMD
By Committee on Transportation

ADOPTED 03/01/2024

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)(a) The temporary state patrol longevity bonus pilot program
24 is established.

25 (b) Except as provided in subsection (2) of this section,
26 beginning July 1, 2024, until June 30, 2029, an eligible commissioned
27 employee completing 26 or more years of service shall receive an
28 annual state trooper longevity bonus of \$10,000 on the employee's
29 anniversary date of state employment.

1 (c) For any longevity bonuses awarded between July 1, 2024, and
2 June 30, 2025, as a condition of receiving the bonus, the employee
3 must agree that the employee will stay employed in a commissioned
4 position with the Washington state patrol in the succeeding 12-month
5 period following receiving the bonus. If the employee fails to stay
6 employed in a commissioned position with the Washington state patrol
7 for the full 12-month period following receiving the bonus amount,
8 the employee will be required to pay back the portion of the bonus at
9 \$833 per month for each month the employee failed to stay employed.
10 This amount must be deducted from the final paycheck of the employee
11 including sick leave buyout, vacation leave buyout, and other
12 separation compensation.

13 (2)(a) Thirty days following any fiscal quarter in which the
14 Washington state patrol's average filled positions in field force
15 trooper positions is equal to or exceeds the 683 total authorized
16 field force trooper positions, the temporary state patrol longevity
17 bonus pilot program must be terminated and no further bonuses can be
18 awarded.

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

28 (c) The determination to terminate the temporary state patrol
29 longevity bonus pilot program must be made by the office of financial
30 management based on the quarterly reports submitted pursuant to (b)
31 of this subsection. Prior to a determination to terminate the
32 temporary state patrol longevity bonus pilot program, the office of
33 financial management must consult with the chairs and ranking members
34 of the transportation committees of the legislature.

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

39 (4) The temporary state patrol longevity bonus pilot program
40 created in this section is a time-limited incentive targeted at

1 retaining senior personnel and is not intended to be included in
2 salary or average final salary for calculation of pension benefits in
3 this chapter.

4 (5) The benefits provided pursuant to this act are not provided
5 to employees as a matter of contractual right. The legislature
6 retains the right to alter or abolish these benefits at any time and
7 at any time the conditions specified in subsection (2) of this
8 section are met.

9 (6) For the purposes of this section, "eligible commissioned
10 employee" means a Washington state patrol employee with 26 or more
11 years of service in the Washington state patrol retirement system.

12 (7) This section expires June 30, 2029.

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

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

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

20 (2) "Annual increase" means as of July 1, 1999, (~~seventy-seven~~)
21 77 cents per month per year of service which amount shall be
22 increased each subsequent July 1st by three percent, rounded to the
23 nearest cent.

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

31 (b) "Average final salary," for members commissioned on or after
32 January 1, 2003, shall mean the average monthly salary received by a
33 member for the highest consecutive (~~sixty~~) 60 service credit
34 months; or if the member has less than (~~sixty~~) 60 months of
35 service, then the average monthly salary received by the member
36 during the member's total months of service.

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

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

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

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

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

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

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

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

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

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

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

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

12 (11) "Employee" means any commissioned employee of the Washington
13 state patrol.

14 (12) "Insurance commissioner" means the insurance commissioner of
15 the state of Washington.

16 (13) "Lieutenant governor" means the lieutenant governor of the
17 state of Washington.

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

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

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

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

31 (18) "Retirement board" means the board provided for in this
32 chapter.

33 (19) "Retirement fund" means the Washington state patrol
34 retirement fund.

35 (20) "Retirement system" means the Washington state patrol
36 retirement system.

37 (21)(a) "Salary," for members commissioned prior to July 1, 2001,
38 shall exclude any overtime earnings related to RCW 47.46.040, or any
39 voluntary overtime, earned on or after July 1, 2001, and prior to
40 July 1, 2017. On or after July 1, 2017, salary shall exclude overtime

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

5 (b) "Salary," for members commissioned from July 1, 2001, to
6 December 31, 2002, shall exclude any overtime earnings related to RCW
7 47.46.040 or any voluntary overtime, earned prior to July 1, 2017,
8 lump sum payments for deferred annual sick leave, or any form of
9 severance pay. On or after July 1, 2017, salary shall exclude
10 overtime earnings in excess of (~~seventy~~) 70 hours per year in total
11 related to either RCW 47.46.040 or any voluntary overtime. On or
12 after the effective date of this section, salary shall exclude
13 earnings from the longevity bonus created in section 2 of this act.

14 (c) "Salary," for members commissioned on or after January 1,
15 2003, shall exclude any overtime earnings related to RCW 47.46.040 or
16 any voluntary overtime, earned prior to July 1, 2017, lump sum
17 payments for deferred annual sick leave, unused accumulated vacation,
18 unused accumulated annual leave, holiday pay, 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 (d) The addition of overtime earnings related to RCW 47.46.040 or
25 any voluntary overtime earned on or after July 1, 2017, in chapter
26 181, Laws of 2017 is a benefit improvement that increases the member
27 maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

28 (22)(a) "Service" shall mean services rendered to the state of
29 Washington or any political subdivisions thereof for which
30 compensation has been paid. Full time employment for (~~seventy~~) 70
31 or more hours in any given calendar month shall constitute one month
32 of service. An employee who is reinstated in accordance with RCW
33 43.43.110 shall suffer no loss of service for the period reinstated
34 subject to the contribution requirements of this chapter. Only months
35 of service shall be counted in the computation of any retirement
36 allowance or other benefit provided for herein. Years of service
37 shall be determined by dividing the total number of months of service
38 by (~~twelve~~) 12. Any fraction of a year of service as so determined
39 shall be taken into account in the computation of such retirement
40 allowance or benefit.

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

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

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

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

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

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

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

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

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

29 (e) Recommendations for addressing state patrol staffing levels,
30 which must include whether to continue the state patrol longevity
31 bonus program.

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

33 NEW SECTION. **Sec. 5.** Section 3 of this act expires June 30,
34 2029."

ADOPTED 03/01/2024

1 On page 1, line 1 of the title, after "Relating to" strike the
2 remainder of the title and insert "establishment of a temporary state
3 patrol longevity bonus; amending RCW 43.43.120; adding a new section
4 to chapter 43.43 RCW; creating new sections; and providing expiration
5 dates."

EFFECT: • Lowers the annual state trooper longevity bonus from \$15,000 to \$10,000.

• Requires individuals receiving the longevity bonuses in fiscal year 2025 to stay employed in a commissioned position with the Washington State Patrol for the 12-month period after receiving the bonus.

• Specifies the recoupment process if an individual fails to stay for the subsequent 12-month period after receiving the longevity bonus in fiscal year 2025.

• Terminates the temporary state patrol longevity bonus pilot program 30 days following any quarter in which the field force trooper staffing levels are at or exceed the 683 authorized positions.

• Directs the Office of Financial Management to make the termination decision based on specified quarterly field force trooper staffing reports.

• Adds additional language clarifying the temporary nature of longevity bonus pilot program.

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