

Title 462 WAC

TEACHERS' RETIREMENT

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Chapter 462-04 WAC

DESCRIPTION OF TEACHERS' RETIREMENT SYSTEM

WAC

462-04-010 Description of teachers' retirement system.

WAC 462-04-010 Description of teachers' retirement system. (1) The Washington State Teachers' Retirement System, established effective April 1, 1938, is an agency of the State of Washington operating under chapter 41.32 RCW, for the benefit of the public school teachers of the state. The System is a joint-contributory system with the members and the state contributing jointly to provide a variety of benefit programs, including disability benefits, survivor benefits, death benefits and retirement benefits. The members and the state share equally in the operating costs of the System. The liabilities of the System are funded on an actuarial reserve basis. Reserve funds are invested in long term, high quality securities. The earnings on these investments accrue to the benefit of the members of the System in a variety of ways and help to meet the state's pension liability.

(2) The System is governed by a board of seven trustees, including the State Superintendent of Public Instruction, the State Insurance Commissioner, and five members of the System who are appointed for three-year terms by the State Board of Education. Three of the appointed members must be classroom teachers. The Board appoints a Secretary-Manager who is responsible to the Board for the administration of the System in accordance with the provisions of state law and Board policy. Board meetings are held in the Retirement System's office in Olympia on the second Monday which is not a holiday of January, April, July and October.

(3) Anyone desiring information or wishing to submit a request should contact—

The Secretary-Manager

Washington State Teachers' Retirement System
Olympia, Washington 98501

[Order 1, § 462-04-010, filed 7/17/68.]

Chapter 462-05 WAC

DISCLOSURE—CAMPAIGN—FINANCES— LOBBYING—RECORDS

WAC

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WAC 462-05-001 Purpose. The purpose of this chapter shall be to ensure compliance by the teachers' retirement board of trustees with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act (RCW 42.19.250 - 42.19.340) dealing with public records. [Order II-A, § 462-05-01 (codified as 462-05-001), filed 7/29/75.]

WAC 462-05-002 Definitions. (1) **PUBLIC RECORDS.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **WRITING.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **TEACHERS' RETIREMENT BOARD.** The board of trustees of teachers' retirement system is the board established by RCW 41.32.040. The teachers' retirement system shall hereinafter be referred to as the

"system". Where appropriate, the term teachers' retirement system also refers to the staff and employees of the teachers' retirement system board. [Order II-A, § 462-05-02 (codified as 462-05-002), filed 7/29/75.]

WAC 462-05-003 Operations and procedures. The teachers' retirement system board of trustees is charged with the administration of the teachers' retirement system. Its duties are set forth in RCW 41.32.100, 41.32.110, 41.32.120, 41.32.130, 41.32.140, 41.32.160, 41.32.170, 41.32.180, 41.32.190, 41.32.200, 41.32.207, 41.32.410 and 41.32.4944. The methods by which one may communicate with the board and the procedures for appeals and other matters are set forth elsewhere in this title. [Order II-A, § 462-05-03 (codified as 462-05-003), filed 7/29/75.]

WAC 462-05-004 Public records available. All public records of the teachers' retirement system, as defined in WAC 462-05-02(1) [codified as 462-05-002(1)] are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 462-05-09 [codified as 462-05-009]. [Order II-A, § 462-05-04 (codified as 462-05-004), filed 7/29/75.]

WAC 462-05-005 Public Records Officer. The teachers' retirement system's public records shall be in the charge of the Public Records Officer designated by the agency. The person so designated shall be located in the Administrative Office of the agency. The Public Records Officer shall be responsible for the following: The implementation of the teachers' retirement system's rules and regulations regarding release of public records, coordinating the staff of the system in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order II-A, § 462-05-05 (codified as 462-05-005), filed 7/29/75.]

WAC 462-05-006 Office hours. Public records shall be available for inspection and copying during the customary office hours of the teachers' retirement system. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order II-A, § 462-05-06 (codified as 462-05-006), filed 7/29/75.]

WAC 462-05-007 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures: (1) A request shall be made in writing upon a form prescribed by the teachers' retirement system which shall be available at its administrative office. The form shall be presented to the public

records officer; or to any member of the system's staff, if the public records officer is not available, at the administrative office of the system during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request [request] was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the system's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order II-A, § 462-05-07 (codified as 462-05-007), filed 7/29/75.]

WAC 462-05-008 Copying. No fee shall be charged for the inspection of public records. The system shall charge a fee for providing copies or for using the system's copying equipment. The fees charged shall be the amount necessary to reimburse the system for its actual costs incident to such copying or equipment use. [Order II-A, § 462-05-08 (codified as 462-05-008), filed 7/29/75.]

WAC 462-05-009 Exemptions. (1) The system reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 462-05-07 [codified as 462-05-007] is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973 the system reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order II-A, § 462-05-09 (codified as 462-05-009), filed 7/29/75.]

WAC 462-05-010 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or assistant director of the system. The director or assistant director shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the system has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order II-A, § 462-05-10 (codified as 462-05-010), filed 7/29/75.]

WAC 462-05-011 Records Index. (1) INDEX. The system has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

"(a) final opinions, including concurring [concurring] and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) administrative staff manuals and instructions to staff that affect a member of the public;

"(d) planning policies and goals, and interim and final planning decisions;

"(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public a subdivision of state government, or of any private party."

(2) AVAILABILITY. The current index promulgated by the system shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order II-A, § 462-05-11 (codified as 462-05-011), filed 7/29/75.]

WAC 462-05-012 Agency address. All communications with the system including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the system's decisions and other matters, shall be addressed as follows: Washington State Teachers' Retirement System, c/o Public Records Officer, Evergreen Plaza Building, Olympia, Washington 98504. [Order II-A, § 462-05-12 (codified as 462-05-012), filed 7/29/75.]

WAC 462-05-013 Adoption of form. The system hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Record". (See Appendix A.) [Order II-A, § 462-05-13 (codified as 462-05-013), filed 7/29/75.]

APPENDIX A—

REQUEST FOR PUBLIC RECORDS

Name of Requestor:

Address

Phone:

Date of Request:

Time of Request:

Nature of Request:

- 1. Index Reference -----
- 2. If not identifiable by reference to the index, then describe the document(s) in detail -----
-
-
-
-
-
-

Signature -----

For Office Use Only:

- (1) Request Granted Record Withheld Record Withheld In Part
- (2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973 which authorizes the withholding of the record or part of record: Subsection (1) ().
- (3) If withheld, briefly explain how the exemption applies to the record withheld.
- (4) If request granted, time -----, day -----

[Order II-A, Appendix A, filed 7/29/75.]

Chapter 462-08 WAC PRACTICE AND PROCEDURE

WAC	
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WAC 462-08-010 Appearance and practice before agency—Who may appear. No person may appear in a representative capacity before the Board of Trustees of the Washington State Teachers' Retirement System (hereinafter referred to as the Board of Trustees) or its designated hearing officer, other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the Supreme Court of the State of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the Board of Trustees and have been duly authorized by the Board to appear in a representative capacity before it.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation. [Order 1, § 462-08-010, filed 7/17/68; Regulation 08.010, filed 4/28/60.]

WAC 462-08-020 Appearance and practice before agency—Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the Board of Trustees or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the Board of Trustees or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law. [Order 1, § 462-08-020, filed 7/17/68; Regulation 08.020, filed 4/28/60.]

WAC 462-08-030 Appearance and practice before agency—Solicitation of business. It shall be unethical for persons acting in a representative capacity before the Board of Trustees to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind. [Order 1, § 462-08-030, filed 7/17/68; Regulation 08.030, filed 4/28/60.]

WAC 462-08-040 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the Board of Trustees in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Board of Trustees may decline to permit such person to appear in a representative capacity in any proceeding before it. [Order 1, § 462-08-040, filed 7/17/68; Regulation 08.040, filed 4/28/60.]

WAC 462-08-050 Appearance and practice before agency—Appearance by former employee of board or former member of Attorney General's staff. No former employee of the Board of Trustees or member of the Attorney General's staff may at any time after severing his employment with the Board of Trustees or the Attorney General appear, except with the written permission of the Board of Trustees, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the Board of Trustees. [Order 1, § 462-08-050, filed 7/17/68; Regulation 08.050, filed 4/28/60.]

WAC 462-08-060 Appearance and practice before agency—Former employee as expert witness. No former employee of the Board of Trustees shall at any time after severing his employment with the Board of Trustees appear, except with the written permission of the Board of Trustees, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the Board of Trustees. [Order 1, § 462-08-060, filed 7/17/68; Regulation 08.060, filed 4/28/60.]

WAC 462-08-070 Computation of time. In computing any period of time prescribed or allowed by the Board of Trustees' rules, by order of the Board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Order 1, § 462-08-070, filed 7/17/68; Regulation 08.070, filed 4/28/60.]

WAC 462-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least 20 and not more than 90 days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1). [Order 1, § 462-08-080, filed 7/17/68; Regulation 08.080, filed 4/28/60.]

WAC 462-08-090 Service of process—By whom served. The Board of Trustees shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Order 1, § 462-08-090, filed 7/17/68; Regulation 08.090, filed 4/28/60.]

WAC 462-08-100 Service of process—Upon whom served. All papers served by either the Board of Trustees or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify

all other counsel then of record and all parties not represented by counsel of such fact. [Order 1, § 462-08-100, filed 7/17/68; Regulation 08.100, filed 4/28/60.]

WAC 462-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the Board of Trustees upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Order 1, § 462-08-110, filed 7/17/68; Regulation 08.110, filed 4/28/60.]

WAC 462-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered or certified mail, or by telegraph. [Order 1, § 462-08-120, filed 7/17/68; Regulation 08.120, filed 4/28/60.]

WAC 462-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Order 1, § 462-08-130, filed 7/17/68; Regulation 08.130, filed 4/28/60.]

WAC 462-08-140 Service of process—Filing with agency. Papers required to be filed with the Board of Trustees shall be deemed filed upon actual receipt by the Board of Trustees at the office of the Washington State Teachers' Retirement System accompanied by proof of service upon parties required to be served. [Order 1, § 462-08-140, filed 7/17/68; Regulation 08.140, filed 4/28/60.]

WAC 462-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule. [Order 1, § 462-08-230, filed 7/17/68; Regulation 08.230, filed 4/28/60.]

WAC 462-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Order 1, § 462-08-240, filed 7/17/68; Regulation 08.240, filed 4/28/60.]

WAC 462-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a

foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the Board of Trustees or agreed upon by the parties by stipulation in writing filed with the Board of Trustees. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Order 1, § 462-08-250, filed 7/17/68; Regulation 08.250, filed 4/28/60.]

WAC 462-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the Board of Trustees and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Order 1, § 462-08-260, filed 7/17/68; Regulation 08.260, filed 4/28/60.]

WAC 462-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the Board of Trustees or its designated hearing officer may make an order the the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the Board of Trustees, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the Board of Trustees, or the Board of Trustees may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Board of Trustees or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking

the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Order 1, § 462-08-270, filed 7/17/68; Regulation 08.270, filed 4/28/60.]

WAC 462-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Order 1, § 462-08-280, filed 7/17/68; Regulation 08.280, filed 4/28/60.]

WAC 462-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Order 1, § 462-08-290, filed 7/17/68; Regulation 08.290, filed 4/28/60.]

WAC 462-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the Board of Trustees holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He

shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the Board of Trustees, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Order 1, § 462-08-300, filed 7/17/68; Regulation 08.300, filed 4/28/60.]

WAC 462-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Order 1, § 462-08-310, filed 7/17/68; Regulation 08.310, filed 4/28/60.]

WAC 462-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Order 1, § 462-08-320, filed 7/17/68; Regulation 08.320, filed 4/28/60.]

WAC 462-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Order 1, § 462-08-330, filed 7/17/68; Regulation 08.330, filed 4/28/60.]

WAC 462-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 462-08-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time, and cause the same and the answer thereto to be recorded before the

succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Order 1, § 462-08-340, filed 7/17/68; Regulation 08.340, filed 4/28/60.]

WAC 462-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the Board of Trustees, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Order 1, § 462-08-350, filed 7/17/68; Regulation 08.350, filed 4/28/60.]

WAC 462-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 1, § 462-08-360, filed 7/17/68; Regulation 08.360, filed 4/28/60.]

WAC 462-08-370 Official notice—Matters of law. The Board of Trustees, or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The Board of Trustees' organization, administration, officers, personnel, official publications, and practitioners before its bar. [Order 1, § 462-08-370, filed 7/17/68; Regulation 08.370, filed 4/28/60.]

WAC 462-08-380 Official notice—Material facts. In the absence of controverting evidence, the Board of Trustees and its hearing officers, upon request made before or during the hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of

any proceeding then pending before or theretofore concluded by the Board of Trustees;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the Board of Trustees as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the Board of Trustees may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any pre-hearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the Board of Trustees rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the Board of Trustees may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the Board of Trustees or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Order 1, § 462-08-380, filed 7/17/68; Regulation 08.380, filed 4/28/60.]

WAC 462-08-390 Presumptions. Upon proof of the predicate facts specified in the following subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the Board of Trustees, with or without prior request or notice, may make the following

presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence with respect to a material fact which in bad faith is destroyed, eligned, suppressed or withheld by a party in control thereof, would, if produced, corroborate the evidence of the adversary party with respect to such fact. [Order 1, § 462-08-390, filed 7/17/68; Regulation 08.390, filed 4/28/60.]

WAC 462-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the Board of Trustees that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Order 1, § 462-08-400, filed 7/17/68; Regulation 08.400, filed 4/28/60.]

WAC 462-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Order 1, § 462-08-410, filed 7/17/68; Regulation 08.410, filed 4/28/60.]

WAC 462-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only. In proceedings in which there is only one interested party besides the Board of Trustees, the orders setting hearings should clearly specify the issues to be heard. [Order 1, § 462-08-420, filed 7/17/68; Regulation 08.420, filed 4/28/60.]

WAC 462-08-430 Prehearing conference rule. In any proceeding the Board of Trustees or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Order 1, § 462-08-430, filed 7/17/68; Regulation 08.430, filed 4/28/60.]

WAC 462-08-440 Prehearing conference rule—Record of. The Board of Trustees or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Order 1, § 462-08-440, filed 7/17/68; Regulation 08.440, filed 4/28/60.]

WAC 462-08-450 Submission of documentary evidence in advance. Where practicable the Board of Trustees or its designated hearing officer may require:

- (1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;
- (2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;
- (3) That the authenticity of all documents submitted in advance in a proceeding in which submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Order 1, § 462-08-450, filed 7/17/68; Regulation 08.450, filed 4/28/60.]

WAC 462-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Order 1, § 462-08-460, filed 7/17/68; Regulation 08.460, filed 4/28/60.]

WAC 462-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The hearing examiner or other appropriate officer in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Order 1, § 462-08-470, filed 7/17/68; Regulation 08.470, filed 4/28/60.]

WAC 462-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, shall require, and when not so permissible shall make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or

statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Order 1, § 462-08-480, filed 7/17/68; Regulation 08.480, filed 4/28/60.]

WAC 462-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 462-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Order 1, § 462-08-490, filed 7/17/68; Regulation 08.490, filed 4/28/60.]

WAC 462-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 462-08-470 or 462-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 462-08-470 or 462-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Order 1, § 462-08-500, filed 7/17/68; Regulation 08.500, filed 4/28/60.]

WAC 462-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Board of Trustees or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The Board of Trustees or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the Board of Trustees or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or

presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order 1, § 462-08-510, filed 7/17/68; Regulation 08.510, filed 4/28/60.]

WAC 462-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Order 1, § 462-08-520, filed 7/17/68; Regulation 08.520, filed 4/28/60.]

WAC 462-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Order 1, § 462-08-530, filed 7/17/68; Regulation 08.530, filed 4/28/60.]

WAC 462-08-540 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the Board of Trustees requesting the promulgation, amendment, or repeal of any rule. [Order 1, § 462-08-540, filed 7/17/68; Regulation 08.540, filed 4/28/60.]

WAC 462-08-550 Petitions for rule making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Order 1, § 462-08-550, filed 7/17/68; Regulation 08.550, filed 4/28/60.]

WAC 462-08-560 Petitions for rule making, amendment or repeal—Board must consider. All petitions shall be considered by the Board of Trustees and the Board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Order 1, § 462-08-560, filed 7/17/68; Regulation 08.560, filed 4/28/60.]

WAC 462-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. The Board of Trustees shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Order 1, § 462-08-570, filed 7/17/68; Regulation 08.570, filed 4/28/60.]

WAC 462-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the Board of Trustees for a declaratory ruling. The Board of Trustees shall consider the petition and within a reasonable time the Board shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission of written evidence and of the issues involved.

If a hearing is held or evidence is submitted as provided in subsection (3) the Board of Trustees shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory rule; or
- (3) Notify the person that no declaratory ruling is to be issued. [Order 1, § 462-08-580, filed 7/17/68; Regulation 08.580, filed 4/28/60.]

WAC 462-08-590 Forms. (1) Any interested person petitioning the Board of Trustees for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Board of Trustees of the Washington State Teachers' Retirement System." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the Board of Trustees. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

(2) Any interested person petitioning the Board of Trustees requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Board of Trustees of the Washington State Teachers' Retirement System." On the left side of the

page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)." Opposite the foregoing caption shall appear the word "Petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the Board of Trustees. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size. [Order 1, § 462-08-590, filed 7/17/68; Regulation 08.590, filed 4/28/60.]

Chapter 462-16 WAC MEMBERSHIP

WAC

462-16-010	Minimum requirement for membership.
462-16-020	Teachers' Retirement System employees eligible for membership.

WAC 462-16-010 Minimum requirement for membership. Effective July 1, 1964, ninety calendar days of employment within a fiscal year as a full time teacher, or the equivalent of ninety days of service within a fiscal year as a teacher employed on a part time, occasional, hourly or daily basis, shall be required, together with necessary contributions, before membership in the Teachers' Retirement System is established and before the Board of Trustees may approve an application for cancellation of exemption, for the granting of additional credit for previous service, or for the payment of any benefit. [Order 1, § 462-16-010, filed 7/17/68; Regulation A-1, filed 3/22/60.]

WAC 462-16-020 Teachers' Retirement System employees eligible for membership. Employees of the Teachers' Retirement System who were members of the System on July 1, 1947 shall be continued in membership. New employees of the System shall not be eligible for membership in the Teachers' Retirement System unless they are qualified as teachers. [Order 1, § 462-16-020, filed 7/17/68; Regulation A-2, filed 3/22/60.]

**Chapter 462-20 WAC
SERVICE CREDIT**

WAC

462-20-005	Establishing credit for previous service.
462-20-010	Withdrawal before final date for establishing additional credit.
462-20-015	Withdrawal before making final payment to establish additional credit.
462-20-020	Failure to make final payment to establish credit.
462-20-025	Service credit to be retroactive.
462-20-030	Credit allowed for leave with pay.
462-20-035	Credit for service in higher institutions.
462-20-040	Evaluating credit for professional preparation.
462-20-045	Credit for teaching United States military personnel.
462-20-050	Military service credit for new members.
462-20-055	Credit for out-of-state service.
462-20-060	Red Cross service.
462-20-065	Civilian Conservation Corps service.
462-20-070	Service as a Peace Corps Volunteer.

WAC 462-20-005 Establishing credit for previous service. (1) Additional credit for previous creditable service may be established or reestablished only by a member of the system. If a member interrupts Washington public school service but does not terminate his membership in the Teachers' Retirement System, and subsequently renders creditable service such as military service, professional preparation or other creditable service for which service credit is not established with the Retirement System, he must return to Washington public school service for twenty or more days within a fiscal year in order to establish additional credit for any such creditable service.

(2) Once a member becomes eligible to establish or reestablish additional credit for previous service, he retains the right to establish or reestablish such additional credit while his membership is in effect and whether or not he is continuously employed in Washington public school service, provided he applies to the Retirement System, submits satisfactory proof of his service and makes the required initial payment within the time limit established by law. [Order 1, § 462-20-005, filed 7/17/68; Regulation, filed 1/17/62.]

WAC 462-20-010 Withdrawal before final date for establishing additional credit. Any member who withdraws from the Retirement System within the period provided by law for establishing additional service credit may, upon returning to membership, have another opportunity to establish credit for previous creditable service, subject to the laws in effect when his membership is reestablished. [Order 1, § 462-20-010, filed 7/17/68; Regulation B8(a), filed 3/22/60.]

WAC 462-20-015 Withdrawal before making final payment to establish additional credit. A member who has completed arrangements to establish or reestablish additional credit for previous service, but who withdraws before the final payment is due and before making the final payment may, upon returning to membership, have another opportunity to establish such additional credit, subject to the laws in effect when he returns to membership. [Order 1, § 462-20-015, filed 7/17/68; Regulation B8(b), filed 3/22/60.]

WAC 462-20-020 Failure to make final payment to establish credit. When a member enters into an arrangement to establish or reestablish additional credit for previous service and fails to make the final payment within the time limit established by law, such arrangement is terminated, and any payments made for such service credit shall be returned to the member. [Order 1, § 462-20-020, filed 7/17/68; Regulation B(9), filed 3/22/60.]

WAC 462-20-025 Service credit to be retroactive. Service rendered during the ninety days of employment or the ninety days of service required to establish membership after July 1, 1964 shall qualify as creditable service after membership has been established. [Order 1, § 462-20-025, filed 7/17/68; Regulation A-3, filed 7/15/63, eff. 7/1/64.]

WAC 462-20-030 Credit allowed for leave with pay. If a member is otherwise eligible, service credit shall be allowed for any time subsequent to July 1, 1960 during which a member is on official leave from his position, provided he is still listed as employed by his employer and is receiving compensation for the time of his leave. [Order 1, § 462-20-030, filed 7/17/68; Regulation 2, filed 4/28/60.]

WAC 462-20-035 Credit for service in higher institutions. Service credit for teaching in public higher educational institutions shall be evaluated under the same rules and regulations as apply to service credit in public common schools. [Order 1, § 462-20-035, filed 7/17/68; Regulation B-2, filed 3/22/60.]

WAC 462-20-040 Evaluating credit for professional preparation. If a member is otherwise eligible, professional preparation credit may be allowed for additional study at an institution of higher learning, or at a commercial or technical school where the courses supplement the member's professional preparation. Thirty-six quarter hours of credit, or the equivalent, shall be considered a year's work. Any less credits shall be evaluated as a fractional part of a year. [Order 1, § 462-20-040, filed 7/17/68; Regulation B-3, filed 3/22/60.]

WAC 462-20-045 Credit for teaching United States military personnel. A member who accepts teaching or educational employment involving service to United States military personnel may be allowed service credit for the same upon application after his return to Washington public school employment and payment of annuity fund contributions within the time limit provided by law: *Provided*, That the service for which credit is requested was supervised and/or paid for by a public educational institution, and provided, further, that such service rendered for an employer located outside the state of Washington shall be subject to the limitations which govern the granting of credit for out-of-state service. [Order 1, § 462-20-045, filed 7/17/68; Regulation B-7(1), filed 3/22/60.]

WAC 462-20-050 Military service credit for new members. Any person who was qualified to teach in the

public schools of Washington, and who postponed and thus "interrupted" such teaching service in order to serve in the armed forces of the United States, may, after becoming a member of the Washington State Teachers' Retirement System, establish prior service credit for creditable military service by applying, presenting proof and payment for such credit, within the limitations established by law and board policy for the granting of additional credit for United States military service. [Order 1, § 462-20-050, filed 7/17/68; Regulation B-7(2), filed 3/22/60.]

WAC 462-20-055 Credit for out-of-state service.

(1) A member who leaves Washington public school service and terminates his membership in the Teachers' Retirement System by lapsation or withdrawal and who subsequently returns to service and membership may establish or reestablish only such credit for out-of-state service as may be credited under the laws in effect at the time when he reestablishes membership.

(2) Effective July 1, 1964, a new member or a former member who returns to membership after his former membership was cancelled by lapsation or withdrawal may not establish or reestablish out-of-state prior service credit of any kind, including out-of-state prior service credit for teaching, professional preparation, or military service.

(3) Out-of-state membership service credit, regardless of when the service was rendered, may be established or reestablished after July 1, 1964, within the limitations of existing law, only if the out-of-state service was rendered while the member was on official leave of absence granted by a Washington employer, except as provided in WAC 462-20-055, subsection (4).

(4) A noncontributing (inactive) member who taught out of state prior to the effective dates of the 1961 and the 1963 amendments to RCW 41.32.300 and 41.32.320 and who, without interrupting his membership, subsequently returns to Washington public school service and again becomes a contributing member, may at that time establish credit for out-of-state service under the provisions of law in effect during his last previous Washington public school service, but only for such out-of-state service as was rendered while the former law was in effect. [Order 1, § 462-20-055, filed 7/17/68; Regulation B-13(a), (b), (c), (d), filed 10/18/63.]

WAC 462-20-060 Red Cross service. Service credit shall not be allowed for service with the National Red Cross organization. [Order 1, § 462-20-060, filed 7/17/68; Regulation B-5, filed 3/22/60.]

WAC 462-20-065 Civilian Conservation Corps service. Service credit shall not be allowed for service as a teacher or educational advisor in the Civilian Conservation Corps camps. [Order 1, § 462-20-065, filed 7/17/68; Regulation B-6, filed 3/22/60.]

WAC 462-20-070 Service as a Peace Corps Volunteer. A member of the Teachers' Retirement System who serves as a Peace Corps Volunteer shall not be considered as employed in public school teaching service

and shall, therefore, not be eligible under RCW 41.32.300 and 41.32.320 to establish out-of-state service credit for service rendered as a Peace Corps Volunteer. [Order 1, § 462-20-070, filed 7/17/68; Rules (part), filed 10/18/63.]

Chapter 462-24 WAC

EARNABLE COMPENSATION AND MEMBER CONTRIBUTIONS

WAC

462-24-010	Salary deductions required by employer.
462-24-020	Earnable compensation to include all salary and wages.
462-24-030	Determining the earnable compensation.
462-24-040	Computing the average earnable compensation.
462-24-050	Withdrawal of contributions.

WAC 462-24-010 Salary deductions required by employer. (1) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a fiscal year. Salary deductions for retirement shall be required for every member employed full time when his employment contract calls for twenty or more days of employment in a fiscal year.

(2) If a teacher who is not a member is employed for less than ninety days in a fiscal year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the Retirement System. If a member is employed by an employer for less than twenty days in a fiscal year, any salary deductions for retirement based on service during that year shall be refunded in full upon termination of his employment for that year and the filing of a refund application with the Retirement System. [Order 1, § 462-24-010, filed 7/17/68; Rules (part), filed 7/15/63, effective 7/1/64.]

WAC 462-24-020 Earnable compensation to include all salary and wages. Earnable compensation shall be based on salaries and wages paid by the employer to the employee member on the basis of when the service was rendered, rather than when the payment was made, and shall include all salary and wages paid by the employer to the employee member of the Retirement System for personal services rendered during each fiscal year (July 1 to June 30), including not only the basic salary for services as a teacher but also all salary or wages paid for extra-curricular activity assignments, evening school and summer school teaching, sabbatical leave, paid sick leave, other paid leave, school bus driving, other nonteaching services, and all other personal services for which salaries or wages are paid by the employer to the employee member of the Retirement System. Payment made to a member by an employer for services rendered as a private contractor shall not be regarded as earnable compensation. [Order 1, § 462-24-

020, filed 7/17/68; Rule 1 (part), filed 7/15/63, effective 7/1/64.]

WAC 462-24-030 Determining the earnable compensation. (1) A member's total contributions to the Retirement System based on salary and wages paid by a Washington employer for services rendered during a fiscal year, beginning July 1, 1967, shall serve as the basis for determining a member's earnable compensation for each fiscal year. Contributions made by the member for out-of-state service, military service, professional preparation, or other service not paid for by a Washington employer shall not be included in determining a member's earnable compensation for computing his retirement allowance.

(2) In determining a member's earnable compensation for any fiscal year prior to July 1, 1967, the secretary-manager shall in all cases of doubt secure confirmation from the employer of all salary and wages paid to a member for any fiscal year in question. [Order 1, § 462-24-030, filed 7/17/68; Rule 1 (part), filed 7/15/63, effective 7/1/64.]

WAC 462-24-040 Computing the average earnable compensation. (1) In computing a member's average earnable compensation for his five highest compensated years of service, the computations shall include only the service during which a member was employed for salary or wages by a Washington employer and for which he established Washington membership service credit with the Retirement System. This excludes out-of-state service, military service and professional preparation or other service for which credit may have been established but for which no salary or wages were paid to the member by a Washington employer. Contributions based on sabbatical leave, paid sick leave, or other leave paid for by a Washington employer and for which credit has been established with the Retirement System shall be included in computing the earnable compensation. The last ten years from which the five highest compensated years of service are to be selected shall be the last ten years during which a member established Washington membership service credit, whether such service and credit were for a full year or a fraction of a year.

(2) The total earnable compensation for the five highest compensated years of service shall be divided by five in arriving at the average earnable compensation, even though less than five years of service credit may have been established for the five highest compensated years. [Order 1, § 462-24-040, filed 7/17/68; Rules (part), filed 7/15/63, effective 7/1/64.]

WAC 462-24-050 Withdrawal of contributions. (1) A member who is employed in the public schools of this state for consecutive school years shall be considered as employed during the summer months and, therefore, may not qualify for withdrawal of his accumulated contributions. Termination of Washington public school employment at the close of a school year with one employer to accept employment with another Washington public school employer for the ensuing school year shall

not qualify a member for withdrawal of his accumulated contributions.

(2) A member who is on official leave of absence from a Washington public school employer shall not be considered to have terminated his employment and, therefore, shall not be eligible to qualify for withdrawal of his accumulated contributions. [Order 1, § 462-24-050, filed 7/17/68.]

Chapter 462-28 WAC SERVICE RETIREMENT

WAC

462-28-005	Minimum service required for retirement.
462-28-010	Eligibility for retirement with less than five years of Washington service credit.
462-28-015	Eligibility for retirement under RCW 41.32.497.
462-28-020	Date from which service retirement allowance accrues.
462-28-025	Benefit adjustments under Option 2 and Option 3.
462-28-030	Accumulated contributions restored when retirant returns to membership.
462-28-035	Balance of monthly payment due on date of death.
462-28-040	Employment in public education limited for retirants.
462-28-045	Peace corps volunteers not employed in public education.
462-28-050	Members eligible for temporary disability June 30, 1964 qualify under RCW 41.32.497.

WAC 462-28-005 Minimum service required for retirement. In qualifying a member for a retirement allowance the minimum service requirement of "five years of credit for public school service in this state" as set forth in RCW 41.32.470 shall not include credit for professional preparation or credit for military service, but shall be limited to credit for Washington public school service. [Order 1, § 462-28-005, filed 7/17/68; Rules (part), filed 10/18/63, effective 7/1/64.]

WAC 462-28-010 Eligibility for retirement with less than five years of Washington service credit. A member whose membership was established prior to July 1, 1964 and who continued his membership without interruption beyond July 1, 1964 may, if otherwise eligible, qualify for a retirement allowance even though he has less than five years of credit for public school service in this state, provided he has been a member of the Teachers' Retirement System, the former state fund or a local fund, or both together, for at least five years. [Order 1, § 462-28-010, filed 7/17/68; Regulation 7, filed 10/18/63, effective 7/1/64.]

WAC 462-28-015 Eligibility for retirement under RCW 41.32.497. (1) A member whose last Washington public school service was prior to the close of the 1963-64 school year and who may be eligible for a retirement allowance effective July 1, 1964 or later, may not qualify for benefits under RCW 41.32.497 merely by postponing his application for a retirement allowance.

(2) Retirement benefits under RCW 41.32.497 shall be available only to:

(a) Members who terminate public school service in Washington on or after July 1, 1964. This shall include all members who establish membership service credit for

public school service rendered in Washington after July 1, 1964. A retiree or a former member seeking to qualify for benefits under RCW 41.32.497 must return to Washington public school service after July 1, 1964 long enough to meet the minimum requirement for membership. A noncontributing (inactive) member seeking to qualify under RCW 41.32.497 must return to Washington public school service long enough to establish additional membership service credit based on service rendered subsequent to July 1, 1964.

(b) Members who terminated Washington public school service at the close of the 1963-64 school year. This shall include the following members who terminated Washington public school service at any time during June, 1964 and those who terminated service at the close of the school year if the regular school term ended in May, 1964:

(i) Members who were employed full time in Washington public school service during the 1963-64 school year and thus established a full year of Washington membership service credit for 1963-64 and whose earliest date of eligibility for a retirement allowance would therefore be July 1, 1964.

(ii) Members employed for less than full-time Washington public school service for the entire 1963-64 school year, who established credit with the System for their service, and who terminated their service at the close of the 1963-64 school year, whether the school term for which they were employed closed in May or June, 1964.

(iii) Members employed in Washington public school service for less than the full school year 1963-64, whether in full-time service, part-time service, occasional substitute service, or any service which may be credited with the Retirement System, who served the equivalent of 20 or more days during the 1963-64 school year, terminated their service at the close of the 1963-64 school year and established credit with the Retirement System for such service. [Order 1, § 462-28-015, filed 7/17/68; Regulation 8, filed 7/15/63, effective 7/1/64.]

WAC 462-28-020 Date from which service retirement allowance accrues. (1) Upon approval by the Board of Trustees of an application for service retirement, the retirement allowance shall accrue from the first of the month following that in which a member terminated public school service, unless a full year of Washington service credit is established for the school year in which a member retires, in which case the date of accrual of his retirement allowance shall be July first following the member's final year of service. In no case shall the accrual date be prior to the first of the month following that in which proof and payment are received to establish membership or additional service credit.

(2) If a member terminates public school employment prior to eligibility for a service retirement allowance and at some future date qualifies for a deferred retirement allowance on the basis of age, the accrual date of such member's retirement allowance shall be the date on which the member reaches the minimum age required

for such an allowance, provided the member is not employed in public education at the time. (Cross reference WAC 462-32-050) [Order 1, § 462-28-020, filed 7/17/68; Rule 1, filed 4/28/60; Rule C2, filed 3/22/60.]

WAC 462-28-025 Benefit adjustments under Option 2 and Option 3. The adjusted retirement allowance under Options 2 and 3 shall consist of an annuity which shall be the actuarial equivalent of the member's accumulated contributions at his age of retirement and a pension which shall be the actuarial equivalent of the maximum pension based on the age of 60 years for the member or his age at retirement if less than 60 years. [Order 1, § 462-28-025, filed 7/17/68; Rule C5, filed 3/22/60.]

WAC 462-28-030 Accumulated contributions re-stored when retirant returns to membership. The re-established accumulated contributions of a retirant who returns to active membership shall be the actuarial value of his monthly annuity at his attained age when membership is resumed, and based on annuity rates in effect when he retired. [Order 1, § 462-28-030, filed 7/17/68; Regulation C-6, filed 3/22/60.]

WAC 462-28-035 Balance of monthly payment due on date of death. In the event of death between allowance payment dates of an individual receiving a monthly retirement allowance, the proportionate amount accrued to and including the date of death shall be paid to the designated beneficiary or to the decedent's estate. [Order 1, § 462-28-035, filed 7/17/68; Regulation C-4, filed 3/22/60.]

WAC 462-28-040 Employment in public education limited for retirants. A retirant who returns to any type of service with any public educational institution shall be considered to be employed throughout the time during which he is engaged in such service or is under contract for such employment, even though he does not return to membership in the Retirement System. If a retirant's service in public education exceeds the maximum permitted under RCW 41.32.570 without reduction of pension, his monthly pension shall be reduced by one-twentieth for each day of service rendered beyond the statutory maximum. If a retirant continues in service until he is no longer eligible for monthly pension payments, further pension payments shall be withheld and may not be restored until he terminates his employment in public education and further contracts, written or oral, for continuing employment in public education. Any retirant whose pension payments have been terminated because of employment in public education shall be considered as employed during the summer months if under contract for consecutive school years, and he shall, therefore, not be eligible for pension payments during the summer months. Pension payments shall be resumed effective the day following termination of his employment in public education. [Order 1, § 462-28-040, filed 7/17/68; Regulation C-1, filed 3/22/60.]

WAC 462-28-045 Peace corps volunteers not employed in public education. In administering the provisions of RCW 41.32.570, retired teachers who serve as Volunteers in the Peace Corps of the United States shall not be considered as employed in a public educational institution and shall, therefore, continue to receive pension payments while engaged as Peace Corps Volunteers. [Order 1, § 462-28-045, filed 7/17/68; Regulation (part), filed 10/18/63, effective 12/1/63.]

WAC 462-28-050 Members eligible for temporary disability June 30, 1964 qualify under RCW 41.32.497. A member who was receiving or was eligible to receive a temporary disability allowance on June 30, 1964 and who is unable to resume service after July 1, 1964, shall, if otherwise eligible for a retirement allowance, qualify for benefits provided under RCW 41.32.497. [Order 1, § 462-28-050, filed 7/17/68; Rules (part), filed 10/18/63, effective 7/1/64.]

Chapter 462-32 WAC DISABILITY BENEFITS

WAC	
462-32-010	Eligibility for temporary disability benefits.
462-32-020	Payment of temporary disability benefits due upon death of a member.
462-32-050	Date from which disability retirement allowances accrue.
462-32-060	Employment of persons retired for disability.

WAC 462-32-010 Eligibility for temporary disability benefits. A member of the Retirement System shall be covered for benefits under the temporary disability program only while employed on a full time basis. The disability premium paid by a member during one school year shall afford disability protection until the beginning of the regular school term the following school year. [Order 1, § 462-32-010, filed 7/17/68; Regulation D-1, filed 3/22/60.]

WAC 462-32-020 Payment of temporary disability benefits due upon death of a member. Any disability benefits which have accrued and are payable upon the death of a member who had applied for or who had qualified for a temporary disability allowance, shall be paid to the deceased member's designated beneficiary as recorded and filed with the Retirement System in connection with his application for temporary disability benefits, or to his estate. [Order 1, § 462-32-020, filed 7/17/68.]

WAC 462-32-050 Date from which disability retirement allowances accrue. (1) A member who qualifies directly for a disability retirement allowance without first qualifying for temporary disability benefits shall receive a retirement allowance to be effective in accordance with WAC 462-28-020 governing service retirement.

(2) If a member qualifies for a disability retirement allowance after having first qualified for temporary disability benefits, the effective date of his disability retirement allowance shall be the first of the month following

termination of his temporary disability allowance, and shall otherwise be consistent with WAC 462-28-020 which governs service retirement. [Order 1, § 462-32-050, filed 7/17/68.]

WAC 462-32-060 Employment of persons retired for disability. The provisions of RCW 41.32.570 with regard to service in public education by a retired teacher shall apply equally to teachers retired for disability. [Order 1, § 462-32-060, filed 7/17/68; Regulation 3, filed 4/28/60.]

Chapter 462-36 WAC SURVIVOR BENEFITS

WAC	
462-36-010	Determining dependency under RCW 41.32.520.
462-36-020	Accrual date of survivor benefits under RCW 41.32.520.

WAC 462-36-010 Determining dependency under RCW 41.32.520. In order for a beneficiary under RCW 41.32.520 to qualify as the dependent of a deceased member, the following conditions shall prevail:

(1) The deceased member shall have provided financial support for the beneficiary to the extent of one-half or more of reasonable living expense. Such financial support shall have been in effect at the time of the member's death and shall have been reasonably continuous prior to that time.

(2) The term "financial support" shall include the cost of food, clothing, shelter, education, medical and dental expenses, and other similar expenses. [Order 1, § 462-36-010, filed 7/17/68; Regulation F-1, filed 3/22/60.]

WAC 462-36-020 Accrual date of survivor benefits under RCW 41.32.520. (1) The accrual date of a monthly survivor benefit under subsection (1), RCW 41.32.520, shall be the date following the date of the member's death or the fiftieth birthday of the beneficiary if the latter follows the date of the member's death.

(2) The accrual date of a survivor retirement allowance under subsection (2) of RCW 41.32.520 shall be the day following the date of death of the member who was eligible for retirement, unless the deceased member had established a full year of service credit for his final year of service, in which case the effective date of the survivor retirement allowance shall be July 1 of the ensuing fiscal year. In all cases the rate of the annuity benefit shall be computed as of the date following the date of the member's death. [Order 1, § 462-36-020, filed 7/17/68.]