

# Title 415 WAC

## RETIREMENT SYSTEMS, DEPARTMENT OF

### Chapters

- 415-02 General provisions.
- 415-04 Procedure.
- 415-06 Public records.
- 415-08 Appeals.
- 415-100 Judicial retirement system.
- 415-104 Law enforcement officers' and fire fighters' retirement system.
- 415-105 Local disability board procedures.
- 415-108 Public employees' retirement system.
- 415-112 Teachers' retirement board of trustees.
- 415-113 Portability of public employment benefits.
- 415-114 Assessment of interest charges on employers' overdue payments.
- 415-115 Assessment of an additional administrative fee.
- 415-116 Administrative fee rate.

### Chapter 415-02 WAC GENERAL PROVISIONS

#### WAC

- 415-02-010 Identification.
- 415-02-020 Authority.
- 415-02-030 Definitions.
- 415-02-040 Definition of Plan II.
- 415-02-050 State Environmental Policy Act—Interface.
- 415-02-060 Refund of contributions—Application.
- 415-02-070 Application of particular rules to Plan II members.
- 415-02-080 Identification of members.
- 415-02-099 Purpose.
- 415-02-100 Retiree insurance premium deductions for retirees—  
Enrollment requirements.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 415-02-090 Actuarial tables, schedules, and factors. [Statutory Authority: RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200. 88-17-053 (Order 88-14), § 415-02-090, filed 8/17/88; 87-07-013 (Order 87-1), § 415-02-090, filed 3/11/87; 86-13-022 (Order 86-2), § 415-02-090, filed 6/10/86; 86-07-026 (Order 86-1), § 415-02-090, filed 3/13/86; 84-20-043 (Order IV), § 415-02-090, filed 9/27/84.] Repealed by 91-02-019, filed 12/21/90, effective 1/21/91. Statutory Authority: RCW 41.50.050 and 41.26.060.

**WAC 415-02-010 Identification.** The department of retirement systems is a department of state government created by chapter 105, Laws of 1975-'76 2nd ex. sess.

(1) The chief executive officer of the department of retirement systems is the director of retirement systems.

(2) The department of retirement systems is divided, structurally, into two divisions. Each division is headed by an assistant director answerable to the director. The two divisions are:

(a) The administrative services division which is headed by the assistant director for administrative services; and

(b) The program services management division which is headed by the assistant director for program services.

(3) Members of the public may obtain information, make submittals or requests, or obtain copies of agency decisions by addressing their requests or submittals to the director of the Department of Retirement Systems at 1025 East Union, Olympia, Washington, 98504. Upon receipt of such a request or submittal, the director shall forward the same to the proper officer or employee of the department of retirement systems for an appropriate response.

(4) Members of the public who wish to inspect and/or copy public records maintained by the agency pursuant to chapter 42.17 RCW shall do so in accordance with the methods and procedures established in WAC 415-06-010 through 415-06-110 of these rules.

[Order 4, § 415-02-010, filed 7/27/77.]

**WAC 415-02-020 Authority.** (1) The department of retirement systems is vested with the authority to administer, in accordance with chapter 105, Laws of 1975-'76 2nd ex. sess., as now or hereafter amended, the Washington public employees' retirement system created by chapter 41.40 RCW, the Washington state teachers' retirement system created by chapter 41.32 RCW, the Washington law enforcement officers' and fire fighters' retirement system, created by chapter 41.25 RCW, the Washington state patrol retirement system, created by chapter 43.43 RCW, the Washington judicial retirement system, created by chapter 2.10 RCW, and the judges retirement fund created by chapter 2.12 RCW.

(2) The director of retirement systems and the state finance committee are empowered to provide for the investment of all funds of the Washington public employees' retirement systems, the Washington teachers' retirement system, the Washington law enforcement officers' and fire fighters' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, and the judges retirement fund, pursuant to RCW 43.84.150, with the approval of the respective boards of the retirement systems and funds above listed. The state finance committee will execute all such transactions.

(3) The director is empowered to propose rules pursuant to RCW 2.10.050, 2.10.070, 41.26.060, 41.32.160, 41.40.020, and 43.43.140, with the approval of the appropriate retirement board.

(4) The director has no authority to perform functions vested in the various retirement boards by law with respect to applications for benefits paid upon either temporary or permanent disability, except to see that such staff assistance is provided by the department to the boards as may be required.

(5) The director is required to evaluate all proposed legislation to be submitted by a retirement board as a departmental request. When such legislation is submitted to the director, he will obtain an initial actuarial estimate of the cost of each systems of the changes contained in the proposed legislation as if the legislation were applicable to each retirement system under his jurisdiction. The results of that estimate will then be transmitted to the retirement board which has requested the proposed legislation. That board may then modify its legislative proposal into final form for introduction as a bill on the basis of the estimate. The final form for the legislative proposal shall then be returned to the director who shall obtain a final actuarial estimate of the costs applied in the same manner as the initial estimate. On or before September 1, the director will transmit the final legislation proposal together with the actuarial estimates to the governor for consideration in his budget requests and shall also transmit the same to the chairman of the ways and means committees of the legislature.

[Order 4, § 415-02-020, filed 7/27/77.]

**WAC 415-02-030 Definitions.** (1) Unless the context requires otherwise, the following terms shall have the meanings established below:

(1) "Department" means the department of retirement systems.

(2) "Director" means the director of retirement systems.

(3) "Clerk" means the director, any assistant director of the department of retirement systems, or the confidential secretary to the director of retirement systems, when used in reference to requests, submittals, papers or pleadings which must be filed with the clerk of one of the retirement boards established by chapters 2.10, 41.26, 41.32, 41.40, and 43.43 RCW or the director of the department of retirement systems.

(4) "Retirement board" means either the Washington judicial retirement board, the Washington law enforcement officers' and fire fighters' retirement board, the board of trustees of the Washington state teachers' retirement system, the Washington public employees retirement board, or the Washington state patrol retirement board.

(5) "Member" means a person who is entitled to membership in one of the retirement systems created by chapters 2.10, 2.12, 41.25, 41.32, 41.40, or 43.43 RCW.

(6) "Employer" means the employer of a particular member.

(7) "Hearings examiner" or "presiding officer" means a person or persons appointed by a retirement board or the director to preside at a contested case hearing and matters related thereto.

(8) "Appeal" means the method by which a party secures a contested case hearing before a retirement board or the director subsequent an initial determination by the board or director of the legal rights, duties or privileges of the specific party.

(9) "Petition" means the method by which a party secures a review of an administrative determination by an assistant director prior to an appeal to the director.

[Order 4, § 415-02-030, filed 7/27/77.]

**WAC 415-02-040 Definition of Plan II.** Wherever used in this title, the term "Plan II" has reference to the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess. The term "Plan I" shall have reference to those plans in existence prior to the enactment of the above-referenced laws.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-02-040, filed 2/15/78.]

**WAC 415-02-050 State Environmental Policy Act—Interface.** The actions and activities of the department of retirement systems are not major actions significantly affecting the quality of the environment as described in chapter 43.21C RCW. All of the activities of the department are exempted from the threshold determination and environmental impact statement requirements of the State Environmental Policy Act (SEPA) by WAC 197-10-175.

The responsible official of the agency for the purposes of SEPA is the director.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-02-050, filed 2/15/78.]

**WAC 415-02-060 Refund of contributions—Application.** A request for a refund of contributions will not be honored if it was executed more than thirty days prior to its receipt by the department. A member may cancel the request for a refund of accumulated contributions at any time prior to the mailing of the warrant representing the refund of contributions.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-02-060, filed 2/15/78.]

**WAC 415-02-070 Application of particular rules to Plan II members.** The following provisions of chapters 415-104, 415-108, and 415-112 WAC do not have application to Plan II members of the Washington state teachers' retirement system, the public employees' retirement system or the law enforcement officers' and fire fighters' retirement system: WAC 415-112-200, 415-112-210, 415-112-220, 415-112-230, 415-112-240, 415-112-250, 415-112-270, 415-112-290, 415-112-420, 415-112-430, 415-112-500, 415-112-510, 415-112-520, 415-112-540, 415-112-550, 415-112-600, 415-112-610, 415-112-620, 415-112-630, 415-112-700, and 415-112-710; 415-104-210, 415-104-220, 415-104-250, 415-104-310, 415-108-070, 415-108-210 and 415-108-220.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-02-070, filed 2/15/78.]

**WAC 415-02-080 Identification of members.** Records of members of the retirement systems will be filed and identified in part by Social Security number. Each member of the systems shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by these systems.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-02-080, filed 2/15/78.]

General Provisions

415-02-099

**WAC 415-02-099 Purpose.** These new actuarial tables cover options which now have been authorized by House Bill No. 1067.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
PLAN I - OPTION I\*

<u>AGE</u>	<u>FACTOR</u>
20	.623
21	.625
22	.627
23	.629
24	.632
25	.634
26	.636
27	.639
28	.641
29	.644
30	.646
31	.649
32	.652
33	.654
34	.657
35	.660
36	.663
37	.666
38	.670
39	.673
40	.676
41	.680
42	.683
43	.687
44	.690
45	.694
46	.698
47	.702
48	.706
49	.710
50	.714
51	.718
52	.722
53	.727
54	.731
55	.736
56	.741
57	.745
58	.750
59	.755
60	.760
61	.765
62	.770
63	.776
64	.781
65	.787
66	.792
67	.798
68	.803
69	.809
70	.815
71	.821
72	.827
73	.833
74	.839
75	.845
76	.850
77	.856
78	.862
79	.868
80	.874
81	.880
82	.886
83	.892
84	.897
85	.903
86	.908

87	.913
88	.918
89	.922
90	.926
91	.930
92	.933
93	.936
94	.939
95	.941
96	.943
97	.945
98	.947
99	.949

\*For converting from the Normal Form (without a COLA) to an annuity with a COLA

PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY OLDER		
.724	-20	.738
.724	-19	.738
.724	-18	.738
.723	-17	.737
.722	-16	.737
.719	-15	.737
.717	-14	.736
.714	-13	.736
.713	-12	.736
.711	-11	.735
.708	-10	.734
.704	-09	.732
.700	-08	.730
.695	-07	.727
.692	-06	.725
.684	-05	.720
.676	-04	.717
.669	-03	.712
.657	-02	.706
.644	-01	.699

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

\*For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY YOUNGER		
.637	0	.695
.629	1	.689
.621	2	.685
.615	3	.682
.610	4	.679
.604	5	.677
.600	6	.674
.595	7	.672
.589	8	.669
.585	9	.666
.580	10	.664
.576	11	.661
.571	12	.659
.565	13	.656
.562	14	.653
.558	15	.651
.554	16	.648
.548	17	.645

.543	18	.643	62	.749
.540	19	.640	63	.754
.537	20	.638	64	.758
.533	21	.636	65	.763
.530	22	.633	66	.767
.527	23	.631	67	.772
.524	24	.629	68	.776
.521	25	.626	69	.780
.518	26	.624	70	.784
.515	27	.622	71	.789
.512	28	.619	72	.793
.508	29	.617	73	.797
.505	30	.615	74	.800
.502	31	.612	75	.804
.499	32	.610	76	.807
.496	33	.608	77	.809
.493	34	.605	78	.811
.490	35	.603	79	.813
.487	36	.601	80	.813
.483	37	.598	81	.813
.480	38	.596	82	.812
.477	39	.594	83	.809
.474	40	.591	84	.806
			85	.801
			86	.794
			87	.786
			88	.775
			89	.761
			90	.745
			91	.726
			92	.704
			93	.681
			94	.656
			95	.630
			96	.603
			97	.576
			98	.548
			99	.521

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

\*For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

TEACHERS' RETIREMENT SYSTEM  
PLAN I - OPTION 1\*

<u>AGE</u>	<u>FACTOR</u>
20	.618
21	.620
22	.622
23	.624
24	.626
25	.628
26	.630
27	.632
28	.634
29	.637
30	.639
31	.641
32	.644
33	.647
34	.650
35	.652
36	.655
37	.658
38	.660
39	.663
40	.666
41	.670
42	.673
43	.676
44	.679
45	.683
46	.686
47	.690
48	.693
49	.697
50	.701
51	.704
52	.708
53	.712
54	.716
55	.720
56	.724
57	.728
58	.732
59	.736
60	.740
61	.745

\*For converting from the Normal Form Option O without a COLA, to Option I with a COLA

TEACHERS' RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	<u>AGE</u> <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
<u>BENEFICIARY OLDER</u>		
.682	-20	.715
.682	-19	.715
.682	-18	.715
.682	-17	.715
.676	-16	.712
.670	-15	.709
.664	-14	.706
.658	-13	.702
.652	-12	.698
.645	-11	.694
.639	-10	.691
.632	-09	.687
.626	-08	.683
.619	-07	.679
.613	-06	.675
.604	-05	.670
.594	-04	.664
.584	-03	.658
.572	-02	.650
.554	-01	.638
.539	0	.628

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

\*For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

TEACHERS' RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u> <u>with COLA*</u>	AGE <u>DIFFERENCE</u>	<u>OPTION 3</u> <u>with COLA*</u>
BENEFICIARY YOUNGER		
.539	0	.628
.529	1	.622
.520	2	.615
.513	3	.613
.507	4	.608
.501	5	.604
.495	6	.600
.493	7	.599
.487	8	.595
.482	9	.591
.477	10	.587
.471	11	.583
.470	12	.583
.465	13	.580
.458	14	.573
.454	15	.570
.450	16	.567
.446	17	.564
.442	18	.561
.438	19	.558
.435	20	.555
.432	21	.553
.429	22	.550
.425	23	.547
.422	24	.545
.419	25	.543
.417	26	.541
.415	27	.538
.412	28	.536
.409	29	.534
.407	30	.532
.406	31	.530
.403	32	.528
.401	33	.527
.400	34	.525
.397	35	.524
.396	36	.522
.394	37	.521
.393	38	.519
.391	39	.518
.390	40	.517

AGE DIFFERENCE = MEMBERS' AGE MINUS BENEFICIARY AGE

\*For converting from the Normal Form (which has no COLA) to Option 2 or 3 with a COLA.

[Statutory Authority: RCW 41.40.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200. 87-17-059 (Order DRS 87-06), § 415-02-099, filed 8/19/87.]

**WAC 415-02-100 Retiree insurance premium deductions for retirees—Enrollment requirements.** Effective December 1, 1984 the department of retirement systems will not accept requests by retirees of any of the systems which the department administers to deduct premiums for any kind of insurance from retirement allowances unless the provider has at least twenty-five such retirees enrolled in a withholding program. Any providers who now have less than twenty-five retirees in their deduction program will have twelve months in which to secure at least twenty-five participants. Failing to acquire the required minimum within twelve months will result in suspension of the deduction program for such provider. Any provider presently qualified who drops below twenty-five participants in the

future will be suspended if they remain under twenty-five participants for ninety days.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 84-24-017 (Order V), § 415-02-100, filed 11/28/84.]

**Chapter 415-04 WAC  
PROCEDURE**

**WAC**

415-04-010 Petition—Procedure.  
415-04-020 Petition—Response—Decision—Appeal.

**WAC 415-04-010 Petition—Procedure.** All petitions concerning applications for service credits, service retirement benefits, membership and membership credits in the retirement systems, and for decisions relating to benefit increases provided by RCW 41.16.145 or 41.18.104 shall follow the procedure established in this chapter.

[Order 4, § 415-04-010, filed 7/27/77.]

**WAC 415-04-020 Petition—Response—Decision—Appeal.** The initial application or petition shall contain the following:

(1) A complete and detailed statement of the factual situation underlying the application or petition; which may include all relevant documents and sworn statements deemed appropriate by the petitioner.

(2) A concise but detailed statement of the constitutional, statutory or common law provisions or precedents relied upon by the petitioner in support of his petition.

(3) An identification of the individual or individuals filing the petition, as well as an identification of legal counsel if such persons are represented by the same.

(4) The address to which the petitioner wishes further correspondence from the department to be sent.

(5) Upon receipt of the petition, the director will assign the same to the special assistant to the director. The special assistant to the director will, within seven days, notify the employer(s) if the petitioner is a member(s) or the affected member(s) if the applicant or petitioner is an employer(s). Said notification shall request the employer(s) or member(s) to submit any written response to the petition no later than 20 days from the date of receipt of the notice, except upon an extension being granted by the special assistant to the director upon good cause shown. The response shall generally take the form of and contain information required of the original petition as described in this section.

(6) Upon receipt of the response, the special assistant to the director shall forward a copy of the response to the original petitioner who shall have ten days in which to reply to the same.

(7) Within 20 days of the expiration of the 10 day period for reply, the special assistant to the director shall enter a written decision containing such findings of fact and conclusions of law as he deems necessary to dispose of the matter.

(8) The decision of the special assistant to the director may be appealed to the director in accordance of the procedures established by WAC 415-08-010 through 415-08-480. An appeal of the special assistant's decision to the

director shall be a necessary prerequisite to appeal to the superior court of the state of Washington.

[Statutory Authority: RCW 41.50.050, 91-19-064, § 415-04-020, filed 9/16/91, effective 10/17/91; Order 4, § 415-04-020, filed 7/27/77.]

### Chapter 415-06 WAC PUBLIC RECORDS

#### WAC

415-06-010	Purpose.
415-06-020	Definitions.
415-06-030	Public records officer.
415-06-040	Office hours.
415-06-050	Requests for public records.
415-06-060	Copying.
415-06-070	Exemptions.
415-06-080	Review of denials of public records requests.
415-06-090	Records index.
415-06-100	Request for records by mail—Address.
415-06-110	Adoption of form.

**WAC 415-06-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the department of retirement systems with the provisions of chapter 1, Laws of 1973, (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; now codified as chapter 42.17 RCW.

[Order 4, § 415-06-010, filed 7/27/77.]

**WAC 415-06-020 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) "Department" means the department of retirement systems.

(4) "Director" means the director of retirement systems.

[Order 4, § 415-06-020, filed 7/27/77.]

**WAC 415-06-030 Public records officer.** The department's records shall be in the charge of the public records officer designated by the department. The person so designated shall be located in the administrative office of the department. The public records officer shall be responsible for the following: The implementation of the departments rules and regulation regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 4, § 415-06-030, filed 7/27/77.]

**WAC 415-06-040 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the department. 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 4, § 415-06-040, filed 7/27/77.]

**WAC 415-06-050 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 department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the department's staff, if the public records office is not available, at the administrative office of the department during customary office hours. The request shall include the following information:

(a) The name of the person requesting the records;

(b) The time of day and calendar date on which the 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 department'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 4, § 415-06-050, filed 7/27/77.]

**WAC 415-06-060 Copying.** No fee shall be charged for the inspection of public records. The department shall charge a fee equal to the amount necessary to reimburse the department for its actual costs incident to any copying.

[Order 4, § 415-06-060, filed 7/27/77.]

**WAC 415-06-070 Exemptions.** (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 415-06-050 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 department 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 4, § 415-06-070, filed 7/27/77.]

**WAC 415-06-080 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 an assistant director of the department. The director or assistant shall immediately consider the matter and either affirm or reverse such denial as soon as legally possible. 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 director has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order 4, § 415-06-080, filed 7/27/77.]

**WAC 415-06-090 Records index.** (1) Purpose. This rule is intended to implement RCW 42.17.260 (4)(a) and (b), which require state agencies to establish and implement a system of indexing for certain records maintained by state agencies.

(2) Responsibility for department's indexing system. The department's indexing system for records covered under this section is administered by the manager of the files unit. All record indices described in this section shall be located at the department's files unit.

(3) The department shall establish and implement a system of indexing for all records issued before July 1, 1990, for which the department has maintained an index. The department has maintained an index for the following records which have existed before July 1, 1990:

(a) "Final opinions" which include the director's final orders and other final orders in adjudicative proceedings concerning the department;

(b) "Statements and interpretations of law and policy" which include the department's "DRS notices" advising employers of the department's position regarding law and/or policy; and formal and informal opinions by the state attorney general's office, used by the department as the basis for administrative decisions;

(c) "Administrative staff manuals and instructions" which affect members of the public;

(d) "Planning policies and goals";

(e) "Factual reports and studies" by department staff, consultants, other governmental entities, and private organizations;

(f) "Correspondence" by the department in which the department determines or provides an opinion on the rights of state government, the public, subdivisions of state government, or any private party.

(1992 Ed.)

(4) The department shall establish and implement a system of indexing for the following records on or after July 1, 1990:

(a) "Final orders" which are issued in an adjudicative proceeding as defined by RCW 34.05.010(1) containing analyses or decisions of substantial importance to the department;

(b) "Declaratory orders" which are issued pursuant to RCW 34.05.240 containing analyses or decisions of substantial importance to the department;

(c) "Interpretive statements" which are a written expression of an opinion by the department, entitled "interpretive statement" by the department's director, or his or her designee, and relating to the meaning of a statute or other provision of law, court decision, or agency order; and

(d) "Policy statements" which are a written description of the department's current policy, entitled "policy statement" by the department's director, or his or her designee, and implementing a statute or other provision of law, or court decision, or agency order.

(5) The system of indexing the records identified in WAC 415-06-090 (3) and (4) is as follows:

(a) An index will be organized in WAC 415-06-090 (3) and (4).

(b) Staff of the department's legal/legislative affairs unit will select the final orders and declaratory orders to be indexed reviewing all final orders and declaratory orders entered after June 30, 1990, and evaluating the substantial importance of the orders.

(c) Records will be indexed by a phrase describing the record's subject, issue or holding, and by citation of the law involved. Examples of phrases to be used are "service credit," "retirement benefits," "membership," and "contributions."

(6) Availability: The department record index shall be available to all persons in the same manner as public records available for inspection, under chapter 415-06 WAC.

[Statutory Authority: RCW 41.50.050 and 42.17.260 (4)(a) and (b). 91-19-061, § 415-06-090, filed 9/16/91, effective 10/17/91; Order 4, § 415-06-090, filed 7/27/77.]

**WAC 415-06-100 Request for records by mail—Address.** All communications with the director 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 director's or board's decisions and other matters, shall be addressed as follows: Director of Retirement Systems, Department of Retirement Systems, 1025 East Union, Olympia, Washington 98504.

[Order 4, § 415-06-100, filed 7/27/77.]

**WAC 415-06-110 Adoption of form.** The director hereby adopts for use by all persons requesting inspection and/or copying or copies of the department records, the form attached hereto as Appendix A, entitled "Request for public record."

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	Record	Record
Granted <input type="checkbox"/>	Withheld <input type="checkbox"/>	Withheld
		In part <input type="checkbox"/>

(2) If withheld, name the exemption contained in section 31, chapter 1, Laws of 1973, which authorizes the withholding of the record or part or record: Subsection (1) ( ).

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time . . . . ., day . . . . .

[Order 4, § 415-06-110, filed 7/27/77.]

Chapter 415-08 WAC  
APPEALS

WAC

- 415-08-010 Scope.
- 415-08-020 Filing appeals.
- 415-08-030 Parties.
- 415-08-040 Appearance and practice before the board—Who may appear.
- 415-08-050 Appearance and practice before the board—Appearance in certain proceedings may be limited to attorneys.
- 415-08-060 Appearance and practice before the board—Solicitation of business unethical.
- 415-08-080 Appearance and practice before the board—Withdrawal or substitution of representatives.
- 415-08-090 Appearance and practice before the board—Conduct.
- 415-08-100 Appearance and practice before the board—Appearance by former employee of agency or former member of attorney general's staff.
- 415-08-110 Appearance and practice before the board—Examiner duties and powers.
- 415-08-120 Informal conference—Purpose.
- 415-08-130 Informal conference—When held.
- 415-08-140 Informal conference—Agreements at informal conferences.
- 415-08-150 Prehearing conference—Purpose.
- 415-08-160 Prehearing conference—When held.

- 415-08-170 Computation of time.
- 415-08-180 Computation of time—Notice of hearing.
- 415-08-190 Computation of time—Upon whom served.
- 415-08-200 Computation of time—Service upon parties.
- 415-08-210 Computation of time—Method of service.
- 415-08-220 Computation of time—When service complete.
- 415-08-230 Computation of time—Filing with board.
- 415-08-240 Computation of time—Fees.
- 415-08-250 Computation of time—Proof of service.
- 415-08-260 Computation of time—Quashing.
- 415-08-270 Computation of time—Enforcement.
- 415-08-280 Computation of time—Discovery.
- 415-08-290 Computation of time—Documentary evidence.
- 415-08-300 Computation of time—Excerpts from documents.
- 415-08-310 Computation of time—Failure to supply prehearing information.
- 415-08-320 Computation of time—Agreements at prehearing conference.
- 415-08-330 Rules of evidence—Admissibility criteria.
- 415-08-340 Rules of evidence—Official notice—Matters of law.
- 415-08-350 Rules of evidence—Official notice—Material facts.
- 415-08-360 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- 415-08-370 Presumptions.
- 415-08-380 Presumptions—Additional evidence by presiding officer.
- 415-08-390 Stipulations and admissions of record.
- 415-08-400 Expert or opinion testimony number and qualifications of witnesses.
- 415-08-410 Expert or opinion testimony number and qualifications of witnesses—Written sworn statements.
- 415-08-420 Expert or opinion testimony number and qualifications of witnesses—Procedures at hearings.
- 415-08-430 Petitions for rule making, amendment or repeal—Who may petition.
- 415-08-440 Petitions for rule making, amendment or repeal—Requisites.
- 415-08-450 Petitions for rule making, amendment or repeal—Agency must consider.
- 415-08-460 Petitions for rule making, amendment or repeal—Notice of disposition.
- 415-08-470 Declaratory rulings.
- 415-08-480 Declaratory rulings—Forms.

**WAC 415-08-010 Scope.** These rules shall govern all hearings before the retirement boards (where those boards' rules so provide) created by chapters 2.10, 41.26, 41.32, 41.40, 43.43 RCW and before the director of retirement systems. These rules shall also govern requests for declaratory rulings pursuant to RCW 34.04.080 and requests for the promulgation, amendment or repeal of any rule of such boards or the director. Where the context requires, reference to a board shall be construed to include the director of retirement systems.

[Order 4, § 415-08-010, filed 7/27/77.]

**WAC 415-08-020 Filing appeals.** Any person aggrieved by any final decision of the board or the director must, before he appeals to the superior court invoke the jurisdiction of the board or director by filing with the director personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the board or director. The notice of appeal must contain:

- (1) The name and mailing address of the member of beneficiary, and the employer of the member;
- (2) The name and legal residence of the appealing party, together with the mailing address of his representative, if any;

(3) The date and nature of the accident, injury or disease, the place it occurred and location of the employer, in the case of disability claims;

(4) If the injury or disease did not occur in the county where the member or beneficiary resides, the name of the county in which the appealing party desires to have the hearing held and a city or town most convenient within the county where hearing is to be held;

(5) A statement identifying the decision or award appealed from and that portion of the decision or award considered to be unjust or unlawful;

(6) A clear and concise statement of facts in support of the grounds stated including, where applicable, a description of the physical facts constituting the claimant's present disability and how it is manifested;

(7) The type of relief sought, including specific dates at which time the appealing party believes the benefit accrued;

(8) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his signature and the signature of his representative, if any;

(9) The appealing parties shall file with the clerk by mail or otherwise, the original and two copies of the notice of appeal and the clerk shall forthwith acknowledge receipt of the copies filed with him and his stamp placed upon such copies shall be prima facie evidence of the date of receipt. The board may thereafter require additional copies to be filed if necessary.

[Order 4, § 415-08-020, filed 7/27/77.]

**WAC 415-08-030 Parties.** The parties to an appeal shall be the appealing party, the board or director, all persons who have filed a notice of appearance after the receipt of a copy of the notice of appeal under WAC 415-08-020, and all persons who have otherwise filed a notice of appearance and made a proper showing of interest in the appeal. The board or director may exclude from the appeal any party who has unreasonably delayed the filing of a notice of appearance. Upon determination that a person has made a proper showing of interest the director or clerk will forthwith mail him a copy of the notice of appeal. There shall be no obligation to serve notices, pleadings or correspondence upon any person who has not entered an appearance as provided herein. Service upon the representative of a party shall constitute service upon such party.

[Order 4, § 415-08-030, filed 7/27/77.]

**WAC 415-08-040 Appearance and practice before the board—Who may appear.** No person may appear in a representative capacity before the board or director or his or its designated hearings examiner 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) A legal intern authorized to practice law pursuant to Admission to Practice Rule (APR) 9 of the state supreme

(1992 Ed.)

court and subject to the limitations contained in said rule. A legal intern shall not appear before the board or its designated examiner without the presence of the supervising attorney except in *ex parte* matters and noncontested cases.

(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 4, § 415-08-040, filed 7/27/77.]

**WAC 415-08-050 Appearance and practice before the board—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 or its examiner determines that representation in such hearing requires a high degree of legal training, experience, and skill, the board or its examiner may limit those who may appear in a representative capacity to attorneys-at-law.

[Order 4, § 415-08-050, filed 7/27/77.]

**WAC 415-08-060 Appearance and practice before the board—Solicitation of business unethical.** It shall be unethical for persons acting in a representative capacity before the board 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 4, § 415-08-060, filed 7/27/77.]

**WAC 415-08-080 Appearance and practice before the board—Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately so notify the clerk of the board and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the clerk of the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

[Order 4, § 415-08-080, filed 7/27/77.]

**WAC 415-08-090 Appearance and practice before the board—Conduct.** All persons appearing in a representative capacity in proceedings before the board 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 examiner may, in his/her discretion and depending on all the circumstances, admonish or reprimand such person, or exclude such person from further participation in the proceedings and adjourn the same, or report the matter to the board which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, and refusal to permit such person to appear in a representative capacity in any proceeding before the board.

[Title 415 WAC—p 9]

[Order 4, § 415-08-090, filed 7/27/77.]

**WAC 415-08-100 Appearance and practice before the board—Appearance by former employee of agency or former member of attorney general's staff.** No former employee of the board, system or member of the attorney general's staff may at any time after severing his/her employment with the board or the attorney general appear, except with the written permission of the board in compliance with RCW 42.22.040, 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. No such former employee shall appear where to do would violate RCW 42.18.220.

[Order 4, § 415-08-100, filed 7/27/77.]

**WAC 415-08-110 Appearance and practice before the board—Examiner duties and powers.** The board or the director may appoint a hearing examiner to act as presiding officer. It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned to him/her in an impartial and orderly manner, and he/she shall have the authority, subject to the other provisions of these rules:

(1) To administer oaths and affirmations.

(2) To issue subpoenas as provided in RCW 34.04.105. A subpoena may also be issued by the attorney of record, or any person making an appearance as authorized by these rules as provided in RCW 34.04.105 (2)(a).

(3) To rule on all procedural matters, objections and motions.

(4) To rule on all offers of proof and receive relevant evidence.

(5) To interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter.

(6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as he/she deems necessary to fairly and equitably decide the matter.

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board.

(8) To issue orders joining other parties, on motion of any party, or on his/her own motion when it appears that such other parties may have an interest in, or may be affected by, the proceedings.

(9) To consolidate matters for hearing when such consolidation will expedite disposition of the matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby.

[Order 4, § 415-08-110, filed 7/27/77.]

**WAC 415-08-120 Informal conference—Purpose.** The purpose of an informal conference shall be to determine the feasibility of a settlement of the contested matter. The presiding officer shall be present at the opening and closing of a scheduled informal conference, but since the absence of the presiding officer may facilitate, on occasion, the achievement of an agreement or a settlement, he/she may, on the request of either party, or his/her own volition, absent himself/herself from the conference from time to time.

[Title 415 WAC—p 10]

[Order 4, § 415-08-120, filed 7/27/77.]

**WAC 415-08-130 Informal conference—When held.** At any time prior to the formal hearing, any party thereto may file a written application with the clerk of the board, requesting an informal conference. The board may thereupon, at its discretion or any time on its own motion, order an informal conference on not less than seven days' notice mailed to each party to the request, at a time and place fixed by the board. At any time prior to hearing, the presiding officer to whom the case is assigned, may, pursuant to agreement of all parties, convene and preside at an informal conference at a time and place agreed upon.

[Order 4, § 415-08-130, filed 7/27/77.]

**WAC 415-08-140 Informal conference—Agreements at informal conferences.** (1) All agreements reached at informal conferences shall be set forth in the record by the presiding officer in writing.

(2) If an agreement concerning final disposition of the matter is reached by all the parties present or represented at a conference, an order may be issued in conformity therewith, providing the board finds said agreement is in accordance with the law.

(3) If the board decides that the agreement is not in accordance with the law, it may schedule another informal conference, or direct that a prehearing conference be held.

(4) If no agreement is reached by the parties as to final disposition of a request, a prehearing conference may thereafter be held.

[Order 4, § 415-08-140, filed 7/27/77.]

**WAC 415-08-150 Prehearing conference—Purpose.** The purpose of a prehearing conference shall be to obtain a stipulation of facts to show the board's jurisdiction in the matter; to obtain agreement as to the issues of law and fact presented and the simplification or limitation thereof; to determine the necessity of amendments to the notice for hearing or other pleadings; to determine the possibility of obtaining admissions of facts and authenticity of documents which will avoid unnecessary proof; to determine the admissibility of exhibits; to obtain stipulation as to all or part of the facts in the case; to determine the limitation of the number of witnesses; to obtain information as to the number of expert and lay witnesses expected to be called by the parties and their names when possible; to determine the approximate time necessary for the presentation of the evidence of the respective parties; and to obtain all other information which may aid in the prompt disposition of the cases.

[Order 4, § 415-08-150, filed 7/27/77.]

**WAC 415-08-160 Prehearing conference—When held.** A prehearing conference shall be held in every case pending before the board or director unless otherwise ordered by the board chairman or the director. Such prehearing conference shall be held at such time as ordered by the chairman or director on not less than seven days' notice to each party. Such prehearing conference may also

be held immediately at the conclusion of an informal conference if time permits.

[Order 4, § 415-08-160, filed 7/27/77.]

**WAC 415-08-170 Computation of time.** In computing any period of time prescribed or allowed by the board 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 4, § 415-08-170, filed 7/27/77.]

**WAC 415-08-180 Computation of time—Notice of hearing.** (1) **Time.** If the board or director orders a hearing, he or it shall mail a written notice thereof to all parties not less than twenty days prior to the hearing date.

(2) **Contents.** The notice shall identify the cases to be heard, the names of the parties and the representatives, if any, and shall specify the time and place of hearing, and that the hearing is to be held pursuant to these rules.

[Order 4, § 415-08-180, filed 7/27/77.]

**WAC 415-08-190 Computation of time—Upon whom served.** All papers served by either the board, or director 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.

[Order 4, § 415-08-190, filed 7/27/77.]

**WAC 415-08-200 Computation of time—Service upon parties.** The final order, and any other paper required to be served by the board or director upon a party, shall be served upon such party or upon the agent designated by him/her or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Order 4, § 415-08-200, filed 7/27/77.]

**WAC 415-08-210 Computation of time—Method of service.** Service of papers shall be made personally, or, unless otherwise provided by law, by first-class, registered, or certified mail.

[Order 4, § 415-08-210, filed 7/27/77.]

**WAC 415-08-220 Computation of time—When service complete.** Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United States mail properly stamped and addressed.

[Order 4, § 415-08-220, filed 7/27/77.]

**WAC 415-08-230 Computation of time—Filing with board.** Papers required to be filed with the board or director shall not be deemed filed until actual receipt of the papers by the board or director at his or its headquarters, Capitol Plaza Building, 1025 East Union, Olympia, Washington.

[Order 4, § 415-08-230, filed 7/27/77.]

**WAC 415-08-240 Computation of time—Fees.** Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and allowances as are authorized by RCW 34.04.105(4).

[Order 4, § 415-08-240, filed 7/27/77.]

**WAC 415-08-250 Computation of time—Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than a representative of the board, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Order 4, § 415-08-250, filed 7/27/77.]

**WAC 415-08-260 Computation of time—Quashing.** Upon motion made promptly, and in any event at least 3 days before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its designated examiner may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Order 4, § 415-08-260, filed 7/27/77.]

**WAC 415-08-270 Computation of time—Enforcement.** Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas which have not been quashed.

[Order 4, § 415-08-270, filed 7/27/77.]

**WAC 415-08-280 Computation of time—Discovery.** Except as may be otherwise provided, any party may obtain discovery in the manners specified in Superior Court Civil Rule 26(a). The attendance of witnesses may be compelled by the use of a subpoena. Such discovery shall be governed generally by the procedures established by Superior Court Civil Rules 26-37, inclusive.

[Order 4, § 415-08-280, filed 7/27/77.]

**WAC 415-08-290 Computation of time—Documentary evidence.** (1) The board or its presiding officer may require:

(a) That all documentary evidence which is to be offered during the taking of evidence be submitted prior to or at any prehearing conference. The evidence shall be submitted sufficiently in advance of the prehearing conference to permit study and preparation for the conference.

(b) That documentary evidence not submitted in advance, as may be required by subsection (1)(a), be not received in evidence in the absence of a clear showing that the offering party had good cause for his/her failure to produce the evidence sooner.

(c) That the authenticity of all documents submitted in advance in a proceeding in which such 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.

(2) The presiding officer may, upon findings made on the record, limit the documentary evidence to that presented at any prehearing conference. For good cause shown any party may submit additional documentary evidence at the time of hearing.

[Order 4, § 415-08-290, filed 7/27/77.]

**WAC 415-08-300 Computation of time—Excerpts from documents.** When portions only of a document are to be relied upon the offering party shall prepare the pertinent excerpts, all identified, and shall supply copies of such excerpts to the presiding officer and to the other parties. Only the excerpts, prepared and submitted, shall be received in the record. How the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Order 4, § 415-08-300, filed 7/27/77.]

**WAC 415-08-310 Computation of time—Failure to supply prehearing information.** If any party fails to supply the presiding officer at a prehearing conference the information reasonably necessary to aid the board in properly scheduling hearings, the board or the presiding officer may suspend setting a hearing pending receipt of the required information, or may refuse to grant such party a continuance of the original hearing, or may otherwise restrict the time or location of hearing for receipt of such party's evidence.

[Order 4, § 415-08-310, filed 7/27/77.]

**WAC 415-08-320 Computation of time—Agreements at prehearing conference.** At the conclusion of a prehearing conference, the presiding officer conducting the same shall state for the record the result thereof. The statement shall include the agreements of the parties concerning issues, admissions, witnesses, time and location of hearings, the issues remaining to be determined and other matters that may expedite the subsequent hearing. The statement of agreement and issues, and rulings of the presiding officer, shall control the subsequent course of the proceedings unless modified for good cause by subsequent order.

[Order 4, § 415-08-320, filed 7/27/77.]

**WAC 415-08-330 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, avail-

[Title 415 WAC—p 12]

ability 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 courts of the state of Washington.

[Order 4, § 415-08-330, filed 7/27/77.]

**WAC 415-08-340 Rules of evidence—Official notice—Matters of law.** The board and its hearing officers, 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; decision 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 department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Order 4, § 415-08-340, filed 7/27/77.]

**WAC 415-08-350 Rules of evidence—Official notice—Material facts.** In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing may officially notice:

(1) **Board 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.

(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 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 presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memo-

randa, 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 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 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 or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Order 4, § 415-08-350, filed 7/27/77.]

**WAC 415-08-360 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/her 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 4, § 415-08-360, filed 7/27/77.]

**WAC 415-08-370 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, 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 of nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists 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/her own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, 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 4, § 415-08-370, filed 7/27/77.]

**WAC 415-08-380 Presumptions—Additional evidence by presiding officer.** The presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by the presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by the presiding officer, he/she shall make application therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

[Order 4, § 415-08-380, filed 7/27/77.]

**WAC 415-08-390 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 prehearing 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 board or its designated representative, that such stipulation or admission was made inadvertently or under a bona fide mistake or 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 4, § 415-08-390, filed 7/27/77.]

**WAC 415-08-400 Expert or opinion testimony number and qualifications of witnesses.** The board or its designated representative in all classes of cases should, where practicable, 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 4, § 415-08-400, filed 7/27/77.]

**WAC 415-08-410 Expert or opinion testimony number and qualifications of witnesses—Written sworn statements.** The board or its designated representative, shall in all classes, of cases where it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him/her and to the other parties to the proceeding by a date determined by the presiding 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 4, § 415-08-410, filed 7/27/77.]

**WAC 415-08-420 Expert or opinion testimony number and qualifications of witnesses—Procedures at hearings.** (1) **Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Order of presentation of evidence.** The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce all evidence in his/her case-in-chief. The adverse parties may then introduce the evidence necessary to their cases-in-chief. Rebuttal evidence will then be received.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) **Opening statements.** Unless the presiding officer rules otherwise, all parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes, and issues of the case.

(4) **Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit to the board and all parties at the outset of the hearing a written statement

of the qualifications, experience, and expertise of each such expert witness.

(5) **Former employee as an expert witness.** No former employee of the department or the board or the attorney general shall, at any time after severing his/her employment with the department, appear, except when permitted by RCW 42.18.220, as an expert witness on behalf of other parties in a formal proceeding wherein he/she previously took an active part in the investigation as a representative of the department or board.

(6) **Objections and motion to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

(7) **Rulings.** The presiding officer on objection or on his own motion, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with the rules of evidence established by these rules.

(8) Person appealing or requesting a hearings shall have the burden of proof in the matter.

[Order 4, § 415-08-420, filed 7/27/77.]

**WAC 415-08-430 Petitions for rule making, amendment or repeal—Who may petition.** Any interested person may petition the director or board requesting the promulgation, amendment, or repeal of any rule.

[Order 4, § 415-08-430, filed 7/27/77.]

**WAC 415-08-440 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 4, § 415-08-440, filed 7/27/77.]

**WAC 415-08-450 Petitions for rule making, amendment or repeal—Agency must consider.** All petitions shall be considered by the board or director and the board or director may, in its, or his/her, discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Order 4, § 415-08-450, filed 7/27/77.]

**WAC 415-08-460 Petitions for rule making, amendment or repeal—Notice of disposition.** The board shall notify the petitioning party within a reasonable time of the disposition, if any of the petition.

[Order 4, § 415-08-460, filed 7/27/77.]

**WAC 415-08-470 Declaratory rulings.** As prescribed by RCW 34.04.080, any interested person may petition the board or director for a declaratory ruling. The board or

director shall consider the petition and within a reasonable time it 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 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 upon the issues involved.
- (4) If a hearing is held or evidence submitted, the board shall within a reasonable time;
  - (a) Issue a binding declaratory rule; or
  - (b) Issue a nonbinding declaratory ruling; or
  - (c) Notify the person that no declaratory ruling is to be issued.

[Order 4, § 415-08-470, filed 7/27/77.]

**WAC 415-08-480 Declaratory rulings—Forms.** Any interested person petitioning the board or director for a declaratory ruling pursuant to RCW 43.04.080, shall generally adhere to the following form for such purpose.

(1) At the top of the page shall appear the wording "BEFORE THE . . . . . RETIREMENT BOARD," or "BEFORE THE DIRECTOR OF RETIREMENT SYSTEMS." On the left side of the name 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."

(2) 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.

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

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

(5) At the top of the page shall appear the wording "BEFORE THE . . . . . RETIREMENT BOARD," or "BEFORE THE DIRECTOR OF RETIREMENT SYSTEMS." 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."

(6) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the names 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 the board 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.

(7) 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 agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

[Order 4, § 415-08-480, filed 7/27/77.]

**Chapter 415-100 WAC  
JUDICIAL RETIREMENT SYSTEM**

<b>WAC</b>	
415-100-005	Purpose.
415-100-015	Scope.
415-100-025	Public records.
415-100-035	Retirement for service.
415-100-041	Background and purpose.
415-100-045	Definitions for purposes of WAC 415-100-040 through 415-100-055.
415-100-051	Married member's benefit selection—Spousal consent required.
415-100-055	Options.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

415-100-010	Definitions. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-010, filed 11/22/78.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-100-020	Public records. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-020, filed 11/22/78. Formerly chapter 290-48 WAC.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-100-040	Appeals—Disability retirement applications. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-040, filed 11/22/78. Formerly chapter 290-28 WAC.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-100-050	Appeals to superior court—Notice of appeal. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-050, filed 11/22/78. Formerly chapter 290-28 WAC.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-100-060	Appeals to superior court—Certification of record. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-060, filed 11/22/78. Formerly chapter 290-28 WAC.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-100-100	Members. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-100, filed 11/22/78. Formerly WAC 290-16-010.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.

- 415-100-110 Officers. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-110, filed 11/22/78. Formerly WAC 290-16-020.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-120 Function. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-120, filed 11/22/78. Formerly WAC 290-16-030.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-130 Duties. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-130, filed 11/22/78. Formerly WAC 290-16-040.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-140 Location. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-140, filed 11/22/78. Formerly WAC 290-16-050.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-150 Meetings. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-150, filed 11/22/78. Formerly WAC 290-16-060.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-160 Office of the chairman. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-160, filed 11/22/78. Formerly WAC 290-16-070.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-170 Business hours. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-170, filed 11/22/78. Formerly WAC 290-16-080.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
- 415-100-180 Correspondence. [Statutory Authority: RCW 2.10.020, 41.50.050(6), and 41.50.090. 78-12-038 (Order V), § 415-100-180, filed 11/22/78. Formerly WAC 290-16-090.] Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.

**WAC 415-100-005 Purpose.** These rules are adopted to implement administration of chapter 2.10 RCW by the director of the department of retirement systems pursuant to RCW 2.10.052.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-014 (Order 87-02), § 415-100-005, filed 3/11/87.]

**WAC 415-100-015 Scope.** These rules shall govern the unique aspects of the administration of chapter 2.10 RCW, Judicial retirement system.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-014 (Order 87-02), § 415-100-015, filed 3/11/87.]

**WAC 415-100-025 Public records.** See chapter 415-06 WAC.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-014 (Order 87-02), § 415-100-025, filed 3/11/87.]

**WAC 415-100-035 Retirement for service.** Any judge who voluntarily leaves service after having served an aggregate of fifteen years but prior to attaining age sixty shall be eligible to apply for and receive a service retirement allowance computed according to RCW 2.10.110 commencing upon his/her attainment of age sixty. Such allowance shall be computed in accordance with RCW 2.10.110 and 2.10.030 (9)(b).

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-014 (Order 87-02), § 415-100-035, filed 3/11/87.]

**WAC 415-100-041 Background and purpose.** (1) Background - chapter 249, Laws of 1990, (Substitute House Bill No. 2643) provides in part that the department shall adopt rules establishing survivor benefit options for certain retiring eligible members of the judicial retirement system, chapter 2.10 RCW. Under the law as amended, a member retiring for service or disability is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and create a survivor's benefit. If a JRS member selects a survivor benefit option, upon the retired member's death, a portion of the member's reduced retirement allowance shall be continued throughout the life of and paid to the designated survivor at a joint and one hundred percent survivor option; or at a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 2.10.146(2), as amended.

(2) Purpose - this chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become January 17, 1991.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-013, § 415-100-041, filed 1/7/91, effective 2/7/91.]

**WAC 415-100-045 Definitions for purposes of WAC 415-100-040 through 415-100-055.** (1) "Eligible member" or "member" means a judge as defined in RCW 2.10.030(2), who elected to exchange survivor benefits and who filed the requisite documents with the department pursuant to RCW 2.10.140(2).

(2) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. Concurrently, "survivor" may include a surviving spouse as defined in RCW 2.10.030(4).

(3) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(4) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent."

(5) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the eligible member; or (b) a relation of the parties to each other by blood or marriage.

(6) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-013, § 415-100-045, filed 1/7/91, effective 2/7/91.]

**WAC 415-100-051 Married member's benefit selection—Spousal consent required.** The member, if married, must provide the written consent of his or her spouse to the option selected under WAC 415-100-055. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 2.10.146(2), as amended.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-013, § 415-100-051, filed 1/7/91, effective 2/7/91.]

**WAC 415-100-055 Options.** RCW 2.10.146, as amended by chapter 249, Laws of 1990, provides three benefit options for eligible members retiring under the provisions of RCW 2.10.100 or 2.10.120. The choice of option is to be made by the member upon application for either service or disability retirement.

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 2.10.110 or 2.10.130, based solely on the single life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 2.10.146 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-013, § 415-100-055, filed 1/7/91, effective 2/7/91.]

**Chapter 415-104 WAC**

**LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM**

**WAC**

415-104-005	Purpose.
415-104-015	Scope.
415-104-025	Public records.
415-104-035	Jurisdiction of director.
415-104-045	Grievances.
415-104-050	Review of disability board action.
415-104-060	Rules on appeals filed pursuant to RCW 41.26.200.
415-104-070	Parties to a de novo hearing.

415-104-080	Department examination.
415-104-090	Notice of appeal to the superior court.
<b>GENERAL ADMINISTRATION</b>	
415-104-100	Certification of record.
415-104-108	Actuarial tables, schedules, and factors.
<b>CESSATION OF DISABILITY</b>	
415-104-115	Purpose and scope.
415-104-125	Director's review of disability board order.
415-104-135	Notice for hearing.
415-104-145	Department examination.
415-104-155	Burden of proof.
415-104-165	Payment of benefits pending final determination.
415-104-175	Comparison of disability retirement allowance and service retirement allowance.
415-104-201	Background and purpose.
415-104-205	Definitions for purposes of WAC 415-104-200 through 415-104-215.
415-104-211	Married member's benefit selection—Spousal consent required.
415-104-215	Options.
<b>MINIMUM MEDICAL AND HEALTH STANDARDS</b>	
415-104-500	Purpose.
415-104-510	Minimum standards for membership—Physical examination.
415-104-520	Abdomen and gastrointestinal system.
415-104-530	Blood and blood-forming tissue diseases.
415-104-540	Dental.
415-104-550	Ears.
415-104-555	Hearing.
415-104-560	Table 1—Table of acceptable audiometric hearing level.
415-104-570	Endocrine and metabolic disorders.
415-104-580	Upper extremities.
415-104-584	Lower extremities.
415-104-588	Miscellaneous extremities.
415-104-590	Eyes.
415-104-595	Vision.
415-104-600	Genitalia.
415-104-605	Urinary system.
415-104-610	Head.
415-104-615	Neck.
415-104-620	Heart.
415-104-624	Vascular system.
415-104-628	Heart and vascular system—Miscellaneous.
415-104-630	Height.
415-104-634	Weight.
415-104-638	Body build.
415-104-640	Lungs and chest wall—General.
415-104-644	Lungs and chest—Tuberculous lesions.
415-104-648	Lungs and chest—Nontuberculous lesions.
415-104-650	Table 2—Table of weight.
415-104-660	Mouth.
415-104-663	Nose and sinuses.
415-104-666	Pharynx, trachea, esophagus, and larynx.
415-104-668	Miscellaneous mouth, throat, and nose diseases.
415-104-670	Neurological disorders.
415-104-680	Psychoses.
415-104-684	Psychoneuroses.
415-104-688	Personality disorders.
415-104-690	Skin and cellular tissues.
415-104-700	Spine and sacroiliac joints.
415-104-705	Scapulae, clavicles, and ribs.
415-104-710	Systemic diseases.
415-104-715	Miscellaneous conditions and defects.
415-104-720	Tumors.
415-104-725	Malignant diseases and tumors.
415-104-730	Veneral diseases.
415-104-740	Mental examination.
415-104-745	Mental examination—Requirement.
415-104-750	Mental examination—Procedure.
415-104-755	Mental examination—Retention by employing department.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER		
415-104-010	Definitions. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-010, filed 2/15/78. Formerly WAC 297-15-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-220 Recording. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-220, filed 2/15/78. Formerly WAC 297-30-030.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-020	Public records. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-020, filed 2/15/78.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-230 Legal examination of application. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-230, filed 2/15/78. Formerly WAC 297-30-040.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-030	Deductions from pension payments for insurance purposes. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-030, filed 2/15/78. Formerly WAC 297-60-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-240 Recommendation and conclusion. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-240, filed 2/15/78. Formerly WAC 297-30-050.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-105	Election of LEOFF member to LEOFF retirement board. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-105, filed 2/15/78. Formerly WAC 297-10-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-250 LEOFF retirement board decision on application. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-250, filed 2/15/78. Formerly WAC 297-30-060.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-110	Administration. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-110, filed 2/15/78.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-260 Notification of member. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-260, filed 2/15/78. Formerly WAC 297-30-070.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-120	Function. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-120, filed 2/15/78.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-270 Miscellaneous applications. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-270, filed 2/15/78. Formerly WAC 297-30-080.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-140	Location. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-140, filed 2/15/78. Formerly WAC 297-25-100.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-300 Disability retirement applications—Appeals. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-300, filed 2/15/78. Formerly WAC 297-35-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-150	Meetings. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-150, filed 2/15/78. Formerly WAC 297-25-020.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-310 Grievances. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-310, filed 2/15/78. Formerly WAC 297-35-020.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-160	Office of the chairman. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-160, filed 2/15/78. Formerly WAC 297-25-030.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-320 Rules on appeals. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-320, filed 2/15/78. Formerly WAC 297-35-030.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-170	Business hours. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-170, filed 2/15/78. Formerly WAC 297-25-030.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-400 Notice of appeal to the superior court. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-400, filed 2/15/78. Formerly WAC 297-45-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-180	Correspondence. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-180, filed 2/15/78. Formerly WAC 297-25-040.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-410 Certification of record. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-410, filed 2/15/78. Formerly WAC 297-45-020.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-190	Identification. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-190, filed 2/15/78. Formerly WAC 297-25-050.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-800 Continued LEOFF membership for members in state elective positions. [Statutory Authority: RCW 41.50.050(6). 81-07-017 (Order 81-2), § 415-104-800, filed 3/10/81.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-200	Decision and order of the local disability board. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-200, filed 2/15/78. Formerly WAC 297-30-010.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-810 Contributions and service credit for members in state elective positions. [Statutory Authority: RCW 41.50.050(6). 81-07-017 (Order 81-2), § 415-104-810, filed 3/10/81.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-210	Processing applications. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-210, filed 2/15/78. Formerly WAC 297-30-020.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.	415-104-820 Members in state elective positions—Entitlement to benefits. [Statutory Authority: RCW 41.50.050(6). 81-07-017 (Order 81-2), § 415-104-820, filed 3/10/81.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.

415-104-830 Operation if in conflict with state law. [Statutory Authority: RCW 41.50.050(6). 81-07-017 (Order 81-2), § 415-104-830, filed 3/10/81.] Repealed by 87-07-016 (Order 87-4), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.

**WAC 415-104-005 Purpose.** These rules are adopted to implement administration of chapter 41.26 RCW by the director of the department of retirement systems pursuant to RCW 41.26.051.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-005, filed 3/11/87.]

**WAC 415-104-015 Scope.** These rules shall govern the unique aspects of the administration of chapter 41.26 RCW, Law enforcement officers' and firefighters' retirement system (LEOFF).

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-015, filed 3/11/87.]

**WAC 415-104-025 Public records.** See chapter 415-06 WAC.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-025, filed 3/11/87.]

**WAC 415-104-035 Jurisdiction of director.** (1) The director has no jurisdiction to review the propriety of a disability board finding that the member's disability was incurred in the line of duty under RCW 41.26.120 or not incurred in the line of duty under RCW 41.26.125. If a member is granted disability retirement subsequent to a disability board's denial of disability, the director shall remand the matter to the disability board to make a finding of whether the disability was incurred in the line of duty.

(2) The director has no jurisdiction to review a disability board determination regarding a member's right to the employer's payment for medical services pursuant to RCW 41.26.030(22) and/or 41.26.150.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-035, filed 3/11/87.]

**WAC 415-104-045 Grievances.** Any person aggrieved by a decision or order of the local disability board denying disability leave, disability retirement, or cancelling a previously granted disability retirement allowance must submit a notice of appeal to the director within thirty days in accordance with RCW 41.26.200.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-045, filed 3/11/87.]

**WAC 415-104-050 Review of disability board action.** After the director has reviewed the disability board's decision pursuant to the provisions of RCW 41.26.120 or 41.26.125, he shall serve a copy of his decision on the disability board, the employer, and the applicant. If the director's decision is adverse to the applicant, he shall notify the applicant of his/her right to appeal by filing a notice for hearing.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-050, filed 3/11/87.]

**WAC 415-104-060 Rules on appeals filed pursuant to RCW 41.26.200.** Appeal from decisions of the local disability boards will be reviewed on the basis of the record established by the disability board and materials appearing in the records of the department of retirement systems. The director shall act on such appeals as follows:

- (1) Affirmance; or
- (2) Remand for further proceedings; or
- (3) Reversal and remand.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-060, filed 3/11/87.]

**WAC 415-104-070 Parties to a de novo hearing.** The parties to a de novo hearing held pursuant to RCW 41.26.220 shall be the applicant, employer, and the department. The disability board may appear at such hearing only in support of the director's decision pursuant to RCW 41.26.220.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-070, filed 3/11/87.]

**WAC 415-104-080 Department examination.** The director or his representative, in his/her discretion, may require an application for disability retirement to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW 41.26.220. The cost of such examination is the responsibility of the department.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-080, filed 3/11/87.]

**WAC 415-104-090 Notice of appeal to the superior court.** Upon an appeal from the decision and order of the director to the superior court pursuant to RCW 41.26.210, the appealing party within thirty days from the decision and order of the director must perfect his appeal by serving notice of appeal on the director and filing the notice of appeal together with proof of service with the clerk of the superior court. The service and the filing together with proof of service of the notice of appeal within thirty days shall be jurisdictional.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-090, filed 3/11/87.]

## GENERAL ADMINISTRATION

**WAC 415-104-100 Certification of record.** The director or his/her designated representative shall promptly file with the clerk of the court a certified copy of the complete record of the hearing before the director which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the court of appeals or the supreme court as in other cases.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-100, filed 3/11/87. Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-100, filed 2/15/78. Formerly WAC 297-20-010.]

**WAC 415-104-108 Actuarial tables, schedules, and factors.** This chapter contains the tables, schedules, and

factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050 and 41.26.060 for calculating optional retirement allowances of members of the Washington state law enforcement officers' and firefighters' retirement system, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the law enforcement officers' and firefighters' retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before October 1, 1990 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

LAW  
ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN I  
Monthly Benefit per  
\$1.00 of Accumulation

LAW  
ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Monthly Benefit per  
\$1.00 of Accumulation

20	.0025142	20	.0039808
21	.0025304	21	.0039997
22	.0025472	22	.0040196
23	.0025647	23	.0040405
24	.0025828	24	.0040624
25	.0026017	25	.0040855
26	.0026214	26	.0041098
27	.0026418	27	.0041353
28	.0026632	28	.0041622
29	.0026854	29	.0041905
30	.0027086	30	.0042204
31	.0027327	31	.0042518
32	.0027579	32	.0042850
33	.0027842	33	.0043200
34	.0028117	34	.0043569
35	.0028404	35	.0043958
36	.0028704	36	.0044370
37	.0029018	37	.0044805
38	.0029346	38	.0045266
39	.0029690	39	.0045752
40	.0030050	40	.0046267
41	.0030427	41	.0046810
42	.0030823	42	.0047384
43	.0031237	43	.0047988
44	.0031672	44	.0048626
45	.0032128	45	.0049298
46	.0032607	46	.0050007
47	.0033111	47	.0050753
48	.0033640	48	.0051539
49	.0034197	49	.0052369
50	.0034785	50	.0053245
51	.0035404	51	.0054172
52	.0036059	52	.0055155
53	.0036751	53	.0056199
54	.0037485	54	.0057310
55	.0038265	55	.0058496
56	.0039096	56	.0059764
57	.0039981	57	.0061122

58	.0040928	58	.0062578
59	.0041941	59	.0064139
60	.0043026	60	.0065811
61	.0044195	61	.0067600
62	.0045451	62	.0069511
63	.0046805	63	.0071548
64	.0048266	64	.0073714
65	.0049847	65	.0076011
66	.0051560	66	.0078441
67	.0053424	67	.0081009
68	.0055445	68	.0083721
69	.0057645	69	.0086591
70	.0060046	70	.0089634
71	.0062678	71	.0092866
72	.0065554	72	.0096299
73	.0068706	73	.0099940
74	.0072168	74	.0103786
75	.0075947	75	.0107825
76	.0080069	76	.0112040
77	.0084560	77	.0116408
78	.0089449	78	.0120905
79	.0094696	79	.0125511
80	.0100369	80	.0130204
81	.0106372	81	.0134944
82	.0112701	82	.0139758
83	.0119271	83	.0144609
84	.0126119	84	.0149489
85	.0133170	85	.0154388
86	.0140467	86	.0159282
87	.0147922	87	.0164053
88	.0155623	88	.0168983
89	.0163745	89	.0173754
90	.0172295	90	.0178441
91	.0181323	91	.0183008
92	.0190934	92	.0187436
93	.0201303	93	.0191730
94	.0212247	94	.0195820
95	.0223693	95	.0199697
96	.0236226	96	.0203443
97	.0250062	97	.0207038
98	.0265426	98	.0210462
99	.0282645	99	.0213706

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
Early Retirement Factors  
by Year and Month

0	0	1.0000
	1	.9918
	2	.9836
	3	.9754
	4	.9672
	5	.9590
	6	.9508
	7	.9426
	8	.9344
	9	.9262
	10	.9180
	11	.9098
1	0	.9016
	1	.8943
	2	.8870
	3	.8797
	4	.8724
	5	.8652
	6	.8579
	7	.8506
	8	.8433
	9	.8360
	10	.8287
	11	.8215
2	0	.8142

## LEOFF Retirement System

415-104-108

1	.8077	5	.4381
2	.8012	6	.4347
3	.7947	7	.4313
4	.7883	8	.4280
5	.7818	9	.4246
6	.7753	10	.4213
7	.7688	11	.4179
8	.7623	9 0	.4145
9	.7558	1	.4115
10	.7494	2	.4085
11	.7429	3	.4054
3 0	.7364	4	.4024
1	.7306	5	.3994
2	.7248	6	.3964
3	.7191	7	.3933
4	.7133	8	.3903
5	.7075	9	.3873
6	.7017	10	.3842
7	.6959	11	.3812
8	.6902	10 0	.3782
9	.6844	1	.3754
10	.6786	2	.3727
11	.6728	3	.3700
4 0	.6670	4	.3672
1	.6619	5	.3645
2	.6567	6	.3618
3	.6515	7	.3590
4	.6464	8	.3563
5	.6412	9	.3535
6	.6360	10	.3508
7	.6309	11	.3481
8	.6257	11 0	.3453
9	.6205	1	.3429
10	.6153	2	.3404
11	.6102	3	.3379
5 0	.6050	4	.3354
1	.6004	5	.3330
2	.5958	6	.3305
3	.5911	7	.3280
4	.5865	8	.3255
5	.5819	9	.3231
6	.5772	10	.3206
7	.5726	11	.3181
8	.5680	12 0	.3156
9	.5634	1	.3134
10	.5587	2	.3112
11	.5541	3	.3089
6 0	.5495	4	.3067
1	.5453	5	.3044
2	.5412	6	.3022
3	.5370	7	.2999
4	.5329	8	.2977
5	.5287	9	.2955
6	.5246	10	.2932
7	.5204	11	.2910
8	.5163	13 0	.2887
9	.5121	1	.2867
10	.5080	2	.2847
11	.5038	3	.2826
7 0	.4996	4	.2806
1	.4959	5	.2786
2	.4922	6	.2765
3	.4884	7	.2745
4	.4847	8	.2725
5	.4810	9	.2705
6	.4773	10	.2684
7	.4735	11	.2664
8	.4698	14 0	.2644
9	.4661	1	.2625
10	.4623	2	.2607
11	.4586	3	.2588
8 0	.4549	4	.2570
1	.4515	5	.2551
2	.4481	6	.2533
3	.4448	7	.2514
4	.4414	8	.2496

9	.2478	1	.1444
10	.2459	2	.1434
11	.2441	3	.1425
15 0	.2422	4	.1415
1	.2405	5	.1405
2	.2389	6	.1396
3	.2372	7	.1386
4	.2355	8	.1376
5	.2338	9	.1367
6	.2322	10	.1357
7	.2305	11	.1347
8	.2288	22 0	.1338
9	.2271	1	.1329
10	.2254	2	.1320
11	.2238	3	.1311
16 0	.2221	4	.1302
1	.2206	5	.1294
2	.2190	6	.1285
3	.2175	7	.1276
4	.2160	8	.1267
5	.2145	9	.1258
6	.2129	10	.1249
7	.2114	11	.1241
8	.2099	23 0	.1232
9	.2084	1	.1224
10	.2068	2	.1216
11	.2053	3	.1208
17 0	.2038	4	.1199
1	.2024	5	.1191
2	.2010	6	.1183
3	.1996	7	.1175
4	.1982	8	.1167
5	.1968	9	.1159
6	.1955	10	.1151
7	.1941	11	.1143
8	.1927	24 0	.1135
9	.1913	1	.1127
10	.1899	2	.1120
11	.1885	3	.1113
18 0	.1871	4	.1105
1	.1858	5	.1098
2	.1846	6	.1090
3	.1833	7	.1083
4	.1820	8	.1075
5	.1808	9	.1068
6	.1795	10	.1061
7	.1782	11	.1053
8	.1770	25 0	.1046
9	.1757	1	.1039
10	.1744	2	.1032
11	.1732	3	.1025
19 0	.1719	4	.1019
1	.1708	5	.1012
2	.1696	6	.1005
3	.1684	7	.0998
4	.1673	8	.0991
5	.1661	9	.0985
6	.1650	10	.0978
7	.1638	11	.0971
8	.1627	26 0	.0964
9	.1615	1	.0958
10	.1604	2	.0952
11	.1592	3	.0946
20 0	.1580	4	.0939
1	.1570	5	.0933
2	.1559	6	.0927
3	.1549	7	.0921
4	.1538	8	.0914
5	.1528	9	.0908
6	.1517	10	.0902
7	.1506	11	.0896
8	.1496	27 0	.0889
9	.1485	1	.0884
10	.1475	2	.0878
11	.1464	3	.0872
21 0	.1454	4	.0867

## LEOFF Retirement System

415-104-108

5	.0861	9	.0521
6	.0855	10	.0517
7	.0849	11	.0514
8	.0844	34 0	.0510
9	.0838	1	.0507
10	.0832	2	.0504
11	.0826	3	.0501
28 0	.0821	4	.0497
1	.0815	5	.0494
2	.0810	6	.0491
3	.0805	7	.0488
4	.0800	8	.0485
5	.0794	9	.0481
6	.0789	10	.0478
7	.0784	11	.0475
8	.0779	35 0	.0472
9	.0773	1	.0469
10	.0768	2	.0466
11	.0763	3	.0463
29 0	.0758	4	.0460
1	.0753	5	.0457
2	.0748	6	.0454
3	.0743	7	.0451
4	.0738	8	.0448
5	.0733	9	.0445
6	.0729	10	.0442
7	.0724	11	.0439
8	.0719	36 0	.0437
9	.0714	1	.0434
10	.0709	2	.0431
11	.0704	3	.0428
30 0	.0700	4	.0426
1	.0695	5	.0423
2	.0691	6	.0420
3	.0686	7	.0417
4	.0682	8	.0415
5	.0677	9	.0412
6	.0673	10	.0409
7	.0668	11	.0407
8	.0664	37 0	.0404
9	.0660	1	.0401
10	.0655	2	.0399
11	.0651	3	.0396
31 0	.0646	4	.0394
1	.0642	5	.0391
2	.0638	6	.0389
3	.0634	7	.0386
4	.0630	8	.0384
5	.0626	9	.0381
6	.0622	10	.0379
7	.0618	11	.0376
8	.0613	38 0	.0374
9	.0609	1	.0372
10	.0605	2	.0369
11	.0601	3	.0367
32 0	.0597	4	.0365
1	.0593	5	.0363
2	.0590	6	.0361
3	.0586	7	.0359
4	.0582	8	.0356
5	.0578	9	.0354
6	.0575	10	.0352
7	.0571	11	.0350
8	.0567	39 0	.0348
9	.0563	1	.0346
10	.0559	2	.0344
11	.0556	3	.0342
33 0	.0552	4	.0340
1	.0548	5	.0338
2	.0545	6	.0336
3	.0541	7	.0334
4	.0538	8	.0332
5	.0535	9	.0330
6	.0531	10	.0327
7	.0528	11	.0325
8	.0524	40 or more	.0323

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS RETIREMENT SYSTEM

PLAN II

Option II	Age Difference	Option III
-----------	----------------	------------

Member Older		
0.800	0	0.887
0.790	1	0.883
0.778	2	0.877
0.768	3	0.871
0.759	4	0.865
0.750	5	0.859
0.742	6	0.854
0.734	7	0.849
0.726	8	0.843
0.718	9	0.838
0.711	10	0.833
0.704	11	0.828
0.697	12	0.824
0.690	13	0.818
0.681	14	0.812
0.672	15	0.805
0.663	16	0.799
0.656	17	0.794
0.650	18	0.790
0.644	19	0.786
0.639	20	0.782
0.634	21	0.778
0.630	22	0.775
0.625	23	0.771
0.621	24	0.768
0.617	25	0.765
0.613	26	0.762
0.609	27	0.759
0.606	28	0.756
0.602	29	0.754
0.599	30	0.751
0.596	31	0.749
0.593	32	0.746
0.590	33	0.744
0.587	34	0.742
0.585	35	0.740
0.582	36	0.738
0.580	37	0.736
0.578	38	0.734
0.575	39	0.732
0.573	40	0.731

Beneficiary Older

0.956	-20 or more	0.980
0.951	-19	0.978
0.946	-18	0.975
0.940	-17	0.972
0.934	-16	0.968
0.927	-15	0.965
0.920	-14	0.961
0.913	-13	0.957
0.905	-12	0.953
0.897	-11	0.948
0.889	-10	0.944
0.881	-09	0.939
0.872	-08	0.933
0.863	-07	0.927
0.854	-06	0.920
0.846	-05	0.914
0.837	-04	0.908
0.828	-03	0.902
0.819	-02	0.897
0.810	-01	0.892

AGE DIFFERENCE = MEMBER'S AGE MINUS BENEFICIARY AGE

\* For converting the Normal Form (Option I) to Option II or III.

[Statutory Authority: RCW 41.50.050 and 41.26.060. 91-19-063, § 415-104-108, filed 9/16/91, effective 10/17/91; 91-02-019, § 415-104-108, filed 12/21/90, effective 1/21/91.]

CESSATION OF DISABILITY

**WAC 415-104-115 Purpose and scope.** The purpose of WAC 415-104-125 through 415-104-175 is to implement the provisions of RCW 41.26.135 to be followed by the department of retirement systems. These rules apply only to disability retirees over age fifty who seek a determination that their disability has ceased.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-115, filed 3/11/87.]

**WAC 415-104-125 Director's review of disability board order.** (1) Every order of a disability board determining that an applicant's disability has ceased pursuant to RCW 41.26.130(3) shall be reviewed by the director, or his designated representative. The director may affirm or reverse the order or remand the matter for further proceedings.

(2) A retiree may appeal the disability board determination that a disability has not ceased to the director pursuant to the provisions of RCW 41.26.140(6).

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-125, filed 3/11/87.]

**WAC 415-104-135 Notice for hearing.** Before appealing to the superior court, any person aggrieved by the director's final decision on review of the local board determination or the director's final decision after review of the record on appeal shall invoke the director's jurisdiction by filing a notice for hearing in accordance with RCW 41.26.210 and WAC 415-08-020. Such hearing shall be in accordance with RCW 41.26.220.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-135, filed 3/11/87.]

**WAC 415-104-145 Department examination.** The director or his representative, in his/her discretion, may require a disability retiree to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW 41.26.220. The cost of such examination is the responsibility of the department.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-145, filed 3/11/87.]

**WAC 415-104-155 Burden of proof.** The retiree has the burden of proof in the proceedings before the disability board and the director.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-155, filed 3/11/87.]

**WAC 415-104-165 Payment of benefits pending final determination.** When a disability board determines that a retiree's disability has ceased, the department shall continue to pay monthly benefits: *Provided, however,* That the department shall pay either the member's monthly

service retirement allowance or monthly disability allowance, whichever is less, until there is a final determination from which no appeal is taken. Any retroactive adjustment that may be necessary as the result of the final determination shall be made after the appeal period has passed.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-165, filed 3/11/87.]

**WAC 415-104-175 Comparison of disability retirement allowance and service retirement allowance.** In comparing the member's disability retirement allowance and his/her service retirement allowance as required by RCW 41.26.130(3), the department shall calculate the service retirement allowance using a final average salary calculated as follows:

On the date the disability ceased, the average of the greatest basic monthly rate of salary or wages (basic salary) that was paid or would have been paid to the member had he/she been in "active service" (employed) during any consecutive twenty-four month period within the member's last ten years of service for which service credit was given (including periods of disability leave and disability retirement).

The initial calculation of the service retirement allowance does not include any cost-of-living increases that would have been granted if the service retirement allowance had been in effect during the period of disability retirement. The service retirement allowance is then compared to the monthly disability retirement allowance amount that the member was receiving on the date that the disability ceased.

[Statutory Authority: RCW 41.50.050(5) and 41.50.090. 87-07-016 (Order 87-4), § 415-104-175, filed 3/11/87.]

**WAC 415-104-201 Background and purpose.** (1) Background - chapter 249, Laws of 1990 (Substitute House Bill No. 2643) provides in part that the department shall adopt rules establishing survivor benefit options for retiring eligible Plan II members of the law enforcement officers' and firefighters' retirement system, chapter 41.26 RCW. Under the law as amended, a member retiring for service or disability is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a LEOFF member selects a survivor benefit option, upon the retired member's death, a portion of the member's reduced retirement allowance shall be continued throughout the life of and paid to the designated survivor by either a joint and one hundred percent survivor option, or a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.26.460(2), as amended.

(2) Purpose - this chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-014, § 415-104-201, filed 1/7/91, effective 2/7/91.]

**WAC 415-104-205 Definitions for purposes of WAC 415-104-200 through 415-104-215.** (1) "Member" means a Plan II member who is eligible to select a survivor option.

(2) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(3) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(4) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent."

(5) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(6) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-014, § 415-104-205, filed 1/7/91, effective 2/7/91.]

**WAC 415-104-211 Married member's benefit selection—Spousal consent required.** The member, if married, must provide the written consent of his or her spouse to the option selected under WAC 415-104-215. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 41.26.460(2), as amended.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-014, § 415-104-211, filed 1/7/91, effective 2/7/91.]

**WAC 415-104-215 Options.** RCW 41.26.460, as amended by chapter 249, Laws of 1990, provides three benefit options for members retiring under the provisions of RCW 41.26.430 or 41.26.470. The choice of option is to be made by the member upon application for either service or disability retirement.

(1) Standard allowance. A retired member shall receive the monthly retirement allowance provided by RCW 41.26.460 (1)(a) based solely on the life of the member. Upon the retired member's death, all continuing benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.26.460 (1)(a).

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation

duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

[Statutory Authority: RCW 34.05.050 and 1990 c 249, 91-03-014, § 415-104-215, filed 1/7/91, effective 2/7/91.]

#### MINIMUM MEDICAL AND HEALTH STANDARDS

**WAC 415-104-500 Purpose.** The regulations contained in WAC 415-104-510 through 415-104-750 are adopted as the minimum medical and health standards which must be met or exceeded before a law enforcement officer or firefighter may become a member of the retirement system contained in chapter 41.26 RCW as now existing or hereafter amended. Such regulations are adopted pursuant to chapter 41.26 RCW (chapter 257, Laws of 1971 1st ex. sess.) and are to be applied consistent with the provisions of that act. The minimum medical and health standards are not hiring standards. They relate only to membership in the LEOFF system.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090, 78-03-023 (Order IV), § 415-104-500, filed 2/15/78. Formerly WAC 297-50-010.]

#### **WAC 415-104-510 Minimum standards for membership—Physical examination. (1) Requirements:**

(a) Medical examination administered by a licensed physician or surgeon as set forth under provisions of chapter 18.71 RCW. Physician or surgeon to be appointed by the appropriate city or county disability board. Causes for rejection will be consistent with recommendations outlined in these standards.

(b) A medical history will be supplied by each applicant to the examining physician. The medical history will include information on past and present diseases, injuries, and operations.

(c) The applicant must possess normal vision. He must demonstrate normal visual functions and visual acuity not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye. He must possess normal color vision.

(d) Applicant must possess normal hearing. Hearing acuity level to be determined by audiometric hearing test.

(e) Applicant must be at least eighteen years of age, and shall not have reached forty-five years of age at the time of appointment.

(f) Retention on a permanent basis by the employer of the results of the physical examination on all applicants employed under these standards is required.

#### **(2) Procedure:**

(a) Completion of the report of medical history by the applicant.

(b) The physical examination will be conducted by a licensed physician or surgeon after a review of the report of medical history completed by the applicant.

(c) The physician shall record his findings on the report of medical history and shall note thereon, for evaluation by the hiring authority, any past or present physical defects, diseases, injuries, operations, or conditions of an abnormal or unusual nature and whether applicant is or is not qualified. Reports of medical history shall be typewritten or printed, and the summary of defects and diagnosis shall refer to the applicable section of these standards as cause for rejection.

(d) Physical examination reports shall be placed in permanent files by the employer and must be available for examination at any reasonable time by representatives of the retirement system board.

[Statutory Authority: RCW 41.50.050(5), 41.50.090 and 41.26.051, 84-03-047 (Order V), § 415-104-510, filed 1/18/84. Statutory Authority: RCW 41.50.050(6) and 41.50.090, 78-03-023 (Order IV), § 415-104-510, filed 2/15/78. Formerly WAC 297-50-020.]

**WAC 415-104-520 Abdomen and gastrointestinal system.** The following conditions of the abdomen and gastrointestinal system are causes for rejection of membership:

(1) **Cholecystectomy**, sequelae of, such as postoperative stricture of common bile duct, reforming of stones in hepatic or common bile ducts, or incisional hernia, or postcholecystectomy syndrome when symptoms are so severe as to interfere with normal performance of duty;

(2) **Cholecystitis**, acute or chronic, with or without cholelithiasis if diagnosis is confirmed by usual laboratory procedures or authentic medical records;

(3) **Cirrhosis**, regardless of the absence of manifestations such as jaundice, ascites or known esophageal varices, abnormal liver function tests with or without history of chronic alcoholism;

(4) **Fistula**, in ano;

(5) **Gastritis**, chronic hypertrophic, severe;

(6) **Hemorrhoids:**

(a) External hemorrhoids producing marked symptoms;

(b) Internal hemorrhoids, if large or accompanied with hemorrhage or protruding intermittently or constantly;

(7) **Hepatitis**, within the preceding six months, or persistence of symptoms after a reasonable period of time with objective evidence of impairment of liver function;

(8) **Hernia:**

(a) Hernia other than small asymptomatic umbilical or hiatal;

(b) History of operation for hernia within the preceding sixty days;

(9) **Intestinal obstruction**, or authenticated history of more than one episode, if either occurred during the preceding five years, or if resulting conditions remain which produces significant symptoms or requires treatment;

(10) **Megacolon**, of more than minimal degree, diverticulitis, regional enteritis, and ulcerative colitis. Irritable colon of more than moderate degree;

(11) **Pancreas**, acute or chronic disease of, if proven by laboratory tests, or authenticated medical records;

(12) **Rectum**, stricture or prolapse of;

(13) **Resection, gastric or of bowel; or gastroenterostomy**, but minimal intestinal resection in infancy or childhood is acceptable if the individual has been asymptomatic since the resection and if surgical consultation (to include upper and lower gastrointestinal series) gives complete clearance. For example: Intussusception or pyloric stenosis;

(14) **Scars:**

(a) Scars, abdominal, regardless of cause, which show hernial bulging or which interfere with movements;

(b) Scar pain associated with disturbance of function of abdominal wall or contained visceral;

(15) **Sinuses**, of the abdominal wall;

(16) **Splenectomy**, except when accomplished for the following:

(a) Trauma;

(b) Causes unrelated to diseases of the spleen;

(c) Hereditary spherocytosis;

(d) Disease involving the spleen when followed by correction of the condition for a period of at least two years;

(17) **Tumors**, see WAC 415-104-720 and 415-104-725;

(18) **Ulcer:**

(a) Ulcer of the stomach or duodenum if diagnosis is confirmed by x-ray examination, or authenticated history thereof;

(b) Authentic history of surgical operation(s) for gastric or duodenal ulcer;

(19) **Other congenital or acquired abnormalities and defects** which preclude satisfactory performance of duties or which require frequent and prolonged treatment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-520, filed 2/15/78. Formerly WAC 297-50-030.]

**WAC 415-104-530 Blood and blood-forming tissue diseases.** The following conditions of the blood and blood-forming tissue diseases are causes for rejection of membership:

(1) **Anemia:**

(a) Blood loss anemia—until both condition and basic cause are corrected;

(b) Deficiency anemia, not controlled by medication;

(c) Abnormal destruction of RBC's: Hemolytic anemia;

(d) Faulty RBC construction: Hereditary hemolytic anemia, thalassemia and sickle cell anemia;

(e) Myelophthisic anemia: Myelomatosis, leukemia, Hodgkin's disease;

(f) Primary refractory anemia: Aplastic anemia, DiGuglielmo's syndrome;

(2) **Hemorrhagic states:**

(a) Due to changes in coagulation system (hemophilia, etc.);

(b) Due to platelet deficiency;

(c) Due to vascular instability;

(3) **Leukopenia**, chronic or recurrent, associated with increased susceptibility to infection;

(4) **Myeloproliferative disease** (other than leukemia):

(a) Myelofibrosis;

(b) Megakaryocytic myelosis;

(c) Polycythemia vera;

(5) **Splenomegaly until the cause is remedied;**

(6) **Thromboembolic disease** except for acute, nonrecurrent conditions.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-530, filed 2/15/78. Formerly WAC 297-50-040.]

**WAC 415-104-540 Dental.** The following dental conditions are causes for rejection of membership:

(1) **Diseases of the jaws or associated tissues**, which are not easily remediable and which will incapacitate the individual or prevent the satisfactory performance of duty;

(2) **Malocclusion**, severe, which interferes with the mastication of a normal diet;

(3) **Orthodontic appliances:** Individuals with orthodontic appliances attached to the teeth are administratively unacceptable so long as active treatment is required. Individuals with retainer orthodontic appliances who are not considered to require active treatment are administratively acceptable;

(4) **Oral tissues**, extensive loss of, in an amount that would prevent replacement of missing teeth with a satisfactory prosthetic appliance;

(5) Relationship between the mandible and maxilla of such a nature as to preclude future satisfactory prosthodontic replacement.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-540, filed 2/15/78. Formerly WAC 297-50-050.]

**WAC 415-104-550 Ears.** The following conditions of the ear are causes for rejection of membership:

(1) **Auditory canal:**

(a) Atresia or severe stenosis of the external auditory canal;

(b) Tumors of the external auditory canal except mild exostoses;

(c) Severe external otitis, acute or chronic;

(2) **Auricle:** Agenesis, severe; or severe traumatic deformity, unilateral or bilateral;

(3) **Mastoids:**

(a) Mastoiditis, acute or chronic;

(b) Residual or mastoid operation with marked external deformity which precludes or interferes with the wearing of a gas mask or helmet;

(c) Mastoid fistula;

(4) **Meniere's syndrome;**

(5) **Middle ear:**

(a) Acute or chronic suppurative otitis media. Individuals with a recent history of acute suppurative otitis media will not be accepted unless the condition is healed and a sufficient interval of time subsequent to treatment has elapsed to insure that the disease is in fact not chronic;

(b) Adhesive otitis media associated with hearing level by audiometric test of 20 db or more average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear;

(c) Acute or chronic serous otitis media;

(d) Presence of attic perforation in which presence of cholesteatoma is suspected;

(e) Repeated attacks of catarrhal otitis media; intact greyish, thickened drum(s);

(6) **Tympanic membrane:**

(a) Any perforation of the tympanic membrane;

(b) Severe scarring of the tympanic membrane associated with hearing level by audiometric test of 20 db or more

average for the speech frequencies (500, 1000, and 2000 cycles per second) in either ear regardless of the hearing level in the other ear;

(7) **Other diseases and defects of the ear** which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-550, filed 2/15/78. Formerly WAC 297-50-060.]

**WAC 415-104-555 Hearing.** The following hearing condition is cause for rejection of membership: Hearing acuity level by audiometric testing (regardless of conversational or whispered voice hearing acuity) greater than that described in WAC 415-104-560 (Table 1).

There is no objection to conducting the whispered voice test or the spoken voice test as a preliminary to conducting the audiometric hearing test.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-555, filed 2/15/78.]

**WAC 415-104-560 Table 1—Table of acceptable audiometric hearing level.**

Acceptable Audiometric Hearing Level (Present American Standard) For Appointment								
	250	500	1000	2000	3000	4000	6000	8000
	256	512	1024	2048	2896	4096	6144	8192

a. Both ears . . .	(1)	Average of six readings in these speech frequencies not greater than 20 decibels with no level greater than 25 decibels. (divide by six)			(2)	50	(2)	(1)
or								
b. Better ear . . . . .	(1)	15	15	15	(2)	30	(2)	(1)
Worse ear . . . . .	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

(1) No requirement  
(2) Not yet standardized

"Better ear" is interpreted to mean the ear with better hearing at the frequency level being tested.

Medical history report to contain ASA readings; consult table below:

**CONVERSION TABLE**

ASA		ISO	
Hz	Db	Hz	Db
500	15	500	30
1000	15	1000	25
2000	15	2000	25
4000	30	4000	35

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-560, filed 2/15/78. Formerly WAC 297-50-070.]

**WAC 415-104-570 Endocrine and metabolic disorders.** The following endocrine and metabolic disorders or conditions are causes for rejection of membership:

- (1) **Adrenal gland**, malfunction of, of any degree;
- (2) **Cretinism**;
- (3) **Diabetes insipidus**;
- (4) **Diabetes mellitus**;
- (5) **Gigantism or acromegaly**;
- (6) **Glycosuria**, persistent, regardless of cause;
- (7) **Goiter**:
  - (a) Simple goiter with definite pressure symptoms or so large in size as to interfere with the wearing of a uniform or firefighting equipment;
  - (b) Thyrotoxicosis;
- (8) **Gout**;
- (9) **Hyperinsulinism**, confirmed, symptomatic;
- (10) **Hyperparathyroidism and hypoparathyroidism**;
- (11) **Hypopituitarism**, severe;
- (12) **Myxedema**, spontaneous or postoperative with clinical manifestations and not based solely on low basal metabolic rate;

(13) **Nutritional deficiency diseases**, (including spru, beriberi, pellagra, and scurvy) which are more than mild and not readily remediable or in which permanent pathological changes have been established;

(14) **Other endocrine or metabolic disorders** which obviously preclude satisfactory performance of duty which require frequent and prolonged treatment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-570, filed 2/15/78. Formerly WAC 297-50-080.]

**WAC 415-104-580 Upper extremities.** The following conditions of the upper extremities are causes for rejection of membership:

- (1) **Limitation of motion**: An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below;
  - (a) **Shoulder**:
    - (i) Forward elevation to 90°;
    - (ii) Abduction to 90°;
  - (b) **Elbow**:
    - (i) Flexion to 100°;
    - (ii) Extension to 15°;
  - (c) **Wrist**: A total range of 15° (extension plus flexion);
  - (d) **Hand**: Pronation to the first quarter of the normal arc;
  - (e) **Fingers**: Inability to clench fist, pick up a pin or needle, and grasp an object;
- (2) **Hand and fingers**:
  - (a) Absence (or loss) of more than 1/3 of the distal phalanx of either thumb;
  - (b) Absence or loss of distal and middle phalanx of an index, middle, or ring finger of either hand irrespective of the absence (or loss) of little finger;
  - (c) Absence of more than the distal phalanx of any two of the following fingers: index, middle, or ring finger, of either hand;
  - (d) Absence of hand or any portion thereof except for fingers as noted above;
  - (e) **Hyperdactylia**;

(f) Scars and deformities of the fingers and/or hand which impair circulation, are symptomatic, are so disfiguring as to make the individual objectionable in ordinary social relationships, or which impair normal function to such a degree as to interfere with the satisfactory performance of duty;

(3) **Wrist, forearm, elbow, arm, and shoulder:** Healed disease or injury of wrist, elbow, or shoulder with residual weakness or symptoms of such a degree as to preclude satisfactory performance of duty.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-580, filed 2/15/78. Formerly WAC 297-50-090.]

**WAC 415-104-584 Lower extremities.** See WAC 415-104-588. The following conditions of the lower extremities are causes for rejection of membership:

(1) **Limitation of motion:** An individual will be considered unacceptable if the joint ranges of motion are less than the measurements listed below;

(a) **Hip:**

(i) Flexion to 90°;

(ii) Extension to 10° (beyond 0);

(b) **Knee:**

(i) Full extension;

(b) Flexion to 90°;

(c) **Ankle:**

(i) Dorsiflexion to 10°;

(ii) Plantar flexion to 10°;

(2) **Foot and ankle:**

(a) Absence of one or more small toes of one or both feet, if function of the foot is poor or running or jumping is precluded, or absence of foot or any portion thereof except for toes as noted herein;

(b) Absence (or loss) of great toe(s) or loss of dorsal flexion thereof if function of the foot is impaired;

(c) Claw toes precluding the wearing of service boots;

(d) Clubfoot;

(e) Flatfoot, pronounced cases, with decided eversion of the foot and marked bulging of the inner border, due to inward rotation of the astragalus, regardless of the presence or absence of symptoms;

(f) Flatfoot, spastic;

(g) Hallux valgus, if severe and associated with marked exostosis or bunion;

(h) Hammer toe which interferes with the wearing of boots;

(i) Healed disease, injury, or deformity including hyperdactylia which precludes running, is accompanied by disabling pain, or which prohibits wearing of service boots;

(j) Ingrowing toe nails, if severe, and not remediable;

(k) Obliteration of the transverse arch associated with permanent flexion of the small toes;

(l) Pes cavus, with contracted plantar fascia, dorsiflexed toes, tenderness under the metatarsal heads, and callosity under the weight bearing areas;

(3) **Leg, knee, thigh, and hip:**

(a) Dislocated semilunar cartilage, loose or foreign bodies within the knee joint, or history of surgical correction of same if—

(i) Within the preceding six months;

(ii) Six months or more have elapsed since operation without recurrence, and there is instability of the knee ligaments in lateral or anteroposterior directions in comparison with the normal knee or abnormalities noted on x-ray, there is significant atrophy or weakness of the thigh musculature in comparison with the normal side, there is not acceptable active motion in flexion and extension, or there are other symptoms of internal derangement;

(b) Authentic history or physical findings of an unstable or internally deranged joint causing disabling pain or seriously limiting functions. Individuals with verified episodes of buckling or locking of the knee who have not undergone satisfactory surgical correction or if, subsequent to surgery, there is evidence of more than mild instability of the knee ligaments in lateral and anteroposterior directions in comparison with the normal knee, weakness or atrophy of the thigh musculature in comparison with the normal side, or if the individual requires medical treatment of sufficient frequency to interfere with the performance of duty;

(4) **General:**

(a) Deformities of one or both lower extremities which have interfered with function to such a degree as to prevent the individual from following a physically active vocation in life or which would interfere with the satisfactory completion of prescribed training and performance of duty;

(b) Diseases or deformities of the hip, knee, or ankle joint which interfere with walking, running, or weight bearing;

(c) Pain in lower back or leg which is intractable and disabling to the degree of interfering with walking, running, and weight bearing;

(d) Shortening of a lower extremity resulting in any limp of noticeable degree.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-584, filed 2/15/78. Formerly WAC 297-50-090.]

**WAC 415-104-588 Miscellaneous extremities.** See also WAC 415-104-580 and 415-104-584. The following conditions of the miscellaneous extremities are causes for rejection of membership:

(1) **Arthritis:**

(a) Active or subacute arthritis, including Marie-Strumpell type;

(b) Chronic osteoarthritis or traumatic arthritis of isolated joints of more than minimal degree, which has interfered with the following of a physically active vocation in civilian life or which precludes the satisfactory performance of duty;

(c) Documented clinical history of rheumatoid arthritis;

(d) Traumatic arthritis of a major joint of more than minimal degree;

(2) **Disease of any bone or joint,** healed, with such resulting deformity or rigidity that function is impaired to such a degree that it will interfere with service;

(3) **Dislocation,** old unreduced; substantiated history of recurrent dislocations of major joints; instability of a major joint, symptomatic and more than mild; or if, subsequent to surgery, there is evidence of more than mild instability in comparison with the normal joint, weakness or atrophy in comparison with the normal side, or if the individual

requires medical treatment of sufficient frequency to interfere with the performance of duty;

(4) **Fractures:**

(a) Malunited fractures that interfere significantly with function;

(b) Ununited fractures;

(c) Any old or recent fracture in which a plate, pin, or screws were used for fixation and left in place and which may be subject to easy trauma, i.e., as a plate tibia, etc;

(5) **Injury of a bone or joint** within the preceding six weeks, without fracture or dislocation, of more than a minor nature;

(6) **Muscular paralysis**, contracture, or atrophy, if progressive or of sufficient degree to interfere with service;

(7) **Myotonia congenita**, confirmed;

(8) **Osteomyelitis**, active or recurrent, of any bone or substantiated history of osteomyelitis of any of the long bones unless successfully treated two or more years previously without subsequent recurrence or disqualifying sequelae as demonstrated by both clinical and x-ray evidence;

(9) **Osteoporosis**;

(10) **Scars**, extensive, deep or adherent, of the skin and soft tissues or neuromas of an extremity which are painful, which interfere with muscular movements, which preclude the wearing of equipment, or that show a tendency to break down;

(11) **Chondromalacia**, manifested by verified history of joint effusion, interference with function, or residuals from surgery.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-588, filed 2/15/78. Formerly WAC 297-50-090.]

**WAC 415-104-590 Eyes.** The following conditions of the eye are causes for rejection of membership:

(1) **Lids:**

(a) Blepharitis, chronic, more than mild. Cases of acute blepharitis will be rejected until cured;

(b) Blepharospasm;

(c) Dacryocystitis, acute or chronic;

(d) Destruction of the lids, complete or extensive, sufficient to impair protection of the eye from exposure;

(e) Disfiguring cicatrices and adhesions of the eyelids to each other or to the eyeball;

(f) Growth or tumor of the eyelid other than small early basal cell tumors of the eyelid, which can be cured by treatment, and small nonprogressive symptomatic benign lesions;

(g) Marked inversion or eversion of the eyelids sufficient to cause unsightly appearance or watering of eyes (entropion or ectropion);

(h) Lagophthalmos;

(i) Ptosis interfering with vision;

(j) Trichiasis, severe;

(2) **Conjunctive:**

(a) Conjunctivitis, chronic, including vernal catarrh and trachoma. Individuals with acute conjunctivitis are unacceptable until the condition is cured;

(b) Pterygium:

(i) Pterygium recurring after three operative procedures;

(ii) Pterygium encroaching on the cornea in excess of three millimeters or interfering with vision;

(3) **Cornea:**

(a) Dystrophy, corneal, of any type including keratoconus of any degree;

(b) Keratitis, acute or chronic;

(c) Ulcer, corneal; history of recurrent ulcers or corneal abrasions (including herpetic ulcers);

(d) Vascularization or opacification of the cornea from any cause which interferes with visual function or is progressive;

(4) **Uveal tract:** Inflammation of the uveal tract except healed traumatic choroiditis;

(5) **Retina:**

(a) Angiomas, phakomas, retinal cysts, and other congenito-hereditary conditions that impair visual function;

(b) Degenerations of the retina to include macular cysts, holes and other degenerations (hereditary as acquired degenerative changes) and other conditions affecting the macula. All types of pigmentary degenerations (primary and secondary);

(c) Detachment of the retina or history of surgery for same;

(d) Inflammation of the retina (retinitis or other inflammatory conditions of the retina to include Coat's disease, diabetic retinopathy, Earles' disease, and retinitis proliferans);

(6) **Optic nerve:**

(a) Congenito-hereditary conditions of the optic nerve or any other central nervous system pathology affecting the efficient function of the optic nerve;

(b) Optic neuritis, neuroretinitis, or secondary optic atrophy resulting therefrom or document history of attacks of retrobulbar neuritis;

(c) Optic atrophy (primary or secondary);

(d) Papilledema;

(7) **Lens:**

(a) Aphakia (unilateral or bilateral);

(b) Dislocation, partial or complete, of a lens;

(c) Opacities of the lens which interfere with vision or which are considered to be progressive;

(8) **Ocular mobility and motility:**

(a) Dislopia, documented, constant or intermittent from any cause or of any degree interfering with visual function (i.e., may suppress);

(b) Diplopia, monocular, documented, interfering with visual function;

(c) Myasthenia, with both eyes fixing, congenital or acquired;

(d) Strabismus of forty prism diopters or more, uncorrectable by lenses to less than forty diopters;

(e) Strabismus of any degree accompanied by documented diplopia;

(f) Strabismus, surgery for the correction of, within the preceding six months;

(9) **Miscellaneous defects and diseases:**

(a) Abnormal conditions of the eye or visual fields due to diseases of the central nervous system;

(b) Absence of an eye;

(c) Asthenopia severe;

(d) Exophthalmos, unilateral or bilateral;

(e) Glaucoma, primary or secondary;

- (f) Hemianopsia of any type;
- (g) Loss of normal pupillary reflex reactions to light or accommodation to distance or Adies syndrome;
- (h) Loss of visual fields due to organic disease;
- (i) Night blindness associated with objective disease of the eye. Verified congenital night blindness;
- (j) Residuals of old contusions, lacerations, penetrations, etc., which impair visual function required for satisfactory performance of duty;
- (k) Retained intra-ocular foreign body;
- (l) Tumors, see WAC 415-104-590 (1)(f), 415-104-720, and 415-104-725;
- (m) Any organic disease of the eye or adnexa not specified above which threatens continuity of vision or impairment of visual functions.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-590, filed 2/15/78. Formerly WAC 297-50-100.]

**WAC 415-104-595 Vision.** The following vision conditions are causes for rejection of membership:

- (1) **Distant visual acuity** not less than 20/100 vision in each eye without correction and corrected to 20/20 in the better eye and 20/30 in the lesser eye within eight diopters of plus or minus refractive error;
- (2) **Near visual acuity:** Near visual acuity of any degree which does not correct to at least J-6 in the better eye;
- (3) **Refractive error:** Any degree of refractive error in spherical equivalent of over -8.00 or +8.00; or if ordinary spectacles cause discomfort by reason of ghost images, prismatic displacement, etc.; or if an ophthalmological consultation reveals a condition which is disqualifying;
- (4) **Contact lens:** Complicated cases requiring contact lens for adequate correction of vision as keratoconus, corneal scars, and irregular astigmatism.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-595, filed 2/15/78. Formerly WAC 297-50-100.]

**WAC 415-104-600 Genitalia.** The following conditions of the genitalia are causes for rejection of membership:

- (1) **Bartholinitis**, Bartholin's cyst;
- (2) **Cervicitis**, acute or chronic manifested by leukorrhea;
- (3) **Dysmenorrhea**, incapacitating to a degree which necessitates recurrent absences of more than a few hours from routine activities;
- (4) **Endometriosis**, or confirmed history thereof;
- (5) **Hemaphroditism**;
- (6) **Menopausal syndrome**, either physiologic or artificial if manifested by more than mild constitutional or mental symptom, or artificial menopause if less than thirteen months have elapsed since cessation of menses. In all cases of artificial menopause, the clinical diagnosis will be reported; if accomplished by surgery, the pathologic report will be obtained and recorded;
- (7) **Menstrual cycle**, irregularities of, including menorrhagia, if excessive; metrorrhagia; polymenorrhea; amenorrhea, except as noted in WAC 415-104-600(6);
- (8) **New growths of the internal or external genitalia** except single uterine fibroid, subserous, asymptomatic, less than three centimeters in diameter, with no general enlarge-

ment of the uterus, see also WAC 415-104-720 and 415-104-725;

- (9) **Oophoritis**, acute or chronic;
- (10) **Ovarian cysts**, persistent and considered to be of clinical significance;
- (11) **Pregnancy**;
- (12) **Salpingitis**, acute or chronic;
- (13) **Testicle(s)**:
  - (a) Absence or nondescent of both testicles;
  - (b) Undiagnosed enlargement or mass of testicle or epididymis;
  - (c) Undescended testicle;
  - (14) **Urethritis**, acute or chronic, other than gonorrheal urethritis without complications;
  - (15) **Uterus**:
    - (a) Cervical polyps, cervical ulcer, or marked erosion;
    - (b) Endocervicitis, more than mild;
    - (c) Generalized enlargement of the uterus due to any cause;
    - (d) Malposition of the uterus if more than mildly symptomatic;
    - (16) **Vagina**:
      - (a) Congenital abnormalities or severe lacerations of the vagina;
      - (b) Vaginitis, acute or chronic, manifested by leukorrhea.
      - (17) **Varicocele or hydrocele**, if large or painful;
      - (18) **Vulva**:
        - (a) Leukoplakia;
        - (b) Vulvitis, acute or chronic.
        - (19) Major abnormalities and defects of the genitalia such as a change of sex, a history thereof, or complications (adhesions, disfiguring scars, etc.) residual to surgical correction of these conditions.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-600, filed 2/15/78. Formerly WAC 297-50-110.]

**WAC 415-104-605 Urinary system.** See WAC 415-104-570(1), 415-104-720, and 415-104-725. The following conditions of the urinary system are causes for rejection of membership:

- (1) **Albuminuria** if persistent or recurrent including so-called orthostatic or functional albuminuria;
- (2) **Cystitis, chronic:** Individuals with acute cystitis are unacceptable until the condition is cured;
- (3) **Enuresis** determined to be a symptom of an organic defect not amendable to treatment, see also WAC 415-104-688;
- (4) **Epispadias or hypospadias** when accompanied by evidence of infection of the urinary tract or if clothing is soiled when voiding;
- (5) **Hematuria, cylindruria**, or other findings indicative of renal tract disease;
- (6) **Incontinence** of urine;
- (7) **Kidney**:
  - (a) Absence of one kidney, regardless of cause;
  - (b) Acute or chronic infections of the kidney;
  - (c) Cystic or polycystic kidney, confirmed history of;
  - (d) Hydronephrosis or pyonephrosis;
  - (e) Nephritis, acute or chronic;
  - (f) Pyelitis, pyelonephritis;

(8) **Penis**, amputation of, if the resulting stump is insufficient to permit micturition in a normal manner;

(9) **Peyronie's disease**;

(10) **Prostate gland**, hypertrophy of, with urinary retention;

(11) **Renal calculus**:

(a) Substantiated history of bilateral renal calculus at any time;

(b) Verified history of renal calculus at any time with evidence of stone formation within the preceding twelve months, current symptoms or positive x-ray for calculus;

(12) **Skeneitis**;

(13) **Urethra**:

(a) Stricture of the urethra;

(b) Urethritis, acute or chronic, other than gonorrheal urethritis without complications;

(14) **Urinary fistula**;

(15) **Other diseases and defects of the urinary system** which obviously preclude satisfactory performance of duty or which require frequent and prolonged treatment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-605, filed 2/15/78. Formerly WAC 297-50-110.]

**WAC 415-104-610 Head.** The following conditions of the head are causes for rejection of membership:

(1) **Abnormalities** which are apparently temporary in character resulting from recent injuries until a period of three months has elapsed. These include severe contusions and other wounds of the scalp and cerebral concussion;

(2) **Deformities** of the skull in the nature of depressions, exostoses, etc., of a degree which would prevent the individual from the wearing of a gas mask or headgear;

(3) **Deformities of the skull of any degree** associated with evidence of disease of the brain, spinal cord, or peripheral nerves;

(4) **Depressed fractures near central sulcus** with or without convulsive seizures;

(5) **Loss or congenital absence** of the bony substance of the skull, except that the examiner may find individuals acceptable when—

(a) The area does not exceed 2.5 centimeters square, and does not overlie the motor cortex or a dural sinus;

(b) There is no evidence of alteration of brain function in any of its several spheres (intelligence, judgment, perception, behavior, motor control, sensory function, etc.);

(c) There is no evidence of bone degeneration, disease, or other complications of such a defect;

(6) **Unsightly deformities**, such as large birthmarks, large hairy moles, extensive scars, and mutilations due to injuries or surgical operations; ulcerational fistulae, atrophy, or paralysis of part of the face or neck.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-610, filed 2/15/78. Formerly WAC 297-50-120.]

**WAC 415-104-615 Neck.** The following conditions of the neck are causes for rejection of membership:

(1) **Cervical ribs** if symptomatic, or so obvious that they are found on routine physical examination. (Detection based primarily on x-ray is not considered to meet this criterion);

(2) Congenital cysts of branchial cleft origin or those developing from the remnants of the thyroglossal duct, with or without fistulous tracts;

(3) **Fistula**, chronic draining, of any type;

(4) **Healed tuberculosis lymph nodes** when extensive in number or densely calcified;

(5) **Nonspastic contraction** of the muscles of the neck or cicatricial contracture of the neck to the extent that it interferes with the wearing of a uniform or equipment or is so disfiguring as to make the individual objectionable in common social relationships;

(6) **Spastic contraction** of the muscles of the neck, persistent, and chronic;

(7) **Tumor of thyroid or other structures of the neck**, see WAC 415-104-720 and 415-104-725.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-615, filed 2/15/78. Formerly WAC 297-50-120.]

**WAC 415-104-620 Heart.** The following conditions of the heart are causes for rejection of membership:

(1) **All organic valvular diseases of the heart**, including those improved by surgical procedures;

(2) **Coronary artery disease** or myocardial infarction, old or recent or true angina pectoris, at any time;

(3) **Electrocardiographic evidence** of major arrhythmias such as—

(a) Atrial tachyarrhythmia, flutter, or fibrillation, ventricular tachycardia or fibrillation;

(b) Conduction defects such as first degree atrio-ventricular block and right bundle branch block (These conditions occurring as isolated findings are not unfitting when cardiac evaluation reveals no cardiac disease.);

(c) Left bundle branch block, second and third degree aV block;

(d) Unequivocal electrocardiographic evidence of old or recent myocardial infarction; coronary insufficiency at rest or after stress; or evidence of heart muscle disease;

(4) **Hypertrophy or dilation of the heart** as evidenced by clinical examination or roentgenographic examination and supported by electrocardiographic examination. Care should be taken to distinguish abnormal enlargement from increased diastolic filling as seen in the well conditioned subject with a sinus bradycardia;

(5) **Myocardial insufficiency** (congestive circulatory failure, cardiac decompensation) obvious or covert, regardless of cause;

(6) **Paroxysmal tachycardia** within the preceding five years, or at any time if recurrent or disabling or if associated with electrocardiographic evidence of accelerated aV conduction (Wolff-Parkinson-White);

(7) **Pericarditis; endocarditis; or myocarditis**, history or finding of, except for a history of a single acute idiopathic or coxsackie pericarditis with no residuals;

(8) **Tachycardia** persistent with a resting pulse rate of 100 or more, regardless of cause.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-620, filed 2/15/78. Formerly WAC 297-50-130.]

**WAC 415-104-624 Vascular system.** The following conditions of the vascular system are causes for rejection of membership:

(1) **Congenital or acquired lesions of the aorta and major vessels**, such as syphilitic aortitis, demonstrable atherosclerosis which interferes with circulation, congenital or acquired dilatation of the aorta (especially is associated with other features of Marfan's syndrome), and pronounced dilatation of the main pulmonary artery;

(2) **Hypertension** evidenced by preponderant blood pressure readings of 150-mm or more systolic in an individual over thirty-five years of age or preponderant readings of 140-mm or more systolic in an individual thirty-five years of age or less. Preponderant diastolic pressure over 90-mm diastolic is cause for rejection at any age;

(3) **Marked circulatory instability** as indicated by orthostatic hypotension, persistent tachycardia, severe peripheral vasomotor disturbances, and sympatheticotonia;

(4) **Peripheral vascular disease** including Raynaud's phenomena, Buerger's disease (thromboangitis obliterans), erythromelalgia, arteriosclerotic and diabetic vascular diseases. Special tests will be employed in doubtful cases;

(5) **Thrombophlebitis:**

(a) History of thrombophlebitis with persistent thrombus or evidence of circulatory obstruction or deep venous incompetence in the involved veins;

(b) Recurrent thrombophlebitis;

(6) **Varicose veins**, if more than mild, or if associated with edema, skin ulceration, or residual scars from ulceration.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-624, filed 2/15/78. Formerly WAC 297-50-130.]

**WAC 415-104-628 Heart and vascular system—Miscellaneous.** The following conditions of the heart and vascular system are causes for rejection of membership:

(1) **Aneurysm of the heart or major vessel**, congenital or acquired;

(2) **History and evidence of a congenital abnormality** which has been treated by surgery but with residual abnormalities or complications, for example: Patent ductus arteriosus with residual cardiac enlargement or pulmonary hypertension; resection of a coarctation of the aorta without a graft when there are other cardiac abnormalities or complications; closure of a secundum type atrial septal defect when there are residual abnormalities or complications;

(3) **Major congenital abnormalities and defects of the heart and vessels** unless satisfactorily corrected without residuals or complications. Uncomplicated dextrocardia and other minor asymptomatic anomalies are acceptable;

(4) **Substantiated history of rheumatic fever or chorea** within the previous two years, recurrent attacks of rheumatic fever or chorea at any time, or with evidence of residual cardiac damage.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-628, filed 2/15/78. Formerly WAC 297-50-130.]

**WAC 415-104-630 Height.** The following conditions are causes for rejection of membership:

(1) **Men:** Height below . . . inches or over . . . inches, as specified by hiring agency;

(2) **Women:** Height below . . . inches or over . . . inches, as specified by hiring agency.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-630, filed 2/15/78. Formerly WAC 297-50-140.]

**WAC 415-104-634 Weight.** The following conditions are causes for rejection of membership:

(1) **Weight related to height** which is below the minimum shown in WAC 415-104-650 (Table 2);

(2) **Weight related to age and height** which is in excess of the maximum shown in WAC 415-104-650 (Table 2) for all applicants.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-634, filed 2/15/78. Formerly WAC 297-50-140.]

**WAC 415-104-638 Body build.** The following conditions of body build are causes for rejection of membership:

(1) **Congenital malformation of bones and joints;**

(2) **Deficient muscular development** which would interfere with the completion of required training;

(3) **Evidence of congenital asthenia** (slender bones; weak thorax; visceroptosis, severe chronic constipation; or "drop heart" if marked in degree);

(4) **Obesity:** Even though the individual's weight is within the maximum shown in WAC 415-104-650 (Table 2) he will be reported as medically unacceptable when the medical and musculature, constitutes obesity of such a degree as to interfere with the satisfactory completion of prescribed training.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-638, filed 2/15/78. Formerly WAC 297-50-140.]

**WAC 415-104-640 Lungs and chest wall—General.** The following conditions of the lungs and chest are causes for rejection of membership, until study indicates recovery without disqualifying sequelae:

(1) **Abnormal elevation of the diaphragm** on either side;

(2) **Acute abscess** of the lung;

(3) **Acute bronchitis** until the condition is cured;

(4) **Acute fibrinous pleurisy**, associated with acute nontuberculous pulmonary infection;

(5) **Acute mycotic disease** of the lung such as coccidioidomycosis and histoplasmosis;

(6) **Acute nontuberculous pneumonia;**

(7) **Foreign body in trachea or bronchus;**

(8) **Foreign body of the chest wall** causing symptoms;

(9) **Lobectomy**, history of, for a nontuberculous nonmalignant lesion with residual pulmonary disease. Removal of more than one lobe is cause for rejection regardless of the absence of residuals;

(10) **Other traumatic lesions** of the chest or its contents;

(11) **Pneumothorax**, regardless of etiology or history thereof;

(12) **Recent fracture** of ribs, sternum, clavicle, or scapula;

(13) **Significant abnormal findings** on physical examination of the chest.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-640, filed 2/15/78. Formerly WAC 297-50-150.]

**WAC 415-104-644 Lungs and chest—Tuberculous lesions.** See also WAC 415-104-710. The following tubercular lesions of the lungs and chest are causes for rejection of membership:

- (1) **Active tuberculosis** in any form or location;
- (2) **Pulmonary tuberculosis**, active within the past five years;
- (3) **Substantiated history or x-ray findings** of pulmonary tuberculosis of more than minimal extent at any time; or minimal tuberculosis not treated with a full year of approved chemotherapy or combined chemotherapy and surgery; or a history of pulmonary tuberculosis with reactivation, relapse, or other evidence of poor host resistance.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-644, filed 2/15/78. Formerly WAC 297-50-150.]

**WAC 415-104-648 Lungs and chest—Nontuberculous lesions.** The following nontubercular lesions of the lungs and chest are causes for rejection of membership:

- (1) **Acute mastitis**, chronic cystic mastitis, if more than mild;
- (2) **Bronchial asthma**, except for childhood asthma with a trustworthy history of freedom from symptoms since the twelfth birthday;
- (3) **Bronchitis**, chronic with evidence of pulmonary function disturbance;
- (4) **Bronchiectasis**;
- (5) **Bronchopleura fistula**;
- (6) **Bullous or generalized pulmonary emphysema**;
- (7) **Chronic abscess of lung**;
- (8) **Chronic fibrous pleuritis** of sufficient extent to interfere with pulmonary function or obscure the lung field in the roentgenogram;
- (9) **Chronic mycotic diseases** of the lung including coccidioidomycosis; residual cavitation or more than a few small-sized inactive and stable residual modules demonstrated to be due to mycotic disease;
- (10) **Empyema**, residual sacculation or unhealed sinuses of chest wall following operation for empyema;
- (11) **Extensive pulmonary fibrosis** from any cause, producing dyspnea on exertion;
- (12) **Foreign body of the lung or mediastinum** causing symptoms or active inflammatory reaction;
- (13) **Multiple cystic disease** of the lung or solitary cyst which is large and incapacitating;
- (14) **New growth on breast, history of mastectomy**;
- (15) **Osteomyelitis** of rib, sternum, clavicle, scapula, or vertebra;
- (16) **Pleurisy with effusion** of unknown origin within the preceding five years;
- (17) **Sarcoidosis**, see WAC 415-104-710;
- (18) **Suppurative periostitis** of rib, sternum, clavicle, scapula, or vertebra.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-648, filed 2/15/78. Formerly WAC 297-50-150.]

**WAC 415-104-650 Table 2—Table of weight.**

Table of Acceptable Weight (in Pounds)  
as Related to Age and Height for Applicants

Height (Inches)	Minimum (regard- less of age)	Maximum			
		19-20 years	21-24 years	25-30 years	31-35 years
60	94	163	173	173	173
61	96	171	176	175	175
62	98	174	178	178	177
63	100	178	182	181	180
64	102	183	184	185	185
65	104	187	190	191	190
66	106	191	196	197	196
67	109	196	201	202	201
68	112	202	207	208	207
69	115	208	213	214	212
70	118	214	219	219	218
71	122	219	224	225	223
72	125	225	231	232	230
73	129	231	239	238	237
74	135	237	246	246	243
75	140	243	253	253	251
76	143	248	260	260	257
77	147	254	267	267	264
78	149	260	275	273	271

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-650, filed 2/15/78. Formerly WAC 297-50-160.]

**WAC 415-104-660 Mouth.** The following conditions of the mouth are causes for rejection of membership:

- (1) **Hard palate**, perforation of;
- (2) **Harelip**, unless satisfactorily repaired by surgery;
- (3) **Leukoplakia**, if severe;
- (4) **Lips**, unsightly mutilations of, from wounds, burns, or disease;
- (5) **Ranula**, if extensive, see also WAC 415-104-720 and 415-104-725.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-660, filed 2/15/78. Formerly WAC 297-50-180.]

**WAC 415-104-663 Nose and sinuses.** The following conditions of the nose and sinuses are causes for rejection of membership:

- (1) **Allergic manifestations**:
  - (a) Chronic atrophic rhinitis;
  - (b) Hay fever if severe; or if not controllable by antihistamines or by desensitization, or both;
- (2) **Choana, atresia, or stenosis of**, if symptomatic;
- (3) **Nasal septum, perforation of**:
  - (a) Associated with interference of function, ulceration or crusting, and when the result of organic disease;
  - (b) If progressive;
  - (c) If respiration is accompanied by a whistling sound;
- (4) **Sinusitis, acute**;
- (5) **Sinusitis, chronic**, when more than mild:
  - (a) Evidenced by any of the following: Chronic purulent nasal discharge, large nasal polyps, hyperplastic changes of the nasal tissues, or symptoms requiring frequent medical attention;
  - (b) Confirmed by transillumination or x-ray examination or both.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-663, filed 2/15/78. Formerly WAC 297-50-180.]

**WAC 415-104-666 Pharynx, trachea, esophagus, and larynx.** The following conditions of the pharynx, trachea, esophagus, and larynx are causes for rejection of membership:

- (1) **Esophagus**, organic disease of, such as ulceration, varices, achalsia; peptic esophagitis; if confirmed by appropriate x-ray or esophagoscopy examinations;
- (2) **Laryngeal paralysis**, sensory or motor, due to any cause;
- (3) **Larynx**, organic disease of, such as neoplasm, polyps, granuloma, ulceration, and chronic laryngitis;
- (4) **Plica dysphonia venricularis**;
- (5) **Tracheostomy or tracheal fistula**.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-666, filed 2/15/78. Formerly WAC 297-50-180.]

**WAC 415-104-668 Miscellaneous mouth, throat, and nose diseases.** The following miscellaneous mouth, throat, and nose diseases are causes for rejection of membership:

- (1) **Aphonia**;
- (2) **Deformities or conditions of the mouth, throat, pharynx, larynx, esophagus, and nose**, which interfere with mastication and swallowing of ordinary food, with speech, or with breathing;
- (3) **Destructive syphilitic disease of the mouth, nose, throat, larynx, esophagus**, see WAC 415-104-730;
- (4) **Pharyngitis and nasopharyngitis**, chronic, with positive history of objective evidence, if of such a degree as to result in excessive time lost in the fire or law enforcement environment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-668, filed 2/15/78. Formerly WAC 297-50-180.]

**WAC 415-104-670 Neurological disorders.** The following neurological disorders are causes for rejection of membership:

- (1) **Degenerative disorders**:
  - (a) Cerebellar and Friedreich's ataxia;
  - (b) Cerebral arteriosclerosis;
  - (c) Encephalomyelitis, residuals of, which preclude the satisfactory performance of duties;
  - (d) Huntington's chorea;
  - (e) Multiple sclerosis;
  - (f) Muscular atrophies and dystrophies of any type;
- (2) **Miscellaneous**:
  - (a) Congenital malformations if associated with neurological manifestations and meningocele even if uncomplicated;
  - (b) Migraine when frequent and incapacitating;
  - (c) Paralysis or weakness, deformity, discoordination, pain, sensory disturbances of consciousness, or personality abnormalities regardless of cause which are of such a nature or degree as to preclude the satisfactory performance of duty;
  - (d) Tremors, spasmodic torticollis, athetosis or other abnormal movements more than mild;

(3) **Neurosyphilis of any form** (general paresis, tabes dorsalis, meningovascular syphilis);

(4) **Paroxysmal convulsive disorders**, disturbances of consciousness, all forms of psychomotor or temporal lobe epilepsy or history thereof except for seizures associated with toxic states or fever during childhood up to the age of twelve;

(5) **Peripheral nerve disorder**:

(a) Polyneuritis;

(b) Mononeuritis or neuralgia which is chronic or recurrent and of an intensity that is periodically incapacitating;

(c) Neurofibromatosis;

(6) **Spontaneous subarachnoid hemorrhage**, verified history of, unless cause has been surgically corrected.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-670, filed 2/15/78. Formerly WAC 297-50-190.]

**WAC 415-104-680 Psychoses.** The following psychotic conditions are causes for rejection of membership: Psychosis or authenticated history of a psychotic illness other than those of a brief duration associated with a toxic or infectious process.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-680, filed 2/15/78. Formerly WAC 297-50-200.]

**WAC 415-104-684 Psychoneuroses.** The following psychoneurotic conditions are causes for rejection of membership:

- (1) **History of a psychoneurotic reaction** which caused:
  - (a) Hospitalization;
  - (b) Prolonged care by a physician;
  - (c) Loss of time from normal pursuits for repeated periods even if of brief duration, or
  - (d) Symptoms or behavior of a repeated nature which impaired school or work efficiency;
- (2) **History of a brief psychoneurotic reaction or nervous disturbance** within the preceding twelve months which was sufficiently severe to require medical attention or absence from work or school for a brief period (maximum of seven days).

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-684, filed 2/15/78. Formerly WAC 297-50-200.]

**WAC 415-104-688 Personality disorders.** The following personality disorders are causes for rejection of membership:

- (1) **Character and behavior disorders**, as evidenced by:
  - (a) Frequent encounters with law enforcement agencies, or anti-social attitudes or behavior which, while not a cause for administrative rejection, are tangible evidence of an impaired characterological capacity to adapt to the service;
  - (b) Sexual deviant practices such as exhibitionism, transvestism, voyeurism, etc;
  - (c) Chronic alcoholism or alcohol addiction;
  - (d) Drug use or addiction;
- (2) **Character and behavior disorders** where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy, and dependency will seriously interfere with adjustment in the

service as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers and fellow workers, and other society groups;

(3) **Other symptomatic immaturity reactions** such as authenticated evidence of enuresis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age twelve to fourteen) and stammering or stuttering of such a degree that the individual is normally unable to express himself clearly or to repeat commands;

(4) **Specific learning defects** secondary to organic or functional mental disorders.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-688, filed 2/15/78. Formerly WAC 297-50-200.]

**WAC 415-104-690 Skin and cellular tissues.** The following conditions of the skin and cellular tissues are causes for rejection of membership:

(1) **Acne:** Severe, when the face is markedly disfigured, or when extensive involvement of the neck, shoulders, chest, or back would be aggravated by or interfere with the wearing of required equipment;

(2) **Atopic dermatitis:** With active or residual lesions in characteristic areas (face and neck, antecubital and popliteal fossae, occasionally wrists and hands), or documented history thereof;

(3) **Cysts:** (a) Pilonidal cysts: If evidenced by the presence of a tumor mass or a discharging sinus;

(b) All other cysts. Of such a size or location as to interfere with the normal wearing of required equipment;

(4) **Dermatitis factitia;**

(5) **Dermatitis herpetiformis;**

(6) **Eczema:** Any type which is chronic and resistant to treatment;

(7) **Elephantiasis or chronic lymphedema;**

(8) **Epidermolysis bullosa; pemphigus;**

(9) **Fungal infections,** systemic or superficial types: If extensive and not amendable to treatment;

(10) **Furunculosis:** Extensive, recurrent, or chronic;

(11) **Hyperhidrosis** of hands or feet: Chronic or severe;

(12) **Ichthyosis:** Severe;

(13) **Leprosy:** Any type;

(14) **Leukemia cutis; mycosis fungoides, Hodgkins' disease;**

(15) **Lichen planus;**

(16) **Lupus erythematosus** (acute, subacute, or chronic) or any other dermatosis aggravated by sunlight;

(17) **Neurofibromatosis** (Von Recklinghausen's disease);

(18) **Nevi or vascular tumors:** If extensive, unsightly, or exposed to constant irritation;

(19) **Psoriasis** or verified history thereof;

(20) **Radiodermatitis;**

(21) **Scars** which are so extensive, deep, or adherent that they may interfere with the wearing of required equipment, or that show a tendency to ulcerate;

(22) **Scleroderma:** Diffuse type;

(23) **Tuberculosis,** see WAC 415-104-710;

(24) **Warts, plantar,** which have materially interfered with the following of a useful vocation in civilian life;

(25) **Urticaria:** Chronic;

(26) **Xanthoma:** If disabling or accompanied by hypercholesterolemia or hyperlipemia;

(27) **Any other chronic skin disorder** of a degree or nature which requires frequent outpatient treatment or hospitalization, interferes with the satisfactory performance of duty, or is so disfiguring as to make the individual objectionable in ordinary social relationships.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-690, filed 2/15/78. Formerly WAC 297-50-210.]

**WAC 415-104-700 Spine and sacroiliac joints.** The report of the medical history by the examining physician requires a full back x-ray (cervical-dorsal-lumbar-sacral). See WAC 415-104-588. The following conditions of the spine and sacroiliac joints are causes for rejection of membership:

(1) **Arthritis,** see WAC 415-104-588(1);

(2) **Complaint of disease or injury of the spine or sacroiliac joints** either with or without objective signs and symptoms which have prevented the individual from successfully following a physically active vocation in civilian life. Substantiation or documentation of the complaint without symptoms and objective signs is required;

(3) **Deviation or curvature of spine** from normal alignment, structure, or function (scoliosis, kyphosis, or lordosis, spina bifida occulta, spondylolysis, etc.) if:

(a) Mobility and weight-bearing power is poor;

(b) More than moderate restriction of normal physical activities is required;

(c) Of such a nature as to prevent the individual from following a physically active vocation in civilian life;

(d) Of a degree which will interfere with the wearing of required equipment;

(e) Symptomatic, associated with positive physical finding(s) demonstrable by x-ray;

(4) **Disease of the lumbosacral or sacroiliac joints** of a chronic type and obviously associated with pain referred to the lower extremities, muscular spasm, postural deformities and limitation of motion in the lumbar region of the spine;

(5) **Granulomatous diseases** either active or healed;

(6) **Healed fracture of the spine or pelvic bones** with associated symptoms which have prevented the individual from following a physically active vocation in civilian life or which preclude the satisfactory performance of required duties;

(7) **Ruptured nucleus pulposus** (herniation of intervertebral disk) or history of operation for this condition;

(8) **Spondylolysis or spondylolisthesis** that is symptomatic or is likely to interfere with performance of duty or is likely to require assignment limitations.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-700, filed 2/15/78. Formerly WAC 297-50-220.]

**WAC 415-104-705 Scapulae, clavicles, and ribs.** See WAC 415-104-588. The following conditions of the scapulae, clavicles, and ribs are causes for rejection of membership:

(1) **Fractures,** until well healed, and until determined that the residuals thereof will not preclude satisfactory performance of required duties;

(2) **Injury within the preceding six weeks**, without fracture, or dislocation, of more than a minor nature;

(3) **Osteomyelitis** of rib, sternum, clavicle, scapula, or vertebra;

(4) **Prominent scapulae** interfering with function or with the wearing of required equipment.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-705, filed 2/15/78. Formerly WAC 297-50-220.]

**WAC 415-104-710 Systemic diseases.** The following systemic diseases are causes for rejection of membership:

(1) **Dermatomyositis**;

(2) **Lupus erythematosus**; acute, subacute, or chronic;

(3) **Progressive systemic sclerosis**;

(4) **Reiter's disease**;

(5) **Sarcoidosis**;

(6) **Scleroderma**, diffuse type;

(7) **Tuberculosis**:

(a) Active tuberculosis in any form or location;

(b) Pulmonary tuberculosis;

(c) Confirmed history of tuberculosis of a bone or joint, genitourinary organs, intestines, peritoneum or mesenteric glands at any time;

(d) Meningeal tuberculosis; disseminated tuberculosis.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-710, filed 2/15/78. Formerly WAC 297-50-230.]

**WAC 415-104-715 Miscellaneous conditions and defects.** The following miscellaneous conditions and defects are causes for rejection of membership:

(1) **Allergic manifestations**:

(a) Allergic rhinitis (hay fever), see WAC 415-104-570(2);

(b) Asthma, see WAC 415-104-670 (2)(c);

(c) Allergic dermatoses, see WAC 415-104-690;

(d) Visceral, abdominal, and cerebral allergy, if severe or not responsive to treatment;

(2) **Any acute pathological condition**, including acute communicable diseases, until recovery has occurred without sequelae;

(3) **Any deformity** which is markedly unsightly or which impairs general functional ability to such an extent as to prevent satisfactory performance of duty;

(4) **Chronic metallic poisoning** especially beryllium, manganese, and mercury. Undesirable residuals from lead, arsenic, or silver poisoning make the examinee medically unacceptable;

(5) **Cold injury**, residuals, of (example: frostbite, chilblain, immersion foot, or trench foot) such as deep seated acne, paresthesia, hyperhidrosis, easily traumatized skin, cyanosis, amputation of any digit or ankylosis;

(6) **Positive tests for syphilis** with negative TPI test unless there is a documented history of adequately treated lues or any of the several conditions which are known to give a false-positive S.T.S. (vaccinia, infectious hepatitis, immunizations, a typical pneumonia, etc.) or unless there has been a reversal to a negative S.T.S. during an appropriate follow-up period (three to six months);

(7) **Filariasis; trypanosomiasis; amebiasis; schistosomiasis**; (hookworm) associated with anemia, malnutrition,

etc., if more than mild, and other similar worm or animal parasitic infestations, including the carrier states thereof;

(8) **Heat pyrexia** (heatstroke, sunstroke, etc.): Documented evidence of predisposition (includes disorders of sweat mechanism and previous serious episode), recurrent episodes requiring medical attention, or residual injury resulting therefrom (especially cardiac, cerebral, hepatic, and renal);

(9) **Industrial solvent and other chemical intoxication, chronic** including carbon bisulfide, trichlorethylene, carbon tetrachloride, and methyl cellosolve;

(10) **Mycotic infection of internal organs**;

(11) **Myositis or fibrositis** severe, chronic;

(12) **Residuals of tropical fevers and various parasitic or protozoal infestations** which in the opinion of the medical examiner preclude the satisfactory performance of duty.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-715, filed 2/15/78. Formerly WAC 297-50-230.]

**WAC 415-104-720 Tumors.** The following tumors are causes for rejection of membership:

(1) **Any tumor** of the:

(a) Auditory canal, if obstructive;

(b) Eye or orbit;

(c) Kidney, bladder, testicle, or penis

(d) Central nervous system and its membranous coverings unless five years after surgery and no otherwise disqualifying residuals of surgery or original lesion;

(2) **Benign tumors of the thyroid or other structures of the neck**, including enlarged lymph nodes, if the enlargement is of such degree as to interfere with the wearing of required equipment;

(3) **Benign tumors of the abdominal wall** if sufficiently large to interfere with required duties;

(4) **Benign tumors of bone** likely to continue to enlarge, be subjected to trauma during service, or show malignant potential;

(5) **Tongue, benign tumor of**, if it interferes with function;

(6) **Breast, thoracic contents, or chest wall tumors**, of other than fibromata lipomata, and inclusion of sebaceous cysts which do not interfere with required duties;

(7) **Tumors of the internal or external female genitalia.**

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-720, filed 2/15/78. Formerly WAC 297-50-240.]

**WAC 415-104-725 Malignant diseases and tumors.** The following malignant diseases and tumors are causes for rejection of membership:

(1) **Leukemia, acute or chronic**;

(2) **Malignant lymphomata**;

(3) **Malignant tumor of any kind**, at any time, substantiated diagnosis of, even though surgically removed, confirmed by accepted laboratory procedures, except as noted in WAC 415-104-590 (1)(f).

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-725, filed 2/15/78. Formerly WAC 297-50-240.]

**WAC 415-104-730 Venereal diseases.** In general the finding of acute, uncomplicated venereal disease which can be expected to respond to treatment is not a cause for medical rejection of membership.

However, the following conditions are causes for rejection of membership:

(1) **Chronic venereal disease** which has not satisfactorily responded to treatment. The finding of a positive serologic test for syphilis following adequate treatment of syphilis is not in itself considered evidence of chronic venereal disease which has not responded to treatment. See WAC 415-104-715(6);

(2) **Complications and permanent residuals of venereal disease** if progressive, of such nature as to interfere with the satisfactory performance of duty, or if subject to aggravation in the performance of required duties;

(3) **Neurosyphilis**, see WAC 415-104-670 (1)(c).

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-730, filed 2/15/78. Formerly WAC 297-50-250.]

**WAC 415-104-740 Mental examination.** The following mental conditions are causes for rejection of membership:

(1) **Psychosis or authenticated history of a psychotic illness** other than those of a brief duration associated with a toxic or infectious process;

(2) **A history of a psychoneurotic reaction** which caused:

(a) Hospitalization;

(b) Prolonged care by a physician;

(c) Loss of time from normal pursuits for repeated periods even if of brief duration;

(d) Symptoms or behavior of a repeated nature which impaired school or work efficiency;

(3) **A history of a brief psychoneurotic reaction or nervous disturbance** within the preceding twelve months which was sufficiently severe to require medical attention or absence from work or school for a brief period;

(4) **Character or behavior (personality) disorders** as evidenced by:

(a) Frequent encounters with the law enforcement agencies, or antisocial attitudes or behavior which, while not a cause for rejection, are tangible evidence of an impaired characterological capacity to adapt to the demands of the service;

(b) Sexual deviant practice such as exhibitionism, transvestism, voyeurism, etc.;

(c) Chronic alcoholism or alcohol addiction;

(d) Drug addiction, including the use of drugs;

(5) **Character and behavior disorders** where it is evident by history and objective examination that the degree of immaturity, instability, personality inadequacy and dependency will seriously interfere with the performance of duties as demonstrated by repeated inability to maintain reasonable adjustment in school, with employers, and fellow workers and other social groups;

(6) **Other symptomatic immaturity reactions** such as authenticated evidence of neurosis which is habitual or persistent, not due to an organic condition occurring beyond early adolescence (age twelve to fourteen) and stammering and stuttering of such degree that the individual is normally

unable to express himself clearly or to converse in a normal manner;

(7) **Specific learning defects** secondary to organic or functional mental disorders.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-740, filed 2/15/78. Formerly WAC 297-50-260.]

**WAC 415-104-745 Mental examination—Requirement.** All applicants must be screened by a licensed physician, who may at his discretion, request the assistance of a psychiatrist or clinical psychologist.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-745, filed 2/15/78. Formerly WAC 297-50-260.]

**WAC 415-104-750 Mental examination—Procedure.**

(1) Applicants will complete preliminary history forms as required by the examiner. The "report of medical history" completed by the applicant will be made available to the examiner.

(2) During the psychiatric interview, the examining physician will evaluate each individual sufficiently to eliminate those with symptoms of a degree that would impair their effective performance of duty.

(a) The applicant's behavior will be observed and an estimate made of his current mental status.

(b) Any evidence of disorganized or unclear thinking, or unusual thought control, or undue suspiciousness, or of apathy or "strangeness" will be noted.

(c) Any unusual emotional expression such as depression, expansiveness, withdrawal, or marked anxiety, which is out of keeping with the content of the interview will be noted and carefully evaluated.

(3) The results of the examination will be recorded and that record or a summary of recommendations will be forwarded to the hiring authority.

(4) The mental examination report will be retained in permanent files by the employing fire department and must be available for examination at any reasonable time by representatives of the retirement system board.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-750, filed 2/15/78. Formerly WAC 297-50-270.]

**WAC 415-104-755 Mental examination—Retention by employing department.** The employing fire department shall permanently retain the results of the mental examination as conducted by the examiner under WAC 415-104-750.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-104-755, filed 2/15/78. Formerly WAC 297-50-260.]

## Chapter 415-105 WAC

### LOCAL DISABILITY BOARD PROCEDURES

#### WAC

#### GENERAL PROVISIONS

415-105-010	Preamble.
415-105-020	Purpose.
415-105-030	Board doctor.
415-105-040	Disability leave.
415-105-050	Examination for disability retirement.
415-105-060	Granting disability retirement.
415-105-070	Execution.

- 415-105-080 Appeal.  
415-105-090 Reexamination and return to duty.

## CESSATION OF DISABILITY

- 415-105-100 Purpose.  
415-105-110 Application to disability board.  
415-105-120 Burden of proof.  
415-105-130 Standard for determination.  
415-105-140 Examination by board physician.  
415-105-150 Disability board order.

## CESSATION OF DISABILITY WHILE UNDER AGE FIFTY

- 415-105-160 Purpose—Under age fifty.  
415-105-170 Application to the disability board—Under age fifty.  
415-105-180 Disability board hearing and order.

## GENERAL PROVISIONS

**WAC 415-105-010 Preamble.** In adopting the rules contained herein, it is not the intention of the director of department of retirement systems to in any way weaken the existing powers and practices of any local disability board. Further, it is not the intent of these rules to preclude adoption or continuation of any procedures in addition to those set forth herein by any local disability board.

[Statutory Authority: RCW 41.26.115. 81-23-032 (Order 81-03), § 415-105-010, filed 11/16/81.]

**WAC 415-105-020 Purpose.** These rules are adopted pursuant to section 1, chapter 294, Laws of 1981 [RCW 41.26.115] to implement chapter 41.26 RCW and to provide a basis for uniform administration of disability retirement matters. They shall be followed by each disability board.

[Statutory Authority: RCW 41.26.115. 81-23-032 (Order 81-03), § 415-105-020, filed 11/16/81.]

**WAC 415-105-030 Board doctor.** (1) A duly licensed and practicing physician or physicians shall be appointed by the board. No disability retirement shall be approved by the board without prior examination of the claimant by the board doctor or a specialist of his selection, on or near the expiration of the disability leave period. The board doctor shall render such other medical service as may be requested by the board.

(2) In order to carry out the duties of this position, each physician appointed or approved by the board is required to be knowledgeable concerning the duties, functions and general demands required of the employee being examined. The disability board shall furnish to the examining physician the job and/or position description of the applicant.

(3) Reexamination of any member on disability retirement shall be conducted by a board appointed or approved physician.

[Statutory Authority: RCW 41.26.115. 81-23-032 (Order 81-03), § 415-105-030, filed 11/16/81.]

**WAC 415-105-040 Disability leave.** (1) Following receipt of an application for disability benefits, the board shall review all relevant information pertaining to the question of the applicant's fitness for duty, and if, in the opinion of the majority of the board, the evidence supports the proposition that the member is unfit for duty, such member shall be granted disability leave, unless such leave

is waived pursuant to RCW 41.26.120(4). In considering such application, the board shall consider the duties of the position, and any other evidence that is relevant.

(2) The burden of proving the existence of a disabling condition, and whether or not the condition was incurred in line of duty, shall be upon the applicant.

(3) The minimum medical and health standards previously promulgated by the state retirement board for entry or reentry into LEOFF System membership were provided only to safeguard the fiscal integrity of the pension system and are not the applicable standards for any other purpose.

(4) Each application shall be accompanied by a list identifying by name any physician who had been contacted within the last six months for the illness or injury for which disability is claimed.

(5) In the event the board finds that insufficient information is available to make a determination, the matter may be continued to the next regular board meeting or be set for consideration at a special meeting. The board shall also advise the member of the additional information needed, and of the member's obligation to provide additional information and the deadline date by which such information must be provided.

(6) The board shall be authorized to demand the appearance of the member and to request the appearance of such other persons as it deems appropriate. It shall be incumbent upon each member obtaining medical evaluations to be used in connection with such disability leave and subsequent evaluations, to advise each and every examining physician: that such evaluation is being conducted at the direction of the board; that any reports relating thereto are for the benefit of the board; that the doctor-patient privilege may not be invoked with respect thereto; and that the physician may be called upon by the board to testify as to his findings.

[Statutory Authority: RCW 41.26.115. 81-23-032 (Order 81-03), § 415-105-040, filed 11/16/81.]

**WAC 415-105-050 Examination for disability retirement.** (1) Every applicant for disability retirement shall be reexamined during the fifth or sixth month of disability leave in order to determine his/her eligibility for disability retirement, with the following exception: If the applicant establishes that the disabling condition will be in existence for a period of at least six months and he/she voluntarily waives disability leave. No applicant will be granted a disability retirement allowance unless the conditions imposed by this subsection are met.

(2) In the event the medical and other relevant evidence is inconclusive, the board may specify in written order a reasonable trial service period for return to duty in the same position held at the time of discontinuance of service to determine the member's fitness for active duty. The reasonable length of such trial return to service shall be supported by medical evidence. Such a trial return to service does not entitle the member to a second six-month period of disability leave for the same disability if, based upon this trial period of service, the member is found to be disabled.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-050, filed 3/11/87; 81-23-032 (Order 81-03), § 415-105-050, filed 11/16/81.]

**WAC 415-105-060 Granting disability retirement.**

(1) If the evidence shows to the satisfaction of the board that the member is physically or mentally disabled from further performance of duty and that the disability has been continuous from the date of commencement of disability leave for a period of six months, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law in compliance with RCW 41.26.120 or 41.26.125. Such written decision and order with supporting documentation shall thereafter be forwarded to the director, department of retirement systems, for review. In the event a regular meeting of the board precedes by no more than 40 days the date at which the full six months will conclude and the evidence is clear that the disability can be expected to continue through the full six-month period, the board may make a finding of six months continuous disability prior to the actual conclusion of the six-month period, so as to eliminate unnecessary delay of receipt of retirement benefits.

(2) In order to qualify to receive a disability retirement allowance, the applicant will be required to prove that he or she is physically or mentally disabled to such extent that he or she is unable to discharge with average efficiency the duty of the position held at time of discontinuance of service: *Provided*, That no member shall be entitled to a disability retirement allowance if the appropriate authority advises that there is an available position for which the member is qualified and to which one of such grade or rank is normally assigned and the board determines that the member is capable of discharging, with average efficiency, the duties of the position.

[Statutory Authority: RCW 41.26.115, 87-07-015 (Order 87-3), § 415-105-060, filed 3/11/87; 81-23-032 (Order 81-03), § 415-105-060, filed 11/16/81.]

**WAC 415-105-070 Execution.** Every order of the disability board granting or denying a disability retirement allowance shall contain the following presented in clear and concise terms:

(1) Findings of fact supported by credible evidence sufficient to sustain the granting or denying of the disability retirement allowance. When a disability retirement is granted, findings of fact shall include:

(a) Whether or not the disability was incurred in the line of duty.

(b) Whether or not the disability was incurred in other employment.

(c) Dates encompassing disability leave and/or dates relating to authorized trial basis return to duty; and, in the case of return to duty on a trial basis, the factual basis for such decision.

(d) Dates encompassing waiver of disability leave, if applicable; and that applicant established that such disability will be in existence for a period of six months.

(2) Conclusions of law in accordance with law on the basis of the facts in the case.

(3) Decision and order.

[Statutory Authority: RCW 41.26.115, 87-07-015 (Order 87-3), § 415-105-070, filed 3/11/87; 81-23-032 (Order 81-03), § 415-105-070, filed 11/16/81.]

**WAC 415-105-080 Appeal.** If the board denies disability leave or disability retirement or cancels a previous-

ly granted disability leave or retirement, the applicant shall be immediately notified and advised of the right to appeal such decision or order to the director of the department of retirement systems, pursuant to RCW 41.26.200. Such notification shall be in writing and served by personal service or mail. Provided, that written notice need not be given if applicant or his or her duly authorized representative is in attendance at the meeting or hearing and is advised of decision and of the right of appeal.

[Statutory Authority: RCW 41.26.115, 81-23-032 (Order 81-03), § 415-105-080, filed 11/16/81.]

**WAC 415-105-090 Reexamination and return to duty.** (1) In the event a member is placed on disability retirement, the board may determine whether or not the member is so disabled that no possibility exists for return to duty or that there is no possibility that rehabilitation could restore the member to fitness for duty. Further, the board may at any point subsequent to retirement make such a determination provided a current (within ninety days) medical examination by the board physician or a specialist of his/her selection indicates that the retiree is so disabled that no possibility for recovery exists. A copy of all such determinations shall be sent to the department of retirement systems. Unless the board has made such a finding, the board's representative shall order a reexamination at six-month intervals and advise the board of the results thereof with a copy to the department of retirement systems:

*Provided*, That such reexamination need not be conducted on a member over 49.5 years of age. In the event the retired member is residing at a location more than 100 miles from his former place of employment, the member may be authorized to be examined by a physician in his immediate area, provided, however, such physician shall be first approved by the board and prior to such evaluation the examining physician shall be apprised of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report.

(2) In the event such evaluation discloses fitness to perform duties of the rank or position held by the member at the time of disability retirement, the member shall be entitled to a hearing before the board, and further consideration of the matter. Such notice and hearing shall comply with the requirements of chapter 34.04 RCW.

(3) The hearing provided by RCW 41.26.140(2) is to be held, unless the retiree waives such hearing, prior to actual cancellation of a disability retirement allowance.

(4) The retirement allowance of any member who fails to submit to medical examination as provided herein shall be discontinued and in the event such refusal continues for one year, his retirement allowance shall be cancelled. Failure of the member to affirmatively respond to the request for reexamination shall be deemed a continuing refusal.

[Statutory Authority: RCW 41.26.115, 87-07-015 (Order 87-3), § 415-105-090, filed 3/11/87; 81-23-032 (Order 81-03), § 415-105-090, filed 11/16/81.]

**CESSATION OF DISABILITY**

**WAC 415-105-100 Purpose.** These rules are adopted pursuant to RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and 41.26.135 and establish procedures

to be followed by the applicant and the disability board. These rules apply only to a disability retiree over age fifty who seeks a determination that his/her disability has ceased.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-100, filed 3/11/87.]

**WAC 415-105-110 Application to disability board.**

(1) When a disability retiree over age fifty believes that his/her disability has ceased, he/she may make application to cancel the disability retirement allowance. Such application shall be made to the disability board that originally considered the application for disability retirement.

(2) The application must be in writing and contain the following information:

(a) The retiree's name, birthdate, Social Security number, mailing address, telephone number, former LEOFF employer, and the name and mailing address of the retiree's legal representative, if any;

(b) The nature of the disability and the date the disability ceased;

(c) The names, addresses and telephone numbers of all physicians and other health care practitioners who have been contacted by the retiree or his/her representative in the last year for medical care, consultation or evaluation;

(3) The application must be accompanied by the following documents:

(a) Copies of any written documents supporting the retiree's claim that his/her disability has ceased;

(b) A copy of the local disability board order granting disability retirement if the original disability board order was summarily affirmed by the director or the LEOFF retirement board; or

(c) A copy of the director's order or the LEOFF retirement board's order if the director or the LEOFF retirement board entered the final order granting disability retirement.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-110, filed 3/11/87.]

**WAC 415-105-120 Burden of proof.** The retiree has the burden of proof in the proceedings before the disability board.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-120, filed 3/11/87.]

**WAC 415-105-130 Standard for determination.** To obtain a determination that a disability has ceased, the retiree must demonstrate that:

(1) He/she is reasonably able to perform the ordinary duties of his/her former position or position within his/her former rank with average efficiency; and

(2) There has been a material change in the circumstances upon which the original disability determination was based; and

(3) No other physical or mental disability now prevents the retiree from performing the ordinary duties of his/her position or rank.

A retiree may not obtain a determination that his/her disability has ceased by demonstrating that the medical condition was incorrectly diagnosed at the time of the initial disability hearing. The disability board need not rely solely

on medical evidence in making its determination. If the medical condition for which the retiree was granted disability retirement has improved, but the retiree is still not physically or mentally able to perform his/her duties with average efficiency, he/she shall continue to receive a disability retirement allowance and shall not be entitled to service retirement.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-130, filed 3/11/87.]

**WAC 415-105-140 Examination by board physician.**

(1) Before acting on an application, the disability board shall have the retiree examined by the board doctor as provided in WAC 415-105-030. If the board doctor has seen the retiree before in any capacity except evaluation on behalf of the disability board, the board doctor shall refer the retiree to another physician who has not seen the retiree in any capacity except evaluation on behalf of the disability board.

(2) Before the retiree is examined, the disability board shall furnish the board doctor or other physician with a current job description for the rank or position held by the member at the time he/she was granted disability retirement and a copy of these regulations.

(3) The board doctor or other physician shall examine the retiree to determine if he/she is able to perform with average efficiency the duties of the rank or position held by the retiree at the time of discontinuance of service and that he/she meets the requirements of WAC 415-105-130.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-140, filed 3/11/87.]

**WAC 415-105-150 Disability board order.** Upon the basis of the application and the medical evaluation by the board doctor, and any other relevant evidence, the disability board shall determine whether the disability retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency. If it is determined that the retiree's disability has ceased, the board shall enter its written decision and order accompanied by appropriate findings of fact and conclusions of law evidencing compliance with the applicable statutes and regulations. The disability board must make a finding which specifies the date the disability ceased.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-150, filed 3/11/87.]

**CESSATION OF DISABILITY WHILE UNDER AGE FIFTY**

**WAC 415-105-160 Purpose—Under age fifty.** These rules are adopted pursuant to RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and establish procedures to be followed by the applicant and the disability board in cases in which the applicant is under age fifty and believes that his disability has ceased.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-160, filed 3/11/87.]

**WAC 415-105-170 Application to the disability board—Under age fifty.** A disability retiree under age fifty who believes that his/her disability has ceased may make application to the disability board which originally found the member to be disabled for a determination that the disability has ceased. Such application must be in writing and contain the information set forth in WAC 415-105-110(2). Thereafter, the rules and procedures set forth in WAC 415-105-120 through 415-105-140 shall be in effect.

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-170, filed 3/11/87.]

**WAC 415-105-180 Disability board hearing and order.** (1) Upon the basis of the application, the medical evaluation by the board doctor, and any other relevant evidence, the disability board shall determine whether the disability retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency. If the board determines that the retiree's disability has ceased, both the retiree and the former employer shall be entitled to a notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW.

(2) After the hearing, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law, either denying the retiree's application or cancelling his/her disability retirement allowance and restoring him/her to duty pursuant to RCW 41.26.140(2).

(3) Any person aggrieved by a determination or order of a disability board that the applicant's disability has not ceased may file an appeal with the director pursuant to RCW 41.26.140(6).

[Statutory Authority: RCW 41.26.115. 87-07-015 (Order 87-3), § 415-105-180, filed 3/11/87.]

## Chapter 415-108 WAC

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### WAC

415-108-010	Definitions.
415-108-020	Public records.
415-108-030	State-wide cities retirement system.
415-108-040	Appeals—Disability cases.
415-108-050	Appeal to superior court—Notice.
415-108-060	Appeal to superior court—Certification of record.
415-108-070	Excess contributions to employees' savings fund.
415-108-100	Members.
415-108-110	Administration—Officers.
415-108-120	Function.
415-108-130	Location.
415-108-150	Meetings.
415-108-160	Office of chairman.
415-108-170	Business hours.
415-108-180	Correspondence.
415-108-190	Nominations.
415-108-200	Disability and benefit claims.
415-108-210	Disability and benefit claims—Acknowledgment and forms.
415-108-220	Disability and benefit claims—Processing applications.
415-108-230	Disability and benefit claims—Recording.
415-108-240	Disability and benefit claims—Legal examination.
415-108-250	Disability and benefit claims—Medical examination.
415-108-260	Disability and benefit claims—Medical recommendation.

415-108-270	Disability and benefit claims—Recommendation and conclusion.
415-108-280	Disability and benefit claims—Board decision on application.
415-108-290	Disability and benefit claims—Notification of member.
415-108-300	Identification.
415-108-320	Background and purpose.
415-108-322	Definitions for purposes of WAC 415-108-320 through 415-108-326.
415-108-324	Married member's benefit selection—Spousal consent required.
415-108-326	Options.
415-108-340	Actuarial tables, schedules, and factors.
415-108-400	Purpose and scope.
415-108-410	Definitions.
415-108-420	Scope of authority.
415-108-430	Procedure.
415-108-440	Revocability.
415-108-450	Compensation earnable for Plan I PERS members.
415-108-460	Compensation earnable for Plan II PERS members.
415-108-470	Nonmoney maintenance compensation—Determination and reporting—Form and weight of evidence.
415-108-480	Special recordkeeping rules for vehicles and vehicle allowances provided by employers to PERS members—Exemption—Presumption in absence of records.
415-108-490	Back pay award or settlement—Definition—Allocated by the department for retirement system purposes.
415-108-500	Public employees' retirement board.
415-108-510	First-in-first-out accounting method for determining when leave earned.
415-108-520	Membership exceptions—Student and spouse of student.

**WAC 415-108-010 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Director" means the director of the department of retirement systems as provided in chapter 41.50 RCW as now existing or hereafter amended;

(2) "Department" means the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;

(3) "Public employees' retirement board" means the Washington public employees' retirement board established by chapter 41.40 RCW;

(4) "Legal adviser" means the attorney general of the state of Washington or a designated member of his staff assigned to the department.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-010, filed 2/15/78. Formerly WAC 184-01-025, 184-01-035.]

**WAC 415-108-020 Public records.** See chapter 415-06 WAC.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-020, filed 2/15/78. Formerly WAC 184-20-010.]

**WAC 415-108-030 State-wide cities retirement system.** The former state-wide cities retirement system has been merged into the Washington public employees retirement system pursuant to RCW 41.40.405, 41.40.406, and 41.40.407. The statutes and rules applying to the public employees retirement system and the department of retirement systems (as provided in chapters 41.40 and 41.50 RCW and Title 415 WAC) govern the administration and operation of the former state-wide cities retirement system.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-030, filed 2/15/78.]

**WAC 415-108-040 Appeals—Disability cases.** See RCW 41.40.412. Any person aggrieved by any final decision of the public employees' retirement board must, before he appeals to a superior court, invoke the jurisdiction of the public employees' retirement board by filing with the director personally or by mail, within sixty days from the date such decision was communicated to such person, a notice of appeal before the public employees' retirement board. The notice of appeal must contain the information required by WAC 415-08-020 as now existing or hereafter amended.

Appeals will be governed by the provisions of chapter 415-08 WAC as now existing or hereafter amended.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-040, filed 2/15/78. Formerly WAC 184-05-010.]

**WAC 415-108-050 Appeal to superior court—Notice.** Upon an appeal from the decision and order of the board to the superior court pursuant to RCW 41.40.420, the appealing party within thirty days from the decision and order of the board must perfect his appeal by serving notice of appeal on the director by personal service or by mailing a copy thereof and filing the notice of appeal together with proof of service with the clerk of a superior court. The service and the filing together with proof of service of the notice of appeal all within thirty days shall be jurisdictional.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-050, filed 2/15/78. Formerly WAC 184-09-010.]

**WAC 415-108-060 Appeal to superior court—Certification of record.** The director shall promptly serve upon the appellant or his attorney of record and file with the clerk of the court a certified copy of the complete record of the hearing before the board which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court as in other cases. See RCW 41.40.420, 41.40.430, and 41.40.440.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-060, filed 2/15/78. Formerly WAC 184-09-020.]

**WAC 415-108-070 Excess contributions to employees' savings fund.** Pursuant to authority granted by RCW 41.40.330(2) this section shall cover all applications by members of the retirement system for permission to make excess contributions to the employees' savings fund.

The total contributions of a member of the state employees' retirement system to the employees' savings fund in any calendar year shall in no event exceed ten percent of the member's earnable compensation for that calendar year.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-070, filed 2/15/78. Formerly WAC 184-12-010.]

**WAC 415-108-100 Members.** The public employees' retirement board is an independent agency of the state of Washington and is composed of members as set forth in RCW 41.40.030 and 41.26.050 as now existing or hereafter amended.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-100, filed 2/15/78. Formerly WAC 184-01-010.]

**WAC 415-108-110 Administration—Officers.** The director of the department of retirement systems shall be responsible for the administration and operation of the public employees retirement system as provided in chapter 41.50 RCW and Title 415 WAC.

The public employees' retirement board will, normally within the month of February each year, elect a chairman and a vice chairman from its membership.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-110, filed 2/15/78. Formerly WAC 184-01-020.]

**WAC 415-108-120 Function.** The public employees' retirement board shall be vested with those powers granted it by chapter 41.40 RCW as affected by chapter 41.50 RCW relating to proposed legislation, rules, investments, and disability retirement.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-120, filed 2/15/78. Formerly WAC 184-01-030.]

**WAC 415-108-130 Location.** The public employees' retirement board shall normally meet in the office of the department at the Capital Plaza Building, Union and Eastside, Olympia, Washington.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-130, filed 2/15/78.]

**WAC 415-108-150 Meetings.** The public employees' retirement board shall meet on the third Monday of each month except when that date falls upon a holiday, or when the public employees' retirement board determines otherwise, in advance, in which case another meeting date shall be established by the chairman. Other meetings may be called by the chairman as needed.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-150, filed 2/15/78. Formerly WAC 184-01-050.]

**WAC 415-108-160 Office of chairman.** The office of the chairman of the public employees' retirement board is located in the headquarters of the department at the Capitol Plaza Building, Union and Eastside, Olympia, Washington.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-160, filed 2/15/78. Formerly WAC 184-01-060.]

**WAC 415-108-170 Business hours.** The office of the department is open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-170, filed 2/15/78. Formerly WAC 184-01-060.]

**WAC 415-108-180 Correspondence.** All correspondence and official communications, including notices, appeals, and pleadings must be in writing, served, and filed with the director at the department's office.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-180, filed 2/15/78. Formerly WAC 184-01-070.]

**WAC 415-108-190 Nominations.** Pursuant to RCW 41.40.030, nominations of candidates for the office of employee representative to the public employees' retirement board shall be conducted as follows:

(1) Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the public employees' retirement board;

(2) The letter supporting his candidacy must be signed by at least twenty active or retired members of the retirement system in his classification;

(3) In those instances in which, at the close of the period for the submission of letters supporting candidacy, nor more than one individual has filed a statement that he desires to become a candidate, with the supporting signatures, that individual shall be deemed to have been elected the employee representative of the classification of employees or retired employees for which he has filed his nomination.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-190, filed 2/15/78. Formerly WAC 184-01-07001.]

**WAC 415-108-200 Disability and benefit claims.** A member, the employer or any other interested person, shall notify the director by written or oral statement when it is considered that a member is suffering a disability or entitled to claim a disability benefit under chapter 41.40 RCW.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-200, filed 2/15/78. Formerly WAC 184-03-010.]

**WAC 415-108-210 Disability and benefit claims—Acknowledgment and forms.** The director shall forthwith acknowledge any statement and provide the member and his employer with the following forms for completion:

- (1) 7812-A, application for disability retirement;
- (2) 7812-B, certification of employment and employer's statement;
- (3) 7812-C, examining physician's report.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-210, filed 2/15/78. Formerly WAC 184-03-020.]

**WAC 415-108-220 Disability and benefit claims—Processing applications.** The processing of duty disability applications shall commence when the director receives the completed forms required in WAC 415-108-020.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-220, filed 2/15/78. Formerly WAC 184-03-030.]

**WAC 415-108-230 Disability and benefit claims—Recording.** The director shall examine the application and forms for completeness, make arrangements for filing and docketing the same, and refer them to the legal adviser for examination.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-230, filed 2/15/78. Formerly WAC 184-03-040.]

**WAC 415-108-240 Disability and benefit claims—Legal examination.** The director or the legal adviser shall

examine the member's file for adequacy of the information presented to support the legal basis of the application. If it is felt that certain statements may be subject to question or that additional information cannot be supplied through correspondence, then the director shall take the necessary steps to secure the additional information needed.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-240, filed 2/15/78. Formerly WAC 184-03-050.]

**WAC 415-108-250 Disability and benefit claims—Medical examination.** The director or the legal adviser shall transmit the member's file to the medical adviser of the department. If the medical adviser concludes that there are insufficient medical facts, then the director shall, at the request of the medical adviser, authorize a special examination of the member in a suitable locality, convenient to all parties.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-250, filed 2/15/78. Formerly WAC 184-03-060.]

**WAC 415-108-260 Disability and benefit claims—Medical recommendation.** When the medical adviser has reached a conclusion on the medical facts, he shall return the member's file to the director or legal adviser with his written recommendation regarding the disability application.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-260, filed 2/15/78. Formerly WAC 184-03-070.]

**WAC 415-108-270 Disability and benefit claims—Recommendation and conclusion.** The director or the legal adviser shall review the conclusion of the medical adviser and prepare a summary and recommendation, based on all the facts in the member's file, and submit it to the board for review.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-270, filed 2/15/78. Formerly WAC 184-03-080.]

**WAC 415-108-280 Disability and benefit claims—Board decision on application.** The public employees' retirement board shall act on the application as follows:

- (1) Approval or denial by resolution;
- (2) Referral back to the director for further investigation or information.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-280, filed 2/15/78. Formerly WAC 184-03-090.]

**WAC 415-108-290 Disability and benefit claims—Notification of member.** The director shall forthwith notify the member of the public employees' retirement board's action and, in case the decision is adverse to the member's application, shall notify the member of his right to appeal.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-290, filed 2/15/78. Formerly WAC 184-03-100.]

**WAC 415-108-300 Identification.** Records of members of the retirement system will be filed and identified in part by Social Security number. Each member of the system shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping

and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by this system.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-300, filed 2/15/78. Formerly WAC 184-03-120.]

**WAC 415-108-320 Background and purpose.** (1) Background - chapter 249, Laws of 1990 (Substitute House Bill No. 2643) provides that the department shall adopt rules establishing survivor benefit options to retiring eligible members of Washington public employees' retirement systems, Plan I and Plan II, chapter 41.40 RCW. Under the law as amended, upon retirement for service or for disability, a retiring PERS member (Plan I or Plan II) is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a PERS member selects a survivor benefit option, upon the retired member's death, a portion of the member's reduced monthly retirement allowance as designated will be continued throughout the life of and paid to a designated survivor, at a joint and one hundred percent survivor option, or at a joint and fifty percent survivor option. The member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.40 and 41.40.660(2), as amended.

(2) Purpose - this chapter is intended to provide permanent rules for the adoption of survivor benefit options required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-015, § 415-108-320, filed 1/7/91, effective 2/7/91.]

**WAC 415-108-322 Definitions for purposes of WAC 415-108-320 through 415-108-326.** (1) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(2) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(3) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent."

(4) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(5) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-015, § 415-108-322, filed 1/7/91, effective 2/7/91.]

**WAC 415-108-324 Married member's benefit selection—Spousal consent required.** The member, if married, must provide the written consent of his or her spouse to the option selected under WAC 415-108-326. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with chapter 41.40 RCW and RCW 41.40.660(2), as amended.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-015, § 415-108-324, filed 1/7/91, effective 2/7/91.]

**WAC 415-108-326 Options.** Chapter 249, Laws of 1990 (SHB 2643), as it amends RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660 and 41.40.670, provides three benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a cost of living adjustment (COLA) option. The choice of option is to be made upon application for retirement, either for service or for disability.

(1) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided by RCW 41.40.185, 41.40.190, 41.40.230, 41.40.235, 41.40.250, 41.40.660 or 41.40.670 based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.40, as amended.

(2) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.

(3) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the amount of the retired member's monthly retirement allowance for the duration of the survivor's life.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-015, § 415-108-326, filed 1/7/91, effective 2/7/91.]

**WAC 415-108-340 Actuarial tables, schedules, and factors.** This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050, 41.40.020 and 41.40.022 for calculating optional retirement allowances of members of the Washington state public employees' retirement system, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of public employees' retirement

system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances calculated at the time of retirement of members retiring before October 1, 1990 shall continue to be governed by the tables, schedules, and factors in effect when each member retires. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances calculated at the time of retirement only of members retiring after the adoption of such new tables, schedules, and factors.

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1

Early Retirement Factors  
by Year and Month

0	0	1.0000
	1	.9915
	2	.9830
	3	.9746
	4	.9661
	5	.9576
	6	.9491
	7	.9407
	8	.9322
	9	.9237
	10	.9152
	11	.9068
1	0	.8983
	1	.8908
	2	.8834
	3	.8759
	4	.8685
	5	.8610
	6	.8536
	7	.8461
	8	.8387
	9	.8312
	10	.8238
	11	.8163
2	0	.8089
	1	.8023
	2	.7957
	3	.7892
	4	.7826
	5	.7760
	6	.7694
	7	.7629
	8	.7563
	9	.7497
	10	.7431
	11	.7366
3	0	.7300
	1	.7242
	2	.7183
	3	.7125
	4	.7067
	5	.7009
	6	.6951
	7	.6892
	8	.6834
	9	.6776
	10	.6718
	11	.6660
4	0	.6601
	1	.6550
	2	.6498
	3	.6446
	4	.6395

5	.6343	
6	.6291	
7	.6240	
8	.6188	
9	.6136	
10	.6085	
11	.6033	
5	0	.5981
	1	.5935
	2	.5889
	3	.5843
	4	.5797
	5	.5751
	6	.5705
	7	.5659
	8	.5613
	9	.5567
	10	.5521
	11	.5475
6	0	.5429
	1	.5388
	2	.5347
	3	.5306
	4	.5265
	5	.5224
	6	.5182
	7	.5141
	8	.5100
	9	.5059
	10	.5018
	11	.4977
7	0	.4936
	1	.4899
	2	.4862
	3	.4825
	4	.4789
	5	.4752
	6	.4715
	7	.4678
	8	.4642
	9	.4605
	10	.4568
	11	.4531
8	0	.4494
	1	.4461
	2	.4428
	3	.4395
	4	.4362
	5	.4329
	6	.4296
	7	.4263
	8	.4230
	9	.4197
	10	.4164
	11	.4131
9	0	.4098
	1	.4068
	2	.4039
	3	.4009
	4	.3979
	5	.3950
	6	.3920
	7	.3890
	8	.3860
	9	.3831
	10	.3801
	11	.3771
10	0	.3742
	1	.3715
	2	.3688
	3	.3661
	4	.3635
	5	.3608
	6	.3581
	7	.3554
	8	.3528

Public Employees' Retirement System

415-108-340

	9	.3501	17	0	.2039
	10	.3474		1	.2025
	11	.3447		2	.2012
11	0	.3440		3	.1998
	1	.3396		4	.1985
	2	.3372		5	.1971
	3	.3348		6	.1957
	4	.3324		7	.1944
	5	.3300		8	.1930
	6	.3275		9	.1917
	7	.3251		10	.1903
	8	.3227		11	.1890
	9	.3203	18	0	.1876
	10	.3179		1	.1864
	11	.3154		2	.1851
12	0	.3130		3	.1839
	1	.3108		4	.1826
	2	.3087		5	.1814
	3	.3065		6	.1802
	4	.3043		7	.1789
	5	.3021		8	.1777
	6	.2999		9	.1764
	7	.2977		10	.1752
	8	.2955		11	.1740
	9	.2933	19	0	.1727
	10	.2912		1	.1726
	11	.2890		2	.1705
13	0	.2868		3	.1693
	1	.2848		4	.1682
	2	.2828		5	.1671
	3	.2808		6	.1659
	4	.2789		7	.1648
	5	.2769		8	.1637
	6	.2749		9	.1625
	7	.2729		10	.1614
	8	.2709		11	.1603
	9	.2689	20	0	.1591
	10	.2670		1	.1581
	11	.2650		2	.1571
14	0	.2630		3	.1560
	1	.2612		4	.1550
	2	.2594		5	.1540
	3	.2576		6	.1529
	4	.2558		7	.1519
	5	.2540		8	.1509
	6	.2522		9	.1498
	7	.2504		10	.1488
	8	.2486		11	.1478
	9	.2468	21	0	.1467
	10	.2450		1	.1458
	11	.2432		2	.1448
15	0	.2414		3	.1439
	1	.2398		4	.1429
	2	.2381		5	.1420
	3	.2365		6	.1410
	4	.2348		7	.1401
	5	.2332		8	.1391
	6	.2316		9	.1382
	7	.2299		10	.1372
	8	.2283		11	.1363
	9	.2267	22	0	.1353
	10	.2250		1	.1345
	11	.2234		2	.1336
16	0	.2218		3	.1327
	1	.2203		4	.1319
	2	.2188		5	.1310
	3	.2173		6	.1301
	4	.2158		7	.1293
	5	.2143		8	.1284
	6	.2128		9	.1275
	7	.2113		10	.1267
	8	.2098		11	.1258
	9	.2084	23	0	.1249
	10	.2069		1	.1241
	11	.2054		2	.1233
				3	.1225



Public Employees' Retirement System

415-108-340

		Public Employees Retirement System PERS I Optional COLA*	Public Employees Retirement System Plan 1 Option 1 Monthly Benefit per \$1.00 of Accumulation
25	.0040286		
26	.0040500		
27	.0040726		
28	.0040963		
29	.0041213		
30	.0041476		
31	.0041753	20	.0061792
32	.0042044	21	.0061891
33	.0042351	22	.0061997
34	.0042675	23	.0062111
35	.0043015	24	.0062232
36	.0043375	25	.0062362
37	.0043756	26	.0062501
38	.0044157	27	.0062650
39	.0044581	28	.0062809
40	.0045029	29	.0062979
41	.0045502	30	.0063162
42	.0046001	31	.0062257
43	.0046528	32	.0063566
44	.0047084	33	.0062790
45	.0047670	34	.0064030
46	.0048287	35	.0064286
47	.0048939	36	.0064561
48	.0049626	37	.0064856
49	.0050352	38	.0065173
50	.0051120	39	.0065512
51	.0051933	40	.0065875
52	.0052795	41	.0066263
53	.0053712	42	.0066677
54	.0054687	43	.0067119
55	.0055727	44	.0067590
56	.0056837	45	.0068091
57	.0058025	46	.0068624
58	.0059296	47	.0069190
59	.0060657	48	.0069792
60	.0062116	49	.0070432
61	.0063676	50	.0071114
62	.0065347	51	.0071843
63	.0067134	52	.0072621
64	.0069044	53	.0073455
65	.0071085	54	.0074351
66	.0073263	55	.0075313
67	.0075587	56	.0076350
68	.0078066	57	.0077467
69	.0080711	58	.0078672
70	.0083537	59	.0079972
71	.0086558	60	.0081375
72	.0089785	61	.0082885
73	.0093230	62	.0084509
74	.0096898	63	.0086255
75	.0100729	64	.0088128
76	.1049100	65	.0090135
77	.0109250	66	.0092282
78	.0113811	67	.0094577
79	.0118589	68	.0097029
80	.0123587	69	.0102454
81	.0128793	70	.0105455
82	.0134243	71	.0108665
83	.0139934	72	.0112093
84	.0145880	73	.0115744
85	.0152103	74 or more	.0119617
86	.0158600		.0123709
87	.0165374		.0128014
88	.0172413		.0132580
89	.0179682		.0137246
90	.0187162		.0142169
91	.0194835		.0147281
92	.0202654		.0152621
93	.0210569		.0158184
94	.0218459		.0163986
95	.0226265		.0170045
96	.0234038		.0176361
97	.0241752		.0182936
98	.0249356		.0189757
99	.0256785		.0196789
			.0204015

Title 415 WAC: Retirement Systems, Department of

Age difference = member's age minus beneficiary age

91	.0211420			
92	.0218957			
93	.0226575			
94	.0234160			
95	.0241655			
96	.0249116			
97	.0256520			
98	.0263822			
99	.0270961			

PERS II OPTION II	Age Difference Beneficiary Older	PERS II OPTION III
0.965	-20 or more	0.983
0.963	-19	0.982
0.960	-18	0.980
0.958	-17	0.979
0.955	-16	0.978
0.952	-15	0.976
0.948	-14	0.974
0.944	-13	0.972
0.939	-12	0.969
0.933	-11	0.966
0.926	-10	0.962
0.919	-9	0.958
0.912	-8	0.954
0.903	-7	0.950
0.894	-6	0.945
0.885	-5	0.939
0.874	-4	0.933
0.862	-3	0.926
0.846	-2	0.917
0.828	-1	0.907

PERS I OPTION II	Age Difference Beneficiary Older	PERS I OPTION III
0.973	-20 or more	0.987
0.970	-19	0.986
0.964	-18	0.984
0.960	-17	0.982
0.957	-16	0.980
0.953	-15	0.978
0.949	-14	0.976
0.945	-13	0.974
0.940	-12	0.972
0.934	-11	0.969
0.929	-10	0.966
0.923	-9	0.963
0.917	-8	0.960
0.910	-7	0.956
0.902	-6	0.952
0.895	-5	0.948
0.887	-4	0.944
0.878	-3	0.939
0.866	-2	0.932
0.852	-1	0.924

Beneficiary Younger

0.809	0	0.896
0.791	1	0.885
0.774	2	0.874
0.760	3	0.865
0.748	4	0.858
0.738	5	0.851
0.729	6	0.845
0.718	7	0.838
0.705	8	0.829
0.691	9	0.819
0.678	10	0.810
0.668	11	0.803
0.660	12	0.797
0.653	13	0.792
0.646	14	0.787
0.639	15	0.782
0.632	16	0.777
0.626	17	0.772
0.620	18	0.767
0.614	19	0.763
0.609	20	0.759
0.603	21	0.754
0.598	22	0.750
0.594	23	0.747
0.589	24	0.743
0.584	25	0.739
0.580	26	0.736
0.576	27	0.733
0.572	28	0.730
0.569	29	0.727
0.565	30	0.724
0.562	31	0.721
0.559	32	0.718
0.556	33	0.716
0.553	34	0.713
0.550	35	0.711
0.547	36	0.709
0.545	37	0.707
0.542	38	0.705
0.540	39	0.703
0.538	40 or more	0.701

Age difference = member's age minus beneficiary age

PERS I OPTION II	Age Difference Beneficiary Younger	PERS I OPTION III
0.837	0	0.917
0.822	1	0.908
0.809	2	0.901
0.800	3	0.894
0.794	4	0.889
0.789	5	0.885
0.784	6	0.881
0.776	7	0.876
0.766	8	0.869
0.754	9	0.862
0.744	10	0.855
0.736	11	0.850
0.731	12	0.847
0.726	13	0.844
0.721	14	0.841
0.717	15	0.838
0.713	16	0.835
0.709	17	0.832
0.706	18	0.830
0.702	19	0.827
0.699	20	0.825
0.696	21	0.823
0.693	22	0.821
0.690	23	0.819
0.687	24	0.817
0.685	25	0.815
0.683	26	0.814
0.681	27	0.812
0.679	28	0.811
0.677	29	0.809
0.675	30	0.808
0.673	31	0.807
0.672	32	0.806
0.670	33	0.805
0.669	34	0.804
0.667	35	0.803
0.666	36	0.802
0.665	37	0.801
0.664	38	0.800
0.663	39	0.799
0.662	40 or more	0.798

Public Employees' Retirement System

415-108-340

PUBLIC EMPLOYEES RETIREMENT SYSTEM			10	.5314
PLAN 2			11	.5267
Early Retirement Factors			6	0
by Year and Month			1	.5178
0	0	1.0000	2	.5136
	1	.9910	3	.5094
	2	.9821	4	.5052
	3	.9731	5	.5010
	4	.9641	6	.4968
	5	.9551	7	.4926
	6	.9462	8	.4884
	7	.9372	9	.4842
	8	.9282	10	.4880
	9	.9193	11	.4758
	10	.9103	7	0
	11	.9013	1	.4678
1	0	.8923	2	.4641
	1	.8845	3	.4603
	2	.8767	4	.4566
	3	.8688	5	.4529
	4	.8610	6	.4491
	5	.8531	7	.4454
	6	.8453	8	.4416
	7	.8374	9	.4379
	8	.8296	10	.4342
	9	.8217	11	.4304
	10	.8139	8	0
	11	.8061	1	.4234
2	0	.7982	2	.4200
	1	.7913	3	.4167
	2	.7844	4	.4134
	3	.7776	5	.4100
	4	.7707	6	.4067
	5	.7638	7	.4033
	6	.7569	8	.4000
	7	.7500	9	.3967
	8	.7431	10	.3933
	9	.7363	11	.3900
	10	.7294	9	0
	11	.7225	1	.3837
3	0	.7156	2	.3807
	1	.7096	3	.3777
	2	.7003	4	.3747
	3	.6975	5	.3748
	4	.6914	6	.3688
	5	.6853	7	.3658
	6	.6793	8	.3628
	7	.6732	9	.3598
	8	.6672	10	.3569
	9	.6611	11	.3539
	10	.6551	10	0
	11	.6490	1	.3482
4	0	.6429	2	.3456
	1	.6376	3	.3429
	2	.6322	4	.3402
	3	.6269	5	.3375
	4	.6215	6	.3349
	5	.6162	7	.3322
	6	.6109	8	.3295
	7	.6055	9	.3269
	8	.6002	10	.3242
	9	.5948	11	.3215
	10	.5895	11	0
	11	.5841	1	.3165
5	0	.5788	2	.3141
	1	.5740	3	.3117
	2	.5693	4	.3093
	3	.5646	5	.3069
	4	.5598	6	.3045
	5	.5551	7	.3021
	6	.5504	8	.2997
	7	.5446	9	.2973
	8	.5409	10	.2949
	9	.5362	11	.2925
			12	0
			1	.2879

	2	.2858		6	.1611
	3	.2836		7	.1599
	4	.2815		8	.1587
	5	.2793		9	.1575
	6	.2771		10	.1564
	7	.2750		11	.1552
	8	.2728		19 0	.1540
	9	.2707		1	.1529
	10	.2685		2	.1519
	11	.2664		3	.1508
13	0	.2642		4	.1497
	1	.2623		5	.1487
	2	.2603		6	.1476
	3	.2584		7	.1465
	4	.2564		8	.1455
	5	.2545		9	.1444
	6	.2526		10	.1433
	7	.2506		11	.1422
	8	.2487		20 0	.1412
	9	.2467		1	.1402
	10	.2448		2	.1392
	11	.2429		3	.1383
14	0	.2409		4	.1373
	1	.2392		5	.1363
	2	.2374		6	.1353
	3	.2357		7	.1344
	4	.2339		8	.1334
	5	.2322		9	.1324
	6	.2304		10	.1315
	7	.2287		11	.1305
	8	.2269		21 0	.1295
	9	.2252		1	.1286
	10	.2234		2	.1277
	11	.2216		3	.1269
15	0	.2199		4	.1260
	1	.2183		5	.1251
	2	.2167		6	.1242
	3	.2151		7	.1233
	4	.2136		8	.1224
	5	.2120		9	.1215
	6	.2104		10	.1207
	7	.2088		11	.1998
	8	.2072		22 0	.1189
	9	.2057		1	.1181
	10	.2041		2	.1173
	11	.2025		3	.1165
16	0	.2009		4	.1157
	1	.1995		5	.1149
	2	.1980		6	.1140
	3	.1966		7	.1132
	4	.1952		8	.1124
	5	.1937		9	.1116
	6	.1923		10	.1108
	7	.1909		11	.1100
	8	.1894		23 0	.1092
	9	.1880		1	.1085
	10	.1866		2	.1077
	11	.1851		3	.1070
17	0	.1837		4	.1063
	1	.1824		5	.1055
	2	.1811		6	.1048
	3	.1798		7	.1041
	4	.1785		8	.1033
	5	.1772		9	.1026
	6	.1759		10	.1018
	7	.1746		11	.1011
	8	.1733		24 0	.1004
	9	.1720		1	.0997
	10	.1707		2	.0990
	11	.1694		3	.0984
18	0	.1681		4	.0977
	1	.1670		5	.0974
	2	.1658		6	.0963
	3	.1646		7	.0957
	4	.1634		8	.0950
	5	.1623		9	.0943

Public Employees' Retirement System

415-108-340

	10	.0937		2	.0557
	11	.0930		3	.0553
25	0	.0923		4	.0550
	1	.0917		5	.0546
	2	.0911		6	.0543
	3	.0905		7	.0539
	4	.0898		8	.0535
	5	.0892		9	.0532
	6	.0886		10	.0528
	7	.0880		11	.0524
	8	.0874	32	0	.0521
	9	.0868		1	.0517
	10	.0862		2	.0514
	11	.0856		3	.0511
26	0	.0849		4	.0507
	1	.0844		5	.0504
	2	.0838		6	.0501
	3	.0833		7	.0497
	4	.0827		8	.0494
	5	.0821		9	.0491
	6	.0816		10	.0487
	7	.0810		11	.0484
	8	.0804	33	0	.0481
	9	.0799		1	.0478
	10	.0793		2	.0475
	11	.0788		3	.0471
27	0	.0782		4	.0768
	1	.0777		5	.0465
	2	.0772		6	.0462
	3	.0767		7	.0459
	4	.0761		8	.0456
	5	.0756		9	.0453
	6	.0751		10	.0450
	7	.0746		11	.0447
	8	.0741	34	0	.0444
	9	.0736		1	.0441
	10	.0731		2	.0438
	11	.0725		3	.0435
28	0	.0720		4	.0433
	1	.0716		5	.0430
	2	.0711		6	.0427
	3	.0706		7	.0424
	4	.0701		8	.0421
	5	.0697		9	.0418
	6	.0692		10	.0416
	7	.0687		11	.0413
	8	.0683	35	0	.0410
	9	.0678		1	.0407
	10	.0673		2	.0405
	11	.0668		3	.0402
29	0	.0664		4	.0400
	1	.0659		5	.0397
	2	.0655		6	.0394
	3	.0651		7	.0392
	4	.0646		8	.0389
	5	.0642		9	.0387
	6	.0638		10	.0384
	7	.0634		11	.0381
	8	.0629	36	0	.0379
	9	.0625		1	.0376
	10	.0621		2	.0374
	11	.0616		3	.0372
30	0	.0612		4	.0369
	1	.0608		5	.0367
	2	.0604		6	.0364
	3	.0600		7	.0362
	4	.0596		8	.0360
	5	.0592		9	.0357
	6	.0588		10	.0355
	7	.0584		11	.0352
	8	.0580	37	0	.0350
	9	.0576		1	.0348
	10	.0572		2	.0346
	11	.0568		3	.0343
31	0	.0564		4	.0341
	1	.0561		5	.0339

	6	.0337		10	.0206
	7	.0335		11	.0205
	8	.0332		44 0	.0203
	9	.0330		1	.0202
	10	.0328		2	.0201
	11	.0326		3	.0199
38	0	.0324		4	.0198
	1	.0322		5	.0197
	2	.0320		6	.0196
	3	.0318		7	.0194
	4	.0316		8	.0193
	5	.0313		9	.0192
	6	.0311		10	.0191
	7	.0309		11	.0189
	8	.0307		45 or more	.0188
	9	.0305			
	10	.0303			
	11	.0301			
39	0	.0299			
	1	.0297			
	2	.0296			
	3	.0294			
	4	.0292			
	5	.0290			
	6	.0288			
	7	.0286			
	8	.0284			
	9	.0282			
	10	.0281			
	11	.0279			
40	0	.0277			
	1	.0275			
	2	.0273			
	3	.0272			
	4	.0270			
	5	.0268			
	6	.0266			
	7	.0265			
	8	.0263			
	9	.0261			
	10	.0260			
	11	.0258			
41	0	.0256			
	1	.0255			
	2	.0253			
	3	.0251			
	4	.0250			
	5	.0248			
	6	.0247			
	7	.0245			
	8	.0243			
	9	.0242			
	10	.0240			
	11	.0239			
42	0	.0237			
	1	.0236			
	2	.0234			
	3	.0233			
	4	.0231			
	5	.0230			
	6	.0228			
	7	.0227			
	8	.0225			
	9	.0224			
	10	.0222			
	11	.0221			
43	0	.0219			
	1	.0218			
	2	.0217			
	3	.0215			
	4	.0214			
	5	.0213			
	6	.0211			
	7	.0210			
	8	.0209			
	9	.0207			

[Statutory Authority: RCW 41.50.050, 41.40.165, 41.40.020 and 41.40.022. 91-02-018, § 415-108-340, filed 12/21/90, effective 1/21/91.]

**WAC 415-108-400 Purpose and scope.** WAC 186-16-400 through 186-16-440 are hereby promulgated by the director in order to implement and give effect to the provisions of RCW 41.40.380 allowing a beneficiary of a retirement allowance to authorize deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions, in accordance with rules and regulations that may be promulgated by the director.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-400, filed 2/15/78. Formerly WAC 184-16-010.]

**WAC 415-108-410 Definitions.** As used in WAC 186-16-400 through 186-16-440, unless a different meaning is plainly required by the context:

(a) "Group life insurance policy or plan" means a contract of group life insurance issued by an insurance carrier authorized to do business in the state of Washington which meets one of the group requirements set forth in chapter 48.24 RCW;

(b) "Group disability insurance policy or plan" means a group disability insurance contract issued by an insurance carrier authorized to do business in the state of Washington which meets the requirements of chapter 48.21 RCW, and the term shall also include a group health care service contract as issued pursuant to, and regulated by, the provisions of chapter 48.40 RCW;

(c) To the extent that they are defined by RCW 41.40.010, all other terms used in WAC 186-16-400 through 186-16-440 which are thereby defined shall be given the same meaning herein as is set forth in the cited statute.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-410, filed 2/15/78. Formerly WAC 184-16-020.]

**WAC 415-108-420 Scope of authority.** Any beneficiary of a retirement allowance payable for service or disability under the provisions of chapter 41.40 RCW may, in the manner provided for by WAC 415-108-430, authorize the director to deduct therefrom, on a monthly basis only, such amounts as are due as premiums on any group life or disability insurance policy or plan currently covering the beneficiary, issued to the employer by which he was employed prior to his retirement for the benefit of a group comprised of himself and his fellow public employees, under

authority granted to the employer by act of the Washington legislature. The department and the director are not and will not be liable for any failure to make such deduction payments on time or in the proper amount.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-420, filed 2/15/78. Formerly WAC 184-16-030.]

**WAC 415-108-430 Procedure.** Any beneficiary, who desires to authorize a retirement allowance deduction for payment of insurance premiums provided for by these rules, shall notify the retirement board of his intention in writing at least thirty days prior to the date upon which the first deduction is to be made and shall execute and file with the director a formal authorization on such form as may be hereinafter provided by the director.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-430, filed 2/15/78. Formerly WAC 184-16-040.]

**WAC 415-108-440 Revocability.** No authorization for a retirement allowance deduction for payment of insurance premiums, as made pursuant to WAC 186-16-400 through 186-16-440, shall be revocable except upon submission to the director of an express written revocation, which shall be first applicable to the retirement allowance deduction which would otherwise be made at the end of the calendar month following the month within which the statement of revocation is filed.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-440, filed 2/15/78. Formerly WAC 184-16-050.]

**WAC 415-108-450 Compensation earnable for Plan I PERS members.** (1) Compensation earnable for Plan I PERS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "compensation earnable," for Plan I PERS members, means all salaries or wages legally earned by a member during a calendar month for personal services, including:

- (a) Overtime payments;
- (b) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;
- (c) Back pay awards or settlements, as defined in WAC 415-108-490;
- (d) Nonmoney maintenance compensation, as defined in WAC 415-108-470;

(e) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, compensatory time off, or other paid leave of absence;

(f) Compensation in any form received by a member pursuant to the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement, pursuant to section 125 of the United States Internal Revenue Code, that permits employees to select from a package of employer-provided fringe benefits, among which is the absolute right to receive cash in lieu of the employer providing any of the fringe benefits offered, except that any portion of such plan for which there is no cash option is not includable;

(g) Any lump sum payment for accrued leave or any form of severance pay.

(3) "Compensation earnable," for Plan I PERS members, does not include:

(a) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(f) of this section;

(b) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(c) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(d) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(e) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(f) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in this subsection, except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(f) of this section;

(g) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of PERS retirement benefits;

(h) Any payment made to a member for services rendered as an independent contractor;

(i) Any payment made without legal authority by an employer to a member; or

(j) Any payment, other than those described in subsection (2)(c) and (e) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

[Statutory Authority: RCW 41.40.010(8). 88-11-030 (Order 88-11), § 415-108-450, filed 5/13/88.]

**WAC 415-108-460 Compensation earnable for Plan II PERS members.** (1) Compensation earnable for Plan II PERS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "compensation earnable," for Plan II PERS members, means all salaries or wages legally earned by a member during a calendar month for personal services, including:

- (a) Overtime payments;
- (b) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;
- (c) Back pay awards or settlements, as defined in WAC 415-108-490;
- (d) Salaries or wages for time during which a member is excused from work because of holidays, sick leave,

vacation leave, compensatory time off, or other paid leave of absence; and

(e) Compensation in any form received by a member pursuant to the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code that permits employees to select from a package of employer-provided fringe benefits, among which is the absolute right to receive cash in lieu of the employer providing any of the fringe benefits offered, except that any portion of such plan for which there is no cash option is not includable.

(3) "Compensation earnable," for Plan II PERS members, does not include:

(a) Any compensation provided to a member by an employer in a medium other than cash, including but not limited to "nonmoney maintenance compensation," as defined in WAC 415-108-470;

(b) Any lump sum payment for accrued leave or any form of severance pay;

(c) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(e) of this section;

(d) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(e) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(f) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(g) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(h) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in this subsection, except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(e) of this section;

(i) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of PERS retirement benefits;

(j) Any payment made to a member for services rendered as an independent contractor;

(k) Any payment made without legal authority by an employer to a member; or

(l) Any payment, other than those described in subsection (2)(c) and (d) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

**WAC 415-108-470 Nonmoney maintenance compensation—Determination and reporting—Form and weight of evidence.** (1) Except for compensation described in WAC 415-108-450(2) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.

(2) "Nonmoney maintenance compensation" does not include:

(a) Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;

(b) Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.

(3) Every employer furnishing one or more items of "nonmoney maintenance compensation," to a Plan I PERS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.

(4) For each month during which an employer furnishes to a Plan I PERS member "nonmoney maintenance compensation," the employer shall report to the department as "compensation earnable" the amount by which the fair market value of the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."

(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I PERS member's retirement benefits unless the employer or the member substantiates, by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was

[Statutory Authority: RCW 41.40.010(8). 88-11-030 (Order 88-11), § 415-108-460, filed 5/13/88.]

neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(b) Except as provided in WAC 415-108-480 (containing special substantiation rules for employer-provided vehicles and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-108-480, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.

[Statutory Authority: RCW 41.40.010(8) and 41.40.020. 87-17-061 (Order DRS 87-08), § 415-108-470, filed 8/19/87.]

**WAC 415-108-480 Special recordkeeping rules for vehicles and vehicle allowances provided by employers to PERS members—Exemption—Presumption in absence of records.** (1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I PERS member reflecting: (i) Whether the vehicle was authorized and available for personal use, including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentages of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of

the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "compensation earnable" under WAC 415-108-450(2).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more PERS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between: (A) The vehicle allowance; and (B) the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (C) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The contract of employment provides that such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer; or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection or is excused from maintaining the records under (b) of this subsection, the department shall presume that any vehicle allowance provided by an employer to a PERS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "compensation earnable."

[Statutory Authority: RCW 41.40.010(8) and 41.40.020. 87-17-061 (Order DRS 87-08), § 415-108-480, filed 8/19/87.]

**WAC 415-108-490 Back pay award or settlement—Definition—Allocated by the department for retirement system purposes.** "Back pay award or settlement" means a retroactive payment made by an employer or former employer to a member pursuant to an award by a court or an order

of or conciliation agreement with an administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights, or a bona fide settlement of such a claim before a court or administrative agency. The department shall allocate any such award or settlement to the period or periods in which the work was done or in which it would have been done and, for retirement system purposes, deem such payments as earned in the period or periods to which the award or settlement is so allocated.

[Statutory Authority: RCW 41.40.010(8) and 41.40.020. 87-17-061 (Order DRS 87-08), § 415-108-490, filed 8/19/87.]

**WAC 415-108-500 Public employees' retirement board.** The purpose of the WAC is to implement the provisions of RCW 41.40.120(17) relating to city managers.

Effective immediately and until December 31, 1986 any current member described in RCW 41.40.120(17) may, at his/her option, elect to withdraw from membership in the retirement system provided by chapter 41.40 RCW. Such election is to be made in writing on a form provided for that purpose by the department. Persons making this election will be refunded the contributions and related interest which were credited while in their current position. The effect of such a withdrawal will be to terminate and cancel the service credit acquired while in that position. Such action is final and no service credit may ever be obtained in the future for the period cancelled.

Effective immediately any person described in RCW 41.40.120(17) who is employed in one of the positions described shall not become a member of the system provided by chapter 41.40 RCW unless within thirty days of employment in such position he/she shall submit in writing on a form, provided by the department, a waiver of his/her right to be excluded and requesting his/her inclusion in the system. Such a person may not then subsequently withdraw from the system except as provided by RCW 41.40.260 or 41.40.730 as appropriate.

[Statutory Authority: RCW 41.40.120(17). 86-13-023 (Order 86-3), § 415-108-500, filed 6/10/86.]

**WAC 415-108-510 First-in-first-out accounting method for determining when leave earned.** When an employer provides cash compensation in lieu of unused leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned, unless the employer has in place a regulation charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within

sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will treat cashed out leave on the same basis as the employer has established for using leave.

[Statutory Authority: RCW 41.40.010(8) and 41.40.020. 87-17-061 (Order DRS 87-08), § 415-108-510, filed 8/19/87.]

**WAC 415-108-520 Membership exceptions—Student and spouse of student.** (1) A person employed by a Washington state institution of higher education or community college (employer), who is employed at such institution or college primarily for the purpose of furthering her/his education or the education of the person's spouse, is excepted from membership in PERS when:

(a) The person is a full-time student or the spouse of a full-time student; and

(b) The person is employed at the same institution where she/he is a full-time student or where the person's spouse is a full-time student; and

(c) The person determines her/his employment is primarily an incident to and in furtherance of her/his education or training, or the education or training of the person's spouse.

(2) For purposes of this section, RCW 41.40.120(7) shall be administered as follows:

(a) When a person begins employment in a PERS eligible position, a determination shall be made by the person as to whether the provisions of this section apply. If this section applies to the person, she/he shall determine her/his membership status as either being excepted from membership in PERS, or being a member of PERS, based upon whether employment at the institution of higher education or community college is primarily as an incident to and in furtherance of her/his education or training, or the education or training of the person's spouse. The person shall notify the employer in writing of her/his determination of membership status no later than two months after commencing employment in a PERS eligible position. Based upon the provisions herein and the written notification of status, the person shall either be excepted from membership in PERS or become a member of PERS. In the event that no written notification of status is provided to the employer, based upon the provisions of this section, the employer shall make the presumption:

(i) That the person shall remain a member of PERS where the person is employed in a PERS eligible position and is a member of PERS at the time the person, or his or her spouse, becomes a full-time student;

(ii) That the person shall be excepted from PERS membership where the person or the person's spouse is a full-time student at the time of becoming employed in a PERS eligible position.

(b) A person employed in a PERS eligible position at the time of becoming a full-time student or becoming the spouse of a full-time student, shall remain a member of PERS; except, at the time of becoming a full-time student or becoming the spouse of a full-time student, the person may elect to waive her/his membership in PERS, based upon the provisions of this section excepting membership. The person must provide written notification of the waiver to the

employer. If the person elects to waive membership in PERS, she/he cannot later elect membership in PERS unless there is a change of status of the person or of the person's spouse, as set forth below, and the employer has received written notification from the person of the change of status.

(c) A person who is a full-time student or who is the spouse of a full-time student at the time of becoming employed in a PERS eligible position, shall not be eligible for membership in PERS; except, at the time of becoming employed in a PERS eligible position, the person may elect to become a member of PERS, based upon the person's determination that the provisions of this section excepting membership do not apply. The person must provide written notification of the election to be a member of PERS to the employer. If the person elects to become a member of PERS, she/he cannot later waive PERS membership unless there is a change of status of the person or of the person's spouse, as set forth below, and the employer has received written notification from the person of the change of status.

(d) For purposes of this section, status is defined as:

(i) Student status - is full-time student, part-time student or nonstudent. Part-time student and nonstudent status do not meet the threshold for exception from PERS; only full-time student status meets the threshold;

(ii) Employment status - is employment in a PERS eligible position, employment in a PERS ineligible position, or unemployment. Unemployment refers to termination of employment from a Washington state institution of higher education or community college employer;

(iii) Marital status - is single, married, widowed or divorced.

(3) The department shall rely upon the institutions of higher education and community college employers to:

(a) Notify each person, at the time of hire, of the provisions of this section;

(b) Request all written notifications from persons electing membership or waiving membership under this section;

(c) Retain and make available to the department upon request, all written notifications electing membership or waiving membership on a sixty-four year record retention schedule.

(4) It is recommended, but not required, that no less than annually employers provide notice that employees are required to notify the employer of any change in status as set forth in this section.

[Statutory Authority: RCW 41.50.050, 91-21-083, § 415-108-520, filed 10/18/91, effective 12/31/91.]

### Chapter 415-112 WAC

#### TEACHERS' RETIREMENT BOARD OF TRUSTEES

##### WAC

415-112-010	Description of teachers' retirement system.
415-112-020	Public records.
415-112-030	Appeals—Forms and procedures.
415-112-040	Actuarial tables, schedules, and factors.

##### MEMBERSHIP

415-112-100	Minimum requirement for membership.
415-112-110	Teachers' retirement system employees eligible for membership.

##### SERVICE CREDIT

415-112-200	Establishing credit for previous service.
415-112-210	Withdrawal before final date for establishing additional credit.
415-112-220	Withdrawal before making final payment to establish additional credit.
415-112-230	Failure to make final payment to establish credit.
415-112-240	Service credit to be retroactive.
415-112-250	Credit allowed for leave with pay.
415-112-260	Credit for service in higher institutions.
415-112-270	Evaluating credit for professional preparation.
415-112-280	Credit for teaching United States military personnel.
415-112-290	Credit for out-of-state service.
415-112-300	Red Cross service.
415-112-310	Civilian Conservation Corps service.
415-112-320	Service as a Peace Corps volunteer.
415-112-330	Amount of service credit.

##### EARNABLE COMPENSATION—MEMBER CONTRIBUTIONS

415-112-400	Salary deductions required by employer.
415-112-410	Earnable compensation for Plan I TRS members.
415-112-411	Earnable compensation for Plan II TRS members.
415-112-412	Nonmoney maintenance compensation—Determination and reporting—Form and weight of evidence.
415-112-413	Special recordkeeping rules for vehicles and vehicle allowances provided by employers to Plan I TRS members—Exemption—Presumption in absence of records.
415-112-414	Back pay award or settlement—Definition—Allocated by the department for retirement system purposes.
415-112-415	First-in-first-out accounting method for determining when leave earned.
415-112-420	Determining the earnable compensation.
415-112-430	Computing the average earnable compensation.
415-112-440	Withdrawal of contributions.

##### SERVICE RETIREMENT

415-112-500	Minimum service required for retirement.
415-112-510	Eligibility for retirement with less than five years of Washington service credit.
415-112-515	When a member of the teacher's retirement system Plan I enters retirement status.
415-112-520	Date from which service retirement allowance accrues.
415-112-530	Balance of monthly payment due on date of death.
415-112-535	Definitions for administering RCW 41.32.570.
415-112-540	Employment in public education limited for retirees.
415-112-550	Peace Corps volunteers not employed in public education.

##### DISABILITY BENEFITS

415-112-600	Eligibility for temporary disability benefits.
415-112-610	Payment of temporary disability benefits due upon death of a member.
415-112-620	Date from which disability retirement allowances accrue.
415-112-630	Employment of persons retired for disability.

##### SURVIVOR BENEFITS

415-112-700	Determining dependency under RCW 41.32.520.
415-112-710	Accrual date of survivor benefits under RCW 41.32.520.
415-112-720	Background and purpose.
415-112-722	Definitions for purposes of WAC 415-112-720 through 415-112-727.
415-112-725	Married member's benefit selection—Spousal consent required.
415-112-727	Options.
415-112-800	Scope.
415-112-810	Bona fide employee.
415-112-820	Bona fide part-time position—How determined.

**WAC 415-112-010 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 teachers' retirement 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 teachers' retirement system. The liabilities of the teachers' retirement 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 teachers' retirement system in a variety of ways and help to meet the state's pension liability.

(2) The teachers' retirement system is governed by a board of nine trustees, including the state superintendent of public instruction, the state insurance commissioner, five members of the teachers' retirement system who are appointed for three-year terms by the state board of education. Three of the appointed members must be classroom teachers. Two former members retired for service or disability who are appointed by the state board of education. The director of the department of retirement systems is responsible for the administration of the teachers' retirement system in accordance with the provisions of state law and the board of trustees policy. The board of trustees meetings are held in the department of retirement system's office in Olympia on the second Monday of the month which is not a holiday of January, April, July, and October.

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

Department of Retirement Systems  
Capitol Plaza Building  
1025 E. Union (Union and Eastside)  
Olympia, Washington 98504

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-010, filed 2/15/78. Formerly WAC 462-04-010.]

**WAC 415-112-020 Public records.** See chapter 415-06 WAC.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-020, filed 2/15/78. Formerly WAC 462-05-001.]

**WAC 415-112-030 Appeals—Forms and procedures.** Appeals from the board of trustees shall be made in the form and manner required by WAC 415-08-020. The disposition of such appeals shall be governed by the provisions of chapter 415-08 WAC.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-030, filed 2/15/78. Formerly WAC 462-08-010.]

**WAC 415-112-040 Actuarial tables, schedules, and factors.** This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.50.050 and 41.32.140 for calculating optional retirement allowances of members of the Washington state teachers' retirement system, as administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of

the state actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of teachers' retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from October 1, 1990 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before October 1, 1990 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

Teachers Retirement System TRS 1 Optional COLA*	Teachers Retirement System TRS 1 Option 1 Monthly Benefit per \$1.00 of Accumulation
--	--

20	.633	20	.0061484
21	.634	21	.0061561
22	.636	22	.0061643
23	.638	23	.0061732
24	.639	24	.0061828
25	.641	25	.0061930
26	.643	26	.0062039
27	.645	27	.0062156
28	.647	28	.0062281
29	.649	29	.0062414
30	.652	30	.0062558
31	.654	31	.0062711
32	.656	32	.0062875
33	.659	33	.0063050
34	.661	34	.0063238
35	.664	35	.0063440
36	.667	36	.0063655
37	.670	37	.0063886
38	.673	38	.0064133
39	.676	39	.0064398
40	.679	40	.0064682
41	.682	41	.0064988
42	.686	42	.0065315
43	.689	43	.0065666
44	.693	44	.0066042
45	.697	45	.0066444
46	.701	46	.0066874
47	.705	47	.0067334
48	.709	48	.0067823
49	.714	49	.0068345
50	.718	50	.0068901
51	.723	51	.0069492
52	.728	52	.0070122
53	.734	53	.0070794
54	.739	54	.0071512
55	.745	55	.0072280
56	.751	56	.0073102
57	.758	57	.0073984
58	.764	58	.0074931
59	.771	59	.0075950
60	.779	60	.0077049
61	.787	61	.0078235
62	.795	62	.0079521
63	.804	63	.0080907
64	.814	64	.00824070
65	.824	65	.0084029
66	.835	66	.0085784
67	.847	67	.0087680
68	.860	68	.0089727
69	.875	69	.0091936
70	.890	70	.0094312

Teachers' Retirement Board of Trustees

415-112-040

71	.907	71	.0096865	3	0	.7619
72	.927	72	.0099604		1	.7565
73	.948	73	.0102542		2	.7511
74 or more	.972	74	.0105696		3	.7457
		75	.0109088		4	.7404
		76	.0112739		5	.7350
		77	.0116669		6	.7296
		78	.0120898		7	.7243
		79	.0125439		8	.7189
		80	.0130304		9	.7135
		81	.0135505		10	.7082
		82	.0141057		11	.7028
		83	.0146979	4	0	.6974
		84	.0153295		1	.6926
		85	.0160001		2	.6877
		86	.0167200		3	.6829
		87	.0174922		4	.6780
		88	.0183233		5	.6731
		89	.0192217		6	.6683
		90	.0201938		7	.6634
		91	.0212433		8	.6586
		92	.0223781		9	.6537
		93	.0236079		10	.6489
		94	.0249403		11	.6440
		95	.0263868	5	0	.6391
		96	.0279635		1	.6347
		97	.0296927		2	.6303
		98	.0315504		3	.6259
		99	.0335425		4	.6215

\* For converting from the normal form Option 0 without a COLA, to Option 0 with a COLA

TEACHERS  
RETIREMENT SYSTEM  
PLAN 1  
Early Retirement Factors  
by Year and Month

-----						
0	0	1.0000				
	1	.9927				
	2	.9854				
	3	.9780				
	4	.9707				
	5	.9634				
	6	.9561			10	.5463
	7	.9488			11	.5423
	8	.9414			7	0
	9	.9341			1	.5383
	10	.9268			2	.5346
	11	.9195			3	.5310
1	0	.9122			4	.5273
	1	.9056			5	.5237
	2	.8990			6	.5201
	3	.8924			7	.5164
	4	.8858			8	.5128
	5	.8792			9	.5092
	6	.8727			10	.5055
	7	.8661			11	.5019
	8	.8595			8	0
	9	.8529			1	.4982
	10	.8463			2	.4946
	11	.8397			3	.4913
2	0	.8331			4	.4880
	1	.8272			5	.4847
	2	.8213			6	.4813
	3	.8153			7	.4780
	4	.8094			8	.4747
	5	.8034			9	.4714
	6	.7975			10	.4681
	7	.7916			11	.4648
	8	.7856			9	0
	9	.7797			1	.4582
	10	.7737			2	.4548
	11	.7678			3	.4518

## Title 415 WAC: Retirement Systems, Department of

	4	.4428		8	.2648
	5	.4397		9	.2630
	6	.4367		10	.2612
	7	.4337		11	.2594
	8	.4307	16	0	.2577
	9	.4276		1	.2560
	10	.4246		2	.2544
	11	.4216		3	.2528
10	0	.4186		4	.2511
	1	.4158		5	.2495
	2	.4131		6	.2479
	3	.4103		7	.2462
	4	.4076		8	.2446
	5	.4048		9	.2430
	6	.4020		10	.2413
	7	.3993		11	.2397
	8	.3965	17	0	.2381
	9	.3938		1	.2366
	10	.3910		2	.2351
	11	.3882		3	.2336
11	0	.3855		4	.2321
	1	.3830		5	.2306
	2	.3804		6	.2291
	3	.3779		7	.2276
	4	.3754		8	.2261
	5	.3729		9	.2246
	6	.3704		10	.2231
	7	.3678		11	.2216
	8	.3653	18	0	.2201
	9	.3628		1	.2187
	10	.3603		2	.2173
	11	.3578		3	.2159
12	0	.3552		4	.2146
	1	.3529		5	.2132
	2	.3506		6	.2118
	3	.3483		7	.2104
	4	.3460		8	.2090
	5	.3437		9	.2077
	6	.3414		10	.2063
	7	.3391		11	.2049
	8	.3368	19	0	.2035
	9	.3345		1	.2023
	10	.3322		2	.2010
	11	.3299		3	.1997
13	0	.3276		4	.1984
	1	.3254		5	.1972
	2	.3233		6	.1959
	3	.3212		7	.1946
	4	.3191		8	.1934
	5	.3170		9	.1921
	6	.3149		10	.1908
	7	.3128		11	.1896
	8	.3107	20	0	.1883
	9	.3085		1	.1871
	10	.3064		2	.1860
	11	.3043		3	.1848
14	0	.3022		4	.1836
	1	.3003		5	.1824
	2	.2983		6	.1813
	3	.2964		7	.1801
	4	.2945		8	.1789
	5	.2925		9	.1778
	6	.2906		10	.1766
	7	.2887		11	.1754
	8	.2867	21	0	.1743
	9	.2848		1	.1732
	10	.2828		2	.1721
	11	.2809		3	.1710
15	0	.2790		4	.1699
	1	.2772		5	.1689
	2	.2754		6	.1678
	3	.2736		7	.1667
	4	.2719		8	.1656
	5	.2701		9	.1646
	6	.2683		10	.1635
	7	.2665		11	.1624

Teachers' Retirement Board of Trustees

415-112-040

22	0	.1613	4	.0997	
	1	.1603	5	.0991	
	2	.1593	6	.0984	
	3	.1583	7	.0978	
	4	.1573	8	.0972	
	5	.1563	9	.0966	
	6	.1554	10	.0960	
	7	.1544	11	.0953	
	8	.1534	29	0	.0947
	9	.1524		1	.0942
	10	.1514		2	.0936
	11	.1504		3	.0930
23	0	.1494		4	.0924
	1	.1485		5	.0919
	2	.1476		6	.0913
	3	.1466		7	.0907
	4	.1457		8	.0902
	5	.1448		9	.0896
	6	.1439		10	.0890
	7	.1430		11	.0884
	8	.1421	30	0	.0879
	9	.1411		1	.0873
	10	.1402		2	.0868
	11	.1393		3	.0863
24	0	.1384		4	.0858
	1	.1375		5	.0852
	2	.1367		6	.0847
	3	.1358		7	.0842
	4	.1350		8	.0836
	5	.1341		9	.0831
	6	.1333		10	.0826
	7	.1325		11	.0820
	8	.1316	31	0	.0815
	9	.1308		1	.0810
	10	.1299		2	.0805
	11	.1291		3	.0801
25	0	.1282		4	.0796
	1	.1274		5	.0791
	2	.1267		6	.0786
	3	.1259		7	.0781
	4	.1251		8	.0776
	5	.1243		9	.0771
	6	.1235		10	.0766
	7	.1227		11	.0761
	8	.1220	32	0	.0756
	9	.1212		1	.0752
	10	.1204		2	.0747
	11	.1196		3	.0743
26	0	.1188		4	.0738
	1	.1181		5	.0734
	2	.1174		6	.0729
	3	.1167		7	.0725
	4	.1159		8	.0720
	5	.1152		9	.0716
	6	.1145		10	.0711
	7	.1138		11	.0707
	8	.1131	33	0	.0702
	9	.1123		1	.0698
	10	.1116		2	.0694
	11	.1109		3	.0689
27	0	.1102		4	.0685
	1	.1095		5	.0681
	2	.1088		6	.0677
	3	.1082		7	.0673
	4	.1075		8	.0668
	5	.1068		9	.0664
	6	.1062		10	.0660
	7	.1055		11	.0656
	8	.1048	34	0	.0652
	9	.1041		1	.0648
	10	.1035		2	.0644
	11	.1028		3	.0640
28	0	.1021		4	.0636
	1	.1015		5	.0632
	2	.1009		6	.0628
	3	.1003		7	.0624



Teachers' Retirement Board of Trustees

415-112-040

90	.0154423	0.630	39	0.775
91	.0159988	0.628	40 or more	0.773
92	.0165585			
93	.0171179			
94	.0176717			
95	.0182139			
96	.0187396			
97	.0192453			
98	.0197237			
99	.0201727			

Age difference = member's age minus beneficiary age

TEACHERS  
RETIREMENT SYSTEM  
PLAN 2  
Early Retirement Factors  
by Year and Month

TRS II OPTION II	Age Difference Beneficiary Older	TRS II OPTION III		
			0	0
				1.0000
				1
				.9916
				2
				.9832
				3
				.9748
				4
				.9664
				5
				.9580
				6
				.9495
				7
				.9411
				8
				.9327
				9
				.9243
				10
				.9159
				11
				.9075
			1	0
				.8991
				1
				.8916
				2
				.8842
				3
				.8768
				4
				.8693
				5
				.8619
				6
				.8545
				7
				.8470
				8
				.8396
				9
				.8322
				10
				.8247
				11
				.8173
			2	0
				.8099
				1
				.8033
				2
				.7967
				3
				.7901
				4
				.7835
				5
				.7769
				6
				.7704
				7
				.7638
				8
				.7572
				9
				.7506
				10
				.7440
				11
				.7374
			3	0
				.7308
				1
				.7250
				2
				.7191
				3
				.7133
				4
				.7074
				5
				.7016
				6
				.6957
				7
				.6899
				8
				.6840
				9
				.6781
				10
				.6723
				11
				.6664
			4	0
				.6606
				1
				.6554
				2
				.6502
				3
				.6449
				4
				.6397
				5
				.6345
				6
				.6293
				7
				.6241
				8
				.6189
				9
				.6137
				10
				.6085
				11
				.6032
			5	0
				.5980
				1
				.5934
				2
				.5887
				3
				.5841

## Title 415 WAC: Retirement Systems, Department of

4	.5794	8	.3188
5	.5748	9	.3163
6	.5701	10	.3139
7	.5654	11	.3114
8	.5608	12 0	.3089
9	.5561	1	.3067
10	.5515	2	.3045
11	.5468	3	.3023
6 0	.5422	4	.3001
1	.5380	5	.2979
2	.5338	6	.2956
3	.5297	7	.2934
4	.5255	8	.2912
5	.5214	9	.2890
6	.5172	10	.2868
7	.5130	11	.2846
8	.5089	13 0	.2823
9	.5047	1	.2803
10	.5005	2	.2783
11	.4964	3	.2763
7 0	.4922	4	.2743
1	.4885	5	.2723
2	.4847	6	.2703
3	.4810	7	.2683
4	.4773	8	.2663
5	.4735	9	.2643
6	.4698	10	.2623
7	.4661	11	.2603
8	.4623	14 0	.2582
9	.4586	1	.2564
10	.4549	2	.2546
11	.4511	3	.2528
8 0	.4474	4	.2510
1	.4441	5	.2491
2	.4407	6	.2473
3	.4374	7	.2455
4	.4340	8	.2437
5	.4307	9	.2419
6	.4273	10	.2400
7	.4239	11	.2382
8	.4206	15 0	.2364
9	.4172	1	.2348
10	.4139	2	.2331
11	.4105	3	.2315
9 0	.4072	4	.2298
1	.4042	5	.2282
2	.4012	6	.2265
3	.3981	7	.2248
4	.3951	8	.2232
5	.3921	9	.2215
6	.3891	10	.2199
7	.3861	11	.2182
8	.3831	16 0	.2166
9	.3800	1	.2151
10	.3770	2	.2136
11	.3740	3	.2121
10 0	.3710	4	.2106
1	.3683	5	.2091
2	.3656	6	.2076
3	.3628	7	.2061
4	.3601	8	.2046
5	.3574	9	.2031
6	.3547	10	.2016
7	.3520	11	.2001
8	.3493	17 0	.1986
9	.3465	1	.1972
10	.3438	2	.1959
11	.3411	3	.1945
11 0	.3384	4	.1931
1	.3359	5	.1918
2	.3335	6	.1904
3	.3310	7	.1890
4	.3286	8	.1877
5	.3261	9	.1863
6	.3237	10	.1849
7	.3212	11	.1836

Teachers' Retirement Board of Trustees

415-112-040

18	0	.1822	4	.1072
	1	.1810	5	.1065
	2	.1797	6	.1058
	3	.1785	7	.1051
	4	.1772	8	.1043
	5	.1760	9	.1036
	6	.1747	10	.1029
	7	.1735	11	.1022
	8	.1723	25	0
	9	.1710	1	.1014
	10	.1698	2	.1008
	11	.1685	3	.1001
19	0	.1673	4	.0994
	1	.1662	5	.0988
	2	.1650	6	.0981
	3	.1639	7	.0975
	4	.1628	8	.0968
	5	.1616	9	.0961
	6	.1605	10	.0955
	7	.1594	11	.0948
	8	.1582	26	0
	9	.1571	1	.0935
	10	.1560	2	.0929
	11	.1548	3	.0923
20	0	.1537	4	.0917
	1	.1527	5	.0911
	2	.1516	6	.0904
	3	.1506	7	.0898
	4	.1496	8	.0892
	5	.1485	9	.0886
	6	.1475	10	.0880
	7	.1465	11	.0874
	8	.1454	27	0
	9	.1444	1	.0868
	10	.1433	2	.0862
	11	.1423	3	.0856
21	0	.1413	4	.0851
	1	.1403	5	.0845
	2	.1394	6	.0840
	3	.1384	7	.0834
	4	.1375	8	.0828
	5	.1366	9	.0823
	6	.1356	10	.0817
	7	.1347	11	.0812
	8	.1337	28	0
	9	.1328	1	.0806
	10	.1318	2	.0801
	11	.1309	3	.0795
22	0	.1299	4	.0790
	1	.1291	5	.0785
	2	.1282	6	.0780
	3	.1274	7	.0775
	4	.1265	8	.0769
	5	.1256	9	.0764
	6	.1248	10	.0759
	7	.1239	11	.0754
	8	.1230	29	0
	9	.1222	1	.0749
	10	.1213	2	.0744
	11	.1205	3	.0739
23	0	.1196	4	.0734
	1	.1188	5	.0729
	2	.1180	6	.0724
	3	.1172	7	.0720
	4	.1164	8	.0715
	5	.1156	9	.0710
	6	.1149	10	.0705
	7	.1141	11	.0701
	8	.1133	30	0
	9	.1125	1	.0696
	10	.1117	2	.0691
	11	.1109	3	.0687
24	0	.1101	4	.0682
	1	.1094	5	.0677
	2	.1087	6	.0673
	3	.1079	7	.0669
			8	.0664
			9	.0660
			10	.0656
			11	.0651
			12	.0647

## Title 415 WAC: Retirement Systems, Department of

	8	.0643		37	0	.0390
	9	.0638			1	.0388
	10	.0634			2	.0385
	11	.0630			3	.0383
31	0	.0625			4	.0381
	1	.0621			5	.0378
	2	.0617			6	.0376
	3	.0613			7	.0373
	4	.0609			8	.0371
	5	.0605			9	.0368
	6	.0602			10	.0366
	7	.0598			11	.0364
	8	.0594				
	9	.0590		38	0	.0361
	10	.0586			1	.0359
	11	.0582			2	.0357
32	0	.0578			3	.0354
	1	.0574			4	.0352
	2	.0570			5	.0350
	3	.0567			6	.0348
	4	.0563			7	.0345
	5	.0559			8	.0343
	6	.0556			9	.0341
	7	.0552			10	.0339
	8	.0548			11	.0336
	9	.0545		39	0	.0334
	10	.0541			1	.0332
	11	.0537			2	.0330
33	0	.0534			3	.0328
	1	.0530			4	.0326
	2	.0527			5	.0324
	3	.0524			6	.0322
	4	.0520			7	.0320
	5	.0517			8	.0318
	6	.0514			9	.0316
	7	.0510			10	.0313
	8	.0507			11	.0311
	9	.0503		40	0	.0309
	10	.0500			1	.0307
	11	.0497			2	.0306
34	0	.0493			3	.0304
	1	.0490			4	.0302
	2	.0487			5	.0300
	3	.0484			6	.0298
	4	.0481			7	.0296
	5	.0478			8	.0294
	6	.0475			9	.0292
	7	.0472			10	.0290
	8	.0469			11	.0288
	9	.0465		41	0	.0286
	10	.0462			1	.0285
	11	.0459			2	.0283
35	0	.0456			3	.0281
	1	.0453			4	.0279
	2	.0450			5	.0278
	3	.0448			6	.0276
	4	.0445			7	.0274
	5	.0442			8	.0272
	6	.0439			9	.0271
	7	.0436			10	.0269
	8	.0433			11	.0267
	9	.0430		42	0	.0265
	10	.0428			1	.0264
	11	.0425			2	.0262
36	0	.0422			3	.0260
	1	.0419			4	.0259
	2	.0417			5	.0257
	3	.0414			6	.0255
	4	.0411			7	.0254
	5	.0409			8	.0252
	6	.0406			9	.0251
	7	.0403			10	.0249
	8	.0401			11	.0247
	9	.0398		43	0	.0246
	10	.0396			1	.0244
	11	.0393			2	.0243
					3	.0241

4	.0240
5	.0238
6	.0237
7	.0235
8	.0234
9	.0232
10	.0231
11	.0229
44 0	.0228
1	.0226
2	.0225
3	.0223
4	.0222
5	.0221
6	.0219
7	.0218
8	.0216
9	.0215
10	.0214
11	.0212
45 or more 0	.0211

[Statutory Authority: RCW 41.50.050 and 41.32.140. 91-19-065, § 415-112-040, filed 9/16/91, effective 10/17/91; 91-02-020, § 415-112-040, filed 12/21/90, effective 1/21/91.]

**MEMBERSHIP**

**WAC 415-112-100 Minimum requirement for membership.** 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 director may approve an application for cancellation of exemption, for the granting of additional credit for previous service, or for the payment of any benefit.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-100, filed 2/15/78. Formerly WAC 462-16-010.]

**WAC 415-112-110 Teachers' retirement system employees eligible for membership.** New employees of the department who are qualified teachers and former members of the teachers' retirement system will be eligible for membership in the teachers' retirement system with the director's permission.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-110, filed 2/15/78. Formerly WAC 462-16-020.]

**SERVICE CREDIT**

**WAC 415-112-200 Establishing credit for previous service.** (1) Additional credit for previous creditable service may be established or reestablished only by a member of the teachers' retirement 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 teachers' 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 department, submits satisfactory proof of his service, and makes the required initial payment within the time limit established by law.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-200, filed 2/15/78. Formerly WAC 462-20-005.]

**WAC 415-112-210 Withdrawal before final date for establishing additional credit.** Any member who withdraws from the teachers' 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-210, filed 2/15/78. Formerly WAC 462-20-010.]

**WAC 415-112-220 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-220, filed 2/15/78. Formerly WAC 462-20-015.]

**WAC 415-112-230 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-230, filed 2/15/78. Formerly WAC 462-20-020.]

**WAC 415-112-240 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, except as to Plan II members.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-240, filed 2/15/78. Formerly WAC 462-20-025.]

**WAC 415-112-250 Credit allowed for leave with pay.** If a Plan I 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.

Plan II members may receive such credit in accordance with chapter 295, Laws of 1977 ex. sess. as now or hereafter amended.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-250, filed 2/15/78. Formerly WAC 462-20-030.]

**WAC 415-112-260 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-260, filed 2/15/78. Formerly WAC 462-20-035.]

**WAC 415-112-270 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-270, filed 2/15/78. Formerly WAC 462-20-040.]

**WAC 415-112-280 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, but the service for which credit is requested must be supervised and/or paid for by a public educational institution, and 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.

Military service credits for Plan II members will be governed by the provisions of chapter 293, Laws of 1977 ex. sess.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-280, filed 2/15/78. Formerly WAC 462-20-045.]

**WAC 415-112-290 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 state of Washington employer.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-290, filed 2/15/78. Formerly WAC 462-20-055.]

**WAC 415-112-300 Red Cross service.** Service credit shall not be allowed for service with the National Red Cross organization.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-300, filed 2/15/78. Formerly WAC 462-20-060.]

**WAC 415-112-310 Civilian Conservation Corps service.** Service credit shall not be allowed for service as a teacher or educational advisor in the Civilian Conservation Corps camps.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-310, filed 2/15/78. Formerly WAC 462-20-065.]

**WAC 415-112-320 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-320, filed 2/15/78. Formerly WAC 462-20-070.]

**WAC 415-112-330 Amount of service credit.** (1) This section shall apply only to persons who became members prior to October 1, 1977.

(2) For members who are employed as classroom teachers by a school district, a school year shall consist of one hundred eighty days. One year of service credit shall be granted to a member who is employed as a classroom teacher for one hundred forty-four or more days during a school year. A fractional year of credit shall be granted to a member who is employed for at least twenty days but less than one hundred forty-four days during a school year. The fraction shall be that produced by using the days employed as the numerator and one hundred eighty as the denominator. In the absence of an indication in the contract or elsewhere concerning what constitutes one day of employment, a classroom teacher shall be granted one day of credit for every seven hours the teacher works and for which the teacher is compensated.

(3) For members who are employed as community college academic employees as defined by chapter 28B.52 RCW, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Academic employees shall be granted one full year of service credit for eighty percent of the full-time annual load as defined in their institution's negotiated agreement. In the absence of a definition of full-time annual load in the agreement, the official board-adopted college policy will apply. Percents of load of at least eleven percent (reported as not less than twenty days per fiscal year) and less than eighty percent (reported as eighty percent of the individual college academic calendar or one hundred thirty-four days per fiscal year,

whichever is greater) will be applied pro rata. Percent of load will be converted to days for institution reporting and for retirement benefit calculation purposes. Nonacademic employees will have their service credit reported and benefits calculated based on actual days worked. Where there is no definition of full-time load in either the collective bargaining agreement or the official board-adopted college policy, service credit will be calculated pursuant to subsections (4) and (5) of this section.

(4) For members who are employed as community college classroom instructors, a school year shall consist of at least three academic quarters or two semesters during a fiscal year. Such a classroom instructor shall be granted one year of service credit for teaching thirty-six quarter hours or twenty-four semester hours. A fractional year of credit shall be granted to such instructors who teach at least five but less than thirty-six quarter hours, or at least three but less than twenty-four semester hours. The fraction shall be that produced by using the quarter hours taught as the numerator and forty-five as the denominator, or the semester hours taught as the numerator and thirty as the denominator.

(5) Members who are not employed as classroom instructors and who are employed for one hundred forty-four or more days during a fiscal year shall be granted one year of service credit. A fractional year of credit shall be granted to a member who is employed for at least twenty days but less than one hundred forty-four days. The credit granted shall be the fraction produced by using the days employed as the numerator and one hundred eighty as the denominator. Where there is no indication in the contract or elsewhere concerning what constitutes one day of employment, one day of credit shall be granted for every eight hours the member works and for which the member is compensated: *Provided*, That counselors and librarians who are employed by a community college district in an instructional position as defined in RCW 41.32.010 (11)(a)(ii) and paid on an hourly rate shall be granted one day of credit for every seven hours the member works and for which the member is compensated.

(6) The fact that a member is granted a fractional year of service credit under this section shall not be determinative as to whether that member was employed less than full time in a year used to determine benefits under RCW 41.32.497, 41.32.498, and 41.32.520, for purposes of determining whether the member held a bona fide part-time position and what earnable compensation the member would have received under RCW 41.32.011.

[Statutory Authority: RCW 41.50.050 and 41.32.570. 91-21-084, § 415-112-330, filed 10/18/91, effective 11/18/91. Statutory Authority: RCW 41.32.270 and 41.32.010 (11)(a)(ii). 88-17-052 (Order 88-13), § 415-112-330, filed 8/17/88.]

#### EARNABLE COMPENSATION—MEMBER CONTRIBUTIONS

**WAC 415-112-400 Salary deductions required by employer.** (1) Plan I.

(a) 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 school 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 school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school 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 department. If a member is employed by an employer for less than twenty days in a school 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 department.

(2) Plan II.

(a) 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 school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school 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 department.

[Statutory Authority: RCW 41.50.050(6). 79-10-024 (Order 79-02), § 415-112-400, filed 9/10/79. Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-400, filed 2/15/78. Formerly WAC 462-24-010.]

**WAC 415-112-410 Earnable compensation for Plan I TRS members.** (1) Earnable compensation for Plan I TRS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "earnable compensation," for Plan I TRS members, means all salaries or wages legally earned by a member during a fiscal year for personal services, including:

(a) Any separate contracts for additional time, additional responsibilities or incentives issued pursuant to the provisions of RCW 28A.58.0951(4);

(b) Payments for extracurricular activity assignments;

(c) Payments for evening school and summer school teaching;

(d) Payments for school bus driving and other nonteaching services;

(e) Overtime payments;

(f) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;

(g) Back pay awards or settlements, as defined in WAC 415-112-414;

(h) Nonmoney maintenance compensation, as defined in WAC 415-112-412;

(i) Any lump sum payment for accrued leave or any form of severance pay;

(j) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, sabbatical leave, compensatory time off, or other paid leave of absence; and

(k) Compensation in any form received by a member pursuant to the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code that permits employees to select from a package of employer-provided fringe benefits, among which is the absolute right to receive cash in lieu of the employer providing any of the fringe benefits offered, except that any portion of such plan for which there is no cash option is not includable.

(3) "Earnable compensation," for Plan I TRS members, does not include:

(a) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(k) of this section;

(b) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(c) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(d) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(e) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(f) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of any of the items described in this subsection, except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(k) of this section;

(g) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of TRS retirement benefits;

(h) Any payment made to a member for services rendered as an independent contractor;

(i) Any payment made without legal authority by an employer to a member; or

(j) Any payment, other than those described in subsection (2)(g) and (j) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

[Statutory Authority: RCW 41.32.010(11), 88-11-031 (Order 88-12), § 415-112-410, filed 5/13/88. Statutory Authority: RCW 41.50.050(6) and 41.50.090, 78-03-023 (Order IV), § 415-112-410, filed 2/15/78. Formerly WAC 462-24-020.]

**WAC 415-112-411 Earnable compensation for Plan II TRS members.** (1) Earnable compensation for Plan II TRS members shall be computed on the basis of when the service is rendered, rather than when the payment is made.

(2) Except as provided in subsection (3) of this section, "earnable compensation," for Plan II TRS members, means

all salaries or wages legally earned by a member during a calendar month for personal services, including:

(a) Any separate contracts for additional time, additional responsibilities or incentives issued pursuant to the provisions of RCW 28A.58.0951(4);

(b) Payments for extracurricular activity assignments;

(c) Payments for evening school and summer school teaching;

(d) Payments for school bus driving and other nonteaching services;

(e) Overtime payments;

(f) Salaries or wages the taxation of which is deferred pursuant to sections 401(k), 403(b), 414(h), 457, or other similar section of the United States Internal Revenue Code;

(g) Back pay awards or settlements, as defined in WAC 415-112-414;

(h) Salaries or wages for time during which a member is excused from work because of holidays, sick leave, vacation leave, sabbatical leave, compensatory time off, or other paid leave of absence; and

(i) Compensation in any form received by a member pursuant to the provisions of a "cafeteria plan," "flexible benefits plan," or similar arrangement pursuant to section 125 of the United States Internal Revenue Code that permits employees to select from a package of employer-provided fringe benefits, among which is the absolute right to receive cash in lieu of the employer providing any of the fringe benefits offered, except that any portion of such plan for which there is no cash option is not includable.

(3) "Earnable compensation," for Plan II TRS members, does not include:

(a) Any compensation provided to a member by an employer in a medium other than cash, including but not limited to "nonmoney maintenance compensation," as defined in WAC 415-112-412;

(b) Any lump sum payment for accrued leave or any form of severance pay;

(c) The provision by an employer of any medical, hospital, or other health care plan, or any medical, dental, life, or other insurance of any kind, to a member (or the member and the member's dependents), any contribution by the employer to meet the premium or charge for such plan or insurance, or any payment by the employer into a private fund to provide health or welfare benefits for the member (or the member and the member's dependents), except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(i) of this section;

(d) Any payment by a member's employer of the employer or employee portion of taxes imposed by the Federal Insurance Contribution Act;

(e) Any payment received by a member under a workers' compensation act or other statutory program having similar purposes;

(f) Any payment made by an employer to a member as an incentive or bonus (whether contractual or not) for voluntary termination of employment or retirement;

(g) Any payment or allowance in the nature of a reimbursement for expenses incurred or expected to be incurred in performing services for the employer;

(h) Any compensation in any form, whether in cash or otherwise, provided by an employer to a member in lieu of

any of the items described in this subsection, except for compensation paid pursuant to a bona fide cafeteria plan, flexible benefit plan or similar arrangement as described in subsection (2)(i) of this section;

(i) Any payment received pursuant to a statute containing language to the effect that the payment shall not be included in the calculation of TRS retirement benefits;

(j) Any payment made to a member for services rendered as an independent contractor;

(k) Any payment made without legal authority by an employer to a member; or

(l) Any payment, other than those described in subsection (2)(g) and (h) of this section, made by an employer to a member, that is not in exchange for personal services rendered by the member to the employer.

[Statutory Authority: RCW 41.32.010(11), 88-11-031 (Order 88-12), § 415-112-411, filed 5/13/88.]

**WAC 415-112-412 Nonmoney maintenance compensation—Determination and reporting—Form and weight of evidence.** (1) Except for compensation described in WAC 415-112-410(3) or except as otherwise provided in this section, "nonmoney maintenance compensation" means the fair market value of living quarters, shelter, lodging, food, board, clothing, laundry, transportation, fuel, utilities, or other personal advantages of a similar nature legally furnished in a medium other than cash to a member (or the member and the member's dependents) by the member's employer in partial payment for the member's rendering of personal services to the employer.

(2) "Nonmoney maintenance compensation" does not include:

(a) Clothing, materials, vehicles, fuel, or equipment furnished by the member's employer or purchased, rented, or leased by the employee with an allowance provided by the employer, if such clothing, materials, vehicles, fuel, or equipment are used by the member in rendering personal services to the employer;

(b) Any form of compensation in a medium other than cash: (i) That is associated with an available corresponding deduction for ordinary and necessary employee business expenses; or (ii) that is excludable from taxation, under any provision of the United States Internal Revenue Code in the tax year the compensation was earned by the member, regardless of whether the employer and/or member reported the nonmonetary compensation to the Internal Revenue Service as taxable.

(3) Every employer furnishing one or more items of nonmoney maintenance compensation to a Plan I TRS member shall contemporaneously establish and regularly update a written schedule reflecting the monthly fair market value of each such item of nonmoney maintenance compensation. The fair market value of an item of nonmoney maintenance compensation is determined on the basis of all objective facts and circumstances. It is usually what the cost of the item would be if acquired in an arm's length purchase or lease.

(4) For each month during which an employer furnishes to a Plan I TRS member "nonmoney maintenance compensation," the employer shall report to the department as earnable compensation the amount by which the fair market value of

the "nonmoney maintenance compensation" exceeds the amount, if any, paid by the member for the "nonmoney maintenance compensation."

(5)(a) No item reported to the department as "nonmoney maintenance compensation" shall be included in the calculation of a Plan I TRS member's retirement benefits unless the employer or the member substantiates by adequate records or by other sufficient corroborating evidence, the employer's report under subsection (4) of this section and the member's own statement: (i) That the net amount of the item, as reported in accordance with subsection (4) of this section is accurate; (ii) that the item was furnished for the personal use of the member in partial payment for the member's rendering of personal services to the employer; and (iii) that for federal income tax purposes the item was neither associated with an available corresponding deduction for ordinary and necessary employee business expenses nor excludable from taxation, as reflected in subsection (2)(b) of this section. Absent such evidence corroborating each of these elements, the department shall presume that the item neither qualifies as "nonmoney maintenance compensation" nor as "compensation earnable."

(b) Except as provided in WAC 415-112-413 (containing special substantiation rules for employer-provided vehicle, and vehicle allowances), corroborating records or other evidence may take any form, but different types of evidence have different degrees of probative value. Usually, oral evidence alone has considerably less probative value than written evidence. In addition, the probative value of written evidence is greater the closer in time it relates to the furnishing of the item. Thus, written evidence prepared at or near the time the item was furnished, absent unusual circumstances, generally has much more probative value than evidence created years later. Except as provided in WAC 415-112-413, the department will carefully weigh the probative value of all forms of evidence submitted or obtained to determine whether it is sufficient, when taken as a whole, to corroborate the employer's report and the member's own statement.

[Statutory Authority: RCW 41.32.010(11) and 41.32.160, 87-17-060 (Order DRS 87-07), § 415-112-412, filed 8/19/87.]

**WAC 415-112-413 Special recordkeeping rules for vehicles and vehicle allowances provided by employers to Plan I TRS members—Exemption—Presumption in absence of records.** (1)(a) For fiscal years beginning after the effective date of this regulation, and except as provided in (b) of this subsection, each employer shall maintain monthly contemporaneous records for each vehicle provided to a Plan I TRS member reflecting: (i) Whether the vehicle was authorized and available for other personal use including commuting; (ii) whether the vehicle was used for commuting and, if so, the distance the member normally commuted on a daily basis during the month; (iii) the dates, if any, on which the member used the vehicle for other personal purposes, the miles driven on each such trip, and the itinerary of each such trip; (iv) the total number of miles the vehicle was driven during the month; and (v) the percentage of the total miles driven during the month which were driven by the member for personal use of the vehicle (including commuting) during the month. If the employer maintains

such records, the employer shall report to the department as "earnable compensation" for each month the lesser of: (A) The product of the monthly fair market lease value of the vehicle times the percentage of personal use of the vehicle during the month, or (B) one-twelfth of the amount reported by the employer to the Internal Revenue Service as the member's taxable income attributable to the personal use of the vehicle during the year under any alternative valuation method authorized by Internal Revenue Service regulations.

(b) The monthly records required under (a) of this subsection need not be maintained if: (i) The employer has an established policy that the vehicle shall not be used for personal purposes; (ii) any commuting or other personal use of the vehicle by the member during the month is excludable from the member's taxable income under any provision of the United States Internal Revenue Code; or (iii) any commuting or other personal use of the vehicle by the member is otherwise excluded from the definition of "earnable compensation" under WAC 415-112-410(3).

(c) Unless the employer maintains the records required under (a) of this subsection, the department shall presume that any vehicle provided by an employer to a member is authorized for use solely in connection with the employer's business, and therefore the use of the vehicle neither qualifies as "nonmoney maintenance compensation" nor as "earnable compensation."

(2)(a) For fiscal years beginning after the effective date of this regulation and except as provided in (b) of this subsection, each employer that provides a vehicle allowance to one or more TRS members shall maintain monthly contemporaneous records for each such member reflecting: (i) The dates, if any, on which each such member used a privately owned vehicle in performing services for the employer, (ii) the miles driven on each such trip, and (iii) the itinerary of each such trip. If the employer maintains such records, the employer shall report to the department as "compensation earnable" for each member the difference between the vehicle allowance and the number of miles such employee drove a privately owned vehicle in performing services for the employer during the reporting period times the mileage reimbursement rate used by the employer to reimburse its other employees for expenses incurred in performing service to the employer; or (iv) if the employer has established no such rate, the rate established by the United States Internal Revenue Service for use by taxpayers in computing deductions for employees' business expenses.

(b) The monthly records required under (a) of this subsection need not be maintained if (i) the contract of employment that provides such allowance is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer, or (ii) the member receiving such allowance also receives separate reimbursement for automobile expenses for each use of a privately owned vehicle in performing services for the employer on the same basis as the other employees of the employer.

(c) For purposes of (a) and (b) of this subsection, a "privately owned vehicle" means any vehicle not owned by or leased to the employer.

(d) Unless the employer maintains the records required under (a) of this subsection, or is excused from maintaining the records under (b) of this subsection, the department shall

presume that any vehicle allowance provided by an employer to a TRS member is solely in lieu of reimbursement for expenses incurred or expected to be incurred in performing services for the employer and therefore does not constitute "earnable compensation."

[Statutory Authority: RCW 41.32.010(11) and 41.32.160. 87-17-060 (Order DRS 87-07), § 415-112-413, filed 8/19/87.]

**WAC 415-112-414 Back pay award or settlement—**  
**Definition—Allocated by the department for retirement system purposes.** "Back pay award or settlement" means a retroactive payment made by an employer or former employer to a member pursuant to an award by a court or an order of or conciliation agreement with an administrative agency charged with enforcing federal, state, or local statutes, ordinances, or regulations protecting employment rights, or a bona fide settlement of such a claim before a court or administrative agency. The department shall allocate any such award or settlement to the period or periods in which the work was done or in which it would have been done and, for retirement system purposes, deem such payments as earned in the period or periods to which the award or settlement is so allocated.

[Statutory Authority: RCW 41.32.010(11) and 41.32.160. 87-17-060 (Order DRS 87-07), § 415-112-414, filed 8/19/87.]

**WAC 415-112-415 First-in-first-out accounting method for determining when leave earned.** When an employer provides cash compensation in lieu of unused leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned, unless the employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates a different method of accounting for the accrual and use of leave, and, if applicable, compensation for unused leave and the same such method is consistently applied in each instance and for all purposes.

Any employer's policy which is not consistent for all purposes which is contained in a regularly negotiated labor agreement in effect on the effective date of this section will be honored until the expiration date of the agreement not including any extensions at which time it will be brought into compliance with this section. Any employer's policy which is not consistent for all purposes which is established by the employer shall be brought into compliance within sixty days of the effective date of this section. In the event an employer fails to come into full compliance with this section by the dates established herein, the department will treat cashed out leave on the same basis as the employer has established for using leave.

[Statutory Authority: RCW 41.32.010(11) and 41.32.160. 87-17-060 (Order DRS 87-07), § 415-112-415, filed 8/19/87.]

**WAC 415-112-420 Determining the earnable compensation.** (1) A member's total contributions to the teachers' 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 director 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-420, filed 2/15/78. Formerly WAC 462-24-030.]

**WAC 415-112-430 Computing the average earnable compensation.** In computing a member's average earnable compensation, the computations shall include only the service during which a member was employed for salary or wages by a state of Washington employer and for which he established Washington membership service credit with the teachers' 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 state of Washington employer. Contributions based on sabbatical leave, paid sick leave, or other leave paid for by a state of Washington employer and for which credit has been established with the teachers' retirement system shall be included in computing the earnable compensation.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-430, filed 2/15/78. Formerly WAC 462-24-040.]

**WAC 415-112-440 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-440, filed 2/15/78. Formerly WAC 462-24-050.]

## SERVICE RETIREMENT

**WAC 415-112-500 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-500, filed 2/15/78. Formerly WAC 462-28-005.]

**WAC 415-112-510 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-510, filed 2/15/78. Formerly WAC 462-28-010.]

**WAC 415-112-515 When a member of the teacher's retirement system Plan I enters retirement status.** A member of the teacher's retirement system Plan I enters retirement status when he or she:

- (1) Has terminated all public school employment in the state of Washington;
- (2) Has no written agreement to return to public school employment; and
- (3) Has received his or her first monthly retirement payment.

[Statutory Authority: RCW 41.50.050 and 41.32.570. 91-21-084, § 415-112-515, filed 10/18/91, effective 11/18/91.]

**WAC 415-112-520 Date from which service retirement allowance accrues.** (1) Upon approval by the board of trustees of an application for service retirement, the teachers' 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 1st 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 415-112-620)

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-520, filed 2/15/78. Formerly WAC 462-28-020.]

**WAC 415-112-530 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-530, filed 2/15/78. Formerly WAC 462-28-035.]

**WAC 415-112-535 Definitions for administering RCW 41.32.570.** For purposes of administering RCW 41.32.570 governing return to public school employment for teachers' retirement system Plan I retirees, the department shall utilize the following definitions:

- (1) "Day" means seven compensated hours;
- (2) "Pension benefit" means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers;
- (3) "Public educational institution" means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges;
- (4) "Retirement allowance" has the same meaning as in RCW 41.32.010(25);
- (5) "School year" means the fiscal year running from July 1 to June 30;
- (6) "Seventy-five days" means five hundred twenty-five cumulative compensated hours.

[Statutory Authority: RCW 41.50.050 and 41.32.570. 91-21-084, § 415-112-535, filed 10/18/91, effective 11/18/91.]

**WAC 415-112-540 Employment in public education limited for retirees.** (1) A retiree who returns to any type of service with any public educational institution shall be considered to be employed throughout the time during which he or she is engaged in such service or is under contract for such employment, even though the retiree does not return to membership in the teachers' retirement system.

(2) The employer of a teachers' retirement system Plan I retiree must notify the teachers' retirement system when that retiree exceeds seventy-five days of employment for a public educational institution during a school year.

(3) If the retiree is employed under a written contract and is employed by a public educational institution for more than seventy-five days during a school year, the retiree's pension benefits cease. Any pension benefits paid to the retiree after he or she has been employed for more than seventy-five days in a school year will be treated as an overpayment by the department.

(4) If the retiree is employed by a public educational institution as a substitute and is employed for more than seventy-five days during a school year, the retiree's monthly pension benefit will be reduced by five percent for each day of employment beyond the seventy-five day limit until the monthly pension benefit is reduced to zero. Any pension benefits paid in excess of the amount allowed by this subsection will be treated as an overpayment by the department.

(5) A retiree's original monthly retirement allowance will be reinstated the day following termination of employment in a public educational institution, or at the end of the school year, whichever comes first.

(6) A teacher's Plan I retiree who enters the employment of a public educational institution may elect to return to membership. In that case the retiree's monthly retirement allowance will cease as of the first of the month that the member enters employment.

(7) Service as an independent contractor for a public educational institution shall not be considered employment for purposes of this section.

[Statutory Authority: RCW 41.50.050 and 41.32.570. 91-21-084, § 415-112-540, filed 10/18/91, effective 11/18/91. Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-540, filed 2/15/78. Formerly WAC 462-28-040.]

**WAC 415-112-550 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-550, filed 2/15/78. Formerly WAC 462-28-045.]

## DISABILITY BENEFITS

**WAC 415-112-600 Eligibility for temporary disability benefits.** A member of the teachers' 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-600, filed 2/15/78. Formerly WAC 462-32-010.]

**WAC 415-112-610 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 department in connection with his application for temporary disability benefits, or to his estate.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-610, filed 2/15/78. Formerly WAC 462-32-020.]

**WAC 415-112-620 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 415-112-520 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 415-112-520 which governs service retirement.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-620, filed 2/15/78. Formerly WAC 462-32-050.]

**WAC 415-112-630 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-630, filed 2/15/78. Formerly WAC 462-32-060.]

**SURVIVOR BENEFITS**

**WAC 415-112-700 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-700, filed 2/15/78. Formerly WAC 462-36-010.]

**WAC 415-112-710 Accrual date of survivor benefits under RCW 41.32.520.** (1) The accrual date of a monthly survivor benefit under RCW 41.32.520(1) 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 RCW 41.32.520(2) 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 1st 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.

[Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-112-710, filed 2/15/78. Formerly WAC 462-36-020.]

**WAC 415-112-720 Background and purpose.** (1) Background - chapter 249, Laws of 1990 (Substitute House Bill No. 2643) provides that the department shall adopt rules establishing additional survivor benefit options for retiring eligible members of teachers' retirement systems (TRS), Plan I and Plan II, chapter 41.32 RCW. Under the law as amended, upon application for retirement for service or for disability, a retiring TRS member (Plan I or Plan II) is allowed to select a retirement option that pays the member a reduced monthly retirement allowance and creates a survivor's benefit. If a TRS member selects a survivor's benefit option, upon the retired member's death, a portion of the member's reduced monthly retirement allowance as designated will be continued throughout the life of and paid to a designated survivor, by either a joint and one hundred percent survivor option, or a joint and fifty percent survivor option. The member must provide the written consent of his or her spouse, if married, to the option selected under this section. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance (Option 3) and record the member's spouse as the beneficiary, in compliance with RCW 41.32.530(2) and 41.32.785(2), as amended.

(2) Purpose - this chapter is intended to provide permanent rules for the adoption of survivor benefit options

required by chapter 249, Laws of 1990. These permanent rules shall become effective January 17, 1991.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-016, § 415-112-720, filed 1/7/91, effective 2/7/91.]

**WAC 415-112-722 Definitions for purposes of WAC 415-112-720 through 415-112-727.** (1) "Survivor" means a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement.

(2) "Duly executed" means that all required forms or documents have been completed, signed and notarized, and filed with the department.

(3) "Spousal consent" means written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, when such application is duly executed and filed with the department, shall constitute "spousal consent."

(4) "Insurable interest" means (a) a reasonable expectation of monetary benefit from the continued life of the member; or (b) a relation of the parties to each other by blood or marriage.

(5) "Single life annuity" means an annuity based solely on the expected remaining life of the member, without regard to any benefits for the member's designated beneficiary or spouse.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-016, § 415-112-722, filed 1/7/91, effective 2/7/91.]

**WAC 415-112-725 Married member's benefit selection—Spousal consent required.** The member, if married, must provide the written consent of his or her spouse to the option selected under WAC 415-112-727. If a married member does not provide spousal consent, the department will pay the retired member a joint and fifty percent survivor benefit allowance and record the member's spouse as the beneficiary, in compliance with RCW 41.32.530(2) and 41.32.785(2), as amended.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-016, § 415-112-725, filed 1/7/91, effective 2/7/91.]

**WAC 415-112-727 Options.** Chapter 249, Laws of 1990 (SHB 2643), as it amends RCW 41.32.498, 41.32.530, 41.32.785 and 41.32.790, provides benefit options for retiring eligible members of either Plan I or Plan II. In addition, each Plan I option has a cost of living adjustment (COLA) option. The choice of option is to be made upon application for either service or disability retirement.

(1) Maximum benefit allowance. The retired member elects to receive the maximum benefit to which they are entitled, with no survivor or beneficiary allowance. Upon the retired member's death, any remaining balance in employee contributions is retained by the retirement system.

(2) Standard allowance. A retired member shall receive a monthly retirement allowance computed as provided in RCW 41.32.530 (Plan I) or 41.32.785 (Plan II) based solely on the single life of the member. Upon the retired member's death, all benefits cease. The remaining balance, if any, of the member's accumulated contributions shall be paid to the

member's designated survivor, or to the member's surviving spouse, or to the member's legal representative, in accordance with RCW 41.32.530 and 41.32.785.

(3) Joint and one hundred percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive the same monthly reduced retirement allowance for the duration of the survivor's life.

(4) Joint and fifty percent allowance. A retired member shall receive a reduced monthly retirement allowance based on the joint life expectancy of the member and the designated survivor nominated by written designation duly executed and filed with the department at the time of retirement. Upon the retired member's death, the survivor shall receive one half of the member's monthly retirement allowance for the duration of the survivor's life.

[Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-016, § 415-112-727, filed 1/7/91, effective 2/7/91.]

**WAC 415-112-800 Scope.** WAC 415-112-800 through 415-112-820 govern the application of RCW 41.32.010 (11)(a)(ii), as amended by section 1, chapter 265, Laws of 1987 and by section 2, chapter 265, Laws of 1987, and shall apply only to persons who became members prior to October 1, 1977.

[Statutory Authority: Chapter 41.32 RCW as amended by 1987 c 265. 87-20-082 (Order 87-09), § 415-112-800, filed 10/7/87.]

**WAC 415-112-810 Bona fide employee.** The purpose of WAC 415-112-800 through 415-112-820 is to implement the intent of the legislature that section 2, chapter 265, Laws of 1987 not be used to unfairly inflate a member's retirement allowance. The department shall apply section 2, chapter 265, Laws of 1987 only to members who are bona fide part-time employees. A member will be deemed a bona fide part-time employee only if the member is employed less than full time and only as necessary to ensure that a member who receives fractional years of service credit receives benefits proportional to those received by members who have received full time service credit.

[Statutory Authority: Chapter 41.32 RCW as amended by 1987 c 265. 87-20-082 (Order 87-09), § 415-112-810, filed 10/7/87.]

**WAC 415-112-820 Bona fide part-time position—How determined.** (1) In the case of a member who elects to have earnable compensation defined as provided in section 2, chapter 265, Laws of 1987, the department will determine whether the member held a bona fide part-time position during the years used to compute benefits, and what earnable compensation the member would have received if employed on a regular full-time basis in the same position under section 2, chapter 265, Laws of 1987. The department will consider, but not be limited to considering, the following factors:

(a) The salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.67.066 by the school district by which the member was employed;

(b) The salary schedule, workload provisions, or related documents, used by the community college district by which the member was employed, including salary schedules or workload provisions contained in a collective bargaining agreement negotiated pursuant to chapter 28B.52 RCW;

(c) Whether the member's position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement, and whether the member's position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, provisions, or collective bargaining agreement;

(d) When the member's position was created, and how long the position was held by the member;

(e) Whether the member has previously retired under the provisions of chapter 41.32 RCW.

(2) Employers shall provide to the department information addressing the factors listed in subsection (1) of this section and such further information as the department may request.

[Statutory Authority: Chapter 41.32 RCW as amended by 1987 c 265. 87-20-082 (Order 87-09), § 415-112-820, filed 10/7/87.]

### Chapter 415-113 WAC PORTABILITY OF PUBLIC EMPLOYMENT BENEFITS

#### WAC

415-113-010	Background and purpose.
415-113-020	Authority to assess costs of portability.
415-113-030	Definitions for purposes of WAC 415-113-010 through 415-113-050.
415-113-040	Additional costs.
415-113-050	Election to participate.
415-113-060	Reimbursement of additional costs.

**WAC 415-113-010 Background and purpose.** (1) Background - chapter 41.54 RCW as amended by chapter 192, Laws of 1990 (House Bill 1323) provides that portability of public retirement benefits are to be made available to employees of the cities of Seattle, Spokane and Tacoma (first class cities). Chapter 192, Laws of 1990 (HB 1323) provides the option to the first class cities to irrevocably elect to have their city retirement system subject to portability with the department of retirement systems (DRS) administered retirement systems. The DRS administered retirement systems that are participating in portability under this chapter are limited to those established under chapters 41.32 (TRS), 41.40 (PERS), 41.44 (SCERS), and 43.43 RCW (WSP).

(2) Purpose - this chapter is intended to provide permanent rules for the election of portability by the first class cities identified by chapter 192, Laws of 1990 (HB 1323). Chapter 192, Laws of 1990 allows the first class cities to individually elect to participate before December 1, 1990 with portability becoming effective on January 1, 1991.

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-010, filed 11/1/90, effective 12/2/90.]

**WAC 415-113-020 Authority to assess costs of portability.** Chapter 192, Laws of 1990 (HB 1323) provides that the entire additional costs of a person receiving DRS

benefits resulting from portability under its provisions are to borne by the first class city retirement system or systems of which the person is currently or has been a member. These additional costs are to be assessed by DRS against the city retirement system or systems of which the person is a current or former member.

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-020, filed 11/1/90, effective 12/2/90.]

**WAC 415-113-030 Definitions for purposes of WAC 415-113-010 through 415-113-050.** (1) "Additional costs" means any benefits incurred by the DRS administered systems for member retirement allowances that are the direct result of portability under chapter 192, Laws of 1990 (HB 1323).

(2) "Dual member" means dual member as defined in chapter 192, Laws of 1990 (HB 1323).

(3) "Portability" means that a person can be a dual member of both a city retirement system or systems and one or more of the DRS administered retirement systems for the purpose of combining service credit for determining eligibility from each system if the person meets the requirements of dual membership as defined in chapter 192, Laws of 1990 (HB 1323).

(4) "Base salary" means the definition used in RCW 41.54.010(1).

(5) "First class cities" means the cities of Seattle, Spokane and Tacoma.

(6) "Average compensation" means respectively, final compensation as defined in RCW 41.28.010 and 41.44.030(14); average final compensation as defined in RCW 41.32.010 and 41.40.010; average earnable compensation as defined in RCW 41.32.498; and average final salary as defined in RCW 43.43.120.

(7) "City retirement system" means the retirement systems for the cities of Seattle, Spokane and Tacoma.

(8) "DRS administered systems" means the retirement systems established under chapters 41.32 (Teachers' retirement system), 41.40 (Public employees' retirement system), 41.44 (State-wide city employees' retirement) and 43.43 RCW (Washington state patrol).

(9) "DRS benefits" means retirement benefits earned solely through employment with a DRS administered retirement systems.

(10) "Early retirement" means retirement at the first age when an unreduced benefit is available, absent portability, as defined in RCW 41.32.480, 41.32.765(2), 41.40.180(3), 41.40.630(2), 41.44.140, and 43.43.250(2).

(11) "Accumulated employee contributions" means all member contributions and interest to the respective DRS administered systems as defined in RCW 41.04.445(4).

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-030, filed 11/1/90, effective 12/2/90.]

**WAC 415-113-040 Additional costs.** (1) City retirement systems will be assessed the following "additional costs" under chapter 192, Laws of 1990 (HB 1323):

(a) The additional costs of DRS benefits that result from a dual member's use of base salary or average compensation from a city retirement system to increase DRS benefits. Cities will also be assessed for any cost of living adjust-

ments (COLA) in statute at the time of the dual member's retirement which are applied to the additional costs of DRS benefits for the dual member. Cities may be assessed the cost of future COLA's only through the revision of chapter 192, Laws of 1990 (HB 1323) or the promulgation of new regulations.

(b) The additional costs of DRS benefits that result from the combination or reestablishment of service credit that is allowed under the portability provided by chapter 192, Laws of 1990 (HB 1323). The city retirement systems will bear the entire costs of the DRS benefits for a dual member when portability allows the dual member to become vested for a DRS benefit. When city retirement systems bear the entire costs of DRS benefits, the costs to the cities will be reduced by the amount of accumulated employee contributions. When portability allows a dual member to be eligible for early retirement, the cities will be assessed the present value of the difference between what would have been the member's retirement allowance with an actuarial reduction, absent portability, and the retirement allowance provided as the result of portability. Cities will also be assessed the costs of COLA's in statute at the time of the dual member's retirement which are applied to the additional costs of DRS benefits for the dual member. Cities may be assessed the cost of future COLA's only through the revision of chapter 192, Laws of 1990 (HB 1323) or the promulgation of new regulations.

(2) When a person is or has been a member of more than one city retirement system, the costs of the additional DRS benefits will be apportioned among the city retirement systems the person is or has been a member of. Additional costs will be apportioned based on the service credit the dual member has with each city retirement system.

(3) Cities will not be assessed for the administrative costs DRS incurs to implement portability under chapter 192, Laws of 1990 (HB 1323).

(4) Cities will be assessed for the cost of future DRS benefit increases which are the result of recomputation of a dual member's DRS benefits, when such recomputation is the result of revision of chapter 192, Laws of 1990 (HB 1323).

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-040, filed 11/1/90, effective 12/2/90.]

**WAC 415-113-050 Election to participate.** To participate in portability under chapter 192, Laws of 1990 (HB 1323) a first class city (Seattle, Spokane or Tacoma) must irrevocably elect to participate by adoption of a resolution before December 1, 1990. This resolution must be transmitted to the director of DRS and to the joint committee on pension policy prior to December 1, 1990. Election to participate is on an individual basis for each city. If any city should elect not to participate, this will not prevent any of the other identified cities from having the ability to elect to participate. Transmittal of the resolutions should be made to the following offices:

For the director of DRS - George Northcroft  
Director  
Department of  
Retirement Systems

For the joint committee - Stan Johnson, Chairman  
Office of the  
State Actuary

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-050, filed 11/1/90, effective 12/2/90.]

**WAC 415-113-060 Reimbursement of additional costs.** (1) DRS will assess the additional costs of DRS benefits in the following manner. Upon retirement of a dual member, DRS will compute the total cost of additional DRS benefits. DRS will notify the city retirement system of the dual member of the total costs of additional DRS benefits and the city retirement system shall then reimburse DRS for the additional costs in one lump sum, offset by accumulated employee contributions when appropriate. City retirement systems will have thirty days from notification to pay the total costs of additional DRS benefits. Interest will be charged at a reasonable rate to be determined by the department of retirement systems for late payments by the cities.

(2) DRS computations of additional DRS benefit costs will be based on actuarial services provided by the office of the state actuary (OSA). If any city should elect to participate in portability under chapter 192, Laws of 1990 (HB 1323), OSA will provide DRS before January 1, 1991 actuarial tables to compute the costs of dual member's additional DRS benefits. The tables will use interest and mortality assumptions that are used for the public employees retirement system.

(3) Dual member retirees may return to employment in a position or for such a duration as to cause a suspension of their DRS benefits. DRS recognizes that a lump sum reimbursement of costs for additional DRS benefits may lead to city retirement systems reimbursing DRS for DRS benefits that may never be paid, or may result in a lesser charge to the city retirement system, if a dual member retiree is reemployed. The OSA will recompute the remaining actuarial value of DRS benefits for a reemployed dual member employee upon reretirement of the dual member. DRS will then refund the actuarial value to the city retirement system or systems which have paid the additional costs, if the recomputation results in a lesser cost to DRS than the original computation.

[Statutory Authority: RCW 34.05.350 and 1990 c 192 § 5(4). 90-22-038, § 415-113-060, filed 11/1/90, effective 12/2/90.]

### Chapter 415-114 WAC

#### ASSESSMENT OF INTEREST CHARGES ON EMPLOYERS' OVERDUE PAYMENTS

##### WAC

415-114-100	Purpose.
415-114-200	Definitions.
415-114-300	What is considered an overdue payment of an obligation owed to the department.
415-114-400	Assessment of interest charge.
415-114-500	Assessment of interest charge on accrued obligations.
415-114-550	Assessment of interest charge on debit balance forward.
415-114-600	Billing of interest charges.
415-114-700	Erroneous charges of interest.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

415-114-010	Purpose. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-010, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-010, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-020	Definitions. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-020, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-020, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-030	What is considered an overdue payment of an obligation owed to the department. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-030, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-030, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-040	Assessment of interest charge. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-040, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-040, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-050	Assessment of interest charge on accrued obligations. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-050, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-050, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-055	Assessment of interest charge on debit balance forward. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-055, filed 6/14/91, effective 7/15/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-060	Billing of interest charges. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-060, filed 6/14/91, effective 7/15/91; 91-11-061, § 415-114-060, filed 5/16/91, effective 6/16/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.
415-114-070	Erroneous charges of interest. [Statutory Authority: Chapter 34.05 RCW, RCW 41.50.050 and 41.50.120. 91-13-049, § 415-114-070, filed 6/14/91, effective 7/15/91.] Repealed by 91-19-062, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW.

**WAC 415-114-100 Purpose.** These rules relate to the implementation of RCW 41.50.120 which provides the department of retirement systems the authority to assess interest charges on employers' overdue payments of obligations owed to the department. These rules are intended to encourage employers to pay obligations in a timely manner.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-100, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-200 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Department" - refers to the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;

(2) "Employers" - refers to all employers within the retirement systems administered by the department as defined in RCW 41.50.030;

(3) "Obligations owed to the department" - include, but are not limited to, employer and employee contributions;

(4) "Close of business day" - refers to 5:00 p.m. of a business day.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-200, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-300 What is considered an overdue payment of an obligation owed to the department.** Payment for a calendar month, or any portion thereof, shall be made to the department on or before the 15th day of the following calendar month. Payment is overdue if not received within three business days following the 15th day of the following calendar month. Payment must be received by the department or credited to the department's account before the close of business on the third business day following the 15th day of the following calendar month.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-300, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-400 Assessment of interest charge.**

(1) When a payment is overdue, interest will be charged in the following manner:

A 1% simple interest charge will be assessed against the employer's balance due on account multiplied by the number of the days past due divided by 30.40 (annual average number of days in a month). The balance due on the account is the total of the obligations owed to the department, less payments received. The interest obligation shall not be compounded.

(2) Interest charges of less than five dollars will not be billed.

(3) Interest charges will be based upon the employer's monthly contribution report as received by the department. If the employer's contributions have not been received in a timely manner as stated in WAC 415-114-300, interest charges will be based on an average of contribution reports processed from the prior six months. Such interest charges will then be adjusted when the late contribution report is received and processed.

(4) Interest will be charged for overdue obligations owed to the department for reports and current obligations which are due on or before June 15, 1991. Current obligations are all obligations except debit balance forwards as defined in WAC 415-114-550.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-400, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-500 Assessment of interest charge on accrued obligations.** Employers will be given until June 15, 1991, to pay the total balance due to the department on all obligations, including those accrued and owing to the department prior to May 1991 obligations. Accrued obligations not paid by the close of business on the third business

day after June 15, 1991, will be assessed an interest charge in accordance with WAC 415-114-400.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-500, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-550 Assessment of interest charge on debit balance forward.** Employers will be given until August 15, 1991, to pay the total debit balance forward. Debit balance forwards are obligations accrued and owing to the Department prior to March 1989 and not paid subsequently. Debit balance forwards not paid by the close of business day on the third business day after August 15, 1991, will be assessed an interest charge in accordance with WAC 415-114-400. Employers with a credit balance forward will not have their credit balance forward applied to current obligations until August 15, 1991. Credit balance forwards are credits given prior to March 1989.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-550, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-600 Billing of interest charges.** Interest charges assessed against an employer for overdue payments will appear on the employer's monthly accounts receivable statement. Interest charges assessed on a monthly accounts receivable statement are due and payable by the close of the third business day after the 15th day of the following calendar month in accordance with WAC 415-114-300.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-600, filed 9/16/91, effective 10/17/91.]

**WAC 415-114-700 Erroneous charges of interest.** If the department erroneously charges interest against an employer, the department will credit the employer's account an amount equal to the erroneous interest that was charged. Employers who believe that they have been erroneously charged interest must submit to the department written proof prior to the department making a determination regarding the cancellation of the interest charge.

[Statutory Authority: RCW 41.50.050, 41.50.120 and chapter 34.05 RCW. 91-19-062, § 415-114-700, filed 9/16/91, effective 10/17/91.]

**Chapter 415-115 WAC**

**ASSESSMENT OF AN ADDITIONAL ADMINISTRATIVE FEE**

**WAC**

415-115-010	Purpose.
415-115-020	Definitions.
415-115-030	Assessment of additional administrative fee.
415-115-040	What is considered an untimely report.
415-115-050	What is considered an inaccurate report.
415-115-060	Deficiencies in reporting.
415-115-070	Evaluation of reports and assessment of additional administrative fee.
415-115-080	Determination of additional administrative fee.
415-115-090	Maximum additional administrative fee allowable for the public employees', teachers', and law enforcement officers' and fire fighters' retirement systems.
415-115-100	Maximum additional administrative fee allowable for the judges, judicial, and Washington state patrol retirement systems.

415-115-120 Correction of additional administrative fee billing.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-030, filed 6/12/91, effective 7/13/91.]

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

415-115-110 Billing of the additional administrative fee. [Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-110, filed 6/12/91, effective 7/13/91.] Repealed by 92-16-032, filed 7/29/92, effective 8/29/92. Statutory Authority: RCW 41.50.050 and 41.50.110(3).

**WAC 415-115-010 Purpose.** These rules relate to the implementation of RCW 41.50.110(3) which provides the department of retirement systems the authority to assess additional administrative fees related to increased costs incurred by the department in processing deficient reports. These rules are intended to encourage employers to report timely and accurate member information.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-010, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-020 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

1) "Department" refers to the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended.

2) "Employers" refers to all employers within the retirement systems administered by the department, as defined in RCW 41.50.030.

3) "Reports" refers to the department of retirement systems transmittal report sent each month by employers to the department.

4) "Close of business" refers to 5:00 p.m. of a business day.

5) "Standard administrative fee" for employers in the public employees', teachers', and law enforcement officers' and fire fighters' retirement systems refers to the administrative fee provided for under RCW 41.50.110, 41.40.080, 41.32.401, and 41.26.070; for employers in the judges, judicial, and Washington state patrol retirement systems refers to the biennial appropriation that the department receives for administering each system.

6) "Additional administrative fee" refers to the fee provided for under RCW 41.50.110(3) which is related to increased costs incurred by the department in processing deficient reports.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-020, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-030 Assessment of additional administrative fee.** 1) An employer who fails to submit timely and accurate reports to the department will be assessed an additional fee related to the increased costs incurred by the department to process the deficient reports.

2) Every six months, the department will determine the amount of the fee to be assessed by evaluating the timeliness and accuracy of the reports submitted by employers in the preceding six months. If those reports are either untimely or inaccurate, the department will assess an additional administrative fee. This additional administrative fee will not exceed fifty percent of the standard administrative fee.

**WAC 415-115-040 What is considered an untimely report.** Reports for a calendar month, or any portion thereof, are due on or before the 15th day of the following calendar month. Reports are considered overdue if not received by the close of business on the third business day after the 15th of the following calendar month.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-040, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-050 What is considered an inaccurate report.** Reports are inaccurate if they cannot be processed or if they contain errors.

1) Examples of reports which cannot be processed include, but are not limited to, reports which contain unreadable information or reports which are submitted on improper media.

2) Examples of errors include, but are not limited to, invalid codes, incorrect plan or system assignments, incorrect member social security numbers, or incorrect dollar totals.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-050, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-060 Deficiencies in reporting.** Any report which is overdue or which is inaccurate is considered a deficient report. Each day a report is late, each report which cannot be processed, or each error contained in a report constitutes a single deficiency in reporting. Employers are notified of reporting deficiencies each month through the department of retirement systems transmittal deficiency report.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-060, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-070 Evaluation of reports and assessment of additional administrative fee.** Beginning with July 1991 reports which are due in the department on or before August 15, 1991, the department will evaluate reports for timeliness and accuracy under these rules. Beginning January 15, 1992 and every six months thereafter, the department will assess an additional administrative fee on employers who have reported late or inaccurately during the preceding six-month period. The six-month periods used to evaluate the timeliness and accuracy of reports shall be January through June and July through December.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-070, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-080 Determination of additional administrative fee.** The department will determine the additional administrative fee that may be assessed to employers who have submitted untimely or inaccurate reports. This fee will be determined as follows:

(1) The department will base the additional administrative fee on costs incurred for processing late or inaccurate reports. Costs related to processing deficient data may include, but are not limited to, costs of personnel, equipment, services and facilities.

(2) The department will determine the total number of deficiencies reported by all employers during each six-month period.

(3) Based upon the costs identified in subsection (1) of this section, the department will determine the additional administrative fee to be charged per deficiency.

(4) The department will determine the additional administrative fee to charge each employer. The total fee shall be an amount equal to the per deficiency fee determined under subsection (3) of this section multiplied by the deficiencies reported by an employer.

(5) From time to time, the department may review and adjust the charge calculated under subsection (3) of this section.

(6) Additional administrative fees are due and payable the 15th day of the calendar month following the month that the statement is dated.

[Statutory Authority: RCW 41.50.050 and 41.50.110(3). 92-16-032 § 415-115-080, filed 7/29/92, effective 8/29/92. Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-080, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-090 Maximum additional administrative fee allowable for the public employees', teachers', and law enforcement officers' and fire fighters' retirement systems.** The maximum additional administrative fee that may be charged to employers in the public employees' retirement system, the teachers' retirement system, and the law enforcement officers' and fire fighters' retirement system for any six-month period shall not exceed fifty percent of the standard administrative fee due for that six-month period. In instances where the standard administrative fee rate changes during the six-month period, the new standard administrative fee rate will be applied beginning with the month in which the new rate becomes effective. The maximum additional administrative fee that may be assessed is determined as follows:

1) If the additional administrative fee as determined in accordance with WAC 415-115-080 is less than fifty percent of the standard administrative fee, the additional administrative fee is the maximum fee allowable.

2) If the additional administrative fee as determined in accordance with WAC 415-115-080 is greater than or equal to fifty percent of the standard administrative fee, fifty percent of the standard administrative fee is the maximum fee allowable. The standard administrative fee will be calculated in accordance with Chapter 415-116 WAC.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-090, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-100 Maximum additional administrative fee allowable for the judges, judicial, and Washington state patrol retirement systems.** The standard administrative fee for employers in the judges retirement system, the judicial retirement system, and the Washington state patrol retirement system for a six-month period is one-fourth of the biennial appropriation the department receives for administering each system. The maximum additional administrative fee that may be charged to employers in the judges, judicial, and Washington state patrol retirement systems for any six-month period shall not exceed fifty percent of the standard

administrative fee due for that six-month period. The maximum additional administrative fee that may be assessed is determined as follows:

1) If the additional administrative fee as determined in accordance with WAC 415-115-080 is less than fifty percent of the standard administrative fee, the additional administrative fee is the maximum fee allowable.

2) If the additional administrative fee as determined in accordance with WAC 415-115-080 is greater than or equal to fifty percent of the standard administrative fee, fifty percent of the standard administrative fee is the maximum fee allowable.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-100, filed 6/12/91, effective 7/13/91.]

**WAC 415-115-120 Correction of additional administrative fee billing.** In instances where an additional administrative fee has been assessed incorrectly, the department will credit the employer's account in the amount of the incorrect assessment. An employer must provide suitable verification of the incorrectness of the assessment. An employer will be credited only for those reporting deficiencies charged to the employer for which the employer is not responsible.

[Statutory Authority: Chapter 43.05 [34.05] RCW, RCW 41.50.050 and 41.50.110(3). 91-13-030, § 415-115-120, filed 6/12/91, effective 7/13/91.]

## Chapter 415-116 WAC ADMINISTRATIVE FEE RATE

### WAC

415-116-010	Purpose.
415-116-020	Definitions.
415-116-030	Administrative fee rate.
415-116-040	Criteria for changing administrative fee rate.
415-116-050	Current administrative fee rate.

**WAC 415-116-010 Purpose.** These rules relate to the implementation of RCW 41.50.110, 41.26.070, 41.32.401, and 41.40.080 which provide the department of retirement systems the authority to set an administrative fee rate to cover costs incurred by the Department to operate the state retirement systems.

[Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-010, filed 6/12/91, effective 7/13/91.]

**WAC 415-116-020 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

1) "Department" refers to the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended.

2) "Director" refers to the director of the department of retirement systems.

3) "Employers" refers to all employers within the retirement systems administered by the department as defined in RCW 41.50.030; with the exception of the Washington state patrol retirement system, the judges' retirement system and the judicial retirement system.

[Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-020, filed 6/12/91, effective 7/13/91.]

**WAC 415-116-030 Administrative fee rate.** The administrative fee rate that the department sets will be reviewed annually by the director. It is within the director's discretion to change the administrative fee rate at any time. If a change is necessary, then the department will inform employers of this decision through the department's employer notice. Changes will be made based on the criteria provided for in WAC 415-116-040 and will be changed in accordance with the Administrative Procedure Act.

[Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-030, filed 6/12/91, effective 7/13/91.]

**WAC 415-116-040 Criteria for changing administrative fee rate.** The director will use the following criteria in determining whether the administrative fee rate should change. The department's projected revenue for upcoming fiscal years will be compared with the department's projected administrative costs for the same upcoming fiscal years. If the projected revenues exceed the projected costs, the department, in its discretion, may reduce the administrative fee rate. If projected revenues are less than the projected administrative costs, at the director's discretion, the department may increase the administrative fee rate.

[Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-040, filed 6/12/91, effective 7/13/91.]

**WAC 415-116-050 Current administrative fee rate.** The department's current administrative fee rate is .0022 of the reportable monthly member compensation. This administrative fee rate is applicable to all employers described in WAC 415-116-020(3). This administrative fee rate shall remain in effect until the director makes a change in accordance with the Administrative Procedure Act.

[Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-050, filed 6/12/91, effective 7/13/91.]