

Title 415 WAC

RETIREMENT SYSTEMS, DEPARTMENT OF

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Chapter 415-02 WAC GENERAL PROVISIONS

WAC

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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 Repealed by 91-02-019, filed 12/21/90, effective 1/21/91.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 system 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. Unless the context requires otherwise, the following terms shall have the meanings established below:

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

(2) "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.

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

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

(5) "Employee" under this chapter, means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

(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) "Independent contractor" under this chapter, means a worker providing services under contract to a retirement system employer for remuneration who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3). Independent contractors are

ineligible to participate as members in any state-administered retirement system.

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

(10) "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.

(11) "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.

(12) "Retirement system employer" means "employer" as defined in RCW 41.26.030(2), 41.32.010(11), or 41.40.010(4), and a "city" or "cities" as defined in RCW 41.44.030(2).

(13) "Worker" means a person who performs services for a retirement system employer either as an employee or as an independent contractor.

[Statutory Authority: RCW 41.50.050, 94-09-039, § 415-02-030, filed 4/19/94, effective 5/20/94; 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.]

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*

AGE	FACTOR
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

OPTION 2 with COLA*	AGE DIFFERENCE	OPTION 3 with COLA*
	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>
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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
.540	19	.640
.537	20	.638
.533	21	.636
.530	22	.633
.527	23	.631
.524	24	.629
.521	25	.626
.518	26	.624
.515	27	.622
.512	28	.619
.508	29	.617
.505	30	.615
.502	31	.612
.499	32	.610
.496	33	.608
.493	34	.605
.490	35	.603
.487	36	.601
.483	37	.598
.480	38	.596
.477	39	.594
.474	40	.591

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 I*

<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

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

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
62	.749
63	.754
64	.758
65	.763
66	.767
67	.772
68	.776
69	.780
70	.784
71	.789
72	.793
73	.797
74	.800
75	.804
76	.807
77	.809
78	.811
79	.813
80	.813
81	.813
82	.812
83	.809
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

TEACHERS' RETIREMENT SYSTEM PLAN I		
OPTION 2 with COLA*	AGE DIFFERENCE	OPTION 3 with COLA*
	BENEFICIARY OLDER	
.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		
OPTION 2 with COLA*	AGE DIFFERENCE	OPTION 3 with COLA*
	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.]

WAC 415-02-110 Determination of employee status. (1) An employee of a retirement system employer, other than a teachers' retirement system plan I retiree, who otherwise meets the eligibility criteria to participate in a state-administered retirement system is required to establish or continue membership in that system. An independent contractor is not eligible for active membership in any state-administered retirement system.

(2)(a) The department will review the entire relationship between the worker and the retirement system employer in order to determine whether a worker is an independent contractor or an employee. Generally, a worker is an employee if the employing individual or entity has the right to control and direct the work of the worker, not only as to the result to be accomplished, but also as to the means or methods by which the result is accomplished.

(b) Generally, a worker is an independent contractor if the employing entity has the right to control or direct only the result of the labor or services and not the means and methods accomplishing the labor or services.

(c) Whether or not the parties intend to establish an employer-employee relationship, or whether the parties regard the worker as being an independent contractor is not controlling. When the elements of direction and control are present in determining the means and methods of performing the worker's labor or service, any disclaimers to the contrary are not binding on the department for the purpose of determining employer-employee status. The terms of the contract and the actual arrangement under which the labor or services

are performed will determine whether a worker is an employee or independent contractor.

(d) In evaluating whether the retirement system employer has direction or control over the means and methods of performing the worker's labor or services, no one factor is determinative. The department will apply several factors, including but not limited to the following:

(i) Is the worker required to comply with detailed work instructions or procedures about when, where and how the worker must perform services? An employer has control if the employer requires or has the right to require the worker to comply with instructions about the manner in which services must be performed.

(ii) Does the employing individual or entity provide free training for the worker, or have the right to train the worker? Typically, an employer would have the right to train an employee but not an independent contractor.

(iii) Are the worker's services an integral part of the employing individual's or entity's business operation? Usually the regular administrative work of a business is performed by employees rather than independent contractors. Services outside the usual course of the employer's business may imply independent contractor status.

(iv) Is the worker required to perform the labor or services personally? While employees are typically required to personally perform labor or services, independent contractors are not necessarily required to perform personally, but may subcontract part or all of the required labor or services to another party.

(v) Does the employer hire, supervise or pay others to perform the same job as the worker? Usually a person who works the same job or performs the same function as performed by employees of the employer is an employee rather than an independent contractor.

(vi) Does the worker hire, supervise and pay others on the job under a contract to furnish labor and materials? Independent contractors may or may not be responsible for performing the contracted labor or services themselves, and usually have the right to hire and terminate their own employees who perform the contracted labor or services.

(vii) Does the worker perform continuing services for the retirement system employer? Independent contractors are typically hired for a job of relatively short-term or temporary duration and do not have a continuous relationship with or perform continuing services for the employing entity.

(viii) Are the worker's hours, routine or schedule set by the employing entity? The establishment of a set routine or schedule for the worker by the employer indicates employee status. Independent contractors are typically free to set their own hours of work.

(ix) Is the worker required to devote his or her full time to the business of a single employing individual or entity? A worker who is required to work full time for a single employer is likely to be an employee. Independent contractors are usually free to provide labor or services for two or more employing entities concurrently.

(x) Does the employing individual or entity require the worker to perform labor or services on the employer's premises? The employing entity is likely to have the right of control over the worker's method of work if the work is performed solely on the employer's premises, particularly if

the worker could perform the required labor or services elsewhere.

(xi) Does the employing individual or entity require the worker to perform labor or services in a set sequence? A worker is likely to be an employee if the worker must perform work in an order or sequence set by the employer.

(xii) Is the worker required to provide regular, oral or written reports to the employer? Regular reports, for example weekly time sheets, are usually required of employees as opposed to independent contractors.

(xiii) Is the worker paid by unit of time (hour, week or month)? Employees are typically paid by unit of time while independent contractors are typically paid by the job (commission, bid, piecework or lump sum). Payment for labor or services upon completion of the performance of specific portions of a project or on the basis of an annual or periodic retainer usually indicates independent contractor status.

(xiv) Does the employing individual or entity reimburse the worker for the worker's job-related expenses? Independent contractors typically pay their own business or travel expenses; the regular expenses they incur as part of providing labor or services are generally included in the stipulated contract payment and are not reimbursed by the employing entity.

(xv) Does the worker providing labor or services furnish the tools and supplies necessary for the performance of the contracted labor or service? Generally, an employer furnishes tools and supplies for their employees while independent contractors furnish their own.

(xvi) Has the worker invested in the equipment or facilities used in performing the labor or services? A significant investment by the worker in the equipment or facilities used in performing the labor or services usually indicates independent contractor status.

(xvii) Does the worker have a right to realize a profit or have a significant risk of loss as a result of the worker's services? Having the right to a profit or the risk of loss arising from the worker's services implies independent contractor status. The worker may be presumed to have assumed the risk of loss if the worker assumes financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of a performance bond, warranties, errors, and omissions insurance or liability insurance relating to the labor or services provided.

(xviii) Does the worker perform services for several persons or firms concurrently? Performance of services for a number of different unrelated clients indicates independent contractor status.

(xix) Does the worker offer services to the general public on a regular or consistent basis? An individual actively advertising services to the general public and representing to the public that the labor and services are to be provided by an independently established business is typically an independent contractor. The following are evidence of "actively advertising":

(A) The worker uses commercial advertising or business cards as is customary in operating a similar business, or is a member of a trade association;

(B) The worker uses a telephone listing and service for the business that is separate from the worker's personal residence listing and service.

(xx) Does the employer have the right to discharge the worker at will? An employee is typically subject to discharge or layoff at the will of the employer.

(xxi) Does the worker have the right to terminate the employment relationship without incurring liability? The right to terminate the work relationship at will usually indicates employee status.

(3) Typically, an independent contractor works for an employing individual or entity as a specialist in an independently established occupation, profession, trade or business. While the right of control over the method or means of work is determinative, the department shall also consider the following factors in evaluating independent contractor status. The degree of importance of each factor varies depending on the labor or services to be performed and the context in which the labor or services are performed.

(a) Does the worker perform labor or services only pursuant to written contracts?

(b) Has the worker providing labor or services attained business registrations, professional occupation licenses or certificates required by state law or local government ordinances to perform the contracted labor or services?

(c) Has the worker providing labor or services:

(i) Purchased worker's compensation insurance and paid taxes required for an independent business;

(ii) Filed income tax returns in the name of an independent business; or

(iii) Filed a Schedule of Expenses for the type of business conducted or a Business Schedule C or Farm Schedule F as part of the personal income tax return for the previous year if the worker performed the labor or services as an independent contractor in previous years?

(d) Does the worker providing labor or services maintain a separate set of books or records that reflect all items of business income and expenses as an independently established business?

(e) Has the worker assumed financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of a performance bond, warranties, errors and omissions insurance or liability insurance relating to the labor or services to be provided?

(4) The burden of persuasion in claiming that a worker is an independent contractor or an employee is on the worker or employer making the claim.

[Statutory Authority: RCW 41.50.050. 94-09-039, § 415-02-110, filed 4/19/94, effective 5/20/94.]

**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, disability benefits except as otherwise provided by law, survivor benefits, 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.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-04-010, filed 5/18/93, effective 6/18/93; Order 4, § 415-04-010, filed 7/27/77.]

WAC 415-04-020 Petition—Response—Decision—Appeal. (1) A person aggrieved by a decision of an administrator may petition to the director's designee for redress. The initial application or petition shall contain the following:

(a) 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;

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

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

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

(2) Upon receipt of the petition, the director will assign the same to the director's designee. The director's designee will, within seven days, give notice of the filing of the petition to either 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 director's designee 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. If at any time the director's designee in his or her role as fact finder determines that additional information is necessary to decide the petition, he or she may request such additional information. The person from whom the information is requested will respond no later than within twenty days from the receipt of such request except upon an extension being granted by the director's designee upon good cause shown.

(3) Upon receipt of the response, the director's designee shall forward a copy of the response to the original petitioner who shall have ten days in which to reply to the same.

(4) Within thirty days of the expiration of the ten-day period for reply following the director's designee's final request for information, the director's designee shall enter a written decision containing such findings of fact and conclusions of law as he or she deems necessary to dispose of the matter. The decision will be sent to petitioner via certified mail.

(5) The decision of the director's designee may be appealed to the director. An appeal must be filed with the director no later than sixty days after petitioner's receipt of the decision in accordance of the procedures established by chapter 415-08 WAC. An appeal to the director of the director's designee's decision is a necessary prerequisite to appeal to the superior court of the state of Washington.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-04-020, filed 5/18/93, effective 6/18/93. 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.

(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.

415-08-025 Reviewing officer.

415-08-030 Parties.

415-08-040 Appearance and practice before the department—Who may appear.

415-08-050 Appearance and practice before the board—Appearance in certain proceedings may be limited to attorneys.

415-08-080 Appearance and practice before the department—Withdrawal or substitution of representatives.

415-08-090 Appearance and practice before the department—Conduct.

415-08-100 Appearance and practice before the department—Appearance by former employee of agency or former member of attorney general’s staff.

415-08-105 Prehearing and posthearing memoranda.

415-08-280 Discovery.

415-08-420 Expert or opinion testimony number and qualifications of witnesses—Procedures at hearings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

415-08-060 Appearance and practice before the board—Solicitation of business unethical. [Order 4, § 415-08-060, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-110 Appearance and practice before the board—Examiner duties and powers. [Order 4, § 415-08-110, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-120 Informal conference—Purpose. [Order 4, § 415-08-120, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-130 Informal conference—When held. [Order 4, § 415-08-130, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-140 Informal conference—Agreements at informal conferences. [Order 4, § 415-08-140, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-150 Prehearing conference—Purpose. [Order 4, § 415-08-150, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-160 Prehearing conference—When held. [Order 4, § 415-08-160, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-170 Computation of time. [Order 4, § 415-08-170, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-180 Computation of time—Notice of hearing. [Order 4, § 415-08-180, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-190 Computation of time—Upon whom served. [Order 4, § 415-08-190, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-200 Computation of time—Service upon parties. [Order 4, § 415-08-200, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-210 Computation of time—Method of service. [Order 4, § 415-08-210, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-220 Computation of time—When service complete. [Order 4, § 415-08-220, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-230 Computation of time—Filing with board. [Order 4, § 415-08-230, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-240 Computation of time—Fees. [Order 4, § 415-08-240, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-250 Computation of time—Proof of service. [Order 4, § 415-08-250, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-260 Computation of time—Quashing. [Order 4, § 415-08-260, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

415-08-270 Computation of time—Enforcement. [Order 4, § 415-08-270, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

- 415-08-290 Computation of time—Documentary evidence. [Order 4, § 415-08-290, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-300 Computation of time—Excerpts from documents. [Order 4, § 415-08-300, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-310 Computation of time—Failure to supply prehearing information. [Order 4, § 415-08-310, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-320 Computation of time—Agreements at prehearing conference. [Order 4, § 415-08-320, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-330 Rules of evidence—Admissibility criteria. [Order 4, § 415-08-330, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-340 Rules of evidence—Official notice—Matters of law. [Order 4, § 415-08-340, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-350 Rules of evidence—Official notice—Material facts. [Order 4, § 415-08-350, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-360 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 4, § 415-08-360, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-370 Presumptions. [Order 4, § 415-08-370, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-380 Presumptions—Additional evidence by presiding officer. [Order 4, § 415-08-380, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-390 Stipulations and admissions of record. [Order 4, § 415-08-390, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-400 Expert or opinion testimony number and qualifications of witnesses. [Order 4, § 415-08-400, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-410 Expert or opinion testimony number and qualifications of witnesses—Written sworn statements. [Order 4, § 415-08-410, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-430 Petitions for rule making, amendment or repeal—Who may petition. [Order 4, § 415-08-430, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-440 Petitions for rule making, amendment or repeal—Requisites. [Order 4, § 415-08-440, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-450 Petitions for rule making, amendment or repeal—Agency must consider. [Order 4, § 415-08-450, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-460 Petitions for rule making, amendment or repeal—Notice of disposition. [Order 4, § 415-08-460, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-470 Declaratory rulings. [Order 4, § 415-08-470, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.
- 415-08-480 Declaratory rulings—Forms. [Order 4, § 415-08-480, filed 7/27/77.] Repealed by 93-11-079, filed 5/18/93, effective

6/18/93. Statutory Authority: RCW 41.50.050(5) and 34.05.250.

WAC 415-08-010 Scope. This chapter governs the procedure for adjudicative proceedings as defined in RCW 34.05.010. The department adopts the model rules of procedure contained in chapter 10-08 WAC to the extent that those provisions are not contrary to the provisions of this chapter. These rules shall govern all hearings before the director of retirement systems. These rules shall also govern requests for the promulgation, amendment or repeal of any rule of the director. Where the context requires, reference to a board shall be construed to include the director of retirement systems.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-010, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-010, filed 7/27/77.]

WAC 415-08-020 Filing appeals. (1) Any person aggrieved by a decision rendered pursuant to chapter 415-04 WAC must, before he or she appeals to the superior court, invoke the jurisdiction of the 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:

(a) The name and mailing address of the member or beneficiary, and the employer of the member;

(b) The name and legal residence of the appealing party, together with the mailing address of his or her representative, if any;

(c) In the case of disability claims:

(i) 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; and

(ii) 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;

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

(e) 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;

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

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

(2) The appealing parties shall file with the department by mail or otherwise, the original and two copies of the notice of appeal and the department will acknowledge receipt of the copies filed. The department's stamp placed upon such copies shall be prima facie evidence of the date of receipt. The department may thereafter require additional copies to be filed if necessary.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-020, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-020, filed 7/27/77.]

WAC 415-08-025 Reviewing officer. (1) Either the director or an employee of the department designated by the director, will serve as reviewing officer and render the department's final decision on the appeal. If the director designates a department employee to render a decision, such employee shall be a different person than director's designee under chapter 415-04 WAC.

(2) In general, an administrative law judge will be appointed to serve as presiding officer and to render a proposed order. The director, or the employee designated by the director, will serve as the reviewing officer. If the parties agree to stipulate to a record, a hearing before and initial decision by an administrative law judge may be waived by agreement of all parties. In the event of such a waiver, the reviewing officer will render the department's final decision on the stipulated record.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-025, filed 5/18/93, effective 6/18/93.]

WAC 415-08-030 Parties. The parties to an appeal shall be the appealing party, the department, all persons who have filed a notice of appearance and made a proper showing of interest in the appeal. The 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 department will forthwith mail him or her a copy of the notice of appeal. There is 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.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-030, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-030, filed 7/27/77.]

WAC 415-08-040 Appearance and practice before the department—Who may appear. No person may appear in a representative capacity before the department 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 court and subject to the limitations contained in said rule. A legal intern shall not appear before the department 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.

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[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-040, filed 5/18/93, effective 6/18/93; 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 415-08-080 Appearance and practice before the department—Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately so notify the department 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 department and to all parties of record.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-080, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-080, filed 7/27/77.]

WAC 415-08-090 Appearance and practice before the department—Conduct. All persons appearing in a representative capacity in proceedings before the department or its designated examiner 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 department.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-090, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-090, filed 7/27/77.]

WAC 415-08-100 Appearance and practice before the department—Appearance by former employee of agency or former member of attorney general's staff. No former employee of the department or system or former member of the attorney general's staff may at any time after severing his/her employment with the department or the attorney general appear, except with the written permission of the department in compliance with RCW 42.22.040, in a representative capacity on behalf of other parties in a formal proceeding wherein he or she previously took an active part as a representative of the department. No such former employee shall appear where to do would violate RCW 42.18.221.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-100, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-100, filed 7/27/77.]

WAC 415-08-105 Prehearing and posthearing memoranda. A presiding officer shall grant all timely requests to submit prehearing and posthearing memoranda, and shall set a reasonable time for the submission of memoranda. In the event that posthearing briefs are filed, the department reserves the right to file a brief in response to any posthearing brief submitted by another party.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-105, filed 5/18/93, effective 6/18/93.]

WAC 415-08-280 Discovery. 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.

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-280, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-280, filed 7/27/77.]

WAC 415-08-420 Expert or opinion testimony number and qualifications of witnesses—Procedures at hearings. (1) **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.

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

[Statutory Authority: RCW 41.50.050(5) and 34.05.250. 93-11-079, § 415-08-420, filed 5/18/93, effective 6/18/93; Order 4, § 415-08-420, filed 7/27/77.]

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

WAC

- 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.
- 415-100-190 Actuarial recomputation of retirement allowance upon retirement following reemployment.

**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.]

- 415-100-040 Repealed by 87-07-014 (Order 87-02), filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090. 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. Concur-

rently, "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 designat-

ed 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.]

WAC 415-100-190 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a plan member who retires, reenters employment causing his or her retirement allowance to be suspended, and then retires again.

(2) If a member initially retired at or after age sixty and reentered membership, upon the member's next retirement, the department shall recompute the member's retirement allowance pursuant to RCW 2.10.110. In recomputing the member's retirement allowance, the department shall include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 2.10.155 due to reemployment in an eligible position but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payments the member did not receive due to reemployment including cost-of-living adjustments. The retiree may elect to receive the actuarially computed increase in either:

(i) An amount amortized over the expected term of the recomputed retirement allowance; or

(ii) A lump sum payment equal to the suspended retirement allowance plus interest.

[Statutory Authority: RCW 41.50.050. 94-11-008, § 415-100-190, filed 5/5/94, effective 6/5/94.]

Chapter 415-104 WAC

LAW ENFORCEMENT OFFICERS' AND FIREFIGHTERS' RETIREMENT SYSTEM

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415-104-782	Option to preserve LEOFF I retirement rights.

415-104-783	Verification of eligibility for preservation of LEOFF plan I membership.		filed 3/11/87. Statutory Authority: RCW 41.50.050(5) and 41.50.090.
415-104-784	Member contributions for LEOFF plan I elected officials.	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.
415-104-785	Employer contributions for LEOFF plan I elected officials.		
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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),	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.
- 415-104-820 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 415-104-011 Definitions. (1) The definitions listed in RCW 41.26.030 shall apply to terms used in this chapter.

(2) As used in this chapter, unless a different meaning is required by context:

(a) "LEOFF" means the law enforcement officers' and fire fighters' retirement system created in chapter 41.26 RCW.

(b) "LEOFF plan I elected official" means a LEOFF plan I member who is a civil service employee on leave of absence by reason of having been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

(c) "Elective employer" means the employer of the LEOFF plan I elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

(d) "LEOFF employer" means the employer, as defined in RCW 41.26.030 (2)(a), who employs the member as a law enforcement officer or fire fighter.

[Statutory Authority: RCW 41.50.050(5) and 41.04.120. 93-11-078, § 415-104-011, filed 5/18/93, effective 6/18/93.]

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.

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

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

20	.0025142	20	.0039808
21	.0025304	21	.0039997
22	.0025472	22	.0040196

LEOFF Retirement System

415-104-108

96	.0236226	96	.0203443	4	.5865
97	.0250062	97	.0207038	5	.5819
98	.0265426	98	.0210462	6	.5772
99	.0282645	99	.0213706	7	.5726
				8	.5680
				9	.5634
				10	.5587
				11	.5541
				6 0	.5495
				1	.5453
				2	.5412
				3	.5370
				4	.5329
				5	.5287
				6	.5246
				7	.5204
				8	.5163
				9	.5121
				10	.5080
				11	.5038
				7 0	.4996
				1	.4959
				2	.4922
				3	.4884
				4	.4847
				5	.4810
				6	.4773
				7	.4735
				8	.4698
				9	.4661
				10	.4623
				11	.4586
				8 0	.4549
				1	.4515
				2	.4481
				3	.4448
				4	.4414
				5	.4381
				6	.4347
				7	.4313
				8	.4280
				9	.4246
				10	.4213
				11	.4179
				9 0	.4145
				1	.4115
				2	.4085
				3	.4054
				4	.4024
				5	.3994
				6	.3964
				7	.3933
				8	.3903
				9	.3873
				10	.3842
				11	.3812
				10 0	.3782
				1	.3754
				2	.3727
				3	.3700
				4	.3672
				5	.3645
				6	.3618
				7	.3590
				8	.3563
				9	.3535
				10	.3508
				11	.3481
				11 0	.3453
				1	.3429
				2	.3404
				3	.3379
				4	.3354
				5	.3330
				6	.3305
				7	.3280

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
	1	.8077
	2	.8012
	3	.7947
	4	.7883
	5	.7818
	6	.7753
	7	.7688
	8	.7623
	9	.7558
	10	.7494
	11	.7429
3	0	.7364
	1	.7306
	2	.7248
	3	.7191
	4	.7133
	5	.7075
	6	.7017
	7	.6959
	8	.6902
	9	.6844
	10	.6786
	11	.6728
4	0	.6670
	1	.6619
	2	.6567
	3	.6515
	4	.6464
	5	.6412
	6	.6360
	7	.6309
	8	.6257
	9	.6205
	10	.6153
	11	.6102
5	0	.6050
	1	.6004
	2	.5958
	3	.5911

8	.3255	18	0	.1871	
9	.3231		1	.1858	
10	.3206		2	.1846	
11	.3181		3	.1833	
12	0		4	.1820	
1	.3134		5	.1808	
2	.3112		6	.1795	
3	.3089		7	.1782	
4	.3067		8	.1770	
5	.3044		9	.1757	
6	.3022		10	.1744	
7	.2999		11	.1732	
8	.2977		19	0	.1719
9	.2955		1	.1708	
10	.2932		2	.1696	
11	.2910		3	.1684	
13	0		4	.1673	
1	.2867		5	.1661	
2	.2847		6	.1650	
3	.2826		7	.1638	
4	.2806		8	.1627	
5	.2786		9	.1615	
6	.2765		10	.1604	
7	.2745		11	.1592	
8	.2725		20	0	.1580
9	.2705		1	.1570	
10	.2684		2	.1559	
11	.2664		3	.1549	
14	0		4	.1538	
1	.2625		5	.1528	
2	.2607		6	.1517	
3	.2588		7	.1506	
4	.2570		8	.1496	
5	.2551		9	.1485	
6	.2533		10	.1475	
7	.2514		11	.1464	
8	.2496		21	0	.1454
9	.2478		1	.1444	
10	.2459		2	.1434	
11	.2441		3	.1425	
15	0		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		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		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	

LEOFF Retirement System

415-104-108

4	.1105	8	.0664
5	.1098	9	.0660
6	.1090	10	.0655
7	.1083	11	.0651
8	.1075	31 0	.0646
9	.1068	1	.0642
10	.1061	2	.0638
11	.1053	3	.0634
25 0	.1046	4	.0630
1	.1039	5	.0626
2	.1032	6	.0622
3	.1025	7	.0618
4	.1019	8	.0613
5	.1012	9	.0609
6	.1005	10	.0605
7	.0998	11	.0601
8	.0991	32 0	.0597
9	.0985	1	.0593
10	.0978	2	.0590
11	.0971	3	.0586
26 0	.0964	4	.0582
1	.0958	5	.0578
2	.0952	6	.0575
3	.0946	7	.0571
4	.0939	8	.0567
5	.0933	9	.0563
6	.0927	10	.0559
7	.0921	11	.0556
8	.0914	33 0	.0552
9	.0908	1	.0548
10	.0902	2	.0545
11	.0896	3	.0541
27 0	.0889	4	.0538
1	.0884	5	.0535
2	.0878	6	.0531
3	.0872	7	.0528
4	.0867	8	.0524
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

37	0	.0404	0.602	29	0.754
	1	.0401	0.599	30	0.751
	2	.0399	0.596	31	0.749
	3	.0396	0.593	32	0.746
	4	.0394	0.590	33	0.744
	5	.0391	0.587	34	0.742
	6	.0389	0.585	35	0.740
	7	.0386	0.582	36	0.738
	8	.0384	0.580	37	0.736
	9	.0381	0.578	38	0.734
	10	.0379	0.575	39	0.732
	11	.0376	0.573	40	0.731
38	0	.0374			
	1	.0372		Beneficiary Older	
	2	.0369	0.956	-20 or more	0.980
	3	.0367	0.951	-19	0.978
	4	.0365	0.946	-18	0.975
	5	.0363	0.940	-17	0.972
	6	.0361	0.934	-16	0.968
	7	.0359	0.927	-15	0.965
	8	.0356	0.920	-14	0.961
	9	.0354	0.913	-13	0.957
	10	.0352	0.905	-12	0.953
	11	.0350	0.897	-11	0.948
39	0	.0348	0.889	-10	0.944
	1	.0346	0.881	-09	0.939
	2	.0344	0.872	-08	0.933
	3	.0342	0.863	-07	0.927
	4	.0340	0.854	-06	0.920
	5	.0338	0.846	-05	0.914
	6	.0336	0.837	-04	0.908
	7	.0334	0.828	-03	0.902
	8	.0332	0.819	-02	0.897
	9	.0330	0.810	-01	0.892
	10	.0327			
	11	.0325			
40	or more	.0323			

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.]

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

WAC 415-104-111 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a Plan II member who retires, reenters employment causing his or her retirement allowance to be suspended, and then retires again. The actuarially recomputed retirement allowance shall:

(a) Include service credit the member earned following reestablishment of membership if any; and

(b) Account for the actuarial reduction applied to the member's initial retirement if the member initially retired prior to age fifty-five.

(2) If a Plan II retiree reenters membership, upon the individual's next retirement, the department shall reinstate and actuarially recompute the individual's retirement allowance pursuant to RCW 41.26.500 as follows:

(a) If the member first retired before age fifty-five, the department shall:

(i) Calculate the retirement allowance pursuant to RCW 41.26.420 using the retiree's total years of career service, including service earned prior to initial retirement and service earned after reentering membership;

(ii) Actuarially reduce the member's retirement allowance based on the present value of the retirement allowance payments the individual received during the initial retirement; and

(iii) Calculate any survivor option selected by the retiree based upon the monthly retirement allowance calculated pursuant to (a)(i) and (ii) of this subsection.

(b) If the member initially retired at or after age fifty-five, the department shall recompute the member's retirement allowance pursuant to RCW 41.26.500 and include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 41.26.500 due to reemployment but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payment the member did not receive due to reemployment. The retiree may elect to receive the actuarially computed increase in either:

(i) An amount amortized over the expected term of the recomputed retirement allowance; or

(ii) A lump sum payment equal to the suspended retirement allowance plus interest.

[Statutory Authority: RCW 41.50.050. 94-09-040, § 415-104-111, filed 4/19/94, effective 5/20/94.]

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 gastroenterotomy**, 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, nonre-current 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

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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 keratocornus 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 retrovulbar 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) Mystagmus, 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 enlargement 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) **Unightly 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 tachyardia, flutter, or fibrillation, ventricular tachyardia 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 non-malignant 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 venicularis**;
- (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) **Fungus 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 enlarge-

ment 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.]

WAC 415-104-782 Option to preserve LEOFF I retirement rights. The following rules describe the process by which a LEOFF plan I member whose retirement rights are protected by RCW 41.04.120 may preserve retirement rights as an active LEOFF member while serving in an elective public office.

A LEOFF plan I member who is elected or appointed to elective office shall have the option to:

(1) Preserve his or her retirement rights as an active member of LEOFF plan I; or

(2) Be considered to be on normal leave of absence from the LEOFF I employer.

[Statutory Authority: RCW 41.50.050(5) and 41.04.120. 93-11-078, § 415-104-782, filed 5/18/93, effective 6/18/93.]

WAC 415-104-783 Verification of eligibility for preservation of LEOFF plan I membership. A LEOFF plan I elected official must provide the department with written verification of a leave of absence from the LEOFF employer for the express purpose of serving in the elective public office. The verification must state a beginning date and an ending date for the leave.

[Statutory Authority: RCW 41.50.050(5) and 41.04.120. 93-11-078, § 415-104-783, filed 5/18/93, effective 6/18/93.]

WAC 415-104-784 Member contributions for LEOFF plan I elected officials. A LEOFF plan I elected official must pay member contributions directly to the department. Such member contributions will be calculated on the salary for the rank the member held at the time of taking the leave of absence. The department will bill the LEOFF I elected official on a monthly basis. Payment of each month's bill is due to the department by the 15th day of the next month. Failure to pay contributions for two consecutive billing months will result in suspension of LEOFF I elected official status. Such status can be reinstated if overdue contributions are paid within ninety days after notice of suspension.

[Statutory Authority: RCW 41.50.050(5) and 41.04.120. 93-11-078, § 415-104-784, filed 5/18/93, effective 6/18/93.]

WAC 415-104-785 Employer contributions for LEOFF plan I elected officials. The elective employer

shall pay employer contributions for the LEOFF plan I elected official. Such employer contributions will be calculated on the annual salary paid to the LEOFF I elected official for employment in the elective office. The elective employer will be directly billed by the department for employer contributions for a LEOFF I elected official. The elective employer shall pay employer contributions for LEOFF I elected officials in a timely manner as provided under chapter 415-114 WAC.

[Statutory Authority: RCW 41.50.050(5) and 41.04.120. 93-11-078, § 415-104-785, filed 5/18/93, effective 6/18/93.]

Chapter 415-105 WAC

LOCAL DISABILITY BOARD PROCEDURES

WAC

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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 previously 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

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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.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

415-108-100	Members. [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.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).
415-108-110	Administration—Officers. [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.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).
415-108-120	Function. [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.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).
415-108-130	Location. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-130, filed 2/15/78.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).
415-108-150	Meetings. [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.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).
415-108-160	Office of chairman. [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.] Repealed by 93-11-077, filed 5/18/93, effective 6/18/93. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a).

WAC 415-108-010 Definitions. (1) All definitions in RCW 41.40.010 apply to terms used in this chapter, unless a different meaning is plainly required by the context.

(2) As used in this chapter, unless a different meaning is plainly required by the context:

"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

"Level of union organization" means a union or a lodge or division of a union;

"Union" means a labor guild, labor association, and/or labor organization;

"Union employer" means a union or a union lodge or other division of the union which has verified that it meets the definition of a Plan I employer in RCW 41.40.010.

[Statutory Authority: RCW 41.50.050 and Bowles v. Retirement Systems, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-010, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-010, filed 5/18/93, effective 6/18/93. Statutory

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 415-108-170 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	4	.2558
	1	.4461	5	.2540
	2	.4428	6	.2522
	3	.4395	7	.2504
	4	.4362	8	.2486
	5	.4329	9	.2468
	6	.4296	10	.2450
	7	.4263	11	.2432
	8	.4230	15	0
	9	.4197	1	.2398
	10	.4164	2	.2381
	11	.4131	3	.2365
9	0	.4098	4	.2348
	1	.4068	5	.2332
	2	.4039	6	.2316
	3	.4009	7	.2299
	4	.3979	8	.2283
	5	.3950	9	.2267
	6	.3920	10	.2250
	7	.3890	11	.2234
	8	.3860	16	0
	9	.3831	1	.2203
	10	.3801	2	.2188
	11	.3771	3	.2173
10	0	.3742	4	.2158
	1	.3715	5	.2143
	2	.3688	6	.2128
	3	.3661	7	.2113
	4	.3635	8	.2098
	5	.3608	9	.2084
	6	.3581	10	.2069
	7	.3554	11	.2054
	8	.3528	17	0
	9	.3501	1	.2025
	10	.3474	2	.2012
	11	.3447	3	.1998
11	0	.3440	4	.1985
	1	.3396	5	.1971
	2	.3372	6	.1957
	3	.3348	7	.1944
	4	.3324	8	.1930
	5	.3300	9	.1917
	6	.3275	10	.1903
	7	.3251	11	.1890
	8	.3227	18	0
	9	.3203	1	.1876
	10	.3179	2	.1864
	11	.3154	3	.1851
12	0	.3130	4	.1839
	1	.3108	5	.1826
	2	.3087	6	.1814
	3	.3065	7	.1802
	4	.3043	8	.1789
	5	.3021	9	.1777
	6	.2999	10	.1764
	7	.2977	11	.1752
	8	.2955	19	0
	9	.2933	1	.1740
	10	.2912	2	.1727
	11	.2890	3	.1726
13	0	.2868	4	.1705
	1	.2848	5	.1693
	2	.2828	6	.1682
	3	.2808	7	.1671
	4	.2789	8	.1669
	5	.2769	9	.1648
	6	.2749	10	.1637
	7	.2729	11	.1625
	8	.2709	20	0
	9	.2689	1	.1614
	10	.2670	2	.1603
	11	.2650	3	.1591
14	0	.2630	4	.1581
	1	.2612	5	.1571
	2	.2594	6	.1560
	3	.2576	7	.1550
				.1540
				.1529
				.1519

Public Employees' Retirement System

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	8	.1509		27	0	.0911
	9	.1498			1	.0905
	10	.1488			2	.0899
	11	.1478			3	.0894
21	0	.1467			4	.0888
	1	.1458			5	.0882
	2	.1448			6	.0877
	3	.1439			7	.0871
	4	.1429			8	.0865
	5	.1420			9	.0860
	6	.1410			10	.0854
	7	.1401			11	.0848
	8	.1391		28	0	.0842
	9	.1382			1	.0837
	10	.1372			2	.0832
	11	.1363			3	.0827
22	0	.1353			4	.0822
	1	.1345			5	.0816
	2	.1336			6	.0811
	3	.1327			7	.0806
	4	.1319			8	.0801
	5	.1310			9	.0795
	6	.1301			10	.0790
	7	.1293			11	.0785
	8	.1284		29	0	.0780
	9	.1275			1	.0775
	10	.1267			2	.0770
	11	.1258			3	.0765
23	0	.1249			4	.0760
	1	.1241			5	.0755
	2	.1233			6	.0751
	3	.1225			7	.0746
	4	.1217			8	.0741
	5	.1209			9	.0736
	6	.1201			10	.0731
	7	.1193			11	.0726
	8	.1185		30	0	.0722
	9	.1177			1	.0717
	10	.1169			2	.0713
	11	.1161			3	.0708
24	0	.1153			4	.0704
	1	.1146			5	.0699
	2	.1139			6	.0695
	3	.1132			7	.0690
	4	.1124			8	.0686
	5	.1117			9	.0682
	6	.1110			10	.0677
	7	.1102			11	.0673
	8	.1095		31	0	.0668
	9	.1088			1	.0664
	10	.1080			2	.0660
	11	.1073			3	.0656
25	0	.1066			4	.0652
	1	.1059			5	.0648
	2	.1052			6	.0644
	3	.1046			7	.0639
	4	.1039			8	.0635
	5	.1032			9	.0631
	6	.1025			10	.0627
	7	.1019			11	.0623
	8	.1012		32	0	.0619
	9	.1005			1	.0615
	10	.0998			2	.0611
	11	.0992			3	.0608
26	0	.0985			4	.0604
	1	.0979			5	.0600
	2	.0973			6	.0596
	3	.0966			7	.0592
	4	.0960			8	.0589
	5	.0954			9	.0585
	6	.0948			10	.0581
	7	.0942			11	.0577
	8	.0936		33	0	.0573
	9	.0929			1	.0570
	10	.0923			2	.0566
	11	.0917			3	.0563

	4	.0559	69	.0080711
	5	.0556	70	.0083537
	6	.0552	71	.0086558
	7	.0549	72	.0089785
	8	.0545	73	.0093230
	9	.0542	74	.0096898
	10	.0538	75	.0100729
	11	.0535	76	.1049100
34	0	.0531	77	.0109250
	1	.0528	78	.0113811
	2	.0525	79	.0118589
	3	.0522	80	.0123587
	4	.0518	81	.0128793
	5	.0515	82	.0134243
	6	.0512	83	.0139934
	7	.0509	84	.0145880
	8	.0506	85	.0152103
	9	.0502	86	.0158600
	10	.0499	87	.0165374
	11	.0496	88	.0172413
35	or more	.0493	89	.0179682

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 Plan II Option 1
 Monthly Benefit per \$1.00
 of Accumulation

20	.0039357
21	.0039525
22	.0039702
23	.0039887
24	.0040081
25	.0040286
26	.0040500
27	.0040726
28	.0040963
29	.0041213
30	.0041476
31	.0041753
32	.0042044
33	.0042351
34	.0042675
35	.0043015
36	.0043375
37	.0043756
38	.0044157
39	.0044581
40	.0045029
41	.0045502
42	.0046001
43	.0046528
44	.0047084
45	.0047670
46	.0048287
47	.0048939
48	.0049626
49	.0050352
50	.0051120
51	.0051933
52	.0052795
53	.0053712
54	.0054687
55	.0055727
56	.0056837
57	.0058025
58	.0059296
59	.0060657
60	.0062116
61	.0063676
62	.0065347
63	.0067134
64	.0069044
65	.0071085
66	.0073263
67	.0075587
68	.0078066

Public Employees
 Retirement System
 PERS I Optional
 COLA*

Public Employees
 Retirement System
 Plan I Option 1
 Monthly Benefit per
 \$1.00 of Accumulation

20	.638	20	.0061792
21	.640	21	.0061891
22	.641	22	.0061997
23	.643	23	.0062111
24	.645	24	.0062232
25	.647	25	.0062362
26	.649	26	.0062501
27	.651	27	.0062650
28	.654	28	.0062809
29	.656	29	.0062979
30	.658	30	.0063162
31	.661	31	.0063357
32	.664	32	.0063566
33	.666	33	.0063790
34	.669	34	.0064030
35	.672	35	.0064286
36	.675	36	.0064561
37	.678	37	.0064856
38	.681	38	.0065173
39	.684	39	.0065512
40	.688	40	.0065875
41	.691	41	.0066263
42	.695	42	.0066677
43	.698	43	.0067119
44	.702	44	.0067590
45	.706	45	.0068091
46	.710	46	.0068624
47	.715	47	.0069190
48	.719	48	.0069792
49	.724	49	.0070432
50	.728	50	.0071114
51	.733	51	.0071843
52	.738	52	.0072621
53	.744	53	.0073455
54	.749	54	.0074351
55	.755	55	.0075313
56	.761	56	.0076350
57	.767	57	.0077467

Public Employees' Retirement System

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58	.774	58	.0078672	0.754	9	0.862
59	.781	59	.0079972	0.744	10	0.855
60	.788	60	.0081375	0.736	11	0.850
61	.796	61	.0082885	0.731	12	0.847
62	.804	62	.0084509	0.726	13	0.844
63	.813	63	.0086255	0.721	14	0.841
64	.822	64	.0088128	0.717	15	0.838
65	.831	65	.0090135	0.713	16	0.835
66	.842	66	.0092282	0.709	17	0.832
67	.853	67	.0094577	0.706	18	0.830
68	.865	68	.0097029	0.702	19	0.827
69	.879	70	.0102454	0.699	20	0.825
70	.894	71	.0105455	0.696	21	0.823
71	.910	72	.0108665	0.693	22	0.821
72	.928	73	.0112093	0.690	23	0.819
73	.947	74	.0115744	0.687	24	0.817
74 or more	.971	75	.0119617	0.685	25	0.815
		76	.0123709	0.683	26	0.814
		77	.0128014	0.681	27	0.812
		78	.0132580	0.679	28	0.811
		79	.0137246	0.677	29	0.809
		80	.0142169	0.675	30	0.808
		81	.0147281	0.673	31	0.807
		82	.0152621	0.672	32	0.806
		83	.0158184	0.670	33	0.805
		84	.0163986	0.669	34	0.804
		85	.0170045	0.667	35	0.803
		86	.0176361	0.666	36	0.802
		87	.0182936	0.665	37	0.801
		88	.0189757	0.664	38	0.800
		89	.0196789	0.663	39	0.799
		90	.0204015	0.662	40 or more	0.798
		91	.0211420			
		92	.0218957			
		93	.0226575			
		94	.0234160			
		95	.0241655			
		96	.0249116			
		97	.0256520			
		98	.0263822			
		99	.0270961			

Age difference = member's age minus beneficiary age

PERS I OPTION II	Age Difference Beneficiary Older	PERS I OPTION III	PERS II OPTION II	Age Difference Beneficiary Older	PERS II OPTION III
0.973	-20 or more	0.987	0.965	-20 or more	0.983
0.970	-19	0.986	0.963	-19	0.982
0.964	-18	0.984	0.960	-18	0.980
0.960	-17	0.982	0.958	-17	0.979
0.957	-16	0.980	0.955	-16	0.978
0.953	-15	0.978	0.952	-15	0.976
0.949	-14	0.976	0.948	-14	0.974
0.945	-13	0.974	0.944	-13	0.972
0.940	-12	0.972	0.939	-12	0.969
0.934	-11	0.969	0.933	-11	0.966
0.929	-10	0.966	0.926	-10	0.962
0.923	-9	0.963	0.919	-9	0.958
0.917	-8	0.960	0.912	-8	0.954
0.910	-7	0.956	0.903	-7	0.950
0.902	-6	0.952	0.894	-6	0.945
0.895	-5	0.948	0.885	-5	0.939
0.887	-4	0.944	0.874	-4	0.933
0.878	-3	0.939	0.862	-3	0.926
0.866	-2	0.932	0.846	-2	0.917
0.852	-1	0.924	0.828	-1	0.907
<hr/>					
	Beneficiary Younger			Beneficiary Younger	
0.837	0	0.917	0.809	0	0.896
0.822	1	0.908	0.791	1	0.885
0.809	2	0.901	0.774	2	0.874
0.800	3	0.894	0.760	3	0.865
0.794	4	0.889	0.748	4	0.858
0.789	5	0.885	0.738	5	0.851
0.784	6	0.881	0.729	6	0.845
0.776	7	0.876	0.718	7	0.838
0.766	8	0.869	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	8	.6672
0.620	18	0.767	9	.6611
0.614	19	0.763	10	.6551
0.609	20	0.759	11	.6490
0.603	21	0.754	4 0	.6429
0.598	22	0.750	1	.6376
0.594	23	0.747	2	.6322
0.589	24	0.743	3	.6269
0.584	25	0.739	4	.6215
0.580	26	0.736	5	.6162
0.576	27	0.733	6	.6109
0.572	28	0.730	7	.6055
0.569	29	0.727	8	.6002
0.565	30	0.724	9	.5948
0.562	31	0.721	10	.5895
0.559	32	0.718	11	.5841
0.556	33	0.716	5 0	.5788
0.553	34	0.713	1	.5740
0.550	35	0.711	2	.5693
0.547	36	0.709	3	.5646
0.545	37	0.707	4	.5598
0.542	38	0.705	5	.5551
0.540	39	0.703	6	.5504
0.538	40 or more	0.701	7	.5446

Age difference = member's age minus beneficiary age

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN 2

Early Retirement Factors
by Year and Month

0	0	1.0000	10	.5314
	1	.9910	11	.5267
	2	.9821	6 0	.5220
	3	.9731	1	.5178
	4	.9641	2	.5136
	5	.9551	3	.5094
	6	.9462	4	.5052
	7	.9372	5	.5010
	8	.9282	6	.4968
	9	.9193	7	.4926
	10	.9103	8	.4884
	11	.9013	9	.4842
1	0	.8923	10	.4880
	1	.8845	11	.4758
	2	.8767	7 0	.4716
	3	.8688	1	.4678
	4	.8610	2	.4641
	5	.8531	3	.4603
	6	.8453	4	.4566
	7	.8374	5	.4529
	8	.8296	6	.4491
	9	.8217	7	.4454
	10	.8139	8	.4416
	11	.8061	9	.4379
2	0	.7982	10	.4342
	1	.7913	11	.4304
	2	.7844	8 0	.4267
	3	.7776	1	.4234
	4	.7707	2	.4200
	5	.7638	3	.4167
	6	.7569	4	.4134
	7	.7500	5	.4100
	8	.7431	6	.4067
	9	.7363	7	.4033
	10	.7294	8	.4000
	11	.7225	9	.3967
3	0	.7156	10	.3933
	1	.7096	11	.3900
	2	.7003	9 0	.3867
	3	.6975	1	.3837
	4	.6914	2	.3807
	5	.6853	3	.3777
	6	.6793	4	.3747
	7	.6732	5	.3714
			6	.3688
			7	.3658
			8	.3628
			9	.3598
			10	.3569
			11	.3539

Public Employees' Retirement System

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10	0	.3509	4	.1952
	1	.3482	5	.1937
	2	.3456	6	.1923
	3	.3429	7	.1909
	4	.3402	8	.1894
	5	.3375	9	.1880
	6	.3349	10	.1866
	7	.3322	11	.1851
	8	.3295	17	0
	9	.3269	1	.1824
	10	.3242	2	.1811
	11	.3215	3	.1798
11	0	.3188	4	.1785
	1	.3165	5	.1772
	2	.3141	6	.1759
	3	.3117	7	.1746
	4	.3093	8	.1733
	5	.3069	9	.1720
	6	.3045	10	.1707
	7	.3021	11	.1694
	8	.2997	18	0
	9	.2973	1	.1670
	10	.2949	2	.1658
	11	.2925	3	.1646
12	0	.2901	4	.1634
	1	.2879	5	.1623
	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
	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
	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
	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	.1198
	8	.2072	22	0
	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

	8	.1124	29	0	.0664
	9	.1116		1	.0659
	10	.1108		2	.0655
	11	.1100		3	.0651
23	0	.1092		4	.0646
	1	.1085		5	.0642
	2	.1077		6	.0638
	3	.1070		7	.0634
	4	.1063		8	.0629
	5	.1055		9	.0625
	6	.1048		10	.0621
	7	.1041		11	.0616
	8	.1033		0	.0612
	9	.1026	30	1	.0608
	10	.1018		2	.0604
	11	.1011		3	.0600
24	0	.1004		4	.0596
	1	.0997		5	.0592
	2	.0990		6	.0588
	3	.0984		7	.0584
	4	.0977		8	.0580
	5	.0974		9	.0576
	6	.0963		10	.0572
	7	.0957		11	.0568
	8	.0950		0	.0564
	9	.0943	31	1	.0561
	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		0	.0521
	9	.0868	32	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		0	.0481
	9	.0799	33	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		0	.0444
	9	.0736	34	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		0	.0410
	9	.0678	35	1	.0407
	10	.0673		2	.0405
	11	.0668		3	.0402

Public Employees' Retirement System

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	4	.0400		8	.0243	
	5	.0397		9	.0242	
	6	.0394		10	.0240	
	7	.0392		11	.0239	
	8	.0389		42	0	.0237
	9	.0387			1	.0236
	10	.0384			2	.0234
	11	.0381			3	.0233
36	0	.0379			4	.0231
	1	.0376			5	.0230
	2	.0374			6	.0228
	3	.0372			7	.0227
	4	.0369			8	.0225
	5	.0367			9	.0224
	6	.0364			10	.0222
	7	.0362			11	.0221
	8	.0360		43	0	.0219
	9	.0357			1	.0218
	10	.0355			2	.0217
	11	.0352			3	.0215
37	0	.0350			4	.0214
	1	.0348			5	.0213
	2	.0346			6	.0211
	3	.0343			7	.0210
	4	.0341			8	.0209
	5	.0339			9	.0207
	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				

[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.

[Statutory Authority: RCW 41.40.010(8). 88-11-030 (Order 88-11), § 415-108-460, filed 5/13/88.]

WAC 415-108-461 Standby pay—Location restricted compensation. (1) Payments made from employers to employees that are not pay for time actually worked are not compensation earnable under RCW 41.40.010 (8)(a) or (b) except as provided in those sections and further described in this section.

Example: Payments made to an employee are not pay for time actually worked if, after leaving work, an employee earns payment in consideration for being available to return to work should the need arise.

Example: Conversely, payments made to an employee are pay for time actually worked if the employee is required to transport students or other individuals to a location away from the employer's primary worksite and await the conclusion of an activity at the remote location before transporting the passengers to the point of origin or other location.

(2) As used in RCW 41.40.010 (8)(a) and (b), this section and WAC 415-108-462, with regard to compensation that a member receives for time not actually worked:

(a) "Specific location" means a single, specific parcel of property, such as the job site or the employee's residence, designated by the employer where the employee must remain while earning payment for time not actually worked;

(b) "Immediate vicinity" means a parcel of property abutting the specific location;

(c) "Location pay" means a type of standby pay that an employee receives, not for time actually worked, but rather in consideration for being required to:

(i) Remain at, or in the immediate vicinity of, a specific location; and

(ii) Report immediately to work should the need arise, although the need may not arise.

Location pay is the pay earned by a member when he or she is in standby status, only as defined in RCW

41.40.010(8). Location pay is considered compensation earnable.

(3) Payment received by a member for time not actually worked is not considered location pay if the member is allowed to leave the immediate vicinity of a specific location and is required to report to work only after being notified by pager or other similar notification device.

(4) Standby pay to state employees authorized by WAC 356-15-080 (1)(a), as codified on August 1, 1994, is limited to persons required to remain at a specific location and is location pay. Standby pay to state employees authorized by WAC 356-15-080 (1)(b), as codified on August 1, 1994, is paid to persons who are not required to remain at a specific location or in the immediate vicinity of a specific location and is not location pay.

(5) This section is effective August 1, 1994.

[Statutory Authority: RCW 41.50.050 and 41.40.020. 94-16-086, § 415-108-461, filed 8/1/94, effective 8/1/94.]

WAC 415-108-462 Location restricted compensation—Employer policy. (1) Payment received by a member for time not actually worked will only be considered location pay as defined in WAC 415-108-461 only if the employer adopts a written policy identifying the compensation as earned:

(a) For time not actually worked; where

(b) The member is required to remain at a specific location or in the immediate vicinity of a specific location as defined in WAC 415-108-461; and

(c) The employer requires the employee to be prepared to report immediately to work if the need arises, although the need may not arise.

(2) If an employer does not adopt a policy as described in subsection (1) of this section, the department will presume that the employee is not restricted to a specific location or the immediate vicinity of a specific location and that any payment received for time not actually worked is not earnable compensation under RCW 41.40.010 (8)(a) or (b).

[Statutory Authority: RCW 41.50.050 and 41.40.020. 94-16-086, § 415-108-462, filed 8/1/94, effective 8/1/94.]

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 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 Treatment of cash payments made in lieu of unused leave—First-in-first-out accounting method for determining when leave earned—Forms of leave deemed excess compensation—Conversions. (1) Cash compensation in lieu of unused annual or sick leave may be considered compensation earnable for Plan I members subject to the provisions of RCW 41.40.010 (8)(a) and WAC 415-108-450. Employers may not limit the inclusion of cash compensation paid in lieu of unused annual or sick leave as compensation earnable in conflict with RCW 41.40.010 (8)(a). Provisions of collective bargaining agreements, employment and administrative policies or other rules applied by an employer that conflict with RCW 41.40.010 (8)(a) and rules adopted thereunder are without legal effect.

(2) When an employer provides cash compensation in lieu of unused annual or sick leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned, and when or whether the leave was used or cashed out, with the following exceptions:

(a) As otherwise provided in WAC 415-108-530 and *Bowles v. Department of Retirement Systems*, 121 Wn.2d 52 (1993); and

(b) The employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates when the cashed out leave was accrued, or 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.

(3) A cash out of leave which is not annual leave as defined under WAC 415-108-010, shall be treated by the department as "any other form of leave" under RCW 41.50.150(2). The department shall bill the employer for any such leave cash out as excess compensation under RCW 41.50.150.

(4) For purposes of determining average final compensation and excess compensation, hours of leave earned by a member shall be considered for all purposes in the form in which it was earned. The department shall disregard any conversion of leave by an employer from one form to another and bill the employer for the amount converted as excess compensation pursuant to RCW 41.50.150.

[Statutory Authority: RCW 41.50.050 and *Bowles v. Retirement Systems*, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-510, filed 5/5/94, effective 6/5/94. 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 or 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.]

WAC 415-108-530 Calculation of retirement allowance pursuant to *Bowles v. Retirement Systems*—Eligibility—Procedure. Pursuant to *Bowles v. Retirement Systems*, 121 Wn.2d 52 (1993), the department is required to calculate certain Plan I members' retirement allowances without regard to percentage or ceiling limitations on leave cash outs. *Bowles v. Retirement Systems* does not change the terms contained in collective bargaining agreements negotiated by employers and employees or leave policies promulgated by employers, nor does it apply to state and school district employees who cash out sick leave pursuant to RCW 28A.400.210 or 41.04.340, or annual leave pursuant to RCW 43.01.040 through 43.01.044.

(1) Certain Plan I members' retirement allowances shall be calculated pursuant to this section if they meet the following criteria:

(a) Retire on or after March 11, 1993, from Plan I, or be a surviving spouse or beneficiary of a member who retired or died after March 11, 1993; and

(b) Have average final compensation that is:

(i) Based on employment with a nonstate agency or political subdivision employer; and

(ii) Subject to employer percentage or ceiling limitations on leave cash outs.

(c) If a person meets the eligibility requirements for calculation under (a) and (b) of this subsection, the department shall determine whether the person is entitled to the calculation provided under subsection (2) of this section.

(2) For persons who are eligible under subsection (1) of this section, the department shall calculate the retirement allowance as follows:

(a) Calculate average final compensation twice:

(i) First, by including the amount of leave actually cashed out that is accruable within the member's two year average final compensation period, not taking into consideration any employer percentage or ceiling cash out limitations; and

(ii) Second, by including accrued leave as specified in (a)(i) of this subsection but taking into consideration any employer percentages and ceiling cash out limitations.

(b) Calculate the difference between the retirement allowance under (a)(i) and (ii) of this subsection. The department shall calculate the present value of this difference using its actuarial tables and retain eight percent of the present value of this amount to restore pension fund moneys expended in paying *Bowles* plaintiff class attorney fees. Each member's *Bowles* attorney fee payment shall be made in a one-time deduction from the member's first retirement allowance payment after the final computation of the member's benefit; and

(c) Pursuant to RCW 41.50.150, assess the member's employer for any additional excess compensation added to the member's retirement allowance.

[Statutory Authority: RCW 41.50.050 and *Bowles v. Retirement Systems*, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-530, filed 5/5/94, effective 6/5/94.]

WAC 415-108-540 Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors. (1) At the time of a member's

application for retirement, the department does not have all information necessary to make a final computation of the member's retirement allowance. Based upon estimates of the retiree's compensation and earned service credit through the date of retirement, the department shall compute an interim retirement allowance made payable to the member in the interim between the member's date of retirement and the department's final computation of the member's retirement allowance. The interim retirement allowance is an initial, estimated computation of the retiree's retirement allowance subject to adjustment by the department based upon subsequent review of information provided by the member's employer.

(2) In computing the interim retirement allowance, the department shall, subject to later correction, consider only the amount of the member's salary actually reported by the employer up to the date of the interim computation, but shall impute the member's earned service credit for the same period.

(3) Every employer of a member who applies for retirement shall provide the department with a final compensation report for that member. The report shall be completed on a form provided or approved by the department.

(4) Following the department's computation of the interim benefit and receipt of the employer final compensation report, leave cash out information for Plan I retirees, earnings history, and copies of the employment contract and employer compensation policies, the department shall complete a final computation of the member's retirement allowance. The department's final computation may either increase or decrease the amount of the interim retirement allowance computed pursuant to subsection (1) of this section.

(5) Pursuant to RCW 41.50.130, following the department's final computation of the member's retirement allowance as provided in subsection (4) of this section, the department may subsequently adjust a member's retirement allowance to correct any error in retirement system records. For purposes of this subsection, errors in retirement system records include, but are not limited to, the following:

(a) Applying an incorrect retirement allowance formula in computing the retirement allowance;

(b) Including service that is not creditable to the member;

(c) Including payments that do not constitute earnable compensation to a member in the member's retirement allowance computation, or excluding earnable compensation not reported by an employer;

(d) Benefit overpayments and underpayments;

(e) Including an individual in the membership of the retirement system who is not entitled to such membership.

[Statutory Authority: RCW 41.50.050 and Bowles v. Retirement Systems, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-540, filed 5/5/94, effective 6/5/94.]

WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership. (1) For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "elected" officials means individuals elected

to any state, local or political subdivision office or individuals appointed to any vacant elective office.

(2) Pursuant to RCW 41.40.023 (3)(a), elected officials are exempted from retirement system membership but may apply for membership during the official's current term of elected office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application, the elected official is entitled to establish membership and service credit retroactive to the first day of the official's current term of elected service. To establish such membership, the official shall pay the required employee contributions for the official's current term of elected service with interest as determined by the department.

(3) Upon establishing membership for the official's current term of elected office, the official is entitled to establish membership and service credit retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (2) of this section. If the department approves the application, the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(4) If an official is employed in an eligible position at the time of election to office and will hold multiple positions concurrently, the official may:

(a) Apply to the department to participate in membership pursuant to the official's elected position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's elected position while continuing membership through the nonelected position.

(5) Except as provided under RCW 41.40.023 (3)(b), once an elected official has exercised the option of becoming a member of the retirement system the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service. An official does not separate from service if the official resigns from the official's elected position and is later reappointed to the same position during the same term.

(6) This section codifies the department's long-standing administrative practice in relation to elected officials. The department will apply this section to service by elected officials which occurred prior to the effective date of this section.

[Statutory Authority: RCW 41.50.050. 94-12-014, § 415-108-550, filed 5/23/94, effective 6/23/94.]

WAC 415-108-560 Appointed officials—Eligibility and application for retirement service membership. (1)

For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "appointed" officials means only those individuals appointed directly by the governor to any position, including but not limited to agency directorships and memberships on a state committee, board or commission.

(2) An individual must be a gubernatorial appointee or be appointed to serve in a position that meets the requirements of RCW 41.40.010 (25)(a) in order to be eligible for membership and service credit.

(3) Pursuant to RCW 41.40.023 (3)(a), appointed officials are exempted from retirement system membership but may apply for membership during the official's current appointed term of office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application the official is entitled to establish membership and service credit retroactive to the first day of the official's current term of appointed service. To establish such membership, the official shall pay the required employee contributions for the official's current term of appointed service with interest as determined by the department.

(4) Upon establishing membership for the official's current term of appointed service, the official is entitled to establish membership retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (3) of this section. If the department approves the application the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(c) "Current term of appointed service" includes an appointed official's entire current term of service. If the official has not been appointed to a position with a set term of office, "current term of appointed service" includes all uninterrupted service in the official's current appointed position.

(5) If an appointed official is employed in an eligible position at the time of appointment to office and will hold the two positions concurrently the official may:

(a) Apply to the department to participate in membership pursuant to the appointed position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's appointed position while continuing membership through the nonappointive position.

(6) Once an appointed official has exercised the option of becoming a member of the retirement system either at the start of the official's initial term or at a successive term, the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An appointed official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service.

An appointed official does not separate from service if the official resigns from the appointed position and is later reappointed to the position during the same term.

(7) This section codifies the department's long-standing administrative practice in relation to appointed officials. The department will apply this section to service by appointed officials which occurred prior to the effective date of this section.

[Statutory Authority: RCW 41.50.050, 94-12-014, § 415-108-560, filed 5/23/94, effective 6/23/94.]

WAC 415-108-570 Elected and appointed officials—Requirements for service credit. (1)(a) Plan I elected officials and appointed officials may receive one month of service credit for each month during which they earn compensation pursuant to their elected or appointed positions.

(b) Plan I members who were appointed by the governor prior to July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they earn compensation pursuant to their appointed positions.

(c) Plan I members who were appointed or reappointed by the governor on or after July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they are compensated for at least seventy total hours of work.

(d) Plan I members who serve in governor-appointed positions as members of any committee, board or commission on or after September 1, 1991, may receive one-quarter month of service credit for each month during which they are compensated for less than seventy total hours of work.

(2)(a) Plan II members who were elected to office by state-wide election may receive one month of service credit for each month during which they earn compensation pursuant to their elected positions.

(b) Except for Plan II elected officials covered under (a) of this subsection, Plan II members who were elected to office or appointed by the governor to positions prior to September 1, 1991, may receive service credit only for months during which they are compensated:

(i) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; and

(ii) For ninety or more total hours of work.

(c) On or after September 1, 1991, except for Plan II elected officials covered under (a) of this subsection, Plan II members who were elected to office or appointed by the governor to positions may earn:

(i) One month of service credit for each month during which they are compensated:

(A) For ninety or more total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(ii) One-half month of service credit for each month during which they are compensated:

(A) For less than ninety hours but equal to or more than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(iii) One-quarter month of service credit for each month during which they are compensated:

(A) For less than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service.

(3) This section codifies the department's long-standing administrative practice in relation to elected and appointed officials. The department will apply this section to service by elected and appointed officials which occurred prior to the effective date of this section.

[Statutory Authority: RCW 41.50.050. 94-12-014, § 415-108-570, filed 5/23/94, effective 6/23/94.]

WAC 415-108-580 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a Plan II member who retires, reenters employment causing his or her retirement allowance to be suspended, and then retires again. The actuarially recomputed retirement allowance shall:

(a) Include service credit the member earned following reestablishment of membership if any; and

(b) Account for the actuarial reduction applied to the member's initial retirement if the member initially retired prior to age sixty-five.

(2) If a Plan II retiree reenters membership, upon the individual's next retirement, the department shall reinstate and actuarially recompute the individual's retirement allowance pursuant to RCW 41.40.690 as follows:

(a) If the member first retired before age sixty-five, the department shall:

(i) Calculate the retirement allowance pursuant to RCW 41.40.620 using the retiree's total years of career service, including service earned prior to initial retirement and service earned after reentering membership;

(ii) Actuarially reduce the member's retirement allowance based on the present value of the retirement allowance payments the individual received during the initial retirement; and

(iii) Calculate any survivor option selected by the retiree based upon the monthly retirement allowance calculated pursuant to (a)(i) and (ii) of this subsection.

(b) If the member initially retired at or after age sixty-five, the department shall recompute the member's retirement allowance pursuant to RCW 41.40.620 and include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 41.40.690 due to reemployment but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payments the member did not receive

due to reemployment. The retiree may elect to receive the actuarially computed increase in either:

(i) An amount amortized over the expected term of the recomputed retirement allowance; or

(ii) A lump sum payment equal to the suspended retirement allowance plus interest.

[Statutory Authority: RCW 41.50.050. 94-09-040, § 415-108-580, filed 4/19/94, effective 5/20/94.]

WAC 415-108-620 Requirements for a union to be a PERS I union employer. (1) In order to establish or maintain status as a PERS I union employer, a union must satisfy the following requirements:

(a) Verify that at least forty percent of the members of the level of union organization are employees of an employer: *Provided however*, That employees of the union organization are not to be considered in the forty percent determination; and

(b) Beginning on the effective date of this rule, annually complete and submit the verification form set forth in WAC 415-108-660 to the department.

(2) Unions which have reported members prior to the effective date of this rule shall be deemed to have met the requirements of this rule with respect to those members.

[Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-620, filed 5/18/93, effective 6/18/93.]

WAC 415-108-630 Calculation and verification of PERS membership requirement. (1) Calculation - Unions applying for union employer status must provide the department with the information specified in WAC 415-108-660.

Each union employer is required to submit to the department the form provided in WAC 415-108-660 in verifying compliance with WAC 415-108-620 on or after November 1 and no later than December 31 of each year.

(2) Union employer status will lapse on January 1 if a union does not submit verification by December 31 of the preceding year. The union may regain union employer status by subsequently submitting verification of compliance with WAC 415-108-620 (1)(a). The union shall be responsible for applicable retroactive employer contributions plus interest for any period of lapsed employer status.

(3) Unions submitting timely verification of qualifications for union employer status are considered Plan I union employers for the succeeding calendar year (January 1 to December 31).

[Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-630, filed 5/18/93, effective 6/18/93.]

WAC 415-108-640 Effect of meeting verification requirements. (1) Plan I union employer status applies only to the level of union organization that meets the requirements of WAC 415-108-620(1). Therefore, if only a single union lodge of a union with multiple lodges has been verified to meet the requirements of WAC 415-108-620(1), only that union lodge is a Plan I union employer.

(2) Plan I union employers employing persons who have previously established Plan I membership must report those

persons for participation in the retirement system if those persons opt into membership under RCW 41.40.023.

(3) Plan I members who are employed by union employers shall have an irrevocable election to reenter membership. If this option is not exercised when the employee first enters an eligible position with the union employer, it is waived. The union employer has the duty to notify new employees of the option to enter Plan I. Failure of the union employer to provide notification shall not obviate a person's waiver of the right to participate in Plan I under this section. Union employers and their Plan I employees who opt into membership will be subject to the same statutory and regulatory requirements as other Plan I nonstate agency employers and employees.

(4) Union employers shall elicit on a written form from all new employees whether the employee has ever been a Plan I member.

(5) A union employer may not report employees for participation in Plan II.

(6)(a) Upon first establishing union employer status the union must pay the prior service liability as determined by the department under RCW 41.40.363 or 41.40.045, as applicable for union elective officials and employees who opt into membership under RCW 41.40.023 and are eligible for Plan I.

(b) If employer and employee contributions have been erroneously submitted and the union subsequently establishes retroactive union employer status for the period in question, the contributions on deposit with the retirement system will be considered ratified to the extent that the periods of erroneous contributions coincide with periods for which the union has established union employer status.

(7) Notwithstanding any provisions of WAC 415-108-620 Plan I retirees who enter into employment with a union employer in an eligible position are subject to the provisions of RCW 41.40.150 (5)(a).

[Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-640, filed 5/18/93, effective 6/18/93.]

WAC 415-108-650 Effect on unions seeking to maintain union employer status if verification requirement is not met. (1) A union employer which does not verify that it meets the criteria for union employer status shall not report any employee hired during that succeeding calendar year for retirement system participation. A union employee who previously terminated retirement system membership under RCW 41.40.150 cannot reestablish retirement system membership during a year the hiring union failed to maintain union employer status.

(2) The failure of a union employer to meet the requirements of WAC 415-108-620 and 415-108-630 will not terminate the retirement system participation of employees already employed in an eligible position with the union employer as of December 31 of the preceding year.

[Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-650, filed 5/18/93, effective 6/18/93.]

WAC 415-108-660 Plan I union employer verification form. Unions must use the following form to verify compliance with the requirements of WAC 415-108-620.

I certify under the penalty of perjury under the laws of the state of Washington that the following is true and correct:

_____, verifies that on the date of _____, the _____ (Must be a Date in November or December) Identify Level of Union Organization (i.e. lodge) (hereinafter referred to as "organization")

possessed the following membership characteristics:

- A. Total number of organization members _____
- B. Total number of organization members who are employees of a public employee retirement system (PERS) employer other than this union _____
- C. Percentage of organization members who are employees of a public employee retirement system employer other than this union (B ÷ A x 100) _____ %
- D. The percentage identified in "C" is equal to or greater than 40% _____ yes _____ no

If the answer to "D" is yes, then the organization is eligible to participate in PERS with regard to PERS Plan I union employees employed in an eligible position during the succeeding calendar year. Such employees shall remain eligible for participation while employed with the organization regardless of whether the organization continues to meet the requirements of WAC 415-108-620 and 415-108-630.

If the answer to "D" is no then the level of union organization identified above is not eligible to participate in the public employees' retirement system with regard to union employees employed in an eligible position during the succeeding calendar years.

Signature of Local/Division President or Person Designated in Writing by President as Having Authority to Verify

[Statutory Authority: RCW 41.50.050(5) and 41.40.010 (4)(a). 93-11-077, § 415-108-660, filed 5/18/93, effective 6/18/93.]

WAC 415-108-671 Administration of early retirement. (1)(a) The provisions of this section are enacted for the specific purpose of administering chapter 519, Laws of 1993. No department, employer, or member shall apply these provisions except in administering chapter 519, Laws of 1993. The definitions and other statutory provisions of chapter 41.40 RCW shall be used in interpreting this section. "Early retirement" as used in this section means retirement under the provisions of chapter 519, Laws of 1993.

(b) No member shall be eligible for early retirement unless that member meets the application, age and service, and employment status requirements of chapter 519, Laws of 1993.

(c)(i) If a member is employed by a school district and fails to:

(A) Notify his or her employer in writing by July 1, 1993, of his or her intent to retire under early retirement; and

(B) Submit an application for early retirement on the form supplied by the department by July 1, 1993; That member shall not be eligible for early retirement.

(ii) If a member is employed by an employer other than a school district and fails to:

(A) Notify his or her employer in writing by August 31, 1993, of his or her intent to retire under early retirement; and

(B) Submit an application for early retirement on the form supplied by the department by August 31, 1993; That member shall not be eligible for early retirement.

(2) For purposes of administering early retirement:

(a) The following persons shall be considered to be employed by an employer in an eligible position on March 1, 1993:

(i) Persons in an eligible plan I position who reported for work or otherwise provided service to an employer on March 1, 1993;

(ii) Persons who were on paid leave from an eligible plan I position on March 1, 1993;

(iii) Persons who were not rendering personal services to an employer but were on an authorized, unpaid leave from an eligible plan I position on March 1, 1993; or

(iv) Persons retroactively reinstated to employment pursuant to appeal of termination or separation in an eligible plan I position for a period that includes March 1, 1993.

(b) The following persons shall not be considered to have been employed by an employer in an eligible position on March 1, 1993:

(i) Persons who were in terminated status pursuant to a reduction in force, lay-off, or other involuntary or voluntary termination on March 1, 1993;

(ii) Persons on an unauthorized leave on March 1, 1993.

(c) For purposes of administering chapter 519, Laws of 1993, "retired" means separated from service.

(3) For purposes of administering section 4 (1)(b), chapter 519, Laws of 1993, the following persons meet the age and service requirements of that subsection:

(a)(i) Members employed by a school district who meet the criteria of section 4 (1)(b), chapter 519, Laws of 1993, on or before August 31, 1993;

(ii) Members employed by an employer other than a school district who meet the criteria of section 4 (1)(b), chapter 519, Laws of 1993, on or before December 31, 1993.

(b) Members who, through utilization of applicable laws, are eligible to combine their plan I service with service credit for nonplan I service for purposes of determining retirement eligibility if such combined service meets the eligibility requirements of section 4 (1)(b), chapter 519, Laws of 1993; or

(c) Members who complete restoration of prior withdrawn contributions such that their total creditable service is sufficient to qualify for retirement under section 4 (1)(b), chapter 519, Laws of 1993.

(4) If a member contacts the department regarding early retirement prior to the early retirement application deadline and:

(a) The department cannot verify prior to the statutory early retirement deadline that the member has earned sufficient service credit to qualify for early retirement; then

(b) The member shall be eligible to retire after the statutory retirement deadline; provided that

(c) The department subsequently determines that the member had sufficient service credit on or before the statutory deadline date to retire under the provisions of early retirement.

(5) For purposes of administering early retirement, written applications for retirement shall be considered to be received by the department by the statutory deadline if the applications are on the form provided by the department and:

(a) The applications are delivered to the department by 5:00 p.m. on the applicable statutory deadline date; or

(b) The application is delivered to the department after 5:00 p.m. on the statutory deadline date, and bears a United States Post Office postmark dated on or before the statutory deadline date.

(6) If a person who retires under early retirement and subsequently enters an eligible position inadvertently or otherwise, he or she shall reenter membership and have his or her pension benefits suspended pursuant to RCW 41.40.150. That person will not be eligible for reretirement until he or she qualifies under RCW 41.40.180.

[Statutory Authority: RCW 41.50.050. 93-20-020, § 415-108-671, filed 9/24/93, effective 10/25/93.]

Chapter 415-112 WAC

TEACHERS' RETIREMENT BOARD OF TRUSTEES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 415-112-535 Definitions for administering RCW 41.32.570. [Statutory Authority: RCW 41.50.050 and 41.32.570. 91-21-084, § 415-112-535, filed 10/18/91, effective 11/18/91.] Repealed by 93-20-021, filed 9/24/93, effective 10/25/93. Statutory Authority: RCW 41.32.345 and 41.50.050.
- 415-112-722 Definitions for purposes of WAC 415-112-720 through 415-112-727. [Statutory Authority: RCW 34.05.050 and 1990 c 249. 91-03-016, § 415-112-722, filed 1/7/91, effective 2/7/91.] Repealed by 93-20-021, filed 9/24/93, effective 10/25/93. Statutory Authority: RCW 41.32.345 and 41.50.050.

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 sys-

tem 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 415-112-015 Definitions. (1) All definitions in RCW 41.32.010 apply to terms used in this chapter, unless a different meaning is plainly required by the context.

(2) As used in this chapter, unless a different meaning is plainly required by the context:

"Annual leave" means leave provided by an employer for the purpose of vacation and does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work: *Provided, however,* That if an employer authorizes only one type of leave to provide paid leave for vacation and illness, as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

"Contract period" for Plan I members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.

"Day" for purposes of administering RCW 41.32.570 means seven compensated hours. "Seventy-five days" means five hundred twenty-five cumulative compensated hours;

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

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

"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;

"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;

"School year" for Plan I members means the fiscal year running from July 1 to June 30;

"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;

"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";

"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.

[Statutory Authority: RCW 41.50.050 and Bowles v. Retirement Systems, 121 Wn.2d 52 (1993). 94-11-009, § 415-112-015, filed 5/5/94, effective 6/5/94. Statutory Authority: RCW 41.32.345 and 41.50.050. 93-20-021, § 415-112-015, filed 9/24/93, effective 10/25/93.]

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	
\$1.00 of Accumulation		Monthly Benefit per	
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	.0824070
65	.824	65	.0084029
66	.835	66	.0085784
67	.847	67	.0087680
68	.860	68	.0089727
69	.875	69	.0091936
70	.890	70	.0094312
71	.907	71	.0096865
72	.927	72	.0099604
73	.948	73	.0102542
74 or more	.972	74	.0105696
		75	.0109088
		76	.0112739
		77	.0116669
		78	.0120898
		79	.0125439
		80	.0130304
		81	.0135505
		82	.0141057
		83	.0146979

Teachers' Retirement Board of Trustees

415-112-040

84	.0153295	4	0	.6974
85	.0160001		1	.6926
86	.0167200		2	.6877
87	.0174922		3	.6829
88	.0183233		4	.6780
89	.0192217		5	.6731
90	.0201938		6	.6683
91	.0212433		7	.6634
92	.0223781		8	.6586
93	.0236079		9	.6537
94	.0249403		10	.6489
95	.0263868		11	.6440
96	.0279635	5	0	.6391
97	.0296927		1	.6347
98	.0315504		2	.6303
99	.0335425		3	.6259
			4	.6215
			5	.6171
			6	.6127
			7	.6083
			8	.6039
			9	.5995
			10	.5951
			11	.5907

* 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	6	0	.5863
	1	.9927		1	.5823
	2	.9854		2	.5783
	3	.9780		3	.5743
	4	.9707		4	.5703
	5	.9634		5	.5663
	6	.9561		6	.5623
	7	.9488		7	.5583
	8	.9414		8	.5543
	9	.9341		9	.5503
	10	.9268		10	.5463
	11	.9195		11	.5423
1	0	.9122	7	0	.5383
	1	.9056		1	.5346
	2	.8990		2	.5310
	3	.8924		3	.5273
	4	.8858		4	.5237
	5	.8792		5	.5201
	6	.8727		6	.5164
	7	.8661		7	.5128
	8	.8595		8	.5092
	9	.8529		9	.5055
	10	.8463		10	.5019
	11	.8397		11	.4982
2	0	.8331	8	0	.4946
	1	.8272		1	.4913
	2	.8213		2	.4880
	3	.8153		3	.4847
	4	.8094		4	.4813
	5	.8034		5	.4780
	6	.7975		6	.4747
	7	.7916		7	.4714
	8	.7856		8	.4681
	9	.7797		9	.4648
	10	.7737		10	.4615
	11	.7678		11	.4582
3	0	.7619	9	0	.4548
	1	.7565		1	.4518
	2	.7511		2	.4488
	3	.7457		3	.4458
	4	.7404		4	.4428
	5	.7350		5	.4397
	6	.7296		6	.4367
	7	.7243		7	.4337
	8	.7189		8	.4307
	9	.7135		9	.4276
	10	.7082		10	.4246
	11	.7028		11	.4216
			10	0	.4186
				1	.4158
				2	.4131
				3	.4103

	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
	8	.2648		22 0	.1613
	9	.2630		1	.1603
	10	.2612		2	.1593
	11	.2594		3	.1583
16	0	.2577		4	.1573
	1	.2560		5	.1563
	2	.2544		6	.1554
	3	.2528		7	.1544
	4	.2511		8	.1534
	5	.2495		9	.1524
	6	.2479		10	.1514
	7	.2462		11	.1504

Teachers' Retirement Board of Trustees

415-112-040

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	
	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	
	9	.1308	1	.0815	
	10	.1299	2	.0810	
	11	.1291	3	.0805	
25	0	.1282	4	.0801	
	1	.1274	5	.0796	
	2	.1267	6	.0791	
	3	.1259	7	.0786	
	4	.1251	8	.0781	
	5	.1243	9	.0776	
	6	.1235	10	.0771	
	7	.1227	11	.0766	
	8	.1220	32	0	
	9	.1212	1	.0756	
	10	.1204	2	.0752	
	11	.1196	3	.0747	
26	0	.1188	4	.0743	
	1	.1181	5	.0738	
	2	.1174	6	.0734	
	3	.1167	7	.0729	
	4	.1159	8	.0725	
	5	.1152	9	.0720	
	6	.1145	10	.0716	
	7	.1138	11	.0711	
	8	.1131	33	0	
	9	.1123	1	.0707	
	10	.1116	2	.0702	
	11	.1109	3	.0698	
27	0	.1102	4	.0694	
	1	.1095	5	.0689	
	2	.1088	6	.0685	
	3	.1082	7	.0681	
	4	.1075	8	.0677	
	5	.1068	9	.0673	
	6	.1062	10	.0668	
	7	.1055	11	.0664	
	8	.1048	34	0	
	9	.1041	1	.0656	
	10	.1035	2	.0652	
	11	.1028	3	.0648	
28	0	.1021	4	.0644	
	1	.1015	5	.0640	
	2	.1009	6	.0636	
	3	.1003	7	.0632	
	4	.0997	8	.0628	
	5	.0991	9	.0624	
	6	.0984	10	.0620	
	7	.0978	11	.0617	
	8	.0972	35	0	
	9	.0966	or more	.0613	
	10	.0960		.0609	
	11	.0953		.0605	
29	0	.0947	TRS I		
	1	.0942	OPTION II		
	2	.0936		Age Difference	
	3	.0930		Beneficiary Older	
				TRS I	
				OPTION III	
			0.974	-20 or more	0.988
			0.972	-19	0.987
			0.969	-18	0.986

0.967	-17	0.984	26	.0039783	
0.964	-16	0.983	27	.0039972	
0.961	-15	0.982	28	.0040171	
0.958	-14	0.980	29	.0040380	
0.955	-13	0.978	30	.0040600	
0.952	-12	0.977	31	.0040831	
0.949	-11	0.975	32	.0041074	
0.945	-10	0.973	33	.0041329	
0.942	-9	0.971	34	.0041598	
0.938	-8	0.969	35	.0041882	
0.934	-7	0.967	36	.0042180	
0.930	-6	0.965	37	.0042494	
0.926	-5	0.963	38	.0042826	
0.922	-4	0.961	39	.0043175	
0.916	-3	0.957	40	.0043544	
0.908	-2	0.952	41	.0043934	
0.898	-1	0.946	42	.0044346	
<hr/>				43	.0044781
Beneficiary Younger				44	.0045240
0.887	0	0.940	45	.0045725	
0.876	1	0.934	46	.0046237	
0.866	2	0.928	47	.0046777	
0.858	3	0.923	48	.0047347	
0.852	4	0.920	49	.0047948	
0.847	5	0.917	50	.0048583	
0.842	6	0.914	51	.0049252	
0.838	7	0.912	52	.0049959	
0.834	8	0.910	53	.0050707	
0.830	9	0.907	54	.0051499	
0.826	10	0.905	55	.0052339	
0.823	11	0.903	56	.0053230	
0.819	12	0.901	57	.0054178	
0.815	13	0.898	58	.0055186	
0.810	14	0.895	59	.0056262	
0.803	15	0.891	60	.0057410	
0.798	16	0.888	61	.0058637	
0.794	17	0.886	62	.0059953	
0.792	18	0.885	63	.0061358	
0.789	19	0.883	64	.0062864	
0.786	20	0.881	65	.0064475	
0.784	21	0.880	66	.0066200	
0.782	22	0.878	67	.0068046	
0.780	23	0.876	68	.0070018	
0.778	24	0.875	69	.0072122	
0.776	25	0.874	70	.0074365	
0.774	26	0.873	71	.0076750	
0.772	27	0.872	72	.0079285	
0.771	28	0.871	73	.0081977	
0.769	29	0.870	74	.0084836	
0.768	30	0.869	75	.0087870	
0.767	31	0.868	76	.0091089	
0.765	32	0.867	77	.0094497	
0.764	33	0.866	78	.0098095	
0.763	34	0.866	79	.0101882	
0.762	35	0.865	80	.0105851	
0.761	36	0.864	81	.0109995	
0.760	37	0.864	82	.0114309	
0.759	38	0.863	83	.0118787	
0.758	39	0.862	84	.0123425	
0.757	40 or more	0.862	85	.0128212	
Age difference = member's age minus beneficiary age				86	.0133167
				87	.0138277
				88	.0143534
				89	.0148925
TEACHERS				90	.0154423
RETIREMENT SYSTEM				91	.0159988
PLAN 2				92	.0165585
Monthly Benefit per \$1.00				93	.0171179
of Accumulation				94	.0176717
<hr/>				95	.0182139
20		.0038822	96	.0187396	
21		.0038963	97	.0192453	
22		.0039111	98	.0197237	
23		.0039267	99	.0201727	
24		.0039430			
25		.0039602			

	9	.5561		12	0	.3089
	10	.5515			1	.3067
	11	.5468			2	.3045
6	0	.5422			3	.3023
	1	.5380			4	.3001
	2	.5338			5	.2979
	3	.5297			6	.2956
	4	.5255			7	.2934
	5	.5214			8	.2912
	6	.5172			9	.2890
	7	.5130			10	.2868
	8	.5089			11	.2846
	9	.5047		13	0	.2823
	10	.5005			1	.2803
	11	.4964			2	.2783
7	0	.4922			3	.2763
	1	.4885			4	.2743
	2	.4847			5	.2723
	3	.4810			6	.2703
	4	.4773			7	.2683
	5	.4735			8	.2663
	6	.4698			9	.2643
	7	.4661			10	.2623
	8	.4623			11	.2603
	9	.4586		14	0	.2582
	10	.4549			1	.2564
	11	.4511			2	.2546
8	0	.4474			3	.2528
	1	.4441			4	.2510
	2	.4407			5	.2491
	3	.4374			6	.2473
	4	.4340			7	.2455
	5	.4307			8	.2437
	6	.4273			9	.2419
	7	.4239			10	.2400
	8	.4206			11	.2382
	9	.4172		15	0	.2364
	10	.4139			1	.2348
	11	.4105			2	.2331
9	0	.4072			3	.2315
	1	.4042			4	.2298
	2	.4012			5	.2282
	3	.3981			6	.2265
	4	.3951			7	.2248
	5	.3921			8	.2232
	6	.3891			9	.2215
	7	.3861			10	.2199
	8	.3831			11	.2182
	9	.3800		16	0	.2166
	10	.3770			1	.2151
	11	.3740			2	.2136
10	0	.3710			3	.2121
	1	.3683			4	.2106
	2	.3656			5	.2091
	3	.3628			6	.2076
	4	.3601			7	.2061
	5	.3574			8	.2046
	6	.3547			9	.2031
	7	.3520			10	.2016
	8	.3493			11	.2001
	9	.3465		17	0	.1986
	10	.3438			1	.1972
	11	.3411			2	.1959
11	0	.3384			3	.1945
	1	.3359			4	.1931
	2	.3335			5	.1918
	3	.3310			6	.1904
	4	.3286			7	.1890
	5	.3261			8	.1877
	6	.3237			9	.1863
	7	.3212			10	.1849
	8	.3188			11	.1836
	9	.3163		18	0	.1822
	10	.3139			1	.1810
	11	.3114			2	.1797
					3	.1785

Teachers' Retirement Board of Trustees

415-112-040

	4	.1772		8	.1043
	5	.1760		9	.1036
	6	.1747		10	.1029
	7	.1735		11	.1022
	8	.1723		25 0	.1014
	9	.1710		1	.1008
	10	.1698		2	.1001
	11	.1685		3	.0994
19	0	.1673		4	.0988
	1	.1662		5	.0981
	2	.1650		6	.0975
	3	.1639		7	.0968
	4	.1628		8	.0961
	5	.1616		9	.0955
	6	.1605		10	.0948
	7	.1594		11	.0941
	8	.1582		26 0	.0935
	9	.1571		1	.0929
	10	.1560		2	.0923
	11	.1548		3	.0917
20	0	.1537		4	.0911
	1	.1527		5	.0904
	2	.1516		6	.0898
	3	.1506		7	.0892
	4	.1496		8	.0886
	5	.1485		9	.0880
	6	.1475		10	.0874
	7	.1465		11	.0868
	8	.1454		27 0	.0862
	9	.1444		1	.0856
	10	.1433		2	.0851
	11	.1423		3	.0845
21	0	.1413		4	.0840
	1	.1403		5	.0834
	2	.1394		6	.0828
	3	.1384		7	.0823
	4	.1375		8	.0817
	5	.1366		9	.0812
	6	.1356		10	.0806
	7	.1347		11	.0801
	8	.1337		28 0	.0795
	9	.1328		1	.0790
	10	.1318		2	.0785
	11	.1309		3	.0780
22	0	.1299		4	.0775
	1	.1291		5	.0769
	2	.1282		6	.0764
	3	.1274		7	.0759
	4	.1265		8	.0754
	5	.1256		9	.0749
	6	.1248		10	.0744
	7	.1239		11	.0739
	8	.1230		29 0	.0734
	9	.1222		1	.0729
	10	.1213		2	.0724
	11	.1205		3	.0720
23	0	.1196		4	.0715
	1	.1188		5	.0710
	2	.1180		6	.0705
	3	.1172		7	.0701
	4	.1164		8	.0696
	5	.1156		9	.0691
	6	.1149		10	.0687
	7	.1141		11	.0682
	8	.1133		30 0	.0677
	9	.1125		1	.0673
	10	.1117		2	.0669
	11	.1109		3	.0664
24	0	.1101		4	.0660
	1	.1094		5	.0656
	2	.1087		6	.0651
	3	.1079		7	.0647
	4	.1072		8	.0643
	5	.1065		9	.0638
	6	.1058		10	.0634
	7	.1051		11	.0630

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	38	0	.0361
	9	.0590		1	.0359
	10	.0586		2	.0357
	11	.0582		3	.0354
32	0	.0578		4	.0352
	1	.0574		5	.0350
	2	.0570		6	.0348
	3	.0567		7	.0345
	4	.0563		8	.0343
	5	.0559		9	.0341
	6	.0556		10	.0339
	7	.0552		11	.0336
	8	.0548	39	0	.0334
	9	.0545		1	.0332
	10	.0541		2	.0330
	11	.0537		3	.0328
33	0	.0534		4	.0326
	1	.0530		5	.0324
	2	.0527		6	.0322
	3	.0524		7	.0320
	4	.0520		8	.0318
	5	.0517		9	.0316
	6	.0514		10	.0313
	7	.0510		11	.0311
	8	.0507	40	0	.0309
	9	.0503		1	.0307
	10	.0500		2	.0306
	11	.0497		3	.0304
34	0	.0493		4	.0302
	1	.0490		5	.0300
	2	.0487		6	.0298
	3	.0484		7	.0296
	4	.0481		8	.0294
	5	.0478		9	.0292
	6	.0475		10	.0290
	7	.0472		11	.0288
	8	.0469	41	0	.0286
	9	.0465		1	.0285
	10	.0462		2	.0283
	11	.0459		3	.0281
35	0	.0456		4	.0279
	1	.0453		5	.0278
	2	.0450		6	.0276
	3	.0448		7	.0274
	4	.0445		8	.0272
	5	.0442		9	.0271
	6	.0439		10	.0269
	7	.0436		11	.0267
	8	.0433	42	0	.0265
	9	.0430		1	.0264
	10	.0428		2	.0262
	11	.0425		3	.0260
36	0	.0422		4	.0259
	1	.0419		5	.0257
	2	.0417		6	.0255
	3	.0414		7	.0254
	4	.0411		8	.0252
	5	.0409		9	.0251
	6	.0406		10	.0249
	7	.0403		11	.0247
	8	.0401	43	0	.0246
	9	.0398		1	.0244
	10	.0396		2	.0243
	11	.0393		3	.0241
37	0	.0390		4	.0240
	1	.0388		5	.0238
	2	.0385		6	.0237
	3	.0383		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 Treatment of cash payments made in lieu of unused leave—First-in-first-out accounting method for determining when leave earned—Forms of leave deemed excess compensation—Conversions. (1) Cash compensation in lieu of unused annual leave may be considered earnable compensation for Plan I members subject to the provisions of RCW 41.32.010 (10)(a) and WAC 415-112-410. Employers may not limit the inclusion of cash compensation paid in lieu of unused annual leave as compensation earnable in conflict with RCW 41.32.010 (10)(a). Provisions of collective bargaining agreements, employment and administrative policies or other rules applied by an employer that conflict with RCW 41.32.010 (10)(a) and rules adopted thereunder are without legal effect.

(2) When an employer provides cash compensation in lieu of unused annual leave, the department applies a first-in-first-out accounting method to determine when the compensated leave was earned and when or whether the leave was used or cashed out, unless the employer has in place a regulation, charter provision, ordinance, collective bargaining agreement, or other comparable written policy statement which clearly delineates when the cashed out leave was accrued, or 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.

(3) A cash out of leave which is not annual leave as defined under WAC 415-112-015, shall be treated by the department as "any other form of leave" under RCW 41.50.150(2). The department shall bill the employer for any such leave cash out as excess compensation under RCW 41.50.150.

(4) For purposes of determining average final compensation and excess compensation, hours of leave earned by a member shall be considered for all purposes in the form in which it was earned. The department shall disregard any conversion of leave by an employer of one form to another and bill the employer for the amount converted as excess compensation pursuant to RCW 41.50.150.

[Statutory Authority: RCW 41.50.050. 94-23-049, § 415-112-415, filed 11/10/94, effective 12/11/94. Statutory Authority: RCW 41.50.050 and Bowles v. Retirement Systems, 121 Wn.2d 52 (1993). 94-11-009, § 415-112-415, filed 5/5/94, effective 6/5/94. 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 415-112-540 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.]

WAC 415-112-561 Administration of early retirement. (1)(a) The provisions of this section are enacted for the specific purpose of administering chapter 519, Laws of 1993. No department, employer, or member shall apply these provisions except in administering chapter 519, Laws of 1993. The definitions and other statutory provisions of chapter 41.32 RCW shall be used in interpreting this section. "Early retirement" as used in this section means retirement under the provisions of chapter 519, Laws of 1993.

(b) No member shall be eligible to retire under early retirement unless that member meets the application, age and service, and employment status requirements of chapter 519, Laws of 1993.

(c)(i) If a member is employed by a school district and fails to:

(A) Notify his or her employer in writing by July 1, 1993, of his or her intent to retire under early retirement; and

(B) Submit an application for early retirement on the form supplied by the department by July 1, 1993; That member shall not be eligible for early retirement.

(ii) If a member is employed by an employer other than a school district and fails to:

(A) Notify his or her employer in writing by August 31, 1993, of his or her intent to retire under early retirement; and

(B) Submit an application for early retirement on the form supplied by the department by August 31, 1993; That member shall not be eligible for early retirement.

(2) For purposes of administering section 6 (1)(b), chapter 519, Laws of 1993:

(a) The following persons shall be considered to be employed by an employer on March 1, 1993:

(i) Persons in a plan I position who reported for work or otherwise provided service to an employer on March 1, 1993, in a position other than as a substitute teacher;

(ii) Persons who were on paid leave from a plan I position on March 1, 1993;

(iii) Persons who were not rendering personal services to an employer but were on an authorized, unpaid leave from a plan I position on March 1, 1993; or

(iv) Persons retroactively reinstated to employment pursuant to appeal of termination or separation in a plan I position for a period that includes March 1, 1993.

(b) The following persons shall not be considered to be employed by an employer on March 1, 1993:

(i) Persons who were in terminated status pursuant to a reduction in force, lay-off, or other involuntary or voluntary termination on March 1, 1993;

(ii) Persons on an unauthorized leave on March 1, 1993;

(iii) Persons working as substitute teachers on March 1, 1993.

(c) For purposes of chapter 519, Laws of 1993, "retired" means separated from service.

(3) For purposes of administering section 6 (1)(b), chapter 519, Laws of 1993, the following persons meet the age and service requirements of that subsection:

(a)(i) Members employed by a school district who meet the criteria of section 6 (1)(b), chapter 519, Laws of 1993, on or before August 31, 1993;

(ii) Members employed by an employer other than a school district who meet the criteria of section 6 (1)(b), chapter 519, Laws of 1993, on or before December 31, 1993.

(b) Members who, through utilization of applicable laws, are eligible to combine their plan I service with service credit for nonplan I service for purposes of determining retirement eligibility if such combined service meets the eligibility requirements of section 6 (1)(b), chapter 519, Laws of 1993; or

(c) Members who complete restoration of prior withdrawn contributions such that their total creditable service is sufficient to qualify for retirement under section 6 (1)(b), chapter 519, Laws of 1993.

(4) If a member contacts the department prior to the early retirement application deadline and:

(a) The department cannot verify prior to the statutory early retirement deadline, that the member has earned sufficient service credit to qualify for early retirement; then

(b) The member shall be eligible to retire after the statutory deadline date; provided that

(c) The department subsequently determines that the member had sufficient service credit on or before the statutory deadline date to retire under early retirement.

(5) For purposes of administering early retirement, written applications for retirement shall be considered to be received by the department by the statutory deadline if the applications are on the form provided by the department and:

(a) The applications are delivered to the department by 5:00 p.m. on the statutory deadline date; or

(b) The application is delivered to the department after 5:00 p.m. on the statutory deadline date, and bears a United States Post Office postmark dated on or before the statutory deadline date.

[Statutory Authority: RCW 41.50.050. 93-20-020, § 415-112-561, filed 9/24/93, effective 10/25/93.]

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 415-112-725 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,

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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 415-112-830 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 has received less than one year of service credit 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: RCW 41.32.345 and 41.50.050. 93-20-021, § 415-112-810, filed 9/24/93, effective 10/25/93. 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 order for a Plan I member to be considered a bona fide part-time employee for two consecutive fiscal years and to elect to have his or her earnable compensation adjusted under RCW 41.32.345, the Plan I member must be employed for each of the two consecutive fiscal years:

(a) Under contract for an entire school year if the member is employed by a school district, or an educational service district;

(b) Under contract during three academic quarters of a fiscal year if the member is employed by an institution of higher education, the state school for the deaf or the state school for the blind;

(c) By one or more employers for at least twenty days but less than one hundred forty-four days during the fiscal year;

(d) In an instructional position, which is a position in which more than seventy-five percent of the member's time, including office hours, is spent as a classroom instructor, a librarian, or a counselor.

(2) In addition to the factors listed in subsection (1) of this section, 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 may 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.405.200 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.

(3) Upon the department's request, 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.

(4) If a member is employed by more than one employer, all of the member's employment will be combined for purposes of determining whether the member has met the criteria of subsection (1) of this section.

[Statutory Authority: RCW 41.32.345 and 41.50.050. 93-20-021, § 415-112-820, filed 9/24/93, effective 10/25/93. 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.]

WAC 415-112-830 Adjusting earnable compensation earned in a bona fide part-time position. The department will use the following method to determine earnable compensation for members of Plan I employed in a bona fide part-time positions as determined under WAC 415-112-820, who elect to have their earnable compensation determined under RCW 41.32.345. The purpose of the calculation is to determine what a member would have earned in his or her position if employed on a regular full-time basis for the same contract period under their same classification.

(1) The member's employer or employers will provide written verification of the following:

(a) The number of hours in a full school day for the member's employer. In the absence of an indication in employment contracts or elsewhere concerning what constitutes one day of employment, the department will designate seven hours as the length of a school day;

(b) The number of work days in a school year under a regular full-time contract. As provided in RCW 41.32.345 (3)(a), only work days identified in contracts adopted pursuant to RCW 28A.405.200 shall be counted under this subsection. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a regular full-time contract;

(c) The number of hours in a school year ((a) of this subsection multiplied by (b) of this subsection).

(d) If a bona fide part-time employee was employed by more than one employer during the school year in question, the department will average the number of hours in a full school day and the number of school days in a year in order to determine the average number of hours in a school year for purposes of applying this section.

(2) The member's employer will provide the following written information regarding the bona fide part-time employment of the Plan I member during each of the two consecutive years for which the member elects to have his or her compensation adjusted under RCW 41.32.345:

(a) Total hours worked by the employee under all employment contracts;

(b) Total earnable compensation earned under all employment contracts entered into by the employee;

(c) If applicable, the percent or portion of a full-time contract worked by the employee; and

(d) Net average hourly wage earned by the employee ((b) of this subsection divided by (a) of this subsection).

(3) To determine the member's adjusted earnable compensation under RCW 41.32.345 the department will multiply the member's average hourly wage as determined in subsection (2) of this section by the number of hours in a school year as determined by subsection (1) of this section. The product equals the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.

[Statutory Authority: RCW 41.32.345 and 41.50.050. 93-20-021, § 415-112-830, filed 9/24/93, effective 10/25/93.]

WAC 415-112-840 Actuarial recomputation of retirement allowance upon retirement following reemployment. (1) The purpose of this rule is to establish a method to actuarially recompute the retirement allowance of a Plan II member who retires, reenters employment causing his or her retirement allowance to be suspended, and then retires again. The actuarially recomputed retirement allowance shall:

(a) Include service credit the member earned following reestablishment of membership if any; and

(b) Account for the actuarial reduction applied to the member's initial retirement if the member initially retired prior to age sixty-five.

(2) If a Plan II retiree reenters membership, upon the individual's next retirement, the department shall reinstate and actuarially recompute the individual's retirement allowance pursuant to RCW 41.32.800 as follows:

(a) If the member first retired before age sixty-five, the department shall:

(i) Calculate the retirement allowance pursuant to RCW 41.32.760 using the retiree's total years of career service, including service earned prior to initial retirement and service earned after reentering membership;

(ii) Actuarially reduce the member's retirement allowance based on the present value of the retirement allowance payments the individual received during the initial retirement; and

(iii) Calculate any survivor option selected by the retiree based upon the monthly retirement allowance calculated pursuant to (a)(i) and (ii) of this subsection.

(b) If the member initially retired at or after age sixty-five, the department shall recompute the member's retirement allowance pursuant to RCW 41.32.800 and include any additional service credit earned and any applicable increase in the member's average final compensation resulting from the member's reentry into membership. Under no circumstances shall a retiree receive a retirement allowance creditable to a month during which that individual earned service credit.

(3) If a retiree's retirement allowance is suspended under RCW 41.32.800 due to reemployment but the retiree does not reenter membership, upon the retiree's separation from such employment, the retiree shall receive an actuarially recomputed retirement allowance equal to the sum of:

(a) The amount of the monthly suspended retirement allowance; plus

(b) An actuarially computed increase based upon the retirement allowance payments the member did not receive due to reemployment. The retiree may elect to receive the actuarially computed increase in either:

(i) An amount amortized over the expected term of the recomputed retirement allowance; or

(ii) A lump sum payment equal to the suspended retirement allowance plus interest.

[Statutory Authority: RCW 41.50.050. 94-09-040, § 415-112-840, filed 4/19/94, effective 5/20/94.]

WAC 415-112-850 Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors. (1) At the time of a member's appli-

cation for retirement, the department does not have all information necessary to make a final computation of the member's retirement allowance. Based upon estimates of the retiree's compensation and earned service credit through the date of retirement, the department shall compute an interim retirement allowance made payable to the member in the interim between the member's date of retirement and the department's final computation of the member's retirement allowance. The interim retirement allowance is an initial, estimated computation of the retiree's retirement allowance subject to adjustment by the department based upon subsequent review of information provided by the member's employer.

(2) In computing the interim retirement allowance, the department shall, subject to later correction, consider both the amount of salary projected by the member for periods of employment through the date of the member's retirement and the amount of salary as previously reported by the employer.

(3) Every employer of a member who applies for retirement shall provide the department with a final compensation report for that member. The report shall be completed on a form provided or approved by the department.

(4) Following the department's computation of the interim benefit and receipt of the employer final compensation report, the department shall complete a final computation of the member's retirement allowance. In computing the final computation of the member's retirement allowance, the department may also require the employer to provide the department with leave cash out information for Plan I retirees, earnings history, and copies of the employment contract or contracts and employer compensation policies. The department's final computation may either increase or decrease the amount of the interim retirement allowance computed pursuant to subsection (1) of this section.

(5) Pursuant to RCW 41.50.130, following the department's final computation of the member's retirement allowance as provided in subsection (4) of this section, the department may subsequently adjust a member's retirement allowance to correct any error in retirement system records. For purposes of this subsection, errors in retirement system records include, but are not limited to, the following:

(a) Applying an incorrect retirement allowance formula in computing the retirement allowance;

(b) Including service that is not creditable to the member;

(c) Including payments that do not constitute earnable compensation to a member in the member's retirement allowance computation, or excluding earnable compensation not reported by an employer;

(d) Benefit overpayments and underpayments;

(e) Including an individual in the membership of the retirement system who is not entitled to such membership.

[Statutory Authority: RCW 41.50.050 and Bowles v. Retirement Systems, 121 Wn.2d 52 (1993). 94-11-009, § 415-112-850, filed 5/5/94, effective 6/5/94.]

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 a 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 adjustments (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.

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 93-16-032, filed 7/29/92, effective 8/29/92. Statutory Authority: RCW 41.50.050 and 41.50.110(3).
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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.

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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.

[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.]

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.]