

WSR 13-18-002
PERMANENT RULES
DEPARTMENT OF CORRECTIONS

[Filed August 21, 2013, 1:51 p.m., effective September 21, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to chapter 137-25 WAC, Serious infractions and chapter 137-28 WAC, Prisons discipline. Revise definitions.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-160 and 137-25-020.

Statutory Authority for Adoption: RCW 72.01.090, 72.65.100, and 72.09.130.

Adopted under notice filed as WSR 13-13-047 on June 17, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 20, 2013.

Bernard Warner
Secretary

AMENDATORY SECTION (Amending WSR 09-01-195, filed 12/24/08, effective 1/24/09)

WAC 137-25-020 Definitions.

• For the purposes of this chapter, the following words have the following meanings:

Abusive sexual contact - An incident in which the contact occurs without his/her consent or he/she was unable to consent or refuse. Abusive sexual contact includes one or more of the following behaviors:

• Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Adult correctional institution and institution - A facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - An assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - A physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to, weapons, body parts, food products, or bodily secretions.

Attempted suicide - An unsuccessful attempt to kill oneself as determined by a medical or mental health professional.

Attempt - Putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - Physical pain or injury, illness, or impairment of physical condition.

Cell tag - If contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - An agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - The deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - When a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - Means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - Means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - That portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent or hearings program administrator to conduct disciplinary hearings.

Infraction - Commission of, attempt to commit, or conspiracy with another to commit any violation of rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - Staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - Any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - Any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to, bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mental health professional - An individual with a unique set of knowledge, skills and abilities that makes him/her competent in either development, research, administration, assessment, prevention, treatment, education or training aimed at affecting the onset, occurrence, and maintenance of

mental, behavioral and in some cases physical health disorders.

Mitigating factors - Factors to be considered by the infracting officer in deciding whether to charge a #328 general infraction rather than a #728 serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728 serious infraction should be reduced to a #328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - Established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - To act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - The secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - Any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexual assault - An incident in which the act occurs against the will of the victim (without his/her consent and/or he/she is unable to consent or refuse) as the result of the threat of the force or force used to obtain compliance. A sexual assault includes one or more of the following behaviors:

- Contact between the penis and the vagina or the penis and the anus involving penetration. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit;
- Contact between the mouth and the penis, vagina and/or anus;
- Penetration of the anal or genital opening of another person by hand, finger or other object.

Sexually explicit - (~~Means any pictorial representation that is intended for sexual gratification and shows male or female genitalia, full frontal nudity, or depicts one or more of the following sexual behaviors:~~

- ~~• One or more of the participants appears to be nonconsenting;~~
- ~~• One or more of the participants appears to be acting in a forceful, threatening, or violent manner;~~
- ~~• One or more of the participants appears to be dominating one or more of the other participants or one or more of the participants appears to be in a submissive role or one or more of the participants appears to be degraded, humiliated, or appears to willingly engage in behavior that is degrading or humiliating;~~
- ~~• One of the participants appears to be a minor, or a minor alone is depicted in a sexually suggestive way;~~
- ~~• Bodily excretory behavior which appears to be sexual in nature;~~
- ~~• Bestiality, sadomasochistic behavior, and/or bondage;~~
- ~~or~~
- ~~• Depicts sexual behaviors including, but not limited to, intercourse/penetration, sodomy, fellatio, cunnilingus, anilingus, or masturbation.~~

~~The term sexually explicit also refers to those written materials that are intended for sexual gratification and describe one or more of the above sexual behaviors as the predominant theme of the publication or letter.)) Materials consist of any item displaying, portraying, depicting, or describing:~~

(a) Nudity, which includes exposed/visible (in whole or part, including under or through translucent/thin materials providing intimate physical detail) genitals/genitalia, anus, and/or female/transgender breast nipple(s);

(b) A sex act(s) which includes, but is not limited to, genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration, genital or anal contact/penetration with an inanimate object, masturbation, sadistic/masochistic abuse, bondage, bestiality, and/or bodily excretory behavior which appears to be sexual in nature;

(c) A participant(s) who appears to be nonconsenting, dominated, degraded, humiliated, or in a submissive role, and/or acting in a forceful, threatening, dominating, or violent manner which appears to be sexual in nature; and/or

(d) Minor(s), or models depicting minors, in a sexually suggestive setting/pose/attire.

Staff member - For purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - Superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

AMENDATORY SECTION (Amending WSR 09-01-195, filed 12/24/08, effective 1/24/09)

WAC 137-28-160 Definitions.

• For the purposes of this chapter, the following words have the following meanings:

Abusive sexual contact - An incident in which the contact occurs without his/her consent or he/she was unable to consent or refuse. Abusive sexual contact includes one or more of the following behaviors:

- Intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Adult correctional institution and institution - A facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - An assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - A physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempted suicide - An unsuccessful attempt to kill oneself as determined by a medical or mental health professional.

Attempt - Putting forth an effort to commit any infraction shall be considered the same as commission of the

infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - Physical pain or injury, illness, or impairment of physical condition.

Cell tag - If contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - An agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - The deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - When a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - Means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - Means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - That portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - Commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - Staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - Any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - Any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mental health professional - An individual with a unique set of knowledge, skills and abilities that makes him/her competent in either development, research, administration, assessment, prevention, treatment, education or training aimed at effecting the onset, occurrence, and maintenance of mental, behavioral and in some cases physical health disorders.

Mitigating factors - Factors to be considered by the infracting officer in deciding whether to charge a #328 general infraction rather than a #728 serious infraction. Also, fac-

tors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728 serious infraction should be reduced to a #328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually motivated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - Established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - To act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - The secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - Any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexually explicit - ~~((Means any pictorial representation that is intended for sexual gratification and shows male or female genitalia, full frontal nudity, or depicts one or more of the following sexual behaviors:~~

~~• One or more of the participants appears to be nonconsenting;~~

~~• One or more of the participants appears to be acting in a forceful, threatening, or violent manner;~~

~~• One or more of the participants appears to be dominating one or more of the other participants or one or more of the participants appears to be in a submissive role or one or more of the participants appears to be degraded, humiliated, or appears to willingly engage in behavior that is degrading or humiliating;~~

~~• One of the participants appears to be a minor, or a minor alone is depicted in a sexually suggestive way;~~

~~• Bodily excretory behavior which appears to be sexual in nature;~~

~~• Bestiality, sadomasochistic behavior, and/or bondage;~~

~~or~~

~~• Depicts sexual behaviors including, but not limited to, intercourse/penetration, sodomy, fellatio, cunnilingus, anilingus, or masturbation.~~

~~The term sexually explicit also refers to those written materials that are intended for sexual gratification and describe one or more of the above sexual behaviors as the predominant theme of the publication or letter.)) Materials consist of any item displaying, portraying, depicting, or describing:~~

(a) Nudity, which includes exposed/visible (in whole or part, including under or through translucent/thin materials providing intimate physical detail) genitals/genitalia, anus, and/or female/transgender breast nipple(s);

(b) A sex act(s) which includes, but is not limited to, genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration, genital or anal contact/penetration with an inanimate object, masturbation, sadistic/masochistic abuse, bondage, bestiality, and/or bodily excretory behavior which appears to be sexual in nature;

(c) A participant(s) who appears to be nonconsenting, dominated, degraded, humiliated, or in a submissive role,

and/or acting in a forceful, threatening, dominating, or violent manner which appears to be sexual in nature; and/or (d) Minor(s), or models depicting minors, in a sexually suggestive setting/pose/attire.

Staff member - For purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - Superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

WSR 13-18-003
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket TC-121328, General Order R-572—Filed August 21, 2013, 2:11 p.m., effective September 21, 2013]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-19 issue of the Register.

WSR 13-18-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 22, 2013, 8:28 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: The department is amending WAC 388-310-1800, 388-410-0001, 388-410-0005, 388-432-0005, 388-466-0150 and 388-472-0040, to remove medical language references.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-1800, 388-410-0001, 388-410-0005, 388-432-0005, 388-466-0150, and 388-472-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Other Authority: 2E2SHB 1738, chapter 15, Laws of 2011.

Adopted under notice filed as WSR 13-13-076 on June 19, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: August 14, 2013.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-22-061, filed 10/29/10, effective 12/1/10)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help TANF or SFA parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

(a) You can obtain post employment services by:

(i) Asking for a referral from the local community service office;

(ii) Contacting community or technical colleges; or

(iii) Contacting the employment security department.

(3) Who provides post employment services and what kind of services do they provide?

(a) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

(i) Employment and career counseling;

(ii) Labor market information;

(iii) Job leads for a better job (sometimes called job development);

(iv) On the job training;

(v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and

(vi) Help with finding a new job after job loss (sometimes called reemployment).

(b) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

(i) High school/GED,

(ii) Vocational education training,

(iii) Job skills training,

(iv) Adult basic education,

(v) English as a second language training, or

(vi) Preemployment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter 170-290 WAC).

(b) Other support services, such as help in paying for transportation or work expenses if you meet the criteria for this program (WAC 388-310-0800).

(c) Other types of assistance for low-income families such as food stamps (~~(or medical assistance)~~) or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment services?

If you are a current TANF or SFA recipient, you may qualify for post employment services if you are working twenty hours or more a week, unless you are in sanction status.

(6) What if I lose my job while I am receiving post employment services?

If you now receive TANF or SFA, help is available to you so that you can find another job and continue in your approved post employment services.

(a) The employment security department will provide you with reemployment services.

(b) At the same time, your case manager can approve support services and childcare for you.

AMENDATORY SECTION (Amending WSR 05-08-124, filed 4/5/05, effective 6/1/05)

WAC 388-410-0001 What is a cash (~~(or medical)~~) assistance overpayment? (1) An overpayment is any cash (~~(or medical)~~) assistance paid that is more than the assistance unit was eligible to receive.

(2) There are two types of cash (~~(or medical)~~) overpayments:

(a) Intentional overpayments, presumed to exist if you willfully or knowingly:

(i) Fail to report a change you must tell us about under WAC 388-418-0005 within the time frames under WAC 388-418-0007; or

(ii) Misstate or fail to reveal a fact affecting eligibility as specified in WAC 388-446-0001.

(b) Unintentional overpayments, which includes all other client-caused and all department-caused overpayments.

(3) If you request a fair hearing and the fair hearing decision is in favor of the department, then:

(a) Some or all of the continued assistance you get before the fair hearing decision must be paid back to the department (see WAC 388-418-0020); and

(b) The amount of assistance you must pay back will be limited to sixty days of assistance, starting with the day after the department receives your hearing request.

(4) If you receive child support payments directly from the noncustodial parent, you must turn these payments over to the division of child support (DCS). These payments are not cash assistance overpayments.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-410-0005 Cash (~~(and medical)~~) assistance overpayment amount and liability. (1) The amount of overpayment for cash (~~(and medical)~~) assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash (~~(and medical assistance)~~) overpayments are recovered from:

(a) Any individual member of an overpaid assistance unit, whether or not the member is currently a recipient; or

(b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member.

(3) A cash (~~(or medical)~~) assistance overpayment is not recovered from:

(a) A nonneedy caretaker relative or guardian who received no financial benefit from the payment of assistance; or

(b) A person not receiving assistance when an unintentional overpayment of less than thirty-five dollars is discovered and/or computed.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a (~~(medical or)~~) food assistance underpayment.

~~(6) ((A medical assistance overpayment cannot be reduced by a cash or food assistance underpayment.~~

~~(7))~~ An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

~~((8))~~ (7) All overpayments occurring after January 1, 1982 are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

AMENDATORY SECTION (Amending WSR 10-24-064, filed 11/30/10, effective 12/31/10)

WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? DSHS has a program called diversion cash assistance (DCA). If your family needs an emergency cash payment but does not need ongoing monthly cash assistance, you may be eligible for this program.

(1) To get DCA, you must:

(a) Meet all the eligibility rules for temporary assistance for needy families (TANF)/state family assistance (SFA) except:

(i) You do not have to participate in WorkFirst requirements as defined in chapter 388-310 WAC; and

(ii) You do not have to assign child support rights or cooperate with division of child support as defined in chapter 388-422 WAC.

(b) Have a current bona fide or approved need for living expenses;

(c) Provide proof that your need exists; and

(d) Have or expect to get enough income or resources to support yourselves for at least twelve months.

(2) You may get DCA to help pay for one or more of the following needs:

(a) Child care;

(b) Housing;

(c) Transportation;

(d) Expenses to get or keep a job;

(e) Food costs, but not if an adult member of your family has been disqualified for food stamps; or

(f) Medical costs, except when an adult member of your family is not eligible because of failure to provide third party liability (TPL) information as defined in WAC ((388-505-0540)) 182-503-0540.

(3) DCA payments are limited to:

(a) One thousand two hundred fifty dollars once in a twelve-month period which starts with the month the DCA benefits begin; and

(b) The cost of your need.

(4) We do not budget your income or make you use your resources to lower the amount of DCA payments you can receive.

(5) DCA payments can be paid:

(a) All at once; or

(b) As separate payments over a thirty-day period. The thirty-day period starts with the date of your first DCA payment.

(6) When it is possible, we pay your DCA benefit directly to the service provider.

(7) You are not eligible for DCA if:

(a) Any adult member of your assistance unit got DCA within the last twelve months;

(b) Any adult member of your assistance unit gets TANF/SFA;

(c) Any adult member of your assistance unit is not eligible for cash assistance for any reason unless one parent in a two-parent-assistance unit is receiving SSI; or

(d) Your assistance unit does not have a needy adult (such as when you do not receive TANF/SFA payment for yourself but receive it for the children only).

(8) If you apply for DCA after your TANF/SFA grant has been terminated, we consider you an applicant for DCA.

(9) If you apply for TANF/SFA and you received DCA less than twelve months ago:

(a) We set up a DCA loan.

(i) The amount of the loan is one-twelfth of the total DCA benefit times the number of months that are left in the twelve-month period.

(ii) The first month begins with the month DCA benefits began.

(b) We collect the loan only by reducing your grant. We take five percent of your TANF/SFA grant each month.

(10) If you stop getting TANF/SFA before you have repaid the loan, we stop collecting the loan unless you get back on TANF/SFA.

AMENDATORY SECTION (Amending WSR 00-22-085, filed 10/31/00, effective 12/1/00)

WAC 388-466-0150 Refugee employment and training services. (1) What are refugee employment and training services?

Refugee employment and training services provided to eligible refugees may include information and referral, employment oriented case management, job development, job placement, job retention, wage progression, skills training, on-the-job training, counseling and orientation, English as a second language, and vocational English training.

(2) Am I required to participate in refugee employment and training services?

If you are receiving refugee cash assistance (RCA) you are required to participate in refugee employment and training services, unless you are exempt.

(3) How do I know if I am exempt from mandatory employment and training requirements?

(a) You may be exempt from participation in employment and training requirements if:

(i) You are needed in the home to personally provide care for your child under three months of age (see WAC 388-310-0300);

(ii) You are sixty years of age or older.

(b) You can not be exempt from work and training requirements solely because of an inability to communicate in English.

(4) If I am required to participate, what do I have to do?

You are required to:

(a) Register with your employment service provider;

(b) Accept and participate in all employment opportunities, training or referrals, determined appropriate by the department.

(5) What happens if I do not follow these requirements?

If you refuse without good reason to cooperate with the requirements, you are subject to the following penalties:

(a) If you are applying for refugee cash ((and medical)) assistance, you will be ineligible for thirty days from the date of your refusal to accept work or training opportunity; or

(b) If you are already receiving refugee cash ((and medical)) assistance, your cash benefits will be subject to financial penalties.

(c) The department will notify your voluntary agency (VOLAG) if financial penalties take place.

(6) What are the penalties to my grant?

The penalties to your grant are:

(a) If the assistance unit includes other individuals as well as yourself, the cash grant is reduced by the sanctioned refugee's amount for three months after the first occurrence. For the second occurrence the financial penalty continues for the remainder of the sanctioned refugee's eight-month eligibility period.

(b) If you are the only person in the assistance unit your cash grant is terminated for three months after the first occurrence. For the second occurrence, your grant is terminated for the remainder of your eight-month eligibility period.

(7) How can I avoid the penalties?

You can avoid the penalties, if you accept employment or training before the last day of the month in which your cash grant is closed.

(8) What is considered a good reason for not being able to follow the requirements?

You have a good reason for not following the requirements if it was not possible for you to stay on the job or to follow through on a required activity due to an event outside of your control. See WAC 388-310-1600(3) for examples.

AMENDATORY SECTION (Amending WSR 01-10-104, filed 5/1/01, effective 6/1/01)

WAC 388-472-0040 What are the department's responsibilities in giving NSA services to me? (1) All of our staff are continually responsible to identify you as possibly NSA eligible and assist you with NSA services.

(2) We provide a grace period to continue your financial(;) or food ((or medical)) assistance when:

(a) We stop a benefit because we are unable to tell if you continue to qualify; and

(b) You provide proof you still qualify for the benefit within the twenty days right after the benefit stops. We restore lost benefits ((as follows:

(i) ~~We reopen your medical assistance from the first of the month; and~~

(ii) ~~We~~ recalculate your cash and food assistance, and issue you the correct amount without taking away any benefits as long as you were eligible to receive them.

WSR 13-18-005
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 22, 2013, 8:32 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: The department is amending the following rules to remove medical language references: WAC 388-404-0005, 388-406-0010, 388-406-0040, 388-406-0060, 388-406-0065, 388-418-0007, 388-418-0020, 388-422-0005, 388-422-0010, 388-422-0020, 388-422-0030, 388-424-0006, 388-424-0009, 388-434-0005, 388-458-0011, 388-458-0016, 388-458-0025, 388-458-0030, 388-470-0005, 388-470-0012, 388-470-0045, 388-470-0060, 388-470-0070, 388-476-0005, 388-478-0005, 388-488-0005, 388-489-0020, 388-490-0005, and 388-492-0110. The department is repealing WAC 388-416-0010. These changes are necessary as the health care authority (HCA) is amending, repealing or creating medical assistance programs rules under Title 182 WAC to implement new regulations. The changes comply with 2E2SHB 1738, chapter 15, Laws of 2011, which designated HCA as the single state agency responsible for administration and supervision of Washington's medicaid programs.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-416-0010; and amending WAC 388-404-0005, 388-406-0010, 388-406-0040, 388-406-0060, 388-406-0065, 388-418-0007, 388-418-0020, 388-422-0005, 388-422-0010, 388-422-0020, 388-422-0030, 388-424-0006, 388-424-0009, 388-434-0005, 388-458-0011, 388-458-0016, 388-458-0025, 388-458-0030, 388-470-0005, 388-470-0012, 388-470-0045, 388-470-0060, 388-470-0070, 388-476-0005, 388-478-0005, 388-488-0005, 388-489-0020, 388-490-0005, and 388-492-0110.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.

Other Authority: 2E2SHB 1738, chapter 15, Laws of 2011.

Adopted under notice filed as WSR 13-11-025 on May 8, 2013.

Changes Other than Editing from Proposed to Adopted Version: 1. Language removed in the proposed rule in WAC 388-424-0008 Citizenship and alien status—Work quarters, was added back into the rule during the permanent filing. The change was made because federal medical programs are considered federal means-testing benefits, and should be considered when determining Social Security work quarters. The permanent rule keeps the language in WAC 388-424-0008 as currently written.

2. Language was amended in WAC 388-422-0005 What happens to my child, spousal and medical support when I get public assistance?, to clarify what services a family will receive when they agree to cooperate with the division of child support (DCS) in providing IV-D services. Changes include (1) retaining the definition of "medical support" in subsection (1)(e); (2) adding the word "cash" to subsection (2) to clarify the type of support; (3) creating a new subsection (3) to state the following, "When you receive TANF or SFA cash benefits, DCS will open up a full support enforcement services case for you. "Full support enforcement services" is defined in WAC 388-14A-1020; (4) adding the word "cash" to subsection (4) to clarify the type of support.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 29, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 29, Repealed 1.

Date Adopted: August 14, 2013.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-19 issue of the Register.

WSR 13-18-006
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

((Community Services Division))

[Filed August 22, 2013, 8:35 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: The department is amending WAC 388-440-0001 Exceptions to rule, 388-440-0005 How am I informed

of the decision on my request to the department for an exception to rule?, 388-452-0005 Do I have to be interviewed in order to get benefits?, and 388-460-0001 Who may be issued cash, child care, medical and Basic Food benefits?

The community services division, in collaboration with health care authority, is amending these WACs to eliminate medical language references from Title 388 WAC effective October 1, 2013.

Citation of Existing Rules Affected by this Order: Amending WAC 388-440-0001, 388-440-0005, 388-452-0005, and 388-460-0001.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.04.510.

Other Authority: 2E2SHB 1738, chapter 15, Laws of 2011.

Adopted under notice filed as WSR 13-07-019 on March 12, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: August 14, 2013.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-05-010, filed 2/6/04, effective 3/8/04)

WAC 388-440-0001 Exceptions to rule. (1) The secretary of the department, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code (WAC) for individual cases(~~(except as noted in subsection (5) of this section,)~~) when:

- (a) The exception would not contradict a specific provision of federal law or state statute; and
- (b) The client's situation differs from the majority; and
- (c) It is in the interest of overall economy and the client's welfare; and
- (d) It increases opportunities for the client to function effectively; or
- (e) A client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(2) The secretary or the secretary's designee makes the final decision on all requests for exceptions to a rule.

(3) Clients have no fair hearing rights as defined under chapter 388-02 WAC regarding exception to rule decisions by department staff.

(4) Clients who do not agree with a decision on an exception to rule may file a complaint according to chapter 388-426 WAC.

~~((5) This section does not apply to requests for noncovered medical or dental services or related equipment. See WAC 388-501-0160.))~~

AMENDATORY SECTION (Amending WSR 07-18-053, filed 8/31/07, effective 10/1/07)

WAC 388-440-0005 How am I informed of the decision on my request to the department for an exception to rule? (1) You will receive the decision in writing within ten days when department staff:

- (a) Decides not to file the exception to rule request; or
- (b) Decides to approve or deny the exception to rule request.

(2) The notice includes information on how to file a complaint as specified in chapter 388-426 WAC.

~~((3) This section does not apply to notification requirements for exceptions to rules concerning noncovered medical or dental services or related equipment. See WAC 388-501-0160.))~~

AMENDATORY SECTION (Amending WSR 10-01-165, filed 12/22/09, effective 1/22/10)

WAC 388-452-0005 Do I have to be interviewed in order to get cash and Basic Food benefits? (1) ~~((Unless you are applying for medical only,))~~ You or your authorized representative must have an interview with the department:

- (a) At initial certification; and
 - (b) At least once every twelve months.
- (2) ~~((An interview is not required if you are applying for or recertifying medical benefits only. If we deny your application for cash or Basic Food because you did not have an interview, we continue to process your request for medical benefits.~~

~~((3))~~ You will have just one interview even if you are applying for or are having a review for benefits from more than one program.

~~((4))~~ (3) We hold interviews either in person or over the phone.

~~((5))~~ (4) If we do not interview you on the same day that we receive your application, we will schedule an interview appointment for you or have you contact us by phone during our business hours to complete your interview.

~~((6))~~ (5) If we schedule an interview, we will set your appointment to allow you at least ten days after the interview to provide needed verification:

- (a) Before the end of the thirty-day processing period for applications; or
- (b) Before your certification period ends for eligibility reviews or recertifications.

~~((7))~~ (6) If you miss your first interview and ask for another interview within thirty days of the date you applied for benefits, we schedule a second interview or have you call us and complete the interview over the phone.

~~((8))~~ (7) If you must have an interview for benefits, you or someone who can give us the information we need about

your AU must participate in the interview. You may ask any person you choose to help with your interview.

~~((9))~~ (8) For Basic Food only, your authorized representative as described in WAC 388-460-0005 may take your place during your interview.

AMENDATORY SECTION (Amending WSR 03-22-038, filed 10/28/03, effective 12/1/03)

WAC 388-460-0001 Who may be issued cash, child care, medical and Basic Food benefits? (1) Cash and child care assistance may be issued in the name of the following persons:

- (a) A client who is the recipient of the benefits;
- (b) An ineligible parent or other relative getting benefits on behalf of an eligible child;
- (c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;
- (d) A guardian or agent acting on behalf of a client; or
- (e) A vendor of goods or services supplied to an eligible client.

(2) ~~((When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.~~

~~(3) For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.~~

(4)) Basic Food benefits are issued to the person named as the head of the assistance unit for Basic Food.

WSR 13-18-007
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 22, 2013, 8:38 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: The department is amending the following rules to remove medical language references: WAC 388-446-0001, 388-450-0005, 388-450-0030, 388-450-0035, 388-450-0045, 388-450-0055, 388-450-0065, 388-450-0070, 388-450-0080, 388-450-0085, 388-450-0105, 388-450-0106, 388-450-0116, 388-450-0155, 388-450-0160, 388-450-0200, 388-450-0215, 388-455-0005, 388-455-0010, and 388-455-0015.

Citation of Existing Rules Affected by this Order: Amending WAC 388-446-0001, 388-450-0005, 388-450-0030, 388-450-0035, 388-450-0045, 388-450-0055, 388-450-0065, 388-450-0070, 388-450-0080, 388-450-0085, 388-450-0105, 388-450-0106, 388-450-0116, 388-450-0155, 388-450-0160, 388-450-0200, 388-450-0215, 388-455-0005, 388-455-0010, and 388-455-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.500, 74.04.510, 74.08.090, and 74.08A.-120.

Other Authority: 2E2SHB 1738, chapter 15, Laws of 2011.

Adopted under notice filed as WSR 13-12-073 on June 5, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 20, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 20, Repealed 0.

Date Adopted: August 14, 2013.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-19 issue of the Register.

WSR 13-18-009
PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed August 22, 2013, 10:53 a.m., effective September 22, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed change will authorize the department to issue permits and set limits for moving overweight divisible loads when a national emergency is declared by the president of the United States. The federal Moving Ahead for Progress in the 21st Century (MAP -21) provided the states the authority and criteria to establish a permitting process for allowing commercial vehicles to exceed the legal weight limits when transporting relief supplies to a declared emergency location.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-071.

Statutory Authority for Adoption: RCW 46.44.098 and 46.44.090.

Other Authority: Public Law 112-141, MAP 21, Section 1511.

Adopted under notice filed as WSR 13-13-056 on June 17, 2013.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule as published in the Register, did not include the text in subsection (3)(H) [(4)(c)(iv)(H)] "except for activities that clear roadways, staging areas, or locations for temporary structures in specific areas in the disaster area."

Stakeholders agreed text should be added due to situations present in northeast coast states using emergency permitting following hurricane Sandy.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 16, 2013.

Kathryn W. Taylor
Assistant Secretary

AMENDATORY SECTION (Amending WSR 11-17-130, filed 8/24/11, effective 9/24/11)

WAC 468-38-071 Maximums and other criteria for special permits—Divisible. (1) **Can a vehicle, or vehicle combination, acquire a permit to exceed the dimensions for legal vehicles in regular operation when moving items of a divisible nature?** Yes. There are specific configurations that receive extra length, extra width, or extra height when carrying a divisible load.

(2) **What configurations can be issued a permit, and how are they measured?** The configurations and measurement criteria are:

(a) An overlength permit may be issued to a truck-tractor to pull a single trailer or semi-trailer, with a trailer length not to exceed fifty-six feet. The measurement for the single trailing unit will be from the front of the trailer (including draw bar when used), or load, to the rear of the trailer, or load, whichever provides the greater distance up to fifty-six feet. Rear overhang may not exceed fifteen feet.

(b) An overlength permit may be issued to a truck-tractor to pull a set of double trailers, composed of a semi-trailer and full trailer or second semi-trailer, with a combined trailer length not to exceed sixty-eight feet. The measurement for double trailers will be from the front of the first trailer, or load, to the end of the second trailer or load, whichever provides the greatest distance up to sixty-eight feet. Note: If the truck-tractor is carrying an allowable small freight compartment (dromedary box), the total combined length of the combination, combined trailer length notwithstanding, is limited to seventy-five feet.

(c) An overlength permit may be issued to a log truck pulling a pole-trailer, trailer combination, carrying two distinct and separate loads, as if it was a truck-tractor pulling a set of double trailers. Measurement for the log truck, pole-trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to sixty-eight feet.

(d) An overheight permit may be issued to a vehicle or vehicle combination, hauling empty apple bins, not to exceed fifteen feet high. Measurement is taken from a level roadbed. This permit may be used in conjunction with either of the overlength permits in (a) or (b) of this subsection. The permit may also provide an exemption from a front pilot/escort vehicle as required by WAC 468-38-100 (1)(h). The exemption does not limit the liability assumed by the permit applicant.

(e) An overheight permit may be issued to a vehicle or vehicle combination owned by a rancher and used to haul the rancher's own hay from the rancher's own fields to feed the rancher's own livestock, not to exceed fifteen feet high, measured from a level roadbed. This permit may be used in conjunction with either of the overlength permits in (a) or (b) of this subsection. The permit may also provide an exemption from a front pilot/escort vehicle as required by WAC 468-38-100 (1)(h). The exemption does not limit the liability assumed by the permit applicant.

(f) An overwidth permit, termed a tarping system permit, may be issued to a vehicle or vehicle combination for a divisible load when such vehicle is equipped with a tarping system as defined in WAC 468-38-073 (5)(n) and under the following conditions:

(i) The divisible load must be authorized by a tarping system permit in order to display the special conditions on the permit;

(ii) A tarping system permit is required for any divisible load exceeding one hundred and two inches (eight feet six inches) in width but not exceeding nine feet in width, all of which must be within the confines of the tarping system dimensions. For example, bulging of the tarping material, to accommodate the load, is not authorized;

(iii) A tarping system permit is authorized to be used in conjunction with either of the overlength permits authorized under (a) or (b) of this subsection; and

(iv) Vehicles operating with a tarping system permit are exempt from the requirements and restrictions listed in WAC 468-38-075(1).

(3) **Are there any measurement exclusive devices related to these permits?** Measurements should not include nonload-carrying devices designed for the safe and/or efficient operation of the vehicle, or vehicle combination components, for example: An external refrigeration unit, a resilient bumper, an aerodynamic shell, etc. Safety and efficiency appurtenances, such as, but not limited to, tarp rails and splash suppression devices, may not extend more than three inches beyond the width of a vehicle. The examples are not all inclusive.

(4) **Are overweight permits available for divisible loads?** Yes. There are specific criteria authorizing overweight permits to divisible loads.

(a) The secretary of transportation, or designee, may issue permits to department vehicles used for the emergent preservation of public safety and/or the infrastructure (i.e., snow removal, sanding highways during emergency winter conditions, emergent debris removal or retainment, etc.). The permits will also be valid for the vehicles in transit to or from the emergent worksite. The special permits may allow:

(i) Weight on axles in excess of what is allowed in RCW 46.44.041;

(ii) Movement during hours of the day, or days of the week, that may be restricted in WAC 468-38-175;

(iii) Exemption from the sign requirements of WAC 468-38-155(7) if weather conditions render such signs ineffectual; and

(iv) Movement at night, that may be restricted by WAC 468-38-175(3), by vehicles with lights that meet the standards for emergency maintenance vehicles established by the commission on equipment.

(b) Additional weight allowances are authorized through special permit for a segment of US-97 from the Canadian border to milepost 331.12 designated as a heavy haul industrial corridor. The permits will authorize vehicles to haul divisible loads weighing up to the Canadian inter-provincial weight limits and must comply with the following requirements:

(i) Vehicles applying for the Canadian weight special permit must be licensed to their maximum legal weight limit in Washington state.

(ii) Displaying the US-97 heavy haul industrial corridor permit does not waive registration fees, fuel taxes, operating authority requirements, future legislative or regulatory changes. Except as provided in the provisions for the heavy weight industrial corridor on US-97, all Washington state and federal laws must be complied with.

(F) Maximum gross weight - pounds (kilograms).

| Number of Axles | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------------------------|--------------------|--------------------|--------------------|--------------------|----------------------|---------------------|---------------------|
| Truck | 36,000 (16,350) | 53,000 (24,250) | | | | | |
| Truck and Full Trailer | | | 74,000 (33,500) | 91,000 (41,250) | 106,500 (48,250) | 118,000 (53,500) | 139,994 (63,500) |
| Truck and Pup | | 56,200 (25,450) | 74,000 (33,550) | 91,000 (41,250) | 99,800 (45,250) | | |
| Tractor and Semi | | 52,300 (23,700) | 69,700 (31,600) | 87,100 (39,500) | 95,900 - 102,500* | | |
| A-Train** | | | | 92,500 (41,900) | 109,800 (49,800) | 118,000 (53,500) | 118,000 (53,500) |
| B-Train** | | | | 90,000 (40,700) | 107,200 (48,600) | 124,600 (56,500) | 139,994 (63,500) |
| C-Train** | | | | 92,500 (41,900) | 109,800 (49,800) | 120,500 (54,600) | 130,000 (58,500) |

*Semi tridem axle spacing and weight limits:
 94" to < 118" (2.4m to < 3.0m) spread - 95,900 lbs. (43,500 kg).
 118" to < 141" (3.0m to < 3.6m) spread - 100,310 lbs. (45,500 kg).
 141" to < 146" (3.6m to < 3.7m) spread - 102,500 lbs. (46,500 kg).

**Double trailer vehicles definition for this section:
 A-Train: Double trailers coupled by a single drawbar.
 B-Train: Two semi-trailers coupled by a fifth wheel mounted to rear of first trailer.
 C-Train: Double trailers coupled by double drawbars with self-steering dolly axle(s).

(ii) Routes of travel are strictly limited: Both directions of US-97 from the Canadian border at milepost 336.48 to milepost 331.12.

(iv) A Washington state axle spacing report is required for Canadian weight verification.

(v) The following descriptions indicate the maximum weight limits that will be permitted:

(A) Primary steering axle - 600 lbs. (272 kg) per inch (25.4 mm) of width of tire* with a maximum limit of 12,100 lbs.

(B) Other axles - 500 lbs. (227 kg) per inch of width of tire*.

(C) Single axles - 20,000 lbs. (9,100 kg) maximum.

(D) Tandem axles - 37,500 lbs. (17,000 kg) maximum.

*Width of tire is determined by tire side-wall nomenclature.

(E) Tridem axles.

| Axle Spread | Pounds | Kilograms |
|------------------------------|--------|-----------|
| 94" (2.4m) to < 118" (3.0m) | 46,300 | 21,000 |
| 118" (3.0m) to < 141" (3.6m) | 50,700 | 23,000 |
| 141" (3.6m) to < 146" (3.7m) | 52,900 | 24,000 |

Note: When computing allowable weights, the most conservative figure (whether weight per width of tire, axle weights, or gross weights) will govern.

(c) Additional weight allowances are authorized through a special permit for the transportation of divisible loads on state highways during national emergencies or major disasters declared by the president. Emergency permits are available for loads that comply with the conditions following:

(i) The national emergency must be declared by the president of the United States;

(ii) Permits are issued exclusively for vehicles and loads that are delivering relief supplies for any destination that is part of the geographical area covered by the emergency declaration;

(iii) The entire permitted load must consist of emergency supplies; and

(iv) The weight limits for an emergency permit are as follows:

(A) Single axle weight not to exceed 21,500 lbs.;

(B) Tandem axle weight not to exceed 43,000 lbs.;

(C) Tridem axle group weight not to exceed 53,000 lbs. (Tridem axle group defined for this section as three consecutive axles more than 8 feet apart but less than 13 feet apart measured from the center of the first axle of the group to the center of the last axle of the group);

(D) 160,000 lbs. gross weight;

(E) Must comply with all bridge and road weight restrictions;

(F) When requested by law enforcement, documents must be displayed describing the permitted load and that it is destined for the declared emergency area;

(G) Emergency permits under this section will expire no later than one hundred twenty calendar days after the date of the emergency declaration; and

(H) Permits authorized by the emergency declaration will not be issued for loads originating in the declared emergency area except for activities that clear roadways, staging areas, or locations for temporary structures in specific areas in the disaster area.

WSR 13-18-017

PERMANENT RULES

CHARTER SCHOOL COMMISSION

[Filed August 23, 2013, 5:28 p.m., effective September 23, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the rules is to establish the charter school application process, outline the content required for charter school applications, define the charter school application approval criteria, and develop the performance framework for charter school oversight and evaluation.

Statutory Authority for Adoption: RCW 28A.710.070.

Adopted under notice filed as WSR 13-13-086 on June 19, 2013.

Changes Other than Editing from Proposed to Adopted Version: Definitions, the definition of "At risk of dropping out of high school" was deleted, "business days" was revised to exclude state holidays, and a definition of "cultural responsiveness" was added.

Criteria used for application evaluation, added a detailed plan for engaging families in the school, revised the facilities plan that allows for a plan on how to acquire the school's facility, and provided more detail regarding conditional approvals. The term "guardian" was added when referring to parents.

Performance framework, rewrote comparative performance, student progress, post secondary readiness for better alignment with Washington's practices.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 16, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: Thursday, August 22, 2013.

RaShelle Davis
Policy Advisor

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-19 issue of the Register.

WSR 13-18-019

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed August 26, 2013, 7:46 a.m., effective September 26, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the WAC rule amendments is to: (i) Increase ferry tolls and ferry charter rates; (ii) modify certain fare categories; and (iii) update the ferry fuel surcharge methodology, all within the specified WACs. The revisions follow the annual review of Washington state ferries' fares and policies.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-010, 468-300-020, 468-300-040, 468-300-080, and 468-300-220.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.315.

Adopted under notice filed as WSR 13-13-054 on June 17, 2013.

Changes Other than Editing from Proposed to Adopted Version: Minor changes are incorporated into the adopted version stemming from review and public comments. These include: (i) A minor adjustment to the youth fares to make them exactly equal to the senior/disabled fares; (ii) restoring a one way fare option from the San Juan Islands to Sidney that is half of the new round trip fare; (iii) further clarification for the school group rate counting requirements; and (iv) reductions to the originally proposed vessel charter rates resulting from updated calculations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 0.

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 30, 2013.

Number of Sections Adopted Using Negotiated Rule Making: New 5, Amended 0, Repealed 0; Pilot Rule Making:

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 11-18-034, filed 8/30/11, effective 10/1/11 and 5/1/12)

WAC 468-300-010 Ferry passenger tolls.

EFFECTIVE 03:00 A.M. October 1, (~~2011~~) 2013

| ROUTES | Full Fare ¹⁰ | Senior/ Disabled, Youth ¹⁰ | ((Youth Fare 18 and under ¹⁰)) | Multiride Media 20 Rides ^{1, 10} | Monthly Pass ^{5, 10} | Bicycle Surcharge ² |
|--|--------------------------------------|--|---|--|--------------------------------------|-----------------------------------|
| Via Auto Ferry | | | | | | |
| *Fautleroy-Southworth | ((5.60) <u>5.80</u>) | ((2.65) <u>2.75</u>) | ((4.50)) | ((44.80) <u>46.40</u>) | ((71.70) <u>74.25</u>) | 1.00 |
| *Seattle-Bremerton | | | | | | |
| *Seattle-Bainbridge Island | | | | | | |
| *Edmonds-Kingston | ((7.25) <u>7.60</u>) | ((3.50) <u>3.65</u>) | ((5.80)) | ((58.00) <u>60.80</u>) | ((92.80) <u>97.30</u>) | 1.00 |
| Port Townsend-Coupeville | ((2.80) <u>2.90</u>) | ((1.25) <u>1.30</u>) | ((2.25)) | ((44.80) <u>46.40</u>) | ((71.70) <u>74.25</u>) | 0.50 |
| *Fautleroy-Vashon | | | | | | |
| *Southworth-Vashon | | | | | | |
| *Pt. Defiance-Tahlequah | ((4.65) <u>4.85</u>) | ((2.20) <u>2.30</u>) | ((3.70)) | ((37.20) <u>38.80</u>) | ((59.55) <u>62.10</u>) | 1.00 |
| *Mukilteo-Clinton | ((4.25) <u>4.50</u>) | ((2.00) <u>2.10</u>) | ((3.40)) | ((34.00) <u>36.00</u>) | ((54.40) <u>57.60</u>) | 1.00 |
| *Anacortes to Lopez, Shaw, Orcas or Friday Harbor | ((11.80) <u>12.45</u>) | ((5.75) <u>6.10</u>) | ((9.45)) | ((76.70) <u>80.95</u>) | N/A | 2.00 ⁶ |
| Between Lopez, Shaw, Orcas and Friday Harbor ⁴ | N/C | N/C | ((N/C)) | N/C | N/A | N/C |
| Anacortes to Sidney and Sidney to all destinations | ((17.25) <u>18.45</u>) | ((8.50) <u>9.10</u>) | ((13.80)) | N/A | N/A | 4.00 ⁷ |
| From Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((6.45) <u>6.65</u>) | ((3.10) <u>3.20</u>) | ((5.15)) | N/A | N/A | 1.00 ⁸ |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³ | ((23.70) <u>25.10</u>) | ((11.60) <u>12.30</u>) | ((18.95)) | N/A | N/A | 5.00 ⁹ |

All fares rounded to the next multiple of \$0.05.

*These routes operate as a one-point toll collection system.

¹MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery times.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Island/Sidney, B.C., customers paying with the ePurse or the ORCA card are exempt from the bicycle surcharge.

³ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument.

The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user. Monthly passes purchased through the regional SmartCard program are also nontransferable and intended for a single user, but allow for unlimited usage.

⁶BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 through September 30).

⁷BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

⁸BICYCLE SURCHARGE - This becomes \$2.00 during peak season.

⁹BICYCLE SURCHARGE - This becomes \$8.00 during peak season.

¹⁰CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single passenger fare collected. On all multiride cards except for Port Townsend/Coupeville, there will be an additional capital surcharge of \$2.50. For Port Townsend/Coupeville, the additional capital surcharge will be \$5.00 on multiride cards. On all monthly passes except Port Townsend/Coupeville, there will be an additional \$4.00 capital surcharge. For Port Townsend/Coupeville, the additional capital surcharge will be \$8.00 on monthly passes.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be ((~~80%~~) 50%) of full fare rounded to the next multiple of \$0.05.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary,

Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization and prior notification. Notification shall be made no less than 72 hours before the scheduled departure and will include the expected number of school-age children and adults that will be traveling to ensure WSF can satisfy U.S. Coast Guard lifesaving equipment requirements. Failure to provide adequate notification may result in delayed travel. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

EFFECTIVE 03:00 A.M. May 1, ~~((2012))~~ 2014

| ROUTES | Full Fare ⁽⁽⁺⁾⁾ § | Senior/ Disabled ⁽⁽⁺⁾⁾ § Youth [§] | ((Youth Fare 18 and under ⁽⁺⁾)) | Multiride Media 20 Rides ^{1,((+))} § | Monthly Pass ^{5,} ((+)) § | Bicycle Surcharge ² |
|----------------------------|------------------------------|--|--|--|---------------------------------------|-----------------------------------|
| Via Auto Ferry | | | | | | |
| *Fauntleroy-Southworth | ((5-70)) <u>6.00</u> | ((2-70)) 2.85 | ((4-55)) | ((45-60)) <u>48.00</u> | ((73-00)) <u>76.80</u> | 1.00 |
| *Seattle-Bremerton | | | | | | |
| *Seattle-Bainbridge Island | | | | | | |
| *Edmonds-Kingston | ((7-45)) <u>7.75</u> | ((3-60)) <u>3.75</u> | ((5-95)) | ((59-60)) <u>62.00</u> | ((95-40)) <u>99.20</u> | 1.00 |
| Port Townsend-Coupeville | ((2-85)) <u>3.00</u> | ((1-30)) <u>1.35</u> | ((2-30)) | ((45-60)) <u>48.00</u> | ((73-00)) <u>76.80</u> | 0.50 |

| ROUTES | Full Fare ^{((40)) §} | Senior/ Disabled ^{((40)) §} Youth [§] | (Youth Fare 18 and under ⁽⁴⁰⁾⁾ | Multiride Media 20 Rides ^{1,((40)) §} | Monthly Pass ^{5, ((40)) §} | Bicycle Surcharge ² |
|--|-----------------------------------|---|--|---|---|---|
| *Fautleroy-Vashon | | | | | | |
| *Southworth-Vashon | | | | | | |
| *Pt. Defiance-Tahlequah | ((4.75)) <u>4.95</u> | ((2.25)) <u>2.35</u> | ((3.80)) | ((38.00)) <u>39.60</u> | ((60.80)) <u>63.40</u> | 1.00 |
| *Mukilteo-Clinton | ((4.40)) <u>4.55</u> | ((2.05)) <u>2.15</u> | ((3.50)) | ((35.20)) <u>36.40</u> | ((56.35)) <u>58.25</u> | 1.00 |
| *Anacortes to Lopez, Shaw, Orcas or Friday Harbor | ((12.20)) <u>12.70</u> | ((5.95)) <u>6.20</u> | ((9.75)) | ((79.30)) <u>82.55</u> | N/A | 2.00 ⁶ |
| Between Lopez, Shaw, Orcas and Friday Harbor ⁴ | N/C | N/C | ((N/C)) | N/C | N/A | N/C |
| Anacortes to Sidney and Sidney to all destinations | ((17.75)) <u>18.80</u> | ((8.75)) <u>9.25</u> | ((14.20)) | N/A | N/A | 4.00 ⁷ |
| From Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((6.65)) <u>11.65</u> | ((3.20)) <u>5.65</u> | ((5.30)) | N/A | N/A | ((4.00⁸)) <u>2.00⁸</u> |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³ | ((24.40)) <u>23.30</u> | ((11.95)) <u>11.50</u> | ((19.50)) | N/A | N/A | ((5.00⁹)) <u>4.00⁷</u> |

All fares rounded to the next multiple of \$0.05.

*These routes operate as a one-point toll collection system.

¹MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery times.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Islands/Sidney, B.C., customers paying with the ePurse on the ORCA card are exempt from the bicycle surcharge.

³ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user. Monthly passes purchased through the regional SmartCard program are also nontransferable and intended for a single user, but allow for unlimited usage.

⁶BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 through September 30).

⁷BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

⁸BICYCLE SURCHARGE - This becomes ~~\$(2.00))~~ 3.00 during peak season.

⁹~~(BICYCLE SURCHARGE - This becomes \$8.00 during peak season.~~

⁴⁰)CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single passenger fare collected. On all mul-

tiride cards except for Port Townsend/Coupeville, there will be an additional capital surcharge of \$2.50. For Port Townsend/Coupeville, the additional capital surcharge will be \$5.00 on multiride cards. On all monthly passes except Port Townsend/Coupeville, there will be an additional \$4.00 capital surcharge. For Port Townsend/Coupeville, the additional capital surcharge will be \$8.00 on monthly passes.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be ~~((80%))~~ 50% of full fare rounded to the next multiple of \$0.05.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-

seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization and prior notification. Notification shall be made no less than 72 hours before the scheduled departure and will include the expected number of school-age children and adults that will be traveling to ensure WSF can satisfy U.S. Coast Guard lifesaving equipment requirements. Failure to provide adequate notification may result in delayed travel. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF

may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 11-18-034, filed 8/30/11, effective 10/1/11 and 5/1/12)

WAC 468-300-020 Vehicle under 22', motorcycle, and stowage ferry tolls.

EFFECTIVE 03:00 A.M. October 1, (~~2011~~) 2013

| ROUTES | Vehicle Under 14' Incl. Driver One Way ⁷ | Vehicle Under 14' w/Sr Citizen or Disabled Driver ^{4, 7} | Vehicle Under 14' Over Height Charge ¹ | Vehicle under 14' Multiride Media 20 Rides ^{2, 7} |
|--|---|---|---|--|
| Fauntleroy-Southworth Port Townsend/Coupeville | ((8.65)) <u>8.05</u> | ((7.15)) <u>6.50</u> | ((8.65)) <u>8.05</u> | ((138.25)) <u>128.80</u> |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((11.25)) <u>10.45</u> | ((9.35)) <u>8.45</u> | ((11.25)) <u>10.45</u> | ((180.00)) <u>167.20</u> |
| *Fauntleroy-Vashon | | | | |
| *Southworth-Vashon | | | | |
| *Pt. Defiance-Tahlequah | ((14.40)) <u>13.35</u> | ((11.95)) <u>10.80</u> | ((14.40)) <u>13.35</u> | ((115.20)) <u>106.80</u> |
| Mukilteo-Clinton | ((6.60)) <u>6.15</u> | ((5.45)) <u>4.95</u> | ((6.60)) <u>6.15</u> | ((105.85)) <u>98.40</u> |
| 10 Rides - 5 Round Trips | | | | |
| *Anacortes to Lopez | ((25.90)) <u>24.45</u> | ((19.85)) <u>18.10</u> | ((25.90)) <u>24.45</u> | ((97.00)) <u>91.70</u> |
| *Shaw, Orcas | ((31.05)) <u>29.40</u> | ((25.00)) <u>23.05</u> | ((31.05)) <u>29.40</u> | ((116.45)) <u>110.25</u> |
| *Friday Harbor | ((36.90)) <u>34.90</u> | ((30.85)) <u>28.55</u> | ((36.90)) <u>34.90</u> | ((138.40)) <u>130.90</u> |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((17.30)) <u>14.35</u> | ((17.30)) <u>14.35</u> | ((17.30)) <u>14.35</u> | ((69.30)) <u>57.40</u> |
| <i>International Travel</i> | | | | |
| Anacortes to Sidney and Sidney to all destinations | ((41.65)) <u>40.25</u> | ((32.90)) <u>30.90</u> | ((41.65)) <u>40.25</u> | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((12.45)) <u>11.95</u> | ((9.10)) <u>8.50</u> | ((12.45)) <u>11.95</u> | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵ | ((54.10)) <u>52.25</u> | ((42.00)) <u>39.45</u> | ((54.10)) <u>52.25</u> | N/A |

| ROUTES | Vehicle 14' to Under 22' Incl. Driver One Way ⁷ | Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver ^{4, 7} | Vehicle 14' to Under 22' Over Height Charge ¹ | Vehicle 14' to Under 22' Multiride Media 20 Rides ^{2, 7} |
|--|---|--|---|---|
| Fauntleroy-Southworth Port Townsend/Coupeville | ((9.60)) 10.25 | ((8.10)) 8.70 | ((9.60)) 10.25 | ((153.60)) 164.00 |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((12.50)) 13.30 | ((10.60)) 11.30 | ((12.50)) 13.30 | ((200.00)) 212.80 |
| *Fauntleroy-Vashon | | | | |
| *Southworth-Vashon | | | | |
| *Pt. Defiance-Tahlequah | ((16.00)) 17.00 | ((13.55)) 14.45 | ((16.00)) 17.00 | ((128.00)) 136.00 |
| Mukilteo-Clinton | ((7.35)) 7.85 | ((6.20)) 6.65 | ((7.35)) 7.85 | ((117.60)) 125.60 |
| 10 Rides - 5 Round Trips | | | | |
| *Anacortes to Lopez | ((28.75)) 30.60 | ((22.70)) 24.25 | ((28.75)) 30.60 | ((107.85)) 114.75 |
| *Shaw, Orcas | ((34.50)) 36.70 | ((28.45)) 30.35 | ((34.50)) 36.70 | ((129.40)) 137.65 |
| *Friday Harbor | ((41.00)) 43.60 | ((34.95)) 37.25 | ((41.00)) 43.60 | ((153.75)) 163.50 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((19.25)) 20.50 | ((19.25)) 20.50 | ((19.25)) 20.50 | ((77.00)) 82.00 |
| <i>International Travel</i> | | | | |
| Anacortes to Sidney and Sidney to all destinations | ((46.25)) 49.60 | ((37.50)) 40.25 | ((46.25)) 49.60 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((13.85)) 14.25 | ((10.50)) 10.80 | ((13.85)) 14.25 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵ | ((60.10)) 63.85 | ((48.00)) 51.05 | ((60.10)) 63.85 | N/A |

EFFECTIVE 03:00 A.M. October 1, (~~2014~~) 2013

| ROUTES | Motorcycle ⁵ Incl. Driver Stowage ^{1, 7} One Way | Motorcycle w/Sr Citizen or Disabled Driver Stowage ^{1, 7} One Way | (Motorcycle Oversize Charge ³) | Motorcycle Frequent User Commuter 20 Rides ^{2, 7} |
|--|--|--|---|--|
| Fauntleroy-Southworth Port Townsend/Coupeville | ((4.20)) 4.40 | ((2.70)) 2.85 | ((1.80)) | ((67.20)) 70.40 |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((5.40)) 5.70 | ((3.50)) 3.70 | ((2.30)) | ((86.40)) 91.20 |
| *Fauntleroy-Vashon | | | | |
| *Southworth-Vashon | | | | |
| *Pt. Defiance-Tahlequah | ((6.95)) 7.30 | ((4.50)) 4.75 | ((2.95)) | ((55.60)) 58.40 |
| Mukilteo-Clinton | ((3.20)) 3.40 | ((2.05)) 2.20 | ((1.40)) | ((51.20)) 54.40 |
| *Anacortes to Lopez | ((15.20)) 16.10 | ((9.15)) 9.75 | ((4.55)) | ((114.00)) 120.75 |
| *Shaw, Orcas | ((16.35)) 17.30 | ((10.30)) 10.95 | ((5.95)) | ((122.65)) 129.75 |
| *Friday Harbor | ((17.65)) 18.70 | ((11.60)) 12.35 | ((7.50)) | ((132.40)) 140.25 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((5.45)) 5.75 | ((5.45)) 5.75 | ((6.25)) | N/A |
| Anacortes to Sidney and Sidney to all destinations | ((23.05)) 24.70 | ((14.30)) 15.35 | ((7.65)) | N/A |
| (Travelers with advanced reservations (\$15 fee)- Anacortes to Sidney and Sidney to all destinations ⁶ | N/A | N/A | N/A | N/A)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((7.95)) 8.20 | ((4.60)) 4.75 | ((2.05)) | N/A |
| (Travelers with advanced reservations (\$7 fee)- from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶ | N/A | N/A | N/A | N/A)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵ | ((31.00)) 32.90 | ((18.90)) 20.10 | ((9.70)) | N/A |

All fares rounded to the next multiple of \$0.05.

*These routes operate as a one-point toll collection system.

¹SIZE - Vehicles up to 14' in length and under 7'6" in height shall pay the vehicle under 14' toll. All vehicles from 14' to under 22' in

length and under 7'6" in height shall pay the 14' to 22' toll. All vehicles up to 22' but over 7'6" in height shall pay an overheight charge of 100% of the vehicle full fare. Motorcycles ((with trailers, sidecars, or any) towing a trailer and vehicles licensed as ((a) motorcycles with three or more wheels ((will pay an oversize motorcycle charge)) that are 8'0" or longer shall pay the

appropriate length-based vehicle fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

²MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund. For mail order deliveries, WSF may add additional days to allow for delivery time. The vehicle/driver multiride card may be used for passage for an attendant driver plus one disabled driver.

³INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

⁵ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁶VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain circumstances.

⁷CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the San Juan Islands, there will be an additional capital surcharge of \$5.00. For Vashon Island routes, the additional capital surcharge will be \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the capital surcharge on multiride cards will be \$2.50. For vehicles under 22' in the San Juan Islands, the capital surcharge on multiride cards will be \$1.25.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. ~~((A 144% surcharge shall be applied to the San Juan Islands to Sidney route.))~~ The resulting fare is rounded ~~((up to the next))~~ to the nearest \$0.05 if required.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of a multiparty promotional program.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For

mail order deliveries, WSF may add additional days to allow for delivery time.

EFFECTIVE 03:00 A.M. May 1, (~~2012~~) 2014

| ROUTES | Vehicle Under 14' Incl. Driver One Way ⁷ | Vehicle Under 14' w/Sr Citizen or Disabled Driver ^{4,7} | Vehicle Under 14' Over Height Charge ^{1,7} | Vehicle Under 14' Multiride Media 20 Rides ^{2,7} |
|--|---|--|---|---|
| Fauntleroy-Southworth Port Townsend/Coupeville | ((7.95)) 8.25 | ((6.45)) 6.65 | ((7.95)) 8.25 | ((127.35)) 132.00 |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((40.30)) 10.70 | ((8.35)) 8.70 | ((40.30)) 10.70 | ((165.10)) 171.20 |
| *Fauntleroy-Vashon | | | | |
| *Southworth-Vashon | | | | |
| *Pt. Defiance-Tahlequah | ((13.20)) 13.70 | ((10.70)) 11.10 | ((13.20)) 13.70 | ((105.60)) 109.60 |
| Mukilteo-Clinton | ((6.10)) 6.30 | ((4.90)) 5.10 | ((6.10)) 6.30 | ((97.30)) 100.80 |
| 10 Rides - 5 Round Trips | | | | |
| *Anacortes to Lopez | ((23.70)) 25.05 | ((17.45)) 18.55 | ((23.70)) 25.05 | ((88.95)) 93.95 |
| *Shaw, Orcas | ((28.50)) 30.15 | ((22.25)) 23.65 | ((28.50)) 30.15 | ((106.80)) 113.05 |
| *Friday Harbor | ((33.85)) 35.80 | ((27.60)) 29.30 | ((33.85)) 35.80 | ((126.90)) 134.25 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((15.90)) 14.70 | ((15.90)) 14.70 | ((15.90)) 14.70 | ((63.50)) 58.80 |
| <i>International Travel</i> | | | | |
| Anacortes to Sidney and Sidney to all destinations | ((38.10)) 41.25 | ((29.10)) 31.70 | ((38.10)) 41.25 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((11.40)) 25.55 | ((7.95)) 19.65 | ((11.40)) 25.55 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵ | ((49.50)) 51.05 | ((37.05)) 39.25 | ((49.50)) 51.05 | N/A |

EFFECTIVE 03:00 A.M. May 1, (~~2012~~) 2014

| ROUTES | Vehicle 14' to Under 22' Incl. Driver One Way ⁷ | Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver ^{4,7} | Vehicle 14' to Under 22' Over Height Charge ^{1,7} | Vehicle 14' to Under 22' Multiride Media 20 Rides ^{2,7} |
|---|--|---|--|--|
| Fauntleroy-Southworth Port Townsend/Coupeville ⁶ | ((9.95)) 10.50 | ((8.45)) 8.90 | ((9.95)) 10.50 | ((159.20)) 168.00 |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((12.90)) 13.65 | ((10.95)) 11.65 | ((12.90)) 13.65 | ((206.40)) 218.40 |
| *Fauntleroy-Vashon | | | | |
| *Southworth-Vashon | | | | |
| *Pt. Defiance-Tahlequah | ((16.50)) 17.45 | ((14.00)) 14.85 | ((16.50)) 17.45 | ((132.00)) 139.60 |
| Mukilteo-Clinton | ((7.60)) 8.05 | ((6.40)) 6.85 | ((7.60)) 8.05 | ((121.60)) 128.80 |
| 10 Rides - 5 Round Trips | | | | |
| *Anacortes to Lopez ⁶ | ((29.65)) 31.40 | ((23.40)) 24.90 | ((29.65)) 31.40 | ((111.20)) 117.75 |
| *Shaw, Orcas ⁶ | ((35.60)) 37.65 | ((29.35)) 31.15 | ((35.60)) 37.65 | ((133.50)) 141.20 |
| *Friday Harbor ⁶ | ((42.30)) 44.75 | ((36.05)) 38.25 | ((42.30)) 44.75 | ((158.65)) 167.80 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((19.85)) 21.00 | ((19.85)) 21.00 | ((19.85)) 21.00 | ((79.40)) 84.00 |
| <i>International Travel</i> | | | | |
| Anacortes to Sidney and Sidney to all destinations ⁶ | ((47.65)) 50.85 | ((38.65)) 41.30 | ((47.65)) 50.85 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((14.25)) 31.50 | ((10.80)) 25.60 | ((14.25)) 31.50 | N/A |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁽⁵⁾ ⁶ | ((61.90)) 62.95 | ((49.45)) 51.15 | ((61.90)) 62.95 | N/A |

EFFECTIVE 03:00 A.M. May 1, (~~2012~~) 2014

| ROUTES | Motorcycle ⁵ Incl. Driver Stowage ^{1,7} One Way | Motorcycle w/Sr Citizen or Disabled Driver Stowage ^{1,7} One Way | ((Motorcycle Oversize Charge ³)) | Motorcycle Frequent User Commuter 20 Rides ^{2,7} |
|--|---|---|--|---|
| Fauntleroy-Southworth Port Townsend/Coupeville ⁶ | ((4.30)) 4.50 | ((2.80)) 2.90 | ((2.20)) | ((68.80)) 72.00 |
| Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston | ((5.60)) 5.90 | ((3.65)) 3.90 | ((2.90)) | ((89.60)) 94.40 |
| *Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah | ((7.10)) 7.45 | ((4.60)) 4.85 | ((3.65)) | ((56.80)) 59.60 |
| Mukilteo-Clinton | ((3.30)) 3.50 | ((2.10)) 2.30 | ((1.70)) | ((52.80)) 56.00 |
| *Anacortes to Lopez ⁶ | ((15.70)) 16.45 | ((9.45)) 9.95 | ((5.80)) | ((117.75)) 123.40 |
| *Shaw, Orcas ⁶ | ((16.90)) 17.70 | ((10.65)) 11.20 | ((7.45)) | ((126.75)) 132.75 |
| *Friday Harbor ⁶ | ((18.25)) 19.15 | ((12.00)) 12.65 | ((9.35)) | ((136.90)) 143.65 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((5.65)) 5.95 | ((5.65)) 5.95 | ((7.20)) | N/A |
| Anacortes to Sidney and Sidney to all destinations ⁶ | ((23.75)) 25.25 | ((14.75)) 15.70 | ((9.70)) | N/A |
| ((Travelers with advanced reservations (\$15 fee)- Anacortes to Sidney and Sidney to all destinations ⁶ | N/A | N/A | N/A | N/A)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney | ((8.20)) 15.65 | ((4.75)) 9.75 | ((2.65)) | N/A |
| ((Travelers with advanced reservations (\$7 fee)- from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶ | N/A | N/A | N/A | N/A)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁽⁵⁾ ⁶ | ((31.95)) 31.25 | ((19.50)) 19.45 | ((12.35)) | N/A |

All fares rounded to the next multiple of \$0.05.

*These routes operate as a one-point toll collection system.

¹SIZE - Vehicles up to 14' in length and under 7'6" in height shall pay the vehicle under 14' toll. Vehicles from 14' to under 22' and under 7'6" in height shall pay the 14' to 22' toll. All vehicles up to 22' but over 7'6" in height shall pay an overheight charge of 100% of the vehicle full fare. Motorcycles (~~with trailers, sidecars, or any~~) towing a trailer and vehicles licensed as (a) motorcycles with three or more wheels (will pay an oversize motorcycle charge) that are 8'0" or longer shall pay the appropriate length-based vehicle fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

²MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund. For mail order deliveries, WSF may add additional days to allow for delivery time. The vehicle/driver multiride card may be used for passage for an attendant driver plus one disabled passenger.

³INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those

persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

⁵ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁶VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain circumstances.

⁷CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the San Juan Islands, there will be an additional capital surcharge of \$5.00. For Vashon Island routes, the additional capital surcharge will be \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the capital surcharge on multiride cards will be \$2.50. For vehicles under 22' in the San Juan Islands, the capital surcharge on multiride cards will be \$1.25.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit

valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. ~~((A 14% surcharge shall be applied to the San Juan Islands to Sidney route.))~~ The resulting fare is rounded up to the next \$0.05 if required.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at

no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes. A promotional fare product may also be established to support tourism or other special events. The promotional fare or product may be bundled and sold as part of multiparty promotional program.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time.

AMENDATORY SECTION (Amending WSR 12-10-032, filed 4/25/12, effective 6/1/12)

WAC 468-300-040 Oversize vehicle ferry tolls.

EFFECTIVE 03:00 A.M. October 1, (~~2011~~) 2013

| ROUTES | Oversize Vehicle Ferry Tolls ¹ | | | | | | | Cost Per Ft. Over 80' @ |
|---------------------------|---|------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------------|-------------------------|
| | Overall Unit Length - Including Driver | | | | | | | |
| | 22' To Under 30' Under 7'6" High ⁵ | 22' To Over 7'6" High ⁵ | 30' To Under 40' ⁵ | 40' To Under 50' ⁵ | 50' To Under 60' ⁵ | 60' To under 70' ⁵ | 70' To and include 80' ⁵ | |
| Fauntleroy-Southworth | ((14.65)) | ((29.30)) | ((39.35)) | ((49.45)) | ((59.50)) | ((69.60)) | ((79.70)) | ((1.00)) |
| Port Townsend/Coupeville | 15.90 | 31.80 | 42.55 | 53.30 | 64.05 | 74.85 | 85.60 | 1.10 |
| Seattle-Bainbridge Island | | | | | | | | |
| Seattle/Bremerton | ((19.05)) | ((38.15)) | ((51.25)) | ((64.40)) | ((77.50)) | ((90.65)) | ((103.75)) | ((1.30)) |
| Edmonds-Kingston | 20.65 | 41.25 | 55.20 | 69.15 | 83.15 | 97.10 | 111.05 | 1.40 |
| *Fauntleroy-Vashon | | | | | | | | |
| *Southworth-Vashon | ((24.40)) | ((48.80)) | ((65.60)) | ((82.40)) | ((99.20)) | ((116.00)) | ((132.80)) | ((1.70)) |
| *Pt. Defiance-Tahlequah | 26.35 | 52.70 | 70.55 | 88.40 | 106.25 | 124.10 | 141.95 | 1.80 |
| Mukilteo-Clinton | ((11.20)) | ((22.40)) | ((30.15)) | ((37.85)) | ((45.55)) | ((53.30)) | ((61.00)) | ((0.75)) |
| | 12.20 | 24.35 | 32.60 | 40.80 | 49.05 | 57.30 | 65.55 | 0.80 |

Oversize Vehicle Ferry Tolls¹

Overall Unit Length - Including Driver

| ROUTES | 22' To Under 30' Under 7'6" High ⁵ | 22' To Over 7'6" High ⁵ | 30' To Under 40' ⁵ | 40' To Under 50' ⁵ | 50' To Under 60' ⁵ | 60' To under 70' ⁵ | 70' To and include 80' ⁵ | Cost Per Ft. Over 80' @ |
|---|---|------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------------|-------------------------|
| *Anacortes to Lopez ² | ((43.85)) 47.45 | ((87.70)) 94.85 | ((117.85)) 127.00 | ((148.05)) 159.10 | ((178.25)) 191.25 | ((208.45)) 223.40 | ((238.65)) 255.50 | ((3.00)) 3.20 |
| *Anacortes to Shaw, Orcas ² | ((52.60)) 56.90 | ((105.20)) 113.75 | ((141.45)) 152.30 | ((177.70)) 190.85 | ((213.90)) 229.40 | ((250.15)) 267.90 | ((286.35)) 306.45 | ((3.60)) 3.85 |
| *Anacortes to Friday Harbor | ((62.55)) 67.60 | ((125.05)) 135.15 | ((168.10)) 180.95 | ((211.15)) 226.70 | ((254.20)) 272.50 | ((297.25)) 318.30 | ((340.30)) 364.05 | ((4.30)) 4.60 |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((29.35)) 31.80 | ((58.70)) 63.55 | ((78.90)) 85.10 | ((99.15)) 106.60 | ((119.35)) 128.15 | ((139.55)) 149.65 | ((159.80)) 171.15 | N/A |
| <i>International Travel</i> | | | | | | | | |
| Anacortes to Sidney to all destinations((-Recreational Vehicles and Buses)) | ((70.55)) 77.65 | ((70.55)) 77.65 | ((94.80)) 103.95 | ((119.10)) 130.25 | ((143.40)) 156.55 | ((167.65)) 182.85 | ((191.95)) 209.15 | ((2.45)) 2.65 |
| ((Anacortes to Sidney and Sidney to all destinations - Commercial Vehicles | 70.55 | 141.05 | 189.60 | 238.20 | 286.75 | 335.30 | 383.90 | 4.85)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney((-Recreational Vehicles and Buses | ((21.15)) 22.30 | ((21.15)) 22.30 | ((28.40)) 29.85 | ((35.70)) 37.40 | ((42.95)) 45.00 | ((50.20)) 52.55 | ((57.50)) 60.10 | 0.75 |
| - Commercial Vehicles | 21.15 | 42.25 | 56.80 | 71.35 | 85.85 | 100.40 | 114.95 | 1.45)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁴ ((-Recreational Vehicles and Buses | ((91.70)) 99.95 | ((91.70)) 99.95 | ((123.20)) 133.80 | ((154.80)) 167.65 | ((186.35)) 201.55 | ((217.85)) 235.40 | ((249.45)) 269.25 | ((3.20)) 3.40 |
| - Commercial Vehicles | 91.70 | 183.30 | 246.40 | 309.55 | 372.60 | 435.70 | 498.85 | 6.30)) |

¹OVERSIZE VEHICLES - Includes all vehicles 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 22-30 feet in length and over 7'6" in height shall be charged the 22-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

²TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: \$61.00 base season, \$82.25 peak season.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁵CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected.

BULK NEWSPAPERS - Per 100 lbs. \$2.85 (Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.42 per 100 lbs.). Daily newspapers, in bundles, to be received and delivered with-

out receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain special circumstances.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance

with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department

and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

EFFECTIVE 03:00 A.M. May 1, (~~2012~~) 2014

| ROUTES | Oversize Vehicle Ferry Tolls ¹ | | | | | | | Cost Per Ft. Over 80' @ |
|--|---|------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------------|-------------------------|
| | Overall Unit Length - Including Driver | | | | | | | |
| | 22' To Under 30' Under 7'6" High ⁵ | 22' To Over 7'6" High ⁵ | 30' To Under 40' ⁵ | 40' To Under 50' ⁵ | 50' To Under 60' ⁵ | 60' To under 70' ⁵ | 70' To and include 80' ⁵ | |
| Fauntleroy-Southworth | ((15.45)) | ((30.85)) | ((41.30)) | ((51.75)) | ((62.20)) | ((72.65)) | ((83.10)) | ((1.05)) |
| Port Townsend/Coupeville | <u>16.30</u> | <u>32.55</u> | <u>43.60</u> | <u>54.60</u> | <u>65.65</u> | <u>76.65</u> | <u>87.65</u> | 1.10 |
| Seattle-Bainbridge Island | | | | | | | | |
| Seattle/Bremerton | ((20.00)) | ((40.00)) | ((53.55)) | ((67.10)) | ((80.65)) | ((94.15)) | ((107.70)) | ((1.35)) |
| Edmonds-Kingston | <u>21.15</u> | <u>42.30</u> | <u>56.65</u> | <u>71.00</u> | <u>85.30</u> | <u>99.65</u> | <u>114.00</u> | 1.45 |
| *Fauntleroy-Vashon | | | | | | | | |
| *Southworth-Vashon | ((25.60)) | ((51.15)) | ((68.50)) | ((85.80)) | ((103.15)) | ((120.45)) | ((137.80)) | ((1.75)) |
| *Pt. Defiance-Tahlequah | <u>27.05</u> | <u>54.10</u> | <u>72.40</u> | <u>90.75</u> | <u>109.05</u> | <u>127.40</u> | <u>145.70</u> | <u>1.85</u> |
| Mukilteo-Clinton | ((41.80)) | ((23.55)) | ((31.55)) | ((39.50)) | ((47.50)) | ((55.50)) | ((63.45)) | ((0.80)) |
| | <u>12.50</u> | <u>24.95</u> | <u>33.40</u> | <u>41.85</u> | <u>50.30</u> | <u>58.75</u> | <u>67.20</u> | <u>0.85</u> |
| *Anacortes to Lopez ² | ((45.95)) | ((91.90)) | ((123.05)) | ((154.20)) | ((185.30)) | ((216.45)) | ((247.60)) | ((3.10)) |
| | <u>48.70</u> | <u>97.35</u> | <u>130.30</u> | <u>163.30</u> | <u>196.25</u> | <u>229.20</u> | <u>262.20</u> | <u>3.30</u> |
| *Anacortes to Shaw, Orcas ² | ((55.20)) | ((110.35)) | ((147.75)) | ((185.10)) | ((222.50)) | ((259.90)) | ((297.25)) | ((3.75)) |
| | <u>58.35</u> | <u>116.70</u> | <u>156.25</u> | <u>195.80</u> | <u>235.30</u> | <u>274.85</u> | <u>314.40</u> | <u>3.95</u> |
| *Anacortes to Friday Harbor | ((65.60)) | ((131.15)) | ((175.55)) | ((219.95)) | ((264.40)) | ((308.80)) | ((353.20)) | ((4.45)) |
| | <u>69.35</u> | <u>138.70</u> | <u>185.70</u> | <u>232.70</u> | <u>279.70</u> | <u>326.70</u> | <u>373.65</u> | <u>4.70</u> |
| Between Lopez, Shaw, Orcas and Friday Harbor ³ | ((30.80)) | ((61.55)) | ((82.40)) | ((103.20)) | ((124.05)) | ((144.90)) | ((165.75)) | N/A |
| | <u>32.55</u> | <u>65.10</u> | <u>87.15</u> | <u>109.20</u> | <u>131.25</u> | <u>153.30</u> | <u>175.35</u> | |
| <i>International Travel</i> | | | | | | | | |
| Anacortes to Sidney to all destinations (—Recreational Vehicles and Buses)) | ((73.85)) | ((73.85)) | ((98.90)) | ((123.90)) | ((148.90)) | ((173.95)) | ((198.95)) | ((2.50)) |
| | <u>79.60</u> | <u>79.60</u> | <u>106.55</u> | <u>133.55</u> | <u>160.50</u> | <u>187.45</u> | <u>214.40</u> | <u>2.70</u> |
| ((Anacortes to Sidney and Sidney to all destinations—Commercial Vehicles | 73.85 | 147.70 | 197.75 | 247.80 | 297.80 | 347.85 | 397.90 | 5.00)) |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (—Recreational Vehicles and Buses | ((22.10)) | 22.10 | 29.60 | 37.05 | 44.55 | 52.00 | 59.50 | 0.75)) |
| —Commercial Vehicles)) | ((22.10)) | ((44.20)) | ((59.15)) | ((74.10)) | ((89.05)) | ((104.00)) | ((119.00)) | ((1.50)) |
| | <u>49.30</u> | <u>49.30</u> | <u>66.00</u> | <u>82.65</u> | <u>99.35</u> | <u>116.05</u> | <u>132.70</u> | <u>1.70</u> |

Oversize Vehicle Ferry Tolls¹

Overall Unit Length - Including Driver

| ROUTES | 22' To | 22' To | 30' To | 40' To Under | 50' To | 60' To under | 70' To and | Cost Per |
|---|-------------------|-------------------|------------------------|------------------|------------------------|------------------|------------------|----------|
| | Under 7'6" | Under 7'6" | | | | | | |
| | High ⁵ | High ⁵ | Under 40' ⁵ | 50' ⁵ | Under 60' ⁵ | 70' ⁵ | 80' ⁵ | @ |
| Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁴ (--Recreational Vehicles and Buses | (95.95)) | (95.95)) | ((128.50)) | ((160.95)) | ((193.45)) | ((225.95)) | ((258.45)) | ((3.25)) |
| Commercial Vehicles | 98.55 | 98.55 | 131.95 | 165.30 | 198.70 | 232.05 | 265.45 | 3.35 |
| | 95.95 | 191.90 | 256.90 | 321.90 | 386.85 | 451.85 | 516.90 | 6.50)) |

¹OVERSIZE VEHICLES - Includes all vehicles 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 22-30 feet in length and over 7'6" in height shall be charged the 22-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

²TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: \$62.85 base season, \$84.70 peak season.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁵CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected.

BULK NEWSPAPERS - Per 100 lbs. \$2.85 (Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.42 per 100 lbs.). Daily newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Where it is operationally necessary (routes where vehicle fares are collected in only one direction or to increase operational efficiency at the terminal) a reservation no-show fee may be used in lieu of a deposit. The no-show fee will be limited to 25 to 100 percent of the equivalent one-way fare and will be charged if the customer does not travel within the same business day as their reserved sailing. Refunds may be available under certain special circumstances.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount

shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only

be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 11-18-034, filed 8/30/11, effective 10/1/11 and 5/1/12)

WAC 468-300-080 Fuel surcharge. (1) In order to manage the financial risk associated with fuel price volatility, it is hereby declared to be the policy of the Washington state transportation commission to implement a fuel surcharge as an added component to the regular posted fares for passage on vessels operated by Washington state ferries (WSF) to mitigate the financial impacts associated with unexpected increases in fuel prices which exceed those incorporated in WSF's fuel budget. The total ferry fare charged will consist of the base fare plus an automatic, incremental, additional surcharge as calculated according to the formula set forth in this rule.

(2) The method for calculating the fuel surcharge amount shall be as follows:

(a) Determine excess fuel costs for the current quarter by subtracting budgeted fuel costs from actual fuel costs for the quarter. For the purposes of this rule, quarters shall be consistent with the state fiscal year definition of quarters.

(b) To minimize lags in the application of this rule, the quarter will be closed one (~~(week))~~ month prior to the actual end of the quarter, and an estimate of actual costs will be prepared to account for the (~~(missing consumption days))~~ third month and any lags in accounting for actual purchases.

(c) The estimate of (~~(actual))~~ costs for the missing (~~(consumption days))~~ month shall be developed as follows:

(i) Estimated (~~(actual))~~ fuel costs for the third month of the quarter will be based on the Oil Price Information Service (OPIS) daily contract average rack prices for ultra low-sulfur dyed diesel fuel for the first fifteen days of the missing month as reported by the Washington state department of general administration's office of state procurement for Tacoma and Anacortes fuel price data as of the cutoff date.

(ii) Applicable taxes and fees are added to the Anacortes and Tacoma rack prices to derive total estimated cost per gallon for purchases at Anacortes and Tacoma on the missing days.

(iii) Total price per gallon is multiplied by budgeted gallons of fuel for the missing (~~(days))~~ month in the quarter, where gallons are split into estimated purchases at Anacortes and Tacoma prices based on the year-to-date shares of gallons purchased at Tacoma and Anacortes rack prices.

(d) Net excess fuel costs for the quarter shall be determined on the basis of the current estimate of the excess fuel costs for the quarter plus an accounting for the following:

(i) Any necessary reconciliation from the previous quarter's estimate of actual costs once full accounting of actual costs is complete.

(ii) Any necessary adjustments to ensure actual costs reflect budget assumptions regarding the appropriate share of biodiesel fuel or total diesel gallons to be purchased. Where actual gallons purchased or share of biodiesel vary from the assumptions used to develop the budget, the actual costs shall be reduced by the amount that these variations may have increased costs beyond the amounts assumed in the budget appropriation.

(iii) Subtracting any fuel surcharge revenues collected in the current quarter.

(iv) Adding net excess fuel costs from the previous quarter.

(e) Calculate an excess fuel cost percentage by dividing adjusted excess fuel costs by the current quarter's budgeted fuel costs.

(f) A fuel surcharge amount is then calculated as follows:

(i) Multiply the excess fuel cost percentage by the share of budgeted fuel costs to total operating costs for the current biennium (defined as the specific fuel appropriation divided by the total appropriation made to "Program X - Marine" as provided in the current transportation budget and supporting financial plan); then

(ii) Divide the result by the farebox recovery rate for the current biennium (defined as the fare revenue target divided by total appropriation to "Program X - Marine" as provided in the current transportation budget and supporting financial plan).

(3) A fuel surcharge shall be determined based on the calculation of the surcharge amount (as defined in subsection (2)(f) of this section) and applied to applicable fares as follows:

(a) If the surcharge amount is less than 2.5%, then a fuel surcharge shall not be applied.

(b) If the surcharge amount is equal to or greater than 2.5%, then the surcharge shall be determined as follows:

(i) Surcharge amount is equal to or greater than 2.5% and less than 5% then the surcharge shall be 2.5% of the applicable fare.

(ii) Surcharge amount is equal to or greater than 5% and less than 7.5% then the surcharge shall be 5% of the applicable fare.

(iii) Surcharge amount is equal to or greater than 7.5% and less than 10% then the surcharge shall be 7.5% of the applicable fare.

(iv) Surcharge amount is 10% or greater, the surcharge shall be 10% of the applicable fare.

(c) The surcharge shall be applied to all fares, with resulting fares rounded to the nearest nickel.

(4) WSF shall estimate the need for a fuel surcharge on a quarterly basis, based upon the formula prescribed in this rule, and if a surcharge is to be added or modified, then the department shall:

(a) Notify ORCA partners and customers of the pending surcharge changes at least thirty days prior to implementation of said changes.

(b) Make all surcharge changes effective on the first of the month.

(5) Excess fuel costs shall be reset to zero at the beginning of the biennium.

(6) The amount of any fuel surcharge shall be shown separately on customer receipts.

(7) WSF shall provide an annual report to the legislature, OFM, and the Washington state transportation commission summarizing its fuel cost mitigation activities, including how the department has managed its costs as well as the application, performance and impact of fuel surcharges pursuant to this authority.

(8) To facilitate understanding on the part of WSF customers and to ensure a transparent process, an explanation of how the surcharge is applied, including a summary of the actual calculation of the surcharge percentage, shall be described on the WSF web site.

(9) This rule goes into effect on October 1, 2011.

AMENDATORY SECTION (Amending WSR 11-18-034, filed 8/30/11, effective 10/1/11 and 5/1/12)

WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system. Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 1, ~~((2011))~~ 2013, through June 30, ~~((2012))~~ 2014:

| Vessel Class | Deck Crew On Overtime | Deck Crew On Straight Time |
|---------------------------|---|---|
| Jumbo Mark II | \$(1,851.00)) <u>1,782.00</u> | \$(1,877.00)) <u>1,731.00</u> |
| Jumbo | ((1,739.00)) <u>1,677.00</u> | ((1,762.00)) <u>1,626.00</u> |
| Super | ((1,664.00)) <u>1,629.00</u> | ((1,690.00)) <u>1,579.00</u> |
| Evergreen | ((1,057.00)) <u>1,074.00</u> | ((1,075.00)) <u>1,035.00</u> |
| Issaquah | ((1,204.00)) <u>1,181.00</u> | ((1,222.00)) <u>1,138.00</u> |
| ((Rhododendron | 760.00 | 771.00)) |
| <u>Kwa-di-Tabil</u> | <u>1,042.00</u> | <u>1,003.00</u> |
| Hiyu | ((626.00)) <u>633.00</u> | ((629.00)) <u>607.00</u> |

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by an appropriate

profit margin based on market conditions, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

**WSR 13-18-034
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 28, 2013, 10:39 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: Legislation passed in 2012 (SB 6378) gradually lowers the long-term assumed rate of return for most of the pension systems over the next three biennia, which may result in more frequent updates to actuarial factors used in the calculation of retirement costs and benefits. Removing the factors from WAC, and establishing in rule a process for adopting and publishing the factors, will allow the department to maintain transparency and remain responsive to its customers' and stakeholders' interests while updating the factors as necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 415-02-390; and amending WAC 415-02-177, 415-02-300, 415-02-320, 415-02-340, 415-02-345, 415-02-360, 415-02-370, 415-02-380, 415-103-215, 415-103-225, 415-103-300, 415-104-108, 415-104-111, 415-104-202, 415-104-215, 415-104-480, 415-104-485, 415-106-080, 415-106-600, 415-108-326, 415-108-340, 415-108-436, 415-108-805, 415-110-340, 415-110-436, 415-110-610, 415-111-320, 415-112-040, 415-112-292, 415-112-504, 415-112-505, and 415-112-555.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 13-15-171 on July 24, 2013.

Changes Other than Editing from Proposed to Adopted Version: The only change from the notice filed as WSR 13-15-171 is to revise the table of contents subheading in chapter 415-02 WAC (immediately preceding WAC 415-02-300) to reflect the changes in content.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 32, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 28, 2013.

Marcie Frost
Director

AMENDATORY SECTION (Amending WSR 13-06-025, filed 2/27/13, effective 4/1/13)

WAC 415-02-177 May I purchase additional service credit? (1) What is the option for purchasing additional service credit? The following statutes provide an option for eligible members to purchase additional service credit that provides a guaranteed, lifetime increase to their monthly retirement benefit:

- (a) RCW 41.26.199 for LEOFF Plan 1 members;
 - (b) RCW 41.26.432 for LEOFF Plan 2 members;
 - (c) RCW 41.40.034 for PERS Plan 1, 2, and 3 members;
 - (d) RCW 41.37.265 for PSERS Plan 2 members;
 - (e) RCW 41.35.183 for SERS Plan 2 and 3 members;
 - (f) RCW 41.32.066 for TRS Plan 1, 2, and 3 members;
- and
- (g) RCW 43.43.233 for WSPRS Plan 1 and 2 members.

(2) Am I eligible to purchase additional service credit?

(a) You may purchase additional service credit if you are eligible to retire from one or more of the following plans and you elect a monthly benefit rather than a lump sum payment:

- (i) LEOFF Plan 1 or 2 under RCW 41.26.090 or 41.26.430;
- (ii) PERS Plan 1, 2, or 3 under RCW 41.40.180, 41.40.630, or 41.40.820;
- (iii) PSERS Plan 2 under RCW 41.37.210;
- (iv) SERS Plan 2 or 3 under RCW 41.35.420 or 41.35.680;

(v) TRS Plan 1, 2, or 3 under RCW 41.32.480, 41.32.765, or 41.32.875; or

(vi) WSPRS Plan 1 or 2 under RCW 43.43.250.

(b) If you retire as a result of a disability, you may purchase additional service credit if you meet the requirements in (a) of this section.

(3) How much additional service credit may I purchase? If you are eligible, you may purchase from one to sixty months of additional service credit in whole month increments.

(4) May I use the additional purchased service credit to qualify for normal retirement or an early retirement? No. You may not use the purchased service credit to qualify for normal retirement or to qualify for an early retirement.

(5) When must I apply to purchase additional service credit? You must submit your request to purchase additional service credit to the department at the same time you submit your application for retirement.

(6) How much will my monthly retirement benefit increase if I purchase additional service credit? The increase in your monthly retirement benefit will be calculated using the benefit formula for your system and plan, with a reduction for early retirement, if applicable.

Example 1 (PERS Plan 2): John is a member of PERS Plan 2. He applies for retirement, effective the first month after his 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. His average final compensation (AFC) is \$4000 per month. ~~((If he purchases sixty months of additional service credit, his monthly retirement))~~ For illustration purposes in this example only, we will use .7240000 as the corresponding early retirement factor (ERF) for retiring three years early (actuarial factors change periodically). As a result, John's monthly benefit will increase by \$289.60 per month, calculated as follows:

~~((Additional service credit: 60 months ÷ 12 = 5 years
Early retirement factor (WAC 415-02-320(5)): .7240000))~~

$$\begin{aligned} \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{AFC} \times ((\text{early retirement factor})) \text{ ERF} \\ &= 2\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$289.60 \end{aligned}$$

Example 2 (TRS Plan 3): Jane is a member of TRS Plan 3. She applies for retirement, effective the first month after her 62nd birthday and chooses to purchase an additional sixty months (five years) of service credit. Her AFC is \$4000 per month. ~~((If she purchases sixty months of additional service credit, her))~~ For illustration purposes in this example only, we will use .7240000 as the corresponding ERF for retiring three years early (actuarial factors change periodically). As a result, Jane's monthly retirement benefit will increase by \$144.80 per month, calculated as follows:

~~((Additional service credit: 60 months ÷ 12 = 5 years
Early retirement factor (WAC 415-02-320(5)): .7240000))~~

$$\begin{aligned} \text{Amount of increase} &= 1\% \times \text{additional service credit years} \times \text{AFC} \times ((\text{early retirement factor})) \text{ ERF} \\ &= 1\% \times 5 \text{ years} \times \$4000 \times .7240000 \\ &= \$144.80 \end{aligned}$$

Example 3 (LEOFF Plan 2): Jim is a member of LEOFF Plan 2. He applies for retirement, effective the first month after his 53rd birthday and chooses to purchase an additional sixty months (five years) of service credit. His final average salary (FAS) is \$4000 per month. ~~((If he purchases sixty months of additional service credit, his))~~ No ERF is needed for this calculation as Jim has already reached normal retirement age for LEOFF Plan 2. Jim's monthly retirement benefit will increase by \$400 per month, calculated as follows:

~~((Additional service credit: 60 months ÷ 12 = 5 years))~~

$$\begin{aligned}
 \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{FAS} \\
 &= 2\% \times 5 \text{ years} \times \$4000 \\
 &= \$400
 \end{aligned}$$

(7) How is the cost of the additional purchased service credit calculated? The cost to purchase additional service credit is calculated by dividing the amount of the increase in subsection (6) of this section by the age-based annuity factor in effect at the time of retirement. (See WAC 415-02-340((-)) for more information.)

Example. In subsection (6) of this section, Example 1, it was determined that John's retirement benefit would increase by \$289.60 per month. ~~((The))~~ For illustration purposes in this example only, we will use .0065016 as the annuity factor for John's retirement date (actuarial factors change periodically). As a result, John's cost to purchase the five years of additional service credit would be \$44,542.88, calculated as follows:

~~((Age-based annuity factor (WAC 415-02-340): .0065016))~~

$$\begin{aligned}
 \text{Cost} &= \text{Amount of increase} \div \text{age-based annuity factor} \\
 &= \$289.60 \div .0065016 \\
 &= \$44,542.88
 \end{aligned}$$

(8) How and when do I pay for the additional service credit? The department will generate a bill to you for the cost of the additional service credit.

(a) Payment may be made with an eligible rollover, a direct rollover or a trustee-to-trustee transfer, if allowed by the transferring plan. Payment may also be made with after-tax dollars, such as money from a personal savings account. However, IRS regulations limit the amount of after-tax dollars you may use to purchase additional service credit.

(b) Payment must be made in full within ninety days after the bill issue date.

(9) If I choose a benefit option with a survivor feature, will my survivor beneficiary's monthly benefit reflect the additional purchased service credit? Yes. Depending upon the rules for your retirement system and plan and the benefit option you choose at retirement, your survivor beneficiary's monthly benefit will be a percentage of the gross monthly retirement benefit you were receiving at the time of your death. If you choose a benefit option with a survivor feature and your survivor beneficiary dies before you, your monthly retirement benefit will increase to the amount it would have been had you not selected a survivor option.

(10) Will I receive a cost of living adjustment (COLA) on the portion of my benefit that is based on the additional purchased service credit?

(a) For all systems and plans, except as noted in (b) of this subsection, your COLA will be based on your gross monthly retirement benefit, including the increase due to the purchased service credit.

(b) If you retire from PERS Plan 1 or TRS Plan 1 and you do not elect the optional auto COLA, you will not receive a COLA on the additional purchased service credit amount.

(11) If I purchase additional service credit and then return to work, how will my retirement benefit be affected?

~~((a) If you return to work with an employer that participates with the department:~~

~~(i) Elect to return to membership—Your entire retirement benefit is suspended, including the portion of your retirement benefit attributable to service credit purchased under this section.~~

~~(ii) Do not elect to return to membership—If your retirement benefit is suspended due to working over the hours allowed annually, the portion of your retirement benefit attributable to service credit purchased under this section will be suspended.~~

~~(b) If you return to work with an employer that does not participate with the department, your retirement benefit and the portion of your retirement benefit attributable to service credit purchased under this section will not be suspended.))~~ Your entire retirement benefit, including the amount attributable to purchased service credit, is subject to the return to work provisions of your system and plan. The following rules describe the impact on your benefit if you return to work as a retiree of the referenced systems and plans:

| | |
|--------------------------------|------------------------|
| <u>PERS Plans 1, 2, and 3:</u> | <u>WAC 415-108-710</u> |
| <u>TRS Plan 1:</u> | <u>WAC 415-112-541</u> |
| <u>TRS Plans 2 and 3:</u> | <u>WAC 415-112-542</u> |
| <u>SERS Plans 2 and 3:</u> | <u>WAC 415-110-710</u> |
| <u>PSERS Plan 2:</u> | <u>WAC 415-106-700</u> |
| <u>LEOFF Plan 2:</u> | <u>WAC 415-104-111</u> |

(12) If I retire and purchase less than sixty months of additional service credit, may I purchase more at a later time? ~~((If you retire and purchase less than sixty months of additional service credit.))~~ No. You may not purchase additional months of service credit from the same plan unless you return to membership and ~~((re)retire))~~ retire again from the same system and plan. You must meet the eligibility requirements provided in subsection (2) of this section at the time you ~~((re)retire))~~ retire again. You may not purchase more than a total of sixty months of service credit regardless of how many times you ~~((re)retire))~~ retire again from the same system and plan.

(13) May I purchase service credit from more than one retirement plan?

(a) If you are a dual member under chapter 415-113 WAC, Portability of public employment benefits, and you combine service credit to retire as a dual member, you may purchase up to sixty months of additional service credit from each of your dual member plans.

(b) If you retire from more than one plan, but are not a dual member under chapter 415-113 WAC, you may purchase up to sixty months of additional service credit from each plan in which you meet the eligibility requirements in subsection (2) of this section.

(14) How are the funds I paid to purchase the additional service credit treated upon my death (and the death of my survivor beneficiary, if applicable)?

(a) Plans 1 and 2. The amount paid to purchase the additional service credit is credited to your individual account as part of your accumulated contributions. Distribution of accumulated contributions after your death (and the death of your survivor beneficiary, if any) is governed by the statutes and rules applicable to your plan. See:

- (i) WAC 415-108-326 for PERS Plan 1 and 2;
- (ii) WAC 415-112-504(9) for TRS Plan 1;
- (iii) WAC 415-112-505(7) for TRS Plan 2;
- (iv) WAC 415-110-610(7) for SERS Plan 2;
- (v) WAC 415-106-600(7) for PSERS Plan 2;
- (vi) WAC 415-103-215 for WSPRS Plan 1;
- (vii) WAC 415-103-225(7) for WSPRS Plan 2;
- (viii) WAC 415-104-202 for LEOFF Plan 1; or
- (ix) WAC 415-104-215(7) for LEOFF Plan 2.

(b) Plan 3. The amount paid to purchase the additional service credit is credited to the Plan 3 trust fund and not to your member account. There are no circumstances under which the amount will be distributed upon your death.

ACTUARIAL ((TABLES, SCHEDULES, AND)) FACTORS AND SCHEDULES

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-300 How does the department adopt and use actuarial ((tables, schedules, and)) factors? (1) The department uses actuarial ((tables, schedules, and)) factors for, but not limited to, benefit calculations, annuitizing benefits, and calculating cost to purchase service credit for members, retirees, and beneficiaries.

(2) The department ((adopted tables, schedules, and)) adopts actuarial factors upon the office of the state actuary's (OSA) recommendation, following OSA's investigation into the mortality, service, compensation, and other experience of retirement plan members, retirees, and beneficiaries.

(3) The ((tables, schedules, and)) actuarial factors may be amended from time to time, based upon subsequent actuarial investigations.

~~((4) The department uses the tables, schedules, and factors:~~

~~(a) In effect at the time of the member's effective retirement date to calculate the member's retirement benefit.~~

~~(b) In effect at the time of the annuitizing to calculate an annuitized benefit.~~

~~(c) In effect at the time of purchase to determine a member's cost to purchase service credit.) (a) Prior to any amendment, the department will post OSA's recommended changes on its web site. The process and timeline for public comment before adoption of the new factors will also be posted.~~

(b) If the department adopts new factors, they will be available in the department's systems before the effective date, so that benefit estimates can be provided to assist members in retirement planning.

(c) Actuarial factors displayed on the department's web site will be updated with new factors when they become effective.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-320 Early retirement factors. (1) What are early retirement factors? Early retirement factors (ERFs) are actuarial factors used by the department to reduce a monthly retirement benefit when that payment begins before the member has qualified for normal retirement based on age and service. This reduction offsets the cost to the plan of paying the monthly benefit for a longer time.

(2) In what situations will the department use an ERF?

(a) The department will use an ERF to reduce a monthly benefit in any of the following situations, subject to the law governing your plan, and subject to the exceptions in (b) of this subsection:

- (i) You choose to retire early.
- (ii) You retire due to a disability before you are eligible for normal retirement.
- (iii) You die before you are eligible for normal retirement, and your beneficiary is eligible for a monthly benefit.

(b) An ERF is not used in the following circumstances, although another method may be used to reduce benefits as required by the laws governing each plan:

- (i) You meet your plan's requirements for "alternate early retirement";
- (ii) You meet PSERS requirements for "early retirement";
- (iii) You retire for service or due to a disability, from PERS Plan 1 or TRS Plan 1;
- (iv) You are a member of LEOFF Plan 1;
- (v) You retire due to a duty-related disability from LEOFF Plan 2;
- (vi) You retire due to a disability or die before retirement from WSPRS Plan 1; or
- (vii) You retire due to a disability from WSPRS Plan 2.

(c) The following table shows the law governing plans that use an ERF:

| | Early Retirement | Disability Retirement | Death Prior to Retirement |
|---------------|------------------|-----------------------|---------------------------|
| LEOFF Plan 1: | N/A | N/A | N/A |
| LEOFF Plan 2: | RCW 41.26.430 | RCW 41.26.470 | RCW 41.26.510 |
| PERS Plan 1: | N/A | N/A | RCW 41.40.270 |
| PERS Plan 2: | RCW 41.40.630 | RCW 41.40.670 | RCW 41.40.700 |

| | Early Retirement | Disability Retirement | Death Prior to Retirement |
|---------------|------------------|-----------------------|---------------------------|
| PERS Plan 3: | RCW 41.40.820 | RCW 41.40.825 | RCW 41.40.835 |
| PSERS: | N/A | RCW 41.37.230 | RCW 41.37.250 |
| SERS Plan 2: | RCW 41.35.420 | RCW 41.35.440 | RCW 41.35.460 |
| SERS Plan 3: | RCW 41.35.680 | RCW 41.35.690 | RCW 41.35.710 |
| TRS Plan 1: | N/A | N/A | RCW 41.32.520 |
| TRS Plan 2: | RCW 41.32.765 | RCW 41.32.790 | RCW 41.32.805 |
| TRS Plan 3: | RCW 41.32.875 | RCW 41.32.880 | RCW 41.32.895 |
| WSPRS Plan 1: | RCW 43.43.280 | N/A | N/A |
| WSPRS Plan 2: | RCW 43.43.280 | N/A | RCW 43.43.295 |

(3) **How does the department determine the number of years on which to base the ERF?** The calculation varies among plans:

(a) ERFs are based on the number of years between the age at which you retire, or die, and the age at which you would have qualified for normal retirement based on age and service.

Example - Early retirement: Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00.

PERS Plan 2 provides for two percent (.02) of AFC per year of service. A PERS Plan 2 member must be age 65 to retire with an unreduced benefit (i.e., normal retirement), but is eligible to retire with an actuarially reduced benefit (i.e., early retirement) at age 55 with 20 years of service credit.

The difference between Sandy's age now (56) and the age at which she would have qualified for normal retirement (age 65) is 8 years and 11 months. For illustration purposes in this example only, we will use 0.3987 as the corresponding ERF ((is 0.3987)) for retiring 8 years and 11 months early (actuarial factors change periodically). As a result, Sandy's monthly benefit will be \$589.16. ((Therefore,)) The department will ((multiply Sandy's AFC of)) use the following formula to determine Sandy's monthly benefit: \$3,500 (AFC) x .02 x 21.11 (service credit years) x 0.3987 (ERF). ((Sandy's monthly retirement benefit will be \$589.16.))

(b) WSPRS Plan 2 only: The ERF used to calculate your survivor's monthly benefit if you die before retirement is based on the number of years between the age at which you die and age fifty-five (55) or when you could have attained twenty-five (25) years of service, whichever is less. See RCW 43.43.295.

Example - Early retirement: The survivor benefit, in this example, will also have a reduction applied for 100% joint and survivor option, based on the difference between John's age and his survivor's age.

John, a WSPRS Plan 2 member dies prior to retirement. John is age 40 and has 15 years of service at the time of his death. John's Average Final Salary (AFS) is \$4,000. John's surviving spouse, Emily, is also age 40.

Since John would have attained 25 years of service before he would have attained age 55, the ERF used to calculate ((his survivor's)) Emily's benefit will be based on the 10 years it would have taken ((him)) John to reach 25 years of service. For illustration purposes in this example only, we

will use 0.403 as the corresponding ERF for retiring 10 years early ((retirement is 0.403-)), and 0.889 as the corresponding joint and survivor (J&S) factor ((that will also be applied to the benefit is 0.889-.

Therefore, the department will multiply John's AFS of)) (actuarial factors change periodically). As a result, Emily will receive a monthly benefit of \$429.92. The department will use the following formula to determine Emily's monthly benefit: \$4,000 (AFS) x .02 x 15 (service credit years) x 0.403 (ERF) x 0.889 (J&S). ((John's survivor will receive a monthly benefit of \$429.92-))

(c) TRS Plan 1 only: The ERF used to calculate your survivor's monthly benefit if you die before retirement is based on the number of years between the age at which you die and the age at which you would have first become eligible to retire under RCW 41.32.480. See RCW 41.32.520.

Example - Death before retirement: Robert, a 56 year-old TRS Plan 1 member, died ((April 1, 2006,)) with 23.17 years of service credit. His AFC is \$3,171.74.

TRS Plan 1 provides an unreduced benefit (i.e., normal retirement) at age 55 with 25 years of service credit.

Robert's wife, Karen, is two years younger than Robert. Karen will receive an actuarially reduced benefit based on the date Robert would have first qualified for an unreduced benefit (i.e., normal retirement). If Robert had continued in service, he would have met eligibility requirements in one year and 10 months, when he earned 25 years of service credit. ((The)) For illustration purposes in this example only, we will use 0.8410 as the corresponding ERF for retiring one year and 10 months ((is 0.8410)) early, and 0.918 as the corresponding J&S Option 2 factor (actuarial factors change periodically). As a result, Karen's monthly benefit will be \$1,134.73.

((Karen's monthly benefit will be further reduced by the Option 2 survivor factor, which is based on the age difference between her and Robert. Karen is age 58, two years older than Robert. The Option 2 survivor factor for a beneficiary two years older is 0.918 (see WAC 415-02-380(12)).))

The department will ((multiply)) use the following formula to determine Karen's monthly benefit: 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x 0.8410 (ERF) x 0.918 (the Option 2 factor). ((Karen's monthly benefit will be \$1,134.73-.

~~(4) **Table**—This table contains the early retirement factors (ERFs) for members who retire from active service in~~

PERS Plan 1, TRS Plan 1, and WSPRS Plan 2. The ERFs are effective September 1, 2010.

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 0 | 1.0000 | .9924 | .9848 | .9772 | .9696 | .9620 | .9544 | .9468 | .9392 | .9316 | .9240 | .9164 |
| 1 | .9090 | .9022 | .8954 | .8886 | .8818 | .8750 | .8682 | .8614 | .8546 | .8478 | .8410 | .8342 |
| 2 | .8270 | .8209 | .8148 | .8087 | .8026 | .7965 | .7904 | .7843 | .7782 | .7721 | .7660 | .7599 |
| 3 | .7540 | .7485 | .7430 | .7375 | .7320 | .7265 | .7210 | .7155 | .7100 | .7045 | .6990 | .6935 |
| 4 | .6880 | .6830 | .6780 | .6730 | .6680 | .6630 | .6580 | .6530 | .6480 | .6430 | .6380 | .6330 |
| 5 | .6280 | .6235 | .6190 | .6145 | .6100 | .6055 | .6010 | .5965 | .5920 | .5875 | .5830 | .5785 |
| 6 | .5740 | .5698 | .5656 | .5614 | .5572 | .5530 | .5488 | .5446 | .5404 | .5362 | .5320 | .5278 |
| 7 | .5240 | .5203 | .5166 | .5129 | .5092 | .5055 | .5018 | .4981 | .4944 | .4907 | .4870 | .4833 |
| 8 | .4800 | .4767 | .4734 | .4701 | .4668 | .4635 | .4602 | .4569 | .4536 | .4503 | .4470 | .4437 |
| 9 | .4400 | .4369 | .4338 | .4307 | .4276 | .4245 | .4214 | .4183 | .4152 | .4121 | .4090 | .4059 |
| 10 | .4030 | .4002 | .3974 | .3946 | .3918 | .3890 | .3862 | .3834 | .3806 | .3778 | .3750 | .3722 |
| 11 | .3690 | .3665 | .3640 | .3615 | .3590 | .3565 | .3540 | .3515 | .3490 | .3465 | .3440 | .3415 |
| 12 | .3390 | .3367 | .3344 | .3321 | .3298 | .3275 | .3252 | .3229 | .3206 | .3183 | .3160 | .3137 |
| 13 | .3110 | .3088 | .3066 | .3044 | .3022 | .3000 | .2978 | .2956 | .2934 | .2912 | .2890 | .2868 |
| 14 | .2850 | .2831 | .2812 | .2793 | .2774 | .2755 | .2736 | .2717 | .2698 | .2679 | .2660 | .2641 |
| 15 | .2620 | .2603 | .2586 | .2569 | .2552 | .2535 | .2518 | .2501 | .2484 | .2467 | .2450 | .2433 |
| 16 | .2410 | .2393 | .2376 | .2359 | .2342 | .2325 | .2308 | .2291 | .2274 | .2257 | .2240 | .2223 |
| 17 | .2210 | .2195 | .2180 | .2165 | .2150 | .2135 | .2120 | .2105 | .2090 | .2075 | .2060 | .2045 |
| 18 | .2030 | .2017 | .2004 | .1991 | .1978 | .1965 | .1952 | .1939 | .1926 | .1913 | .1900 | .1887 |
| 19 | .1870 | .1857 | .1844 | .1831 | .1818 | .1805 | .1792 | .1779 | .1766 | .1753 | .1740 | .1727 |
| 20 | .1710 | .1699 | .1688 | .1677 | .1666 | .1655 | .1644 | .1633 | .1622 | .1611 | .1600 | .1589 |
| 21 | .1580 | .1569 | .1558 | .1547 | .1536 | .1525 | .1514 | .1503 | .1492 | .1481 | .1470 | .1459 |
| 22 | .1450 | .1440 | .1430 | .1420 | .1410 | .1400 | .1390 | .1380 | .1370 | .1360 | .1350 | .1340 |
| 23 | .1330 | .1322 | .1314 | .1306 | .1298 | .1290 | .1282 | .1274 | .1266 | .1258 | .1250 | .1242 |
| 24 | .1230 | .1222 | .1214 | .1206 | .1198 | .1190 | .1182 | .1174 | .1166 | .1158 | .1150 | .1142 |
| 25 | .1130 | .1123 | .1116 | .1109 | .1102 | .1095 | .1088 | .1081 | .1074 | .1067 | .1060 | .1053 |
| 26 | .1040 | .1037 | .1034 | .1031 | .1028 | .1025 | .1022 | .1019 | .1016 | .1013 | .1010 | .1007 |
| 27 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 28 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 29 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 30+ | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |

(5) Table—The following early retirement factors (ERFs) for PERS Plans 2 and 3, SERS Plans 2 and 3, and TRS Plans 2 and 3 are effective September 1, 2010.

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 0 | 1.0000 | .9913 | .9826 | .9739 | .9652 | .9565 | .9478 | .9391 | .9304 | .9217 | .9130 | .9043 |
| 1 | .8960 | .8884 | .8808 | .8732 | .8656 | .8580 | .8504 | .8428 | .8352 | .8276 | .8200 | .8124 |
| 2 | .8050 | .7983 | .7916 | .7849 | .7782 | .7715 | .7648 | .7581 | .7514 | .7447 | .7380 | .7313 |
| 3 | .7240 | .7180 | .7120 | .7060 | .7000 | .6940 | .6880 | .6820 | .6760 | .6700 | .6640 | .6580 |
| 4 | .6520 | .6467 | .6414 | .6361 | .6308 | .6255 | .6202 | .6149 | .6096 | .6043 | .5990 | .5937 |
| 5 | .5880 | .5833 | .5786 | .5739 | .5692 | .5645 | .5598 | .5551 | .5504 | .5457 | .5410 | .5363 |
| 6 | .5310 | .5268 | .5226 | .5184 | .5142 | .5100 | .5058 | .5016 | .4974 | .4932 | .4890 | .4848 |
| 7 | .4810 | .4772 | .4734 | .4696 | .4658 | .4620 | .4582 | .4544 | .4506 | .4468 | .4430 | .4392 |
| 8 | .4350 | .4317 | .4284 | .4251 | .4218 | .4185 | .4152 | .4119 | .4086 | .4053 | .4020 | .3987 |
| 9 | .3950 | .3919 | .3888 | .3857 | .3826 | .3795 | .3764 | .3733 | .3702 | .3671 | .3640 | .3609 |
| 10 | .3580 | .3553 | .3526 | .3499 | .3472 | .3445 | .3418 | .3391 | .3364 | .3337 | .3310 | .3283 |
| 11 | .3260 | .3235 | .3210 | .3185 | .3160 | .3135 | .3110 | .3085 | .3060 | .3035 | .3010 | .2985 |

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 12 | .2960 | .2938 | .2916 | .2894 | .2872 | .2850 | .2828 | .2806 | .2784 | .2762 | .2740 | .2718 |
| 13 | .2690 | .2670 | .2650 | .2630 | .2610 | .2590 | .2570 | .2550 | .2530 | .2510 | .2490 | .2470 |
| 14 | .2450 | .2432 | .2414 | .2396 | .2378 | .2360 | .2342 | .2324 | .2306 | .2288 | .2270 | .2252 |
| 15 | .2230 | .2214 | .2198 | .2182 | .2166 | .2150 | .2134 | .2118 | .2102 | .2086 | .2070 | .2054 |
| 16 | .2040 | .2025 | .2010 | .1995 | .1980 | .1965 | .1950 | .1935 | .1920 | .1905 | .1890 | .1875 |
| 17 | .1860 | .1846 | .1832 | .1818 | .1804 | .1790 | .1776 | .1762 | .1748 | .1734 | .1720 | .1706 |
| 18 | .1690 | .1678 | .1666 | .1654 | .1642 | .1630 | .1618 | .1606 | .1594 | .1582 | .1570 | .1558 |
| 19 | .1550 | .1538 | .1526 | .1514 | .1502 | .1490 | .1478 | .1466 | .1454 | .1442 | .1430 | .1418 |
| 20 | .1410 | .1400 | .1390 | .1380 | .1370 | .1360 | .1350 | .1340 | .1330 | .1320 | .1310 | .1300 |
| 21 | .1290 | .1281 | .1272 | .1263 | .1254 | .1245 | .1236 | .1227 | .1218 | .1209 | .1200 | .1191 |
| 22 | .1180 | .1172 | .1164 | .1156 | .1148 | .1140 | .1132 | .1124 | .1116 | .1108 | .1100 | .1092 |
| 23 | .1080 | .1074 | .1068 | .1062 | .1056 | .1050 | .1044 | .1038 | .1032 | .1026 | .1020 | .1014 |
| 24 | .1010 | .1009 | .1008 | .1007 | .1006 | .1005 | .1004 | .1003 | .1002 | .1001 | .1000 | .1000 |
| 25 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 26 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 27 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 28 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 29 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 30+ | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |

(6) **Table**— The following table contains early retirement factors (ERFs) for members who do not retire from active service in PERS Plan 1, PSERS Plan 2, and WSPRS Plans 1 and 2. The ERFs are effective September 1, 2010.

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 0 | 1.0000 | .9918 | .9836 | .9754 | .9672 | .9590 | .9508 | .9426 | .9344 | .9262 | .9180 | .9098 |
| 1 | .9010 | .8938 | .8866 | .8794 | .8722 | .8650 | .8578 | .8506 | .8434 | .8362 | .8290 | .8218 |
| 2 | .8140 | .8075 | .8010 | .7945 | .7880 | .7815 | .7750 | .7685 | .7620 | .7555 | .7490 | .7425 |
| 3 | .7360 | .7302 | .7244 | .7186 | .7128 | .7070 | .7012 | .6954 | .6896 | .6838 | .6780 | .6722 |
| 4 | .6660 | .6608 | .6556 | .6504 | .6452 | .6400 | .6348 | .6296 | .6244 | .6192 | .6140 | .6088 |
| 5 | .6040 | .5994 | .5948 | .5902 | .5856 | .5810 | .5764 | .5718 | .5672 | .5626 | .5580 | .5534 |
| 6 | .5490 | .5448 | .5406 | .5364 | .5322 | .5280 | .5238 | .5196 | .5154 | .5112 | .5070 | .5028 |
| 7 | .4990 | .4953 | .4916 | .4879 | .4842 | .4805 | .4768 | .4731 | .4694 | .4657 | .4620 | .4583 |
| 8 | .4540 | .4506 | .4472 | .4438 | .4404 | .4370 | .4336 | .4302 | .4268 | .4234 | .4200 | .4166 |
| 9 | .4130 | .4100 | .4070 | .4040 | .4010 | .3980 | .3950 | .3920 | .3890 | .3860 | .3830 | .3800 |
| 10 | .3770 | .3743 | .3716 | .3689 | .3662 | .3635 | .3608 | .3581 | .3554 | .3527 | .3500 | .3473 |
| 11 | .3440 | .3415 | .3390 | .3365 | .3340 | .3315 | .3290 | .3265 | .3240 | .3215 | .3190 | .3165 |
| 12 | .3140 | .3118 | .3096 | .3074 | .3052 | .3030 | .3008 | .2986 | .2964 | .2942 | .2920 | .2898 |
| 13 | .2870 | .2849 | .2828 | .2807 | .2786 | .2765 | .2744 | .2723 | .2702 | .2681 | .2660 | .2639 |
| 14 | .2620 | .2602 | .2584 | .2566 | .2548 | .2530 | .2512 | .2494 | .2476 | .2458 | .2440 | .2422 |
| 15 | .2400 | .2383 | .2366 | .2349 | .2332 | .2315 | .2298 | .2281 | .2264 | .2247 | .2230 | .2213 |
| 16 | .2190 | .2175 | .2160 | .2145 | .2130 | .2115 | .2100 | .2085 | .2070 | .2055 | .2040 | .2025 |
| 17 | .2010 | .1996 | .1982 | .1968 | .1954 | .1940 | .1926 | .1912 | .1898 | .1884 | .1870 | .1856 |
| 18 | .1840 | .1828 | .1816 | .1804 | .1792 | .1780 | .1768 | .1756 | .1744 | .1732 | .1720 | .1708 |
| 19 | .1690 | .1678 | .1666 | .1654 | .1642 | .1630 | .1618 | .1606 | .1594 | .1582 | .1570 | .1558 |
| 20 | .1550 | .1539 | .1528 | .1517 | .1506 | .1495 | .1484 | .1473 | .1462 | .1451 | .1440 | .1429 |
| 21 | .1420 | .1410 | .1400 | .1390 | .1380 | .1370 | .1360 | .1350 | .1340 | .1330 | .1320 | .1310 |
| 22 | .1300 | .1291 | .1282 | .1273 | .1264 | .1255 | .1246 | .1237 | .1228 | .1219 | .1210 | .1201 |
| 23 | .1190 | .1183 | .1176 | .1169 | .1162 | .1155 | .1148 | .1141 | .1134 | .1127 | .1120 | .1113 |
| 24 | .1100 | .1093 | .1086 | .1079 | .1072 | .1065 | .1058 | .1051 | .1044 | .1037 | .1030 | .1023 |
| 25 | .1020 | .1018 | .1016 | .1014 | .1012 | .1010 | .1008 | .1006 | .1004 | .1002 | .1000 | .1000 |
| 26 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 27 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 28 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 29 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 30+ | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |

(7) **Table**—This table contains the early retirement factors (ERFs) for members who retire from active service in LEOFF Plan 2. The ERFs are effective January 1, 2010.

| Yrs- Early | Month 0 | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 | Month 7 | Month 8 | Month 9 | Month 10 | Month 11 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 0 | 1.0000 | .9925 | .9850 | .9775 | .9700 | .9625 | .9550 | .9475 | .9400 | .9325 | .9250 | .9175 |
| 1 | .9100 | .9033 | .8966 | .8899 | .8832 | .8765 | .8698 | .8631 | .8564 | .8497 | .8430 | .8363 |
| 2 | .8300 | .8239 | .8178 | .8117 | .8056 | .7995 | .7934 | .7873 | .7812 | .7751 | .7690 | .7629 |
| 3 | .7570 | .7515 | .7460 | .7405 | .7350 | .7295 | .7240 | .7185 | .7130 | .7075 | .7020 | .6965 |
| 4 | .6910 | .6860 | .6810 | .6760 | .6710 | .6660 | .6610 | .6560 | .6510 | .6460 | .6410 | .6360 |
| 5 | .6310 | .6265 | .6220 | .6175 | .6130 | .6085 | .6040 | .5995 | .5950 | .5905 | .5860 | .5815 |
| 6 | .5770 | .5728 | .5686 | .5644 | .5602 | .5560 | .5518 | .5476 | .5434 | .5392 | .5350 | .5308 |
| 7 | .5270 | .5233 | .5196 | .5159 | .5122 | .5085 | .5048 | .5011 | .4974 | .4937 | .4900 | .4863 |
| 8 | .4830 | .4796 | .4762 | .4728 | .4694 | .4660 | .4626 | .4592 | .4558 | .4524 | .4490 | .4456 |
| 9 | .4420 | .4389 | .4358 | .4327 | .4296 | .4265 | .4234 | .4203 | .4172 | .4141 | .4110 | .4079 |
| 10 | .4050 | .4022 | .3994 | .3966 | .3938 | .3910 | .3882 | .3854 | .3826 | .3798 | .3770 | .3742 |
| 11 | .3710 | .3685 | .3660 | .3635 | .3610 | .3585 | .3560 | .3535 | .3510 | .3485 | .3460 | .3435 |
| 12 | .3410 | .3387 | .3364 | .3341 | .3318 | .3295 | .3272 | .3249 | .3226 | .3203 | .3180 | .3157 |
| 13 | .3130 | .3108 | .3086 | .3064 | .3042 | .3020 | .2998 | .2976 | .2954 | .2932 | .2910 | .2888 |
| 14 | .2870 | .2851 | .2832 | .2813 | .2794 | .2775 | .2756 | .2737 | .2718 | .2699 | .2680 | .2661 |
| 15 | .2640 | .2622 | .2604 | .2586 | .2568 | .2550 | .2532 | .2514 | .2496 | .2478 | .2460 | .2442 |
| 16 | .2420 | .2404 | .2388 | .2372 | .2356 | .2340 | .2324 | .2308 | .2292 | .2276 | .2260 | .2244 |
| 17 | .2230 | .2215 | .2200 | .2185 | .2170 | .2155 | .2140 | .2125 | .2110 | .2095 | .2080 | .2065 |
| 18 | .2050 | .2036 | .2022 | .2008 | .1994 | .1980 | .1966 | .1952 | .1938 | .1924 | .1910 | .1896 |
| 19 | .1880 | .1868 | .1856 | .1844 | .1832 | .1820 | .1808 | .1796 | .1784 | .1772 | .1760 | .1748 |
| 20 | .1730 | .1718 | .1706 | .1694 | .1682 | .1670 | .1658 | .1646 | .1634 | .1622 | .1610 | .1598 |
| 21 | .1590 | .1580 | .1570 | .1560 | .1550 | .1540 | .1530 | .1520 | .1510 | .1500 | .1490 | .1480 |
| 22 | .1470 | .1460 | .1450 | .1440 | .1430 | .1420 | .1410 | .1400 | .1390 | .1380 | .1370 | .1360 |
| 23 | .1350 | .1342 | .1334 | .1326 | .1318 | .1310 | .1302 | .1294 | .1286 | .1278 | .1270 | .1262 |
| 24 | .1250 | .1242 | .1234 | .1226 | .1218 | .1210 | .1202 | .1194 | .1186 | .1178 | .1170 | .1162 |
| 25 | .1150 | .1143 | .1136 | .1129 | .1122 | .1115 | .1108 | .1101 | .1094 | .1087 | .1080 | .1073 |
| 26 | .1060 | .1055 | .1050 | .1045 | .1040 | .1035 | .1030 | .1025 | .1020 | .1015 | .1010 | .1005 |
| 27 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 28 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 29 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |
| 30+ | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 | .1000 |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans. (1) ~~((How does the department use the information in the table called))~~ **What does the phrase "monthly benefit per \$1.00 of accumulation for defined benefit plans" mean?** ~~((The department uses this information))~~ It refers to an actuarially equivalent value that the department uses to:

(a) Determine what a future lifetime monthly benefit is worth in present-day dollars;

(b) Determine the equivalent value of a lump sum when compared with monthly payments;

(c) Determine the cost of purchasing additional service credit as described in WAC 415-02-177(7); and

(d) For TRS Plan 1 only: Determine the reduction in the monthly retirement benefit if some or all of the accumulated contributions in a member's individual account are withdrawn at retirement pursuant to RCW 41.32.498.

(2) What ~~((type of information is in this table))~~ information is used to determine the "monthly benefit per \$1.00 of accumulation for defined benefit plans" values?

The ~~((information in this table is))~~ values, which change periodically, are based on the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan ~~((and all reflect an assumed rate of return of 8.0%)).~~

The younger a person is at retirement, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. The amount of monthly lifetime benefit that a present-day dollar buys increases as the remaining life expectancy of the recipient decreases.

(a) Example:

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she would receive if she accepted a lump sum payment instead. ~~((Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns))~~ For illustration purposes in this example only, we will assume that \$.0069798 per month for life has a present day cash value of one dollar (\$1.00) for ~~((this))~~ Celina's system, plan, and age class. Celina divides \$45.00 by .0069798 and learns that her lump sum payment would be \$6,447.18.

(b) Example:

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do and still receive a monthly benefit). ~~((From the row in the table for age 58 in the TRS Plan 1 column, Fred learns))~~ For illustration purposes in this example only, we will assume that \$.0077298 per month for life has a present day cash value of one dollar (\$1.00) for ~~((this))~~ Fred's system, plan, and age class. Fred multiplies \$124,934.00 by .0077298, and learns that his monthly retirement benefit will be reduced by \$965.71 per month if he withdraws his account balance.

~~((3))~~ **Table**—Monthly benefit per \$1.00 of accumulation for defined benefit plans. The rates contained in this table are effective:

(a) January 1, 2010, for LEOFF Plan 2.

(b) September 1, 2010, for LEOFF Plan 1, PSERS Plan 2, PERS Plans 1, 2, and 3, SERS Plans 2 and 3, TRS Plans 1, 2, and 3, and WSPRS Plans 1 and 2.

| Age | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1/2 |
|-----|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| 20 | .0039630 | .0042990 | .0066256 | .0044560 | .0044926 | .0043681 | .0067741 | .0043601 | .0043122 |
| 21 | .0039783 | .0043125 | .0066400 | .0044786 | .0045172 | .0043857 | .0067970 | .0043765 | .0043261 |
| 22 | .0039944 | .0043266 | .0066556 | .0045024 | .0045432 | .0044042 | .0068200 | .0043935 | .0043409 |
| 23 | .0040113 | .0043414 | .0066725 | .0045277 | .0045708 | .0044238 | .0068425 | .0044110 | .0043563 |
| 24 | .0040290 | .0043571 | .0066909 | .0045527 | .0045970 | .0044446 | .0068636 | .0044289 | .0043727 |
| 25 | .0040476 | .0043735 | .0067108 | .0045775 | .0046219 | .0044665 | .0068824 | .0044471 | .0043899 |
| 26 | .0040672 | .0043908 | .0067323 | .0046023 | .0046458 | .0044898 | .0068973 | .0044650 | .0044081 |
| 27 | .0040879 | .0044091 | .0067558 | .0046271 | .0046688 | .0045144 | .0069111 | .0044835 | .0044273 |
| 28 | .0041096 | .0044283 | .0067812 | .0046522 | .0046911 | .0045404 | .0069240 | .0045024 | .0044475 |
| 29 | .0041325 | .0044486 | .0068089 | .0046765 | .0047126 | .0045658 | .0069358 | .0045218 | .0044690 |
| 30 | .0041567 | .0044701 | .0068389 | .0047004 | .0047338 | .0045907 | .0069464 | .0045417 | .0044917 |
| 31 | .0041821 | .0044927 | .0068716 | .0047243 | .0047552 | .0046155 | .0069558 | .0045622 | .0045156 |
| 32 | .0042089 | .0045166 | .0069070 | .0047485 | .0047771 | .0046406 | .0069647 | .0045835 | .0045409 |
| 33 | .0042369 | .0045416 | .0069454 | .0047740 | .0048004 | .0046662 | .0069736 | .0046056 | .0045674 |
| 34 | .0042663 | .0045679 | .0069870 | .0048003 | .0048250 | .0046915 | .0069837 | .0046292 | .0045953 |
| 35 | .0042972 | .0045956 | .0070321 | .0048278 | .0048512 | .0047169 | .0069950 | .0046542 | .0046246 |
| 36 | .0043296 | .0046246 | .0070452 | .0048564 | .0048790 | .0047428 | .0070072 | .0046806 | .0046555 |
| 37 | .0043637 | .0046552 | .0070575 | .0048864 | .0049084 | .0047694 | .0070212 | .0047088 | .0046879 |
| 38 | .0043996 | .0046874 | .0070688 | .0049179 | .0049396 | .0047969 | .0070369 | .0047387 | .0047222 |
| 39 | .0044374 | .0047214 | .0070789 | .0049517 | .0049727 | .0048272 | .0070543 | .0047705 | .0047584 |
| 40 | .0044774 | .0047574 | .0070877 | .0049878 | .0050077 | .0048606 | .0070735 | .0048043 | .0047968 |
| 41 | .0045196 | .0047956 | .0070940 | .0050264 | .0050448 | .0048971 | .0070945 | .0048402 | .0048374 |
| 42 | .0045644 | .0048361 | .0070990 | .0050678 | .0050842 | .0049369 | .0071156 | .0048778 | .0048805 |
| 43 | .0046118 | .0048791 | .0070989 | .0051123 | .0051264 | .0049803 | .0071367 | .0049171 | .0049263 |
| 44 | .0046620 | .0049248 | .0070984 | .0051581 | .0051690 | .0050256 | .0071581 | .0049584 | .0049750 |
| 45 | .0047153 | .0049733 | .0070975 | .0052058 | .0052129 | .0050731 | .0071796 | .0050016 | .0050267 |
| 46 | .0047719 | .0050249 | .0070965 | .0052558 | .0052584 | .0051232 | .0072015 | .0050470 | .0050817 |
| 47 | .0048320 | .0050797 | .0070915 | .0053071 | .0053044 | .0051753 | .0072216 | .0050943 | .0051402 |
| 48 | .0048959 | .0051382 | .0071400 | .0053597 | .0053509 | .0052297 | .0072393 | .0051435 | .0052026 |
| 49 | .0049640 | .0052005 | .0071924 | .0054123 | .0053965 | .0052834 | .0072541 | .0051948 | .0052691 |

| Age | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1/2 |
|-----|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| 50 | .0050366 | .0052671 | .0072490 | .0054649 | .0054413 | .0053369 | .0072655 | .0052480 | .0053403 |
| 51 | .0051142 | .0053389 | .0073101 | .0055179 | .0054854 | .0053893 | .0072727 | .0053034 | .0054164 |
| 52 | .0051972 | .0054158 | .0073762 | .0055712 | .0055289 | .0054418 | .0072741 | .0053604 | .0054980 |
| 53 | .0052853 | .0054978 | .0074471 | .0056258 | .0055733 | .0054938 | .0073367 | .0054189 | .0055849 |
| 54 | .0053797 | .0055858 | .0075233 | .0056745 | .0056596 | .0055433 | .0074042 | .0054793 | .0056779 |
| 55 | .0054807 | .0056802 | .0076058 | .0057184 | .0057498 | .0055902 | .0074767 | .0055411 | .0057777 |
| 56 | .0055889 | .0057814 | .0076921 | .0058127 | .0058440 | .0056775 | .0075550 | .0056278 | .0058848 |
| 57 | .0057044 | .0058893 | .0077823 | .0059112 | .0059501 | .0057690 | .0076393 | .0057206 | .0059992 |
| 58 | .0058273 | .0060042 | .0078773 | .0060140 | .0060619 | .0058646 | .0077298 | .0058208 | .0061211 |
| 59 | .0059589 | .0061272 | .0079792 | .0061247 | .0061827 | .0059661 | .0078266 | .0059269 | .0062516 |
| 60 | .0060997 | .0062589 | .0080922 | .0062396 | .0063106 | .0060720 | .0079310 | .0060395 | .0063915 |
| 61 | .0062505 | .0064002 | .0082202 | .0063666 | .0064504 | .0061903 | .0080462 | .0061608 | .0065415 |
| 62 | .0064118 | .0065513 | .0083578 | .0065016 | .0065977 | .0063169 | .0081703 | .0062902 | .0067019 |
| 63 | .0065841 | .0067129 | .0085052 | .0066506 | .0067558 | .0064550 | .0083036 | .0064296 | .0068736 |
| 64 | .0067682 | .0068853 | .0086629 | .0068077 | .0069257 | .0066012 | .0084463 | .0065775 | .0070570 |
| 65 | .0069647 | .0070694 | .0088312 | .0069798 | .0071083 | .0067597 | .0085990 | .0067357 | .0072527 |
| 66 | .0071751 | .0072670 | .0090119 | .0071671 | .0073064 | .0069302 | .0087617 | .0069054 | .0074626 |
| 67 | .0074005 | .0074781 | .0092055 | .0073673 | .0075182 | .0071120 | .0089361 | .0070866 | .0076873 |
| 68 | .0076417 | .0077043 | .0094125 | .0075807 | .0077444 | .0073062 | .0091231 | .0072802 | .0079279 |
| 69 | .0079015 | .0079491 | .0096357 | .0078101 | .0079879 | .0075136 | .0093229 | .0074865 | .0081872 |
| 70 | .0081820 | .0082138 | .0098771 | .0080572 | .0082505 | .0077363 | .0095381 | .0077080 | .0084672 |
| 71 | .0084859 | .0085025 | .0101389 | .0083241 | .0085349 | .0079758 | .0097709 | .0079465 | .0087708 |
| 72 | .0088138 | .0088151 | .0104201 | .0086103 | .0088406 | .0082342 | .0100231 | .0082039 | .0090984 |
| 73 | .0091701 | .0091561 | .0107251 | .0089197 | .0091722 | .0085108 | .0102934 | .0084793 | .0094545 |
| 74 | .0095574 | .0095288 | .0110556 | .0092540 | .0095316 | .0088090 | .0105863 | .0087767 | .0098417 |
| 75 | .0099786 | .0099363 | .0114135 | .0096154 | .0099213 | .0091299 | .0109028 | .0090974 | .0102629 |
| 76 | .0104363 | .0103798 | .0118015 | .0100065 | .0103437 | .0094759 | .0112453 | .0094437 | .0107207 |
| 77 | .0109340 | .0108658 | .0122231 | .0104305 | .0108023 | .0098495 | .0116161 | .0098178 | .0112186 |
| 78 | .0114761 | .0113957 | .0126816 | .0108908 | .0113009 | .0102538 | .0120181 | .0102226 | .0117609 |
| 79 | .0120673 | .0119743 | .0131812 | .0113914 | .0118439 | .0106928 | .0124555 | .0106622 | .0123525 |
| 80 | .0127133 | .0126071 | .0137267 | .0119372 | .0124365 | .0111699 | .0129318 | .0111400 | .0129990 |
| 81 | .0134199 | .0132991 | .0143230 | .0125327 | .0130838 | .0116897 | .0134518 | .0116607 | .0137063 |
| 82 | .0141935 | .0140556 | .0149754 | .0131831 | .0137915 | .0122554 | .0140201 | .0122286 | .0144806 |
| 83 | .0150329 | .0148749 | .0156858 | .0138907 | .0145603 | .0128713 | .0146417 | .0128485 | .0153209 |
| 84 | .0159449 | .0157725 | .0164602 | .0146610 | .0153963 | .0135431 | .0153203 | .0135243 | .0162339 |
| 85 | .0169344 | .0167437 | .0173034 | .0154990 | .0163048 | .0142750 | .0160601 | .0142601 | .0172243 |
| 86 | .0180074 | .0178057 | .0182194 | .0164082 | .0172909 | .0150708 | .0168660 | .0150605 | .0182984 |
| 87 | .0191721 | .0189719 | .0192109 | .0173915 | .0183603 | .0159338 | .0177414 | .0159287 | .0194643 |
| 88 | .0204278 | .0202253 | .0202755 | .0184464 | .0195120 | .0168612 | .0186859 | .0168647 | .0207214 |
| 89 | .0217668 | .0215551 | .0214081 | .0195682 | .0207399 | .0178513 | .0197002 | .0178688 | .0220619 |
| 90 | .0231832 | .0229787 | .0225995 | .0207480 | .0220372 | .0188950 | .0207759 | .0189334 | .0234798 |
| 91 | .0246573 | .0244483 | .0238330 | .0219700 | .0233859 | .0199836 | .0219061 | .0200515 | .0249552 |
| 92 | .0261621 | .0259752 | .0250904 | .0232169 | .0247641 | .0211073 | .0230763 | .0212095 | .0264610 |
| 93 | .0277078 | .0275207 | .0263675 | .0244841 | .0261746 | .0222518 | .0242665 | .0223884 | .0280075 |
| 94 | .0292794 | .0291108 | .0276431 | .0257513 | .0275992 | .0233979 | .0254667 | .0235783 | .0295796 |
| 95 | .0308761 | .0307651 | .0289073 | .0270087 | .0290311 | .0245376 | .0266650 | .0247675 | .0311768 |
| 96 | .0324718 | .0323798 | .0301473 | .0282442 | .0304507 | .0256481 | .0278402 | .0259359 | .0327726 |
| 97 | .0340569 | .0340193 | .0313572 | .0294522 | .0318500 | .0267305 | .0289917 | .0270827 | .0343576 |
| 98 | .0356440 | .0357060 | .0325325 | .0306287 | .0332303 | .0277699 | .0300994 | .0281894 | .0359444 |
| 99 | .0372127 | .0373073 | .0336697 | .0317712 | .0345762 | .0287711 | .0311701 | .0292630 | .0375126)) |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-345 TRS Plan 1 Option 1 benefit factors. ~~((+))~~ **What is a TRS Plan 1 Option 1 benefit factor?** At the time of retirement, a TRS Plan 1 member may choose to receive an Option 1, standard benefit, which is a slightly reduced lifetime monthly benefit. This option allows the final unpaid monthly benefit and any remaining balance of contributions to be paid in a lump sum to the retiree's estate or

named beneficiary at the time of the retiree's death. The reduction to the monthly benefit is based on an Option 1 factor and is applied against the annuity portion of the monthly benefit. The actuarial factor that is used is determined by the age of the member at the time of retirement (actuarial factors change periodically). For more information about the Option 1 ~~((:))~~ standard benefit, see RCW 41.32.530 (1)(a).

~~((2) Table~~—The following Option 1 benefit factors are effective September 1, 2010.

| Age | Factor | Reduction | Age | Factor | Reduction |
|-----|----------|-----------|-----|----------|-----------|
| 20 | 99.3233% | 0.7% | 50 | 98.5277% | 1.5% |
| 21 | 99.1906% | 0.8% | 51 | 98.8267% | 1.2% |
| 22 | 99.0506% | 0.9% | 52 | 99.2279% | 0.8% |
| 23 | 98.9113% | 1.1% | 53 | 99.1329% | 0.9% |
| 24 | 98.7803% | 1.2% | 54 | 99.0247% | 1.0% |
| 25 | 98.6679% | 1.3% | 55 | 98.9011% | 1.1% |
| 26 | 98.5907% | 1.4% | 56 | 98.7584% | 1.2% |
| 27 | 98.5248% | 1.5% | 57 | 98.5936% | 1.4% |
| 28 | 98.4698% | 1.5% | 58 | 98.4070% | 1.6% |
| 29 | 98.4281% | 1.6% | 59 | 98.1990% | 1.8% |
| 30 | 98.4011% | 1.6% | 60 | 97.9599% | 2.0% |
| 31 | 98.3898% | 1.6% | 61 | 98.0472% | 2.0% |
| 32 | 98.3880% | 1.6% | 62 | 97.7597% | 2.2% |
| 33 | 98.3919% | 1.6% | 63 | 97.4355% | 2.6% |
| 34 | 98.3889% | 1.6% | 64 | 97.0756% | 2.9% |
| 35 | 98.3802% | 1.6% | 65 | 96.6774% | 3.3% |
| 36 | 98.3656% | 1.6% | 66 | 96.2422% | 3.8% |
| 37 | 98.3360% | 1.7% | 67 | 96.1337% | 3.9% |
| 38 | 98.2896% | 1.7% | 68 | 96.0251% | 4.0% |
| 39 | 98.2246% | 1.8% | 69 | 95.5281% | 4.5% |
| 40 | 98.1380% | 1.9% | 70 | 94.9709% | 5.0% |
| 41 | 98.0401% | 2.0% | 71 | 94.3415% | 5.7% |
| 42 | 97.9596% | 2.0% | 72 | 94.2358% | 5.8% |
| 43 | 97.8978% | 2.1% | 73 | 94.1300% | 5.9% |
| 44 | 97.8557% | 2.1% | 74 | 93.3902% | 6.6% |
| 45 | 97.8346% | 2.2% | 75 | 92.5634% | 7.4% |
| 46 | 97.8359% | 2.2% | 76 | 92.5038% | 7.5% |
| 47 | 97.8815% | 2.1% | 77 | 92.4441% | 7.6% |
| 48 | 97.9786% | 2.0% | 78 | 91.4887% | 8.5% |
| 49 | 98.3106% | 1.7% | 79 | 90.4121% | 9.6% |
| | | | 80 | 90.4374% | 9.6%)) |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-360 What is the optional cost-of-living adjustment (COLA) for PERS Plan 1 and TRS Plan 1? (1) PERS Plan 1 and TRS Plan 1 members can choose to receive

an initially reduced retirement benefit in order to receive an annual cost-of-living adjustment in the future. With this optional COLA, the member's monthly retirement benefit is actuarially reduced at the time of retirement. Thereafter, the monthly benefit of the member (and subsequently their bene-

fiary) is adjusted annually, based on changes in the consumer price index (CPI) (~~for the Seattle-Tacoma-Bremerton, Washington area~~), up to the statutory maximum. For more information, see:

PERS Plan 1: RCW 41.40.188 (1)(c); WAC 415-108-326

TRS Plan 1: RCW 41.32.530 (1)(d); WAC 415-112-504
(2) Examples

(a) Ernie is a member of TRS Plan 1. He retires at age 55 with 30 years of service and chooses the Single Life Option (no survivor beneficiary). His average final compensation (AFC) is \$4,295.33 per month.

(i) If he **does not** choose the optional COLA, his monthly benefit will be \$2,577.20 (2% x 30 x \$4,295.33).

(ii) If he **does** choose the optional COLA, his initial monthly benefit will be reduced. For illustration purposes in this example only, we will use 0.7396 as the optional COLA factor for Ernie's age at retirement (actuarial factors change periodically). As a result, Ernie's initial monthly benefit will be reduced to \$1,909.19(~~(based on the factor in the table in subsection (3) of this section)~~) (.7396 x \$2,577.20). This monthly amount may increase each year with changes in the CPI.

~~((Regardless whether or not Ernie chooses the optional COLA, he will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.))~~

(b) Tina is a member of PERS Plan 1. She retires with 30 years of service credit at age 52 and 8 months. Because she has 30 years of service, there is no reduction for an early retirement. Tina chooses the Single Life Option (no survivor beneficiary). Her average final compensation (AFC) is \$3,825.00 per month.

(i) If she **does not** choose the optional COLA, her monthly benefit will be \$2,295.00 (2% x 30 x \$3,825.00).

(ii) If she **does** choose the optional COLA, her initial monthly benefit will be reduced. For illustration purposes in this example only, we will use 0.7375 as the optional COLA factor for Tina's age at retirement (actuarial factors change periodically). As a result, Tina's initial monthly benefit will be reduced to \$1,692.56(~~(based on the factor in the table in subsection (3) of this section)~~) (.7375 x \$2,295.00). This monthly amount may increase each year with changes in the CPI.

~~((Regardless whether or not Tina chooses the optional COLA, she will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.~~

~~**(3) Table-**~~

Use these factors to convert monthly benefit payments (any retirement option) without the optional COLA to the same retirement option with the optional COLA. The following factors are effective September 1, 2010.

Plan 1 Optional COLA Factors

| Age | PERS 1 | TRS 1 | | Age | PERS 1 | TRS 1 |
|-----|--------|-------|--|-----|--------|-------|
| 20 | .6636 | .6664 | | 61 | .7713 | .7648 |
| 21 | .6650 | .6675 | | 62 | .7760 | .7693 |
| 22 | .6665 | .6687 | | 63 | .7807 | .7739 |
| 23 | .6680 | .6698 | | 64 | .7855 | .7786 |
| 24 | .6695 | .6710 | | 65 | .7904 | .7833 |
| 25 | .6711 | .6722 | | 66 | .7953 | .7881 |
| 26 | .6727 | .6734 | | 67 | .8003 | .7930 |
| 27 | .6743 | .6746 | | 68 | .8054 | .7980 |
| 28 | .6760 | .6759 | | 69 | .8105 | .8030 |
| 29 | .6777 | .6772 | | 70 | .8157 | .8081 |
| 30 | .6794 | .6786 | | 71 | .8210 | .8133 |
| 31 | .6811 | .6800 | | 72 | .8263 | .8185 |
| 32 | .6828 | .6815 | | 73 | .8317 | .8238 |
| 33 | .6845 | .6831 | | 74 | .8370 | .8291 |
| 34 | .6862 | .6847 | | 75 | .8425 | .8344 |
| 35 | .6879 | .6864 | | 76 | .8479 | .8398 |
| 36 | .6897 | .6881 | | 77 | .8533 | .8452 |
| 37 | .6915 | .6900 | | 78 | .8588 | .8506 |
| 38 | .6934 | .6918 | | 79 | .8642 | .8560 |
| 39 | .6954 | .6938 | | 80 | .8696 | .8614 |
| 40 | .6975 | .6959 | | 81 | .8750 | .8668 |
| 41 | .6997 | .6980 | | 82 | .8803 | .8722 |

| Age | PERS 1 | TRS 1 | | Age | PERS 1 | TRS 1 |
|-----|--------|---------|--|-----|--------|-------|
| 42 | .7020 | .7002 | | 83 | .8856 | .8775 |
| 43 | .7045 | .7024 | | 84 | .8907 | .8828 |
| 44 | .7071 | .7048 | | 85 | .8957 | .8879 |
| 45 | .7099 | .7073 | | 86 | .9006 | .8929 |
| 46 | .7129 | .7098 | | 87 | .9053 | .8978 |
| 47 | .7161 | .7125 | | 88 | .9098 | .9025 |
| 48 | .7194 | .7153 | | 89 | .9141 | .9070 |
| 49 | .7229 | .7183 | | 90 | .9181 | .9113 |
| 50 | .7264 | .7214 | | 91 | .9218 | .9153 |
| 51 | .7300 | .7247 | | 92 | .9253 | .9191 |
| 52 | .7337 | .7282 | | 93 | .9286 | .9226 |
| 53 | .7375 | .7319 | | 94 | .9316 | .9258 |
| 54 | .7414 | .7357 | | 95 | .9343 | .9288 |
| 55 | .7454 | .7396 | | 96 | .9369 | .9316 |
| 56 | .7494 | .7435 | | 97 | .9392 | .9342 |
| 57 | .7536 | .7476 | | 98 | .9415 | .9365 |
| 58 | .7579 | .7518 | | 99 | .9436 | .9388 |
| 59 | .7623 | .7560 | | | | |
| 60 | .7668 | .7604)) | | | | |

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

WAC 415-02-370 Factors for establishing or restoring service credit. RCW 41.50.165(2) and chapter 415-10 WAC allow you to establish or restore service credit by paying the actuarial value of the resulting increase in your monthly retirement allowance. This section (~~provides the actuarial factor tables that~~) describes how the department uses actuarial factors to calculate the lump sum costs. (~~For more information on the factors and their use,~~) See also chapter 415-10 WAC.

(1) **What are the factors for calculating the lump sum costs of establishing or restoring service credit?** There are three actuarial factors that may be used to calculate the cost of establishing or restoring service credit:

(a) (~~Factor 1~~) The first factor used represents the pension accrual rate, the annuity price (value of future benefit payments), increases in average final compensation, future salary increases and interest discount between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with (~~an unreduced~~) a normal retirement allowance.

(b) (~~Factor 2~~) The second factor used represents the cost of lowering the normal retirement age by one year.

(c) (~~Factor 3~~) The third factor used represents future salary increases and interest discount between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with (~~an unreduced~~) a normal retirement allowance.

(2) **At which age do I qualify for (~~an unreduced~~) a normal retirement allowance (~~URA~~)?** Age require-

ments differ among plans. For specific information see the RCW pertaining to your plan:

- LEOFF Plan 1: RCW 41.26.090(1)
- LEOFF Plan 2: RCW 41.26.430(1)
- PERS Plan 1: RCW 41.40.180
- PERS Plan 2: RCW 41.40.630(1)
- PERS Plan 3: RCW 41.40.820(1)
- PSERS: RCW 41.37.210
- SERS Plan 2: RCW 41.35.420(1)
- SERS Plan 3: RCW 41.35.680(1)
- TRS Plan 1: RCW 41.32.480
- TRS Plan 2: RCW 41.32.765(1)
- TRS Plan 3: RCW 41.32.875(1)
- WSPRS Plan 1: RCW 43.43.250(2)
- WSPRS Plan 2: RCW 43.43.250(2)

~~((3) Table Factor 1. Factor 1 is used in the calculation of the cost to establish or restore service credit for a member in any PERS, PSERS, TRS, SERS, LEOFF, or WSPRS plan.~~

FACTOR 1

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 0 | 0.3245 | 0.2922 | 0.2115 | 0.2300 | 0.2300 | 0.2445 | 0.2112 | 0.2454 | 0.3026 | 0.2815 |
| 1 | 0.3236 | 0.2914 | 0.2109 | 0.2294 | 0.2294 | 0.2438 | 0.2106 | 0.2447 | 0.3018 | 0.2807 |
| 2 | 0.3227 | 0.2906 | 0.2104 | 0.2288 | 0.2288 | 0.2432 | 0.2101 | 0.2441 | 0.3010 | 0.2800 |
| 3 | 0.3219 | 0.2898 | 0.2098 | 0.2281 | 0.2281 | 0.2425 | 0.2095 | 0.2434 | 0.3001 | 0.2792 |
| 4 | 0.3210 | 0.2890 | 0.2092 | 0.2275 | 0.2275 | 0.2419 | 0.2089 | 0.2427 | 0.2993 | 0.2785 |
| 5 | 0.3201 | 0.2882 | 0.2087 | 0.2269 | 0.2269 | 0.2412 | 0.2084 | 0.2421 | 0.2985 | 0.2777 |
| 6 | 0.3192 | 0.2874 | 0.2081 | 0.2263 | 0.2263 | 0.2406 | 0.2078 | 0.2414 | 0.2977 | 0.2770 |
| 7 | 0.3183 | 0.2867 | 0.2075 | 0.2257 | 0.2257 | 0.2399 | 0.2072 | 0.2407 | 0.2969 | 0.2762 |
| 8 | 0.3174 | 0.2859 | 0.2070 | 0.2251 | 0.2251 | 0.2392 | 0.2067 | 0.2401 | 0.2961 | 0.2754 |
| 9 | 0.3166 | 0.2851 | 0.2064 | 0.2244 | 0.2244 | 0.2386 | 0.2061 | 0.2394 | 0.2952 | 0.2747 |
| 10 | 0.3157 | 0.2843 | 0.2058 | 0.2238 | 0.2238 | 0.2379 | 0.2055 | 0.2387 | 0.2944 | 0.2739 |
| 11 | 0.3148 | 0.2835 | 0.2053 | 0.2232 | 0.2232 | 0.2373 | 0.2050 | 0.2381 | 0.2936 | 0.2732 |
| 12 | 0.3139 | 0.2827 | 0.2047 | 0.2226 | 0.2226 | 0.2366 | 0.2044 | 0.2374 | 0.2928 | 0.2724 |
| 13 | 0.3131 | 0.2819 | 0.2041 | 0.2220 | 0.2220 | 0.2360 | 0.2038 | 0.2368 | 0.2920 | 0.2717 |
| 14 | 0.3122 | 0.2812 | 0.2036 | 0.2214 | 0.2214 | 0.2353 | 0.2033 | 0.2361 | 0.2912 | 0.2709 |
| 15 | 0.3114 | 0.2804 | 0.2030 | 0.2208 | 0.2208 | 0.2347 | 0.2027 | 0.2355 | 0.2904 | 0.2702 |
| 16 | 0.3105 | 0.2797 | 0.2025 | 0.2202 | 0.2202 | 0.2340 | 0.2022 | 0.2348 | 0.2896 | 0.2695 |
| 17 | 0.3097 | 0.2789 | 0.2019 | 0.2196 | 0.2196 | 0.2334 | 0.2016 | 0.2342 | 0.2888 | 0.2687 |
| 18 | 0.3088 | 0.2782 | 0.2014 | 0.2190 | 0.2190 | 0.2327 | 0.2011 | 0.2335 | 0.2880 | 0.2680 |
| 19 | 0.3080 | 0.2774 | 0.2008 | 0.2184 | 0.2184 | 0.2321 | 0.2005 | 0.2329 | 0.2873 | 0.2673 |
| 20 | 0.3072 | 0.2766 | 0.2002 | 0.2178 | 0.2178 | 0.2315 | 0.2000 | 0.2323 | 0.2865 | 0.2665 |
| 21 | 0.3063 | 0.2759 | 0.1997 | 0.2172 | 0.2172 | 0.2308 | 0.1994 | 0.2316 | 0.2857 | 0.2658 |
| 22 | 0.3055 | 0.2751 | 0.1991 | 0.2166 | 0.2166 | 0.2302 | 0.1989 | 0.2310 | 0.2849 | 0.2651 |
| 23 | 0.3046 | 0.2744 | 0.1986 | 0.2160 | 0.2160 | 0.2295 | 0.1983 | 0.2303 | 0.2841 | 0.2643 |
| 24 | 0.3038 | 0.2736 | 0.1980 | 0.2154 | 0.2154 | 0.2289 | 0.1978 | 0.2297 | 0.2833 | 0.2636 |
| 25 | 0.3030 | 0.2729 | 0.1975 | 0.2148 | 0.2148 | 0.2283 | 0.1973 | 0.2291 | 0.2825 | 0.2629 |
| 26 | 0.3021 | 0.2721 | 0.1969 | 0.2142 | 0.2142 | 0.2277 | 0.1967 | 0.2285 | 0.2818 | 0.2622 |
| 27 | 0.3013 | 0.2714 | 0.1964 | 0.2137 | 0.2137 | 0.2270 | 0.1962 | 0.2278 | 0.2810 | 0.2614 |
| 28 | 0.3005 | 0.2706 | 0.1959 | 0.2131 | 0.2131 | 0.2264 | 0.1957 | 0.2272 | 0.2803 | 0.2607 |
| 29 | 0.2997 | 0.2699 | 0.1953 | 0.2125 | 0.2125 | 0.2258 | 0.1951 | 0.2266 | 0.2795 | 0.2600 |
| 30 | 0.2988 | 0.2691 | 0.1948 | 0.2119 | 0.2119 | 0.2252 | 0.1946 | 0.2260 | 0.2788 | 0.2593 |
| 31 | 0.2980 | 0.2684 | 0.1943 | 0.2113 | 0.2113 | 0.2246 | 0.1941 | 0.2254 | 0.2780 | 0.2586 |
| 32 | 0.2972 | 0.2677 | 0.1937 | 0.2107 | 0.2107 | 0.2240 | 0.1935 | 0.2248 | 0.2772 | 0.2579 |
| 33 | 0.2964 | 0.2669 | 0.1932 | 0.2102 | 0.2102 | 0.2233 | 0.1930 | 0.2241 | 0.2765 | 0.2571 |
| 34 | 0.2955 | 0.2662 | 0.1927 | 0.2096 | 0.2096 | 0.2227 | 0.1925 | 0.2235 | 0.2757 | 0.2564 |
| 35 | 0.2947 | 0.2654 | 0.1921 | 0.2090 | 0.2090 | 0.2221 | 0.1919 | 0.2229 | 0.2750 | 0.2557 |
| 36 | 0.2939 | 0.2647 | 0.1916 | 0.2084 | 0.2084 | 0.2215 | 0.1914 | 0.2223 | 0.2742 | 0.2550 |
| 37 | 0.2931 | 0.2640 | 0.1911 | 0.2078 | 0.2078 | 0.2209 | 0.1909 | 0.2217 | 0.2735 | 0.2543 |
| 38 | 0.2923 | 0.2633 | 0.1906 | 0.2073 | 0.2073 | 0.2203 | 0.1904 | 0.2211 | 0.2727 | 0.2536 |
| 39 | 0.2915 | 0.2625 | 0.1900 | 0.2067 | 0.2067 | 0.2197 | 0.1898 | 0.2205 | 0.2720 | 0.2530 |
| 40 | 0.2907 | 0.2618 | 0.1895 | 0.2061 | 0.2061 | 0.2191 | 0.1893 | 0.2199 | 0.2712 | 0.2523 |
| 41 | 0.2899 | 0.2611 | 0.1890 | 0.2056 | 0.2056 | 0.2185 | 0.1888 | 0.2193 | 0.2705 | 0.2516 |
| 42 | 0.2891 | 0.2604 | 0.1885 | 0.2050 | 0.2050 | 0.2179 | 0.1883 | 0.2187 | 0.2697 | 0.2509 |
| 43 | 0.2884 | 0.2597 | 0.1880 | 0.2044 | 0.2044 | 0.2173 | 0.1878 | 0.2181 | 0.2690 | 0.2502 |
| 44 | 0.2876 | 0.2590 | 0.1875 | 0.2039 | 0.2039 | 0.2167 | 0.1873 | 0.2175 | 0.2683 | 0.2495 |
| 45 | 0.2868 | 0.2582 | 0.1869 | 0.2033 | 0.2033 | 0.2161 | 0.1867 | 0.2169 | 0.2675 | 0.2489 |
| 46 | 0.2860 | 0.2575 | 0.1864 | 0.2027 | 0.2027 | 0.2155 | 0.1862 | 0.2163 | 0.2668 | 0.2482 |
| 47 | 0.2852 | 0.2568 | 0.1859 | 0.2022 | 0.2022 | 0.2149 | 0.1857 | 0.2157 | 0.2660 | 0.2475 |
| 48 | 0.2844 | 0.2561 | 0.1854 | 0.2016 | 0.2016 | 0.2143 | 0.1852 | 0.2151 | 0.2653 | 0.2468 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 49 | 0.2836 | 0.2554 | 0.1849 | 0.2011 | 0.2011 | 0.2137 | 0.1847 | 0.2145 | 0.2646 | 0.2461 |
| 50 | 0.2829 | 0.2547 | 0.1844 | 0.2005 | 0.2005 | 0.2131 | 0.1842 | 0.2139 | 0.2639 | 0.2455 |
| 51 | 0.2821 | 0.2540 | 0.1839 | 0.2000 | 0.2000 | 0.2126 | 0.1837 | 0.2134 | 0.2631 | 0.2448 |
| 52 | 0.2813 | 0.2533 | 0.1834 | 0.1994 | 0.1994 | 0.2120 | 0.1832 | 0.2128 | 0.2624 | 0.2441 |
| 53 | 0.2806 | 0.2526 | 0.1829 | 0.1989 | 0.1989 | 0.2114 | 0.1827 | 0.2122 | 0.2617 | 0.2435 |
| 54 | 0.2798 | 0.2519 | 0.1824 | 0.1983 | 0.1983 | 0.2108 | 0.1822 | 0.2116 | 0.2610 | 0.2428 |
| 55 | 0.2790 | 0.2513 | 0.1819 | 0.1978 | 0.1978 | 0.2103 | 0.1817 | 0.2110 | 0.2603 | 0.2421 |
| 56 | 0.2783 | 0.2506 | 0.1814 | 0.1973 | 0.1973 | 0.2097 | 0.1812 | 0.2104 | 0.2596 | 0.2415 |
| 57 | 0.2775 | 0.2499 | 0.1809 | 0.1967 | 0.1967 | 0.2091 | 0.1807 | 0.2099 | 0.2588 | 0.2408 |
| 58 | 0.2767 | 0.2492 | 0.1804 | 0.1962 | 0.1962 | 0.2085 | 0.1802 | 0.2093 | 0.2581 | 0.2401 |
| 59 | 0.2760 | 0.2485 | 0.1799 | 0.1956 | 0.1956 | 0.2080 | 0.1797 | 0.2087 | 0.2574 | 0.2395 |
| 60 | 0.2752 | 0.2478 | 0.1794 | 0.1951 | 0.1951 | 0.2074 | 0.1792 | 0.2081 | 0.2567 | 0.2388 |
| 61 | 0.2745 | 0.2471 | 0.1789 | 0.1946 | 0.1946 | 0.2068 | 0.1787 | 0.2075 | 0.2560 | 0.2381 |
| 62 | 0.2737 | 0.2465 | 0.1784 | 0.1940 | 0.1940 | 0.2063 | 0.1782 | 0.2070 | 0.2553 | 0.2375 |
| 63 | 0.2730 | 0.2458 | 0.1780 | 0.1935 | 0.1935 | 0.2057 | 0.1778 | 0.2064 | 0.2546 | 0.2368 |
| 64 | 0.2722 | 0.2451 | 0.1775 | 0.1930 | 0.1930 | 0.2052 | 0.1773 | 0.2059 | 0.2539 | 0.2362 |
| 65 | 0.2715 | 0.2445 | 0.1770 | 0.1925 | 0.1925 | 0.2046 | 0.1768 | 0.2053 | 0.2532 | 0.2355 |
| 66 | 0.2707 | 0.2438 | 0.1765 | 0.1919 | 0.1919 | 0.2041 | 0.1763 | 0.2048 | 0.2525 | 0.2349 |
| 67 | 0.2700 | 0.2431 | 0.1760 | 0.1914 | 0.1914 | 0.2035 | 0.1758 | 0.2042 | 0.2519 | 0.2342 |
| 68 | 0.2693 | 0.2425 | 0.1755 | 0.1909 | 0.1909 | 0.2029 | 0.1753 | 0.2036 | 0.2512 | 0.2336 |
| 69 | 0.2685 | 0.2418 | 0.1751 | 0.1904 | 0.1904 | 0.2024 | 0.1749 | 0.2031 | 0.2505 | 0.2329 |
| 70 | 0.2678 | 0.2411 | 0.1746 | 0.1898 | 0.1898 | 0.2018 | 0.1744 | 0.2025 | 0.2498 | 0.2323 |
| 71 | 0.2670 | 0.2405 | 0.1741 | 0.1893 | 0.1893 | 0.2013 | 0.1739 | 0.2020 | 0.2491 | 0.2316 |
| 72 | 0.2663 | 0.2398 | 0.1736 | 0.1888 | 0.1888 | 0.2007 | 0.1734 | 0.2014 | 0.2484 | 0.2310 |
| 73 | 0.2656 | 0.2391 | 0.1731 | 0.1883 | 0.1883 | 0.2002 | 0.1729 | 0.2009 | 0.2477 | 0.2304 |
| 74 | 0.2648 | 0.2385 | 0.1727 | 0.1878 | 0.1878 | 0.1996 | 0.1724 | 0.2003 | 0.2470 | 0.2297 |
| 75 | 0.2641 | 0.2378 | 0.1722 | 0.1872 | 0.1872 | 0.1991 | 0.1720 | 0.1998 | 0.2464 | 0.2291 |
| 76 | 0.2634 | 0.2372 | 0.1717 | 0.1867 | 0.1867 | 0.1985 | 0.1715 | 0.1992 | 0.2457 | 0.2285 |
| 77 | 0.2627 | 0.2365 | 0.1713 | 0.1862 | 0.1862 | 0.1980 | 0.1710 | 0.1987 | 0.2450 | 0.2279 |
| 78 | 0.2619 | 0.2359 | 0.1708 | 0.1857 | 0.1857 | 0.1974 | 0.1705 | 0.1981 | 0.2443 | 0.2272 |
| 79 | 0.2612 | 0.2352 | 0.1703 | 0.1852 | 0.1852 | 0.1969 | 0.1701 | 0.1976 | 0.2437 | 0.2266 |
| 80 | 0.2605 | 0.2346 | 0.1699 | 0.1847 | 0.1847 | 0.1964 | 0.1696 | 0.1971 | 0.2430 | 0.2260 |
| 81 | 0.2598 | 0.2339 | 0.1694 | 0.1841 | 0.1841 | 0.1958 | 0.1691 | 0.1965 | 0.2423 | 0.2254 |
| 82 | 0.2590 | 0.2333 | 0.1689 | 0.1836 | 0.1836 | 0.1953 | 0.1686 | 0.1960 | 0.2416 | 0.2247 |
| 83 | 0.2583 | 0.2326 | 0.1685 | 0.1831 | 0.1831 | 0.1947 | 0.1682 | 0.1954 | 0.2410 | 0.2241 |
| 84 | 0.2576 | 0.2320 | 0.1680 | 0.1826 | 0.1826 | 0.1942 | 0.1677 | 0.1949 | 0.2403 | 0.2235 |
| 85 | 0.2569 | 0.2314 | 0.1675 | 0.1821 | 0.1821 | 0.1937 | 0.1672 | 0.1944 | 0.2396 | 0.2229 |
| 86 | 0.2562 | 0.2307 | 0.1671 | 0.1816 | 0.1816 | 0.1931 | 0.1668 | 0.1938 | 0.2390 | 0.2223 |
| 87 | 0.2555 | 0.2301 | 0.1666 | 0.1811 | 0.1811 | 0.1926 | 0.1663 | 0.1933 | 0.2383 | 0.2217 |
| 88 | 0.2548 | 0.2295 | 0.1662 | 0.1806 | 0.1806 | 0.1921 | 0.1659 | 0.1928 | 0.2377 | 0.2211 |
| 89 | 0.2541 | 0.2289 | 0.1657 | 0.1801 | 0.1801 | 0.1916 | 0.1654 | 0.1922 | 0.2370 | 0.2205 |
| 90 | 0.2534 | 0.2282 | 0.1653 | 0.1796 | 0.1796 | 0.1910 | 0.1650 | 0.1917 | 0.2364 | 0.2199 |
| 91 | 0.2528 | 0.2276 | 0.1648 | 0.1792 | 0.1792 | 0.1905 | 0.1645 | 0.1912 | 0.2357 | 0.2193 |
| 92 | 0.2521 | 0.2270 | 0.1643 | 0.1787 | 0.1787 | 0.1900 | 0.1641 | 0.1906 | 0.2351 | 0.2187 |
| 93 | 0.2514 | 0.2264 | 0.1639 | 0.1782 | 0.1782 | 0.1895 | 0.1636 | 0.1901 | 0.2344 | 0.2181 |
| 94 | 0.2507 | 0.2257 | 0.1634 | 0.1777 | 0.1777 | 0.1889 | 0.1632 | 0.1896 | 0.2338 | 0.2175 |
| 95 | 0.2500 | 0.2251 | 0.1630 | 0.1772 | 0.1772 | 0.1884 | 0.1627 | 0.1890 | 0.2331 | 0.2169 |
| 96 | 0.2493 | 0.2245 | 0.1625 | 0.1767 | 0.1767 | 0.1879 | 0.1623 | 0.1885 | 0.2325 | 0.2163 |
| 97 | 0.2486 | 0.2239 | 0.1621 | 0.1762 | 0.1762 | 0.1874 | 0.1619 | 0.1880 | 0.2319 | 0.2157 |
| 98 | 0.2479 | 0.2233 | 0.1616 | 0.1757 | 0.1757 | 0.1869 | 0.1614 | 0.1875 | 0.2312 | 0.2151 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 99 | 0.2473 | 0.2227 | 0.1612 | 0.1753 | 0.1753 | 0.1864 | 0.1610 | 0.1870 | 0.2306 | 0.2146 |
| 100 | 0.2466 | 0.2221 | 0.1608 | 0.1748 | 0.1748 | 0.1859 | 0.1605 | 0.1865 | 0.2300 | 0.2140 |
| 101 | 0.2459 | 0.2215 | 0.1603 | 0.1743 | 0.1743 | 0.1854 | 0.1601 | 0.1860 | 0.2294 | 0.2134 |
| 102 | 0.2452 | 0.2209 | 0.1599 | 0.1738 | 0.1738 | 0.1849 | 0.1596 | 0.1855 | 0.2287 | 0.2128 |
| 103 | 0.2446 | 0.2202 | 0.1595 | 0.1734 | 0.1734 | 0.1843 | 0.1592 | 0.1849 | 0.2281 | 0.2122 |
| 104 | 0.2439 | 0.2196 | 0.1590 | 0.1729 | 0.1729 | 0.1838 | 0.1588 | 0.1844 | 0.2275 | 0.2116 |
| 105 | 0.2432 | 0.2190 | 0.1586 | 0.1724 | 0.1724 | 0.1833 | 0.1583 | 0.1839 | 0.2269 | 0.2111 |
| 106 | 0.2425 | 0.2184 | 0.1582 | 0.1719 | 0.1719 | 0.1828 | 0.1579 | 0.1834 | 0.2262 | 0.2105 |
| 107 | 0.2419 | 0.2178 | 0.1577 | 0.1715 | 0.1715 | 0.1823 | 0.1574 | 0.1829 | 0.2256 | 0.2099 |
| 108 | 0.2412 | 0.2172 | 0.1573 | 0.1710 | 0.1710 | 0.1818 | 0.1570 | 0.1824 | 0.2250 | 0.2093 |
| 109 | 0.2405 | 0.2166 | 0.1569 | 0.1705 | 0.1705 | 0.1813 | 0.1566 | 0.1819 | 0.2244 | 0.2087 |
| 110 | 0.2399 | 0.2160 | 0.1564 | 0.1701 | 0.1701 | 0.1808 | 0.1562 | 0.1814 | 0.2238 | 0.2082 |
| 111 | 0.2392 | 0.2155 | 0.1560 | 0.1696 | 0.1696 | 0.1803 | 0.1557 | 0.1809 | 0.2232 | 0.2076 |
| 112 | 0.2386 | 0.2149 | 0.1556 | 0.1692 | 0.1692 | 0.1798 | 0.1553 | 0.1804 | 0.2226 | 0.2070 |
| 113 | 0.2379 | 0.2143 | 0.1552 | 0.1687 | 0.1687 | 0.1793 | 0.1549 | 0.1799 | 0.2220 | 0.2065 |
| 114 | 0.2373 | 0.2137 | 0.1547 | 0.1683 | 0.1683 | 0.1788 | 0.1545 | 0.1794 | 0.2214 | 0.2059 |
| 115 | 0.2366 | 0.2131 | 0.1543 | 0.1678 | 0.1678 | 0.1784 | 0.1541 | 0.1790 | 0.2207 | 0.2053 |
| 116 | 0.2360 | 0.2125 | 0.1539 | 0.1673 | 0.1673 | 0.1779 | 0.1537 | 0.1785 | 0.2201 | 0.2048 |
| 117 | 0.2353 | 0.2120 | 0.1535 | 0.1669 | 0.1669 | 0.1774 | 0.1532 | 0.1780 | 0.2195 | 0.2042 |
| 118 | 0.2347 | 0.2114 | 0.1530 | 0.1664 | 0.1664 | 0.1769 | 0.1528 | 0.1775 | 0.2189 | 0.2036 |
| 119 | 0.2340 | 0.2108 | 0.1526 | 0.1660 | 0.1660 | 0.1764 | 0.1524 | 0.1770 | 0.2183 | 0.2031 |
| 120 | 0.2334 | 0.2102 | 0.1522 | 0.1655 | 0.1655 | 0.1759 | 0.1520 | 0.1765 | 0.2177 | 0.2025 |
| 121 | 0.2328 | 0.2096 | 0.1518 | 0.1650 | 0.1650 | 0.1754 | 0.1516 | 0.1760 | 0.2171 | 0.2019 |
| 122 | 0.2321 | 0.2091 | 0.1514 | 0.1646 | 0.1646 | 0.1749 | 0.1512 | 0.1755 | 0.2165 | 0.2014 |
| 123 | 0.2315 | 0.2085 | 0.1509 | 0.1641 | 0.1641 | 0.1745 | 0.1507 | 0.1751 | 0.2159 | 0.2008 |
| 124 | 0.2309 | 0.2079 | 0.1505 | 0.1637 | 0.1637 | 0.1740 | 0.1503 | 0.1746 | 0.2153 | 0.2003 |
| 125 | 0.2302 | 0.2074 | 0.1501 | 0.1632 | 0.1632 | 0.1735 | 0.1499 | 0.1741 | 0.2147 | 0.1997 |
| 126 | 0.2296 | 0.2068 | 0.1497 | 0.1628 | 0.1628 | 0.1730 | 0.1495 | 0.1736 | 0.2141 | 0.1992 |
| 127 | 0.2290 | 0.2062 | 0.1493 | 0.1623 | 0.1623 | 0.1726 | 0.1491 | 0.1732 | 0.2136 | 0.1986 |
| 128 | 0.2283 | 0.2057 | 0.1489 | 0.1619 | 0.1619 | 0.1721 | 0.1487 | 0.1727 | 0.2130 | 0.1981 |
| 129 | 0.2277 | 0.2051 | 0.1484 | 0.1614 | 0.1614 | 0.1716 | 0.1482 | 0.1722 | 0.2124 | 0.1975 |
| 130 | 0.2271 | 0.2045 | 0.1480 | 0.1610 | 0.1610 | 0.1711 | 0.1478 | 0.1717 | 0.2118 | 0.1970 |
| 131 | 0.2264 | 0.2040 | 0.1476 | 0.1605 | 0.1605 | 0.1707 | 0.1474 | 0.1713 | 0.2112 | 0.1964 |
| 132 | 0.2258 | 0.2034 | 0.1472 | 0.1601 | 0.1601 | 0.1702 | 0.1470 | 0.1708 | 0.2106 | 0.1959 |
| 133 | 0.2252 | 0.2028 | 0.1468 | 0.1597 | 0.1597 | 0.1697 | 0.1466 | 0.1703 | 0.2100 | 0.1954 |
| 134 | 0.2246 | 0.2023 | 0.1464 | 0.1592 | 0.1592 | 0.1693 | 0.1462 | 0.1699 | 0.2095 | 0.1948 |
| 135 | 0.2240 | 0.2017 | 0.1460 | 0.1588 | 0.1588 | 0.1688 | 0.1458 | 0.1694 | 0.2089 | 0.1943 |
| 136 | 0.2234 | 0.2012 | 0.1456 | 0.1584 | 0.1584 | 0.1684 | 0.1454 | 0.1690 | 0.2083 | 0.1938 |
| 137 | 0.2228 | 0.2006 | 0.1452 | 0.1579 | 0.1579 | 0.1679 | 0.1450 | 0.1685 | 0.2078 | 0.1933 |
| 138 | 0.2222 | 0.2001 | 0.1448 | 0.1575 | 0.1575 | 0.1675 | 0.1446 | 0.1681 | 0.2072 | 0.1927 |
| 139 | 0.2215 | 0.1995 | 0.1445 | 0.1571 | 0.1571 | 0.1670 | 0.1443 | 0.1676 | 0.2066 | 0.1922 |
| 140 | 0.2209 | 0.1990 | 0.1441 | 0.1566 | 0.1566 | 0.1665 | 0.1439 | 0.1671 | 0.2061 | 0.1917 |
| 141 | 0.2203 | 0.1984 | 0.1437 | 0.1562 | 0.1562 | 0.1661 | 0.1435 | 0.1667 | 0.2055 | 0.1912 |
| 142 | 0.2197 | 0.1979 | 0.1433 | 0.1558 | 0.1558 | 0.1656 | 0.1431 | 0.1662 | 0.2049 | 0.1906 |
| 143 | 0.2191 | 0.1973 | 0.1429 | 0.1553 | 0.1553 | 0.1652 | 0.1427 | 0.1658 | 0.2044 | 0.1901 |
| 144 | 0.2185 | 0.1968 | 0.1425 | 0.1549 | 0.1549 | 0.1647 | 0.1423 | 0.1653 | 0.2038 | 0.1896 |
| 145 | 0.2179 | 0.1963 | 0.1421 | 0.1545 | 0.1545 | 0.1642 | 0.1419 | 0.1648 | 0.2032 | 0.1891 |
| 146 | 0.2173 | 0.1957 | 0.1417 | 0.1541 | 0.1541 | 0.1638 | 0.1415 | 0.1644 | 0.2027 | 0.1886 |
| 147 | 0.2167 | 0.1952 | 0.1413 | 0.1536 | 0.1536 | 0.1633 | 0.1412 | 0.1639 | 0.2021 | 0.1881 |
| 148 | 0.2161 | 0.1947 | 0.1409 | 0.1532 | 0.1532 | 0.1629 | 0.1408 | 0.1635 | 0.2016 | 0.1876 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 149 | 0.2155 | 0.1941 | 0.1405 | 0.1528 | 0.1528 | 0.1624 | 0.1404 | 0.1630 | 0.2010 | 0.1871 |
| 150 | 0.2149 | 0.1936 | 0.1401 | 0.1524 | 0.1524 | 0.1620 | 0.1400 | 0.1626 | 0.2005 | 0.1866 |
| 151 | 0.2144 | 0.1931 | 0.1398 | 0.1520 | 0.1520 | 0.1615 | 0.1396 | 0.1621 | 0.1999 | 0.1860 |
| 152 | 0.2138 | 0.1925 | 0.1394 | 0.1516 | 0.1516 | 0.1611 | 0.1392 | 0.1617 | 0.1994 | 0.1855 |
| 153 | 0.2132 | 0.1920 | 0.1390 | 0.1511 | 0.1511 | 0.1606 | 0.1389 | 0.1612 | 0.1988 | 0.1850 |
| 154 | 0.2126 | 0.1915 | 0.1386 | 0.1507 | 0.1507 | 0.1602 | 0.1385 | 0.1608 | 0.1983 | 0.1845 |
| 155 | 0.2120 | 0.1909 | 0.1382 | 0.1503 | 0.1503 | 0.1597 | 0.1381 | 0.1603 | 0.1977 | 0.1840 |
| 156 | 0.2114 | 0.1904 | 0.1378 | 0.1499 | 0.1499 | 0.1593 | 0.1377 | 0.1599 | 0.1972 | 0.1835 |
| 157 | 0.2108 | 0.1899 | 0.1374 | 0.1495 | 0.1495 | 0.1589 | 0.1373 | 0.1595 | 0.1967 | 0.1830 |
| 158 | 0.2103 | 0.1894 | 0.1371 | 0.1491 | 0.1491 | 0.1584 | 0.1369 | 0.1590 | 0.1961 | 0.1825 |
| 159 | 0.2097 | 0.1888 | 0.1367 | 0.1487 | 0.1487 | 0.1580 | 0.1366 | 0.1586 | 0.1956 | 0.1820 |
| 160 | 0.2091 | 0.1883 | 0.1363 | 0.1483 | 0.1483 | 0.1576 | 0.1362 | 0.1582 | 0.1951 | 0.1815 |
| 161 | 0.2086 | 0.1878 | 0.1360 | 0.1479 | 0.1479 | 0.1572 | 0.1358 | 0.1577 | 0.1945 | 0.1810 |
| 162 | 0.2080 | 0.1873 | 0.1356 | 0.1475 | 0.1475 | 0.1567 | 0.1354 | 0.1573 | 0.1940 | 0.1805 |
| 163 | 0.2074 | 0.1868 | 0.1352 | 0.1470 | 0.1470 | 0.1563 | 0.1351 | 0.1569 | 0.1935 | 0.1800 |
| 164 | 0.2069 | 0.1863 | 0.1349 | 0.1466 | 0.1466 | 0.1559 | 0.1347 | 0.1564 | 0.1929 | 0.1795 |
| 165 | 0.2063 | 0.1857 | 0.1345 | 0.1462 | 0.1462 | 0.1555 | 0.1343 | 0.1560 | 0.1924 | 0.1790 |
| 166 | 0.2057 | 0.1852 | 0.1341 | 0.1458 | 0.1458 | 0.1550 | 0.1339 | 0.1556 | 0.1919 | 0.1785 |
| 167 | 0.2052 | 0.1847 | 0.1338 | 0.1454 | 0.1454 | 0.1546 | 0.1336 | 0.1551 | 0.1913 | 0.1780 |
| 168 | 0.2046 | 0.1842 | 0.1334 | 0.1450 | 0.1450 | 0.1542 | 0.1332 | 0.1547 | 0.1908 | 0.1775 |
| 169 | 0.2040 | 0.1837 | 0.1330 | 0.1446 | 0.1446 | 0.1538 | 0.1328 | 0.1543 | 0.1903 | 0.1770 |
| 170 | 0.2035 | 0.1832 | 0.1327 | 0.1442 | 0.1442 | 0.1534 | 0.1325 | 0.1539 | 0.1898 | 0.1765 |
| 171 | 0.2029 | 0.1827 | 0.1323 | 0.1438 | 0.1438 | 0.1529 | 0.1321 | 0.1534 | 0.1892 | 0.1761 |
| 172 | 0.2024 | 0.1822 | 0.1319 | 0.1434 | 0.1434 | 0.1525 | 0.1318 | 0.1530 | 0.1887 | 0.1756 |
| 173 | 0.2018 | 0.1817 | 0.1316 | 0.1430 | 0.1430 | 0.1521 | 0.1314 | 0.1526 | 0.1882 | 0.1751 |
| 174 | 0.2013 | 0.1812 | 0.1312 | 0.1426 | 0.1426 | 0.1517 | 0.1311 | 0.1522 | 0.1877 | 0.1746 |
| 175 | 0.2007 | 0.1808 | 0.1308 | 0.1423 | 0.1423 | 0.1513 | 0.1307 | 0.1518 | 0.1872 | 0.1742 |
| 176 | 0.2001 | 0.1803 | 0.1305 | 0.1419 | 0.1419 | 0.1509 | 0.1303 | 0.1514 | 0.1867 | 0.1737 |
| 177 | 0.1996 | 0.1798 | 0.1301 | 0.1415 | 0.1415 | 0.1504 | 0.1300 | 0.1509 | 0.1861 | 0.1732 |
| 178 | 0.1990 | 0.1793 | 0.1297 | 0.1411 | 0.1411 | 0.1500 | 0.1296 | 0.1505 | 0.1856 | 0.1727 |
| 179 | 0.1985 | 0.1788 | 0.1294 | 0.1407 | 0.1407 | 0.1496 | 0.1293 | 0.1501 | 0.1851 | 0.1723 |
| 180 | 0.1979 | 0.1783 | 0.1290 | 0.1403 | 0.1403 | 0.1492 | 0.1289 | 0.1497 | 0.1846 | 0.1718 |
| 181 | 0.1974 | 0.1778 | 0.1287 | 0.1399 | 0.1399 | 0.1488 | 0.1285 | 0.1493 | 0.1841 | 0.1713 |
| 182 | 0.1968 | 0.1773 | 0.1283 | 0.1395 | 0.1395 | 0.1484 | 0.1282 | 0.1489 | 0.1836 | 0.1709 |
| 183 | 0.1963 | 0.1769 | 0.1280 | 0.1392 | 0.1392 | 0.1480 | 0.1278 | 0.1485 | 0.1831 | 0.1704 |
| 184 | 0.1958 | 0.1764 | 0.1276 | 0.1388 | 0.1388 | 0.1476 | 0.1275 | 0.1481 | 0.1826 | 0.1699 |
| 185 | 0.1952 | 0.1759 | 0.1273 | 0.1384 | 0.1384 | 0.1472 | 0.1271 | 0.1477 | 0.1821 | 0.1695 |
| 186 | 0.1947 | 0.1754 | 0.1269 | 0.1380 | 0.1380 | 0.1468 | 0.1268 | 0.1473 | 0.1816 | 0.1690 |
| 187 | 0.1942 | 0.1749 | 0.1266 | 0.1377 | 0.1377 | 0.1463 | 0.1264 | 0.1469 | 0.1812 | 0.1685 |
| 188 | 0.1936 | 0.1744 | 0.1263 | 0.1373 | 0.1373 | 0.1459 | 0.1261 | 0.1465 | 0.1807 | 0.1681 |
| 189 | 0.1931 | 0.1740 | 0.1259 | 0.1369 | 0.1369 | 0.1455 | 0.1257 | 0.1461 | 0.1802 | 0.1676 |
| 190 | 0.1926 | 0.1735 | 0.1256 | 0.1365 | 0.1365 | 0.1451 | 0.1254 | 0.1457 | 0.1797 | 0.1671 |
| 191 | 0.1920 | 0.1730 | 0.1252 | 0.1362 | 0.1362 | 0.1447 | 0.1250 | 0.1453 | 0.1792 | 0.1667 |
| 192 | 0.1915 | 0.1725 | 0.1249 | 0.1358 | 0.1358 | 0.1443 | 0.1247 | 0.1449 | 0.1787 | 0.1662 |
| 193 | 0.1910 | 0.1720 | 0.1246 | 0.1354 | 0.1354 | 0.1439 | 0.1244 | 0.1445 | 0.1782 | 0.1657 |
| 194 | 0.1905 | 0.1716 | 0.1242 | 0.1351 | 0.1351 | 0.1435 | 0.1240 | 0.1441 | 0.1777 | 0.1653 |
| 195 | 0.1899 | 0.1711 | 0.1239 | 0.1347 | 0.1347 | 0.1432 | 0.1237 | 0.1437 | 0.1773 | 0.1648 |
| 196 | 0.1894 | 0.1706 | 0.1235 | 0.1343 | 0.1343 | 0.1428 | 0.1234 | 0.1433 | 0.1768 | 0.1644 |
| 197 | 0.1889 | 0.1702 | 0.1232 | 0.1340 | 0.1340 | 0.1424 | 0.1230 | 0.1429 | 0.1763 | 0.1639 |
| 198 | 0.1884 | 0.1697 | 0.1228 | 0.1336 | 0.1336 | 0.1420 | 0.1227 | 0.1425 | 0.1758 | 0.1635 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 199 | 0.1879 | 0.1692 | 0.1225 | 0.1332 | 0.1332 | 0.1416 | 0.1224 | 0.1422 | 0.1753 | 0.1630 |
| 200 | 0.1874 | 0.1688 | 0.1222 | 0.1329 | 0.1329 | 0.1412 | 0.1220 | 0.1418 | 0.1748 | 0.1626 |
| 201 | 0.1868 | 0.1683 | 0.1218 | 0.1325 | 0.1325 | 0.1409 | 0.1217 | 0.1414 | 0.1744 | 0.1621 |
| 202 | 0.1863 | 0.1678 | 0.1215 | 0.1321 | 0.1321 | 0.1405 | 0.1214 | 0.1410 | 0.1739 | 0.1617 |
| 203 | 0.1858 | 0.1674 | 0.1211 | 0.1318 | 0.1318 | 0.1401 | 0.1210 | 0.1406 | 0.1734 | 0.1612 |
| 204 | 0.1853 | 0.1669 | 0.1208 | 0.1314 | 0.1314 | 0.1397 | 0.1207 | 0.1402 | 0.1729 | 0.1608 |
| 205 | 0.1848 | 0.1664 | 0.1205 | 0.1310 | 0.1310 | 0.1393 | 0.1204 | 0.1398 | 0.1724 | 0.1604 |
| 206 | 0.1843 | 0.1660 | 0.1201 | 0.1307 | 0.1307 | 0.1389 | 0.1200 | 0.1394 | 0.1720 | 0.1599 |
| 207 | 0.1838 | 0.1655 | 0.1198 | 0.1303 | 0.1303 | 0.1386 | 0.1197 | 0.1391 | 0.1715 | 0.1595 |
| 208 | 0.1833 | 0.1651 | 0.1195 | 0.1300 | 0.1300 | 0.1382 | 0.1194 | 0.1387 | 0.1710 | 0.1591 |
| 209 | 0.1828 | 0.1646 | 0.1192 | 0.1296 | 0.1296 | 0.1378 | 0.1191 | 0.1383 | 0.1706 | 0.1586 |
| 210 | 0.1823 | 0.1642 | 0.1188 | 0.1293 | 0.1293 | 0.1374 | 0.1187 | 0.1379 | 0.1701 | 0.1582 |
| 211 | 0.1818 | 0.1637 | 0.1185 | 0.1289 | 0.1289 | 0.1370 | 0.1184 | 0.1375 | 0.1696 | 0.1578 |
| 212 | 0.1813 | 0.1633 | 0.1182 | 0.1285 | 0.1285 | 0.1366 | 0.1181 | 0.1371 | 0.1692 | 0.1573 |
| 213 | 0.1808 | 0.1628 | 0.1179 | 0.1282 | 0.1282 | 0.1363 | 0.1178 | 0.1368 | 0.1687 | 0.1569 |
| 214 | 0.1803 | 0.1624 | 0.1175 | 0.1278 | 0.1278 | 0.1359 | 0.1174 | 0.1364 | 0.1682 | 0.1565 |
| 215 | 0.1798 | 0.1619 | 0.1172 | 0.1275 | 0.1275 | 0.1355 | 0.1171 | 0.1360 | 0.1678 | 0.1560 |
| 216 | 0.1793 | 0.1615 | 0.1169 | 0.1271 | 0.1271 | 0.1351 | 0.1168 | 0.1356 | 0.1673 | 0.1556 |
| 217 | 0.1788 | 0.1611 | 0.1166 | 0.1268 | 0.1268 | 0.1347 | 0.1165 | 0.1352 | 0.1668 | 0.1552 |
| 218 | 0.1783 | 0.1606 | 0.1163 | 0.1264 | 0.1264 | 0.1344 | 0.1162 | 0.1349 | 0.1664 | 0.1547 |
| 219 | 0.1779 | 0.1602 | 0.1159 | 0.1261 | 0.1261 | 0.1340 | 0.1158 | 0.1345 | 0.1659 | 0.1543 |
| 220 | 0.1774 | 0.1597 | 0.1156 | 0.1257 | 0.1257 | 0.1337 | 0.1155 | 0.1341 | 0.1655 | 0.1539 |
| 221 | 0.1769 | 0.1593 | 0.1153 | 0.1254 | 0.1254 | 0.1333 | 0.1152 | 0.1338 | 0.1650 | 0.1535 |
| 222 | 0.1764 | 0.1588 | 0.1150 | 0.1250 | 0.1250 | 0.1330 | 0.1149 | 0.1334 | 0.1646 | 0.1530 |
| 223 | 0.1759 | 0.1584 | 0.1147 | 0.1247 | 0.1247 | 0.1326 | 0.1146 | 0.1330 | 0.1641 | 0.1526 |
| 224 | 0.1754 | 0.1580 | 0.1144 | 0.1244 | 0.1244 | 0.1322 | 0.1143 | 0.1327 | 0.1636 | 0.1522 |
| 225 | 0.1750 | 0.1575 | 0.1140 | 0.1240 | 0.1240 | 0.1319 | 0.1139 | 0.1323 | 0.1632 | 0.1518 |
| 226 | 0.1745 | 0.1571 | 0.1137 | 0.1237 | 0.1237 | 0.1315 | 0.1136 | 0.1319 | 0.1627 | 0.1513 |
| 227 | 0.1740 | 0.1566 | 0.1134 | 0.1233 | 0.1233 | 0.1312 | 0.1133 | 0.1316 | 0.1623 | 0.1509 |
| 228 | 0.1735 | 0.1562 | 0.1131 | 0.1230 | 0.1230 | 0.1308 | 0.1130 | 0.1312 | 0.1618 | 0.1505 |
| 229 | 0.1730 | 0.1558 | 0.1128 | 0.1227 | 0.1227 | 0.1304 | 0.1127 | 0.1308 | 0.1614 | 0.1501 |
| 230 | 0.1726 | 0.1554 | 0.1125 | 0.1223 | 0.1223 | 0.1301 | 0.1124 | 0.1305 | 0.1609 | 0.1497 |
| 231 | 0.1721 | 0.1549 | 0.1122 | 0.1220 | 0.1220 | 0.1297 | 0.1121 | 0.1301 | 0.1605 | 0.1493 |
| 232 | 0.1716 | 0.1545 | 0.1119 | 0.1217 | 0.1217 | 0.1294 | 0.1118 | 0.1298 | 0.1601 | 0.1489 |
| 233 | 0.1712 | 0.1541 | 0.1116 | 0.1213 | 0.1213 | 0.1290 | 0.1115 | 0.1294 | 0.1596 | 0.1485 |
| 234 | 0.1707 | 0.1537 | 0.1113 | 0.1210 | 0.1210 | 0.1287 | 0.1112 | 0.1291 | 0.1592 | 0.1481 |
| 235 | 0.1702 | 0.1533 | 0.1109 | 0.1207 | 0.1207 | 0.1283 | 0.1108 | 0.1287 | 0.1588 | 0.1477 |
| 236 | 0.1698 | 0.1529 | 0.1106 | 0.1203 | 0.1203 | 0.1279 | 0.1105 | 0.1284 | 0.1583 | 0.1473 |
| 237 | 0.1693 | 0.1524 | 0.1103 | 0.1200 | 0.1200 | 0.1276 | 0.1102 | 0.1280 | 0.1579 | 0.1469 |
| 238 | 0.1688 | 0.1520 | 0.1100 | 0.1197 | 0.1197 | 0.1272 | 0.1099 | 0.1277 | 0.1575 | 0.1465 |
| 239 | 0.1684 | 0.1516 | 0.1097 | 0.1193 | 0.1193 | 0.1269 | 0.1096 | 0.1273 | 0.1570 | 0.1461 |
| 240 | 0.1679 | 0.1512 | 0.1094 | 0.1190 | 0.1190 | 0.1265 | 0.1093 | 0.1270 | 0.1566 | 0.1457 |
| 241 | 0.1674 | 0.1508 | 0.1091 | 0.1187 | 0.1187 | 0.1262 | 0.1090 | 0.1267 | 0.1562 | 0.1453 |
| 242 | 0.1670 | 0.1504 | 0.1088 | 0.1184 | 0.1184 | 0.1258 | 0.1087 | 0.1263 | 0.1557 | 0.1449 |
| 243 | 0.1665 | 0.1500 | 0.1085 | 0.1180 | 0.1180 | 0.1255 | 0.1084 | 0.1260 | 0.1553 | 0.1445 |
| 244 | 0.1661 | 0.1496 | 0.1082 | 0.1177 | 0.1177 | 0.1251 | 0.1081 | 0.1256 | 0.1549 | 0.1441 |
| 245 | 0.1656 | 0.1492 | 0.1079 | 0.1174 | 0.1174 | 0.1248 | 0.1078 | 0.1253 | 0.1545 | 0.1437 |
| 246 | 0.1652 | 0.1488 | 0.1076 | 0.1171 | 0.1171 | 0.1244 | 0.1075 | 0.1249 | 0.1540 | 0.1433 |
| 247 | 0.1647 | 0.1483 | 0.1074 | 0.1168 | 0.1168 | 0.1241 | 0.1073 | 0.1246 | 0.1536 | 0.1429 |
| 248 | 0.1642 | 0.1479 | 0.1071 | 0.1165 | 0.1165 | 0.1238 | 0.1070 | 0.1243 | 0.1532 | 0.1425 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 249 | 0.1638 | 0.1475 | 0.1068 | 0.1161 | 0.1161 | 0.1234 | 0.1067 | 0.1239 | 0.1528 | 0.1421 |
| 250 | 0.1633 | 0.1471 | 0.1065 | 0.1158 | 0.1158 | 0.1231 | 0.1064 | 0.1236 | 0.1523 | 0.1417 |
| 251 | 0.1629 | 0.1467 | 0.1062 | 0.1155 | 0.1155 | 0.1227 | 0.1061 | 0.1232 | 0.1519 | 0.1413 |
| 252 | 0.1624 | 0.1463 | 0.1059 | 0.1152 | 0.1152 | 0.1224 | 0.1058 | 0.1229 | 0.1515 | 0.1409 |
| 253 | 0.1620 | 0.1459 | 0.1056 | 0.1149 | 0.1149 | 0.1221 | 0.1055 | 0.1226 | 0.1511 | 0.1405 |
| 254 | 0.1615 | 0.1455 | 0.1053 | 0.1146 | 0.1146 | 0.1217 | 0.1052 | 0.1222 | 0.1507 | 0.1401 |
| 255 | 0.1611 | 0.1451 | 0.1051 | 0.1142 | 0.1142 | 0.1214 | 0.1049 | 0.1219 | 0.1503 | 0.1398 |
| 256 | 0.1607 | 0.1447 | 0.1048 | 0.1139 | 0.1139 | 0.1211 | 0.1046 | 0.1216 | 0.1499 | 0.1394 |
| 257 | 0.1602 | 0.1443 | 0.1045 | 0.1136 | 0.1136 | 0.1208 | 0.1043 | 0.1212 | 0.1495 | 0.1390 |
| 258 | 0.1598 | 0.1439 | 0.1042 | 0.1133 | 0.1133 | 0.1204 | 0.1040 | 0.1209 | 0.1491 | 0.1386 |
| 259 | 0.1594 | 0.1435 | 0.1039 | 0.1130 | 0.1130 | 0.1201 | 0.1038 | 0.1206 | 0.1486 | 0.1383 |
| 260 | 0.1589 | 0.1431 | 0.1036 | 0.1127 | 0.1127 | 0.1198 | 0.1035 | 0.1202 | 0.1482 | 0.1379 |
| 261 | 0.1585 | 0.1427 | 0.1034 | 0.1123 | 0.1123 | 0.1195 | 0.1032 | 0.1199 | 0.1478 | 0.1375 |
| 262 | 0.1581 | 0.1423 | 0.1031 | 0.1120 | 0.1120 | 0.1191 | 0.1029 | 0.1196 | 0.1474 | 0.1371 |
| 263 | 0.1576 | 0.1419 | 0.1028 | 0.1117 | 0.1117 | 0.1188 | 0.1026 | 0.1192 | 0.1470 | 0.1368 |
| 264 | 0.1572 | 0.1415 | 0.1025 | 0.1114 | 0.1114 | 0.1185 | 0.1023 | 0.1189 | 0.1466 | 0.1364 |
| 265 | 0.1568 | 0.1411 | 0.1022 | 0.1111 | 0.1111 | 0.1182 | 0.1020 | 0.1186 | 0.1462 | 0.1360 |
| 266 | 0.1563 | 0.1407 | 0.1019 | 0.1108 | 0.1108 | 0.1178 | 0.1017 | 0.1182 | 0.1458 | 0.1357 |
| 267 | 0.1559 | 0.1404 | 0.1017 | 0.1105 | 0.1105 | 0.1175 | 0.1015 | 0.1179 | 0.1454 | 0.1353 |
| 268 | 0.1555 | 0.1400 | 0.1014 | 0.1102 | 0.1102 | 0.1172 | 0.1012 | 0.1176 | 0.1450 | 0.1349 |
| 269 | 0.1551 | 0.1396 | 0.1011 | 0.1099 | 0.1099 | 0.1169 | 0.1009 | 0.1173 | 0.1446 | 0.1346 |
| 270 | 0.1546 | 0.1392 | 0.1008 | 0.1096 | 0.1096 | 0.1165 | 0.1006 | 0.1169 | 0.1442 | 0.1342 |
| 271 | 0.1542 | 0.1389 | 0.1006 | 0.1093 | 0.1093 | 0.1162 | 0.1004 | 0.1166 | 0.1439 | 0.1338 |
| 272 | 0.1538 | 0.1385 | 0.1003 | 0.1090 | 0.1090 | 0.1159 | 0.1001 | 0.1163 | 0.1435 | 0.1335 |
| 273 | 0.1534 | 0.1381 | 0.1000 | 0.1087 | 0.1087 | 0.1156 | 0.0998 | 0.1160 | 0.1431 | 0.1331 |
| 274 | 0.1529 | 0.1377 | 0.0997 | 0.1084 | 0.1084 | 0.1152 | 0.0995 | 0.1156 | 0.1427 | 0.1327 |
| 275 | 0.1525 | 0.1374 | 0.0995 | 0.1081 | 0.1081 | 0.1149 | 0.0993 | 0.1153 | 0.1423 | 0.1324 |
| 276 | 0.1521 | 0.1370 | 0.0992 | 0.1078 | 0.1078 | 0.1146 | 0.0990 | 0.1150 | 0.1419 | 0.1320 |
| 277 | 0.1517 | 0.1366 | 0.0989 | 0.1075 | 0.1075 | 0.1143 | 0.0987 | 0.1147 | 0.1415 | 0.1316 |
| 278 | 0.1513 | 0.1362 | 0.0986 | 0.1072 | 0.1072 | 0.1140 | 0.0985 | 0.1144 | 0.1411 | 0.1313 |
| 279 | 0.1509 | 0.1359 | 0.0984 | 0.1069 | 0.1069 | 0.1137 | 0.0982 | 0.1141 | 0.1408 | 0.1309 |
| 280 | 0.1505 | 0.1355 | 0.0981 | 0.1066 | 0.1066 | 0.1134 | 0.0979 | 0.1138 | 0.1404 | 0.1306 |
| 281 | 0.1501 | 0.1351 | 0.0978 | 0.1063 | 0.1063 | 0.1131 | 0.0977 | 0.1135 | 0.1400 | 0.1302 |
| 282 | 0.1497 | 0.1347 | 0.0975 | 0.1060 | 0.1060 | 0.1128 | 0.0974 | 0.1132 | 0.1396 | 0.1299 |
| 283 | 0.1492 | 0.1344 | 0.0973 | 0.1058 | 0.1058 | 0.1124 | 0.0971 | 0.1128 | 0.1392 | 0.1295 |
| 284 | 0.1488 | 0.1340 | 0.0970 | 0.1055 | 0.1055 | 0.1121 | 0.0969 | 0.1125 | 0.1388 | 0.1291 |
| 285 | 0.1484 | 0.1336 | 0.0967 | 0.1052 | 0.1052 | 0.1118 | 0.0966 | 0.1122 | 0.1385 | 0.1288 |
| 286 | 0.1480 | 0.1332 | 0.0964 | 0.1049 | 0.1049 | 0.1115 | 0.0963 | 0.1119 | 0.1381 | 0.1284 |
| 287 | 0.1476 | 0.1329 | 0.0962 | 0.1046 | 0.1046 | 0.1112 | 0.0961 | 0.1116 | 0.1377 | 0.1281 |
| 288 | 0.1472 | 0.1325 | 0.0959 | 0.1043 | 0.1043 | 0.1109 | 0.0958 | 0.1113 | 0.1373 | 0.1277 |
| 289 | 0.1468 | 0.1321 | 0.0956 | 0.1040 | 0.1040 | 0.1106 | 0.0955 | 0.1110 | 0.1369 | 0.1273 |
| 290 | 0.1464 | 0.1318 | 0.0954 | 0.1037 | 0.1037 | 0.1103 | 0.0953 | 0.1107 | 0.1365 | 0.1270 |
| 291 | 0.1460 | 0.1314 | 0.0951 | 0.1035 | 0.1035 | 0.1100 | 0.0950 | 0.1104 | 0.1362 | 0.1266 |
| 292 | 0.1456 | 0.1311 | 0.0949 | 0.1032 | 0.1032 | 0.1097 | 0.0948 | 0.1101 | 0.1358 | 0.1263 |
| 293 | 0.1452 | 0.1307 | 0.0946 | 0.1029 | 0.1029 | 0.1094 | 0.0945 | 0.1098 | 0.1354 | 0.1259 |
| 294 | 0.1448 | 0.1304 | 0.0944 | 0.1026 | 0.1026 | 0.1091 | 0.0943 | 0.1095 | 0.1350 | 0.1256 |
| 295 | 0.1444 | 0.1300 | 0.0941 | 0.1023 | 0.1023 | 0.1088 | 0.0940 | 0.1092 | 0.1347 | 0.1252 |
| 296 | 0.1440 | 0.1296 | 0.0938 | 0.1020 | 0.1020 | 0.1085 | 0.0937 | 0.1089 | 0.1343 | 0.1249 |
| 297 | 0.1436 | 0.1293 | 0.0936 | 0.1018 | 0.1018 | 0.1082 | 0.0935 | 0.1086 | 0.1339 | 0.1245 |
| 298 | 0.1432 | 0.1289 | 0.0933 | 0.1015 | 0.1015 | 0.1079 | 0.0932 | 0.1083 | 0.1335 | 0.1242 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 299 | 0.1428 | 0.1286 | 0.0931 | 0.1012 | 0.1012 | 0.1076 | 0.0930 | 0.1080 | 0.1332 | 0.1238 |
| 300 | 0.1424 | 0.1282 | 0.0928 | 0.1009 | 0.1009 | 0.1073 | 0.0927 | 0.1077 | 0.1328 | 0.1235 |
| 301 | 0.1420 | 0.1279 | 0.0925 | 0.1006 | 0.1006 | 0.1070 | 0.0924 | 0.1074 | 0.1324 | 0.1232 |
| 302 | 0.1416 | 0.1275 | 0.0923 | 0.1004 | 0.1004 | 0.1067 | 0.0922 | 0.1071 | 0.1321 | 0.1228 |
| 303 | 0.1413 | 0.1272 | 0.0920 | 0.1001 | 0.1001 | 0.1064 | 0.0919 | 0.1068 | 0.1317 | 0.1225 |
| 304 | 0.1409 | 0.1268 | 0.0918 | 0.0998 | 0.0998 | 0.1061 | 0.0917 | 0.1065 | 0.1314 | 0.1222 |
| 305 | 0.1405 | 0.1265 | 0.0915 | 0.0996 | 0.0996 | 0.1058 | 0.0914 | 0.1062 | 0.1310 | 0.1218 |
| 306 | 0.1401 | 0.1261 | 0.0913 | 0.0993 | 0.0993 | 0.1055 | 0.0912 | 0.1059 | 0.1307 | 0.1215 |
| 307 | 0.1397 | 0.1258 | 0.0910 | 0.0990 | 0.0990 | 0.1053 | 0.0909 | 0.1057 | 0.1303 | 0.1212 |
| 308 | 0.1393 | 0.1255 | 0.0908 | 0.0988 | 0.0988 | 0.1050 | 0.0907 | 0.1054 | 0.1299 | 0.1208 |
| 309 | 0.1390 | 0.1251 | 0.0905 | 0.0985 | 0.0985 | 0.1047 | 0.0904 | 0.1051 | 0.1296 | 0.1205 |
| 310 | 0.1386 | 0.1248 | 0.0903 | 0.0982 | 0.0982 | 0.1044 | 0.0902 | 0.1048 | 0.1292 | 0.1202 |
| 311 | 0.1382 | 0.1244 | 0.0900 | 0.0980 | 0.0980 | 0.1041 | 0.0899 | 0.1045 | 0.1289 | 0.1198 |
| 312 | 0.1378 | 0.1241 | 0.0898 | 0.0977 | 0.0977 | 0.1038 | 0.0897 | 0.1042 | 0.1285 | 0.1195 |
| 313 | 0.1374 | 0.1238 | 0.0896 | 0.0974 | 0.0974 | 0.1035 | 0.0895 | 0.1039 | 0.1281 | 0.1192 |
| 314 | 0.1370 | 0.1234 | 0.0893 | 0.0972 | 0.0972 | 0.1032 | 0.0892 | 0.1036 | 0.1278 | 0.1189 |
| 315 | 0.1367 | 0.1231 | 0.0891 | 0.0969 | 0.0969 | 0.1030 | 0.0890 | 0.1034 | 0.1274 | 0.1185 |
| 316 | 0.1363 | 0.1227 | 0.0888 | 0.0966 | 0.0966 | 0.1027 | 0.0887 | 0.1031 | 0.1271 | 0.1182 |
| 317 | 0.1359 | 0.1224 | 0.0886 | 0.0964 | 0.0964 | 0.1024 | 0.0885 | 0.1028 | 0.1267 | 0.1179 |
| 318 | 0.1355 | 0.1220 | 0.0883 | 0.0961 | 0.0961 | 0.1021 | 0.0882 | 0.1025 | 0.1264 | 0.1176 |
| 319 | 0.1352 | 0.1217 | 0.0881 | 0.0958 | 0.0958 | 0.1019 | 0.0880 | 0.1022 | 0.1260 | 0.1173 |
| 320 | 0.1348 | 0.1214 | 0.0879 | 0.0956 | 0.0956 | 0.1016 | 0.0878 | 0.1019 | 0.1257 | 0.1170 |
| 321 | 0.1344 | 0.1210 | 0.0876 | 0.0953 | 0.0953 | 0.1013 | 0.0875 | 0.1017 | 0.1253 | 0.1166 |
| 322 | 0.1340 | 0.1207 | 0.0874 | 0.0950 | 0.0950 | 0.1010 | 0.0873 | 0.1014 | 0.1250 | 0.1163 |
| 323 | 0.1337 | 0.1203 | 0.0871 | 0.0948 | 0.0948 | 0.1008 | 0.0870 | 0.1011 | 0.1246 | 0.1160 |
| 324 | 0.1333 | 0.1200 | 0.0869 | 0.0945 | 0.0945 | 0.1005 | 0.0868 | 0.1008 | 0.1243 | 0.1157 |
| 325 | 0.1329 | 0.1197 | 0.0867 | 0.0942 | 0.0942 | 0.1002 | 0.0866 | 0.1005 | 0.1240 | 0.1154 |
| 326 | 0.1326 | 0.1194 | 0.0864 | 0.0940 | 0.0940 | 0.0999 | 0.0863 | 0.1003 | 0.1236 | 0.1151 |
| 327 | 0.1322 | 0.1190 | 0.0862 | 0.0937 | 0.0937 | 0.0997 | 0.0861 | 0.1000 | 0.1233 | 0.1147 |
| 328 | 0.1319 | 0.1187 | 0.0860 | 0.0935 | 0.0935 | 0.0994 | 0.0859 | 0.0997 | 0.1230 | 0.1144 |
| 329 | 0.1315 | 0.1184 | 0.0857 | 0.0932 | 0.0932 | 0.0991 | 0.0856 | 0.0995 | 0.1226 | 0.1141 |
| 330 | 0.1312 | 0.1181 | 0.0855 | 0.0930 | 0.0930 | 0.0988 | 0.0854 | 0.0992 | 0.1223 | 0.1138 |
| 331 | 0.1308 | 0.1178 | 0.0853 | 0.0927 | 0.0927 | 0.0986 | 0.0852 | 0.0989 | 0.1220 | 0.1135 |
| 332 | 0.1304 | 0.1175 | 0.0850 | 0.0924 | 0.0924 | 0.0983 | 0.0849 | 0.0987 | 0.1216 | 0.1132 |
| 333 | 0.1301 | 0.1171 | 0.0848 | 0.0922 | 0.0922 | 0.0980 | 0.0847 | 0.0984 | 0.1213 | 0.1128 |
| 334 | 0.1297 | 0.1168 | 0.0846 | 0.0919 | 0.0919 | 0.0977 | 0.0845 | 0.0981 | 0.1210 | 0.1125 |
| 335 | 0.1294 | 0.1165 | 0.0843 | 0.0917 | 0.0917 | 0.0975 | 0.0842 | 0.0979 | 0.1206 | 0.1122 |
| 336 | 0.1290 | 0.1162 | 0.0841 | 0.0914 | 0.0914 | 0.0972 | 0.0840 | 0.0976 | 0.1203 | 0.1119 |
| 337 | 0.1286 | 0.1159 | 0.0839 | 0.0912 | 0.0912 | 0.0969 | 0.0838 | 0.0973 | 0.1200 | 0.1116 |
| 338 | 0.1283 | 0.1156 | 0.0836 | 0.0909 | 0.0909 | 0.0967 | 0.0835 | 0.0971 | 0.1196 | 0.1113 |
| 339 | 0.1279 | 0.1152 | 0.0834 | 0.0907 | 0.0907 | 0.0964 | 0.0833 | 0.0968 | 0.1193 | 0.1110 |
| 340 | 0.1276 | 0.1149 | 0.0832 | 0.0904 | 0.0904 | 0.0962 | 0.0831 | 0.0965 | 0.1190 | 0.1107 |
| 341 | 0.1272 | 0.1146 | 0.0830 | 0.0902 | 0.0902 | 0.0959 | 0.0829 | 0.0963 | 0.1187 | 0.1104 |
| 342 | 0.1269 | 0.1143 | 0.0827 | 0.0899 | 0.0899 | 0.0957 | 0.0826 | 0.0960 | 0.1183 | 0.1101 |
| 343 | 0.1265 | 0.1140 | 0.0825 | 0.0897 | 0.0897 | 0.0954 | 0.0824 | 0.0957 | 0.1180 | 0.1098 |
| 344 | 0.1262 | 0.1137 | 0.0823 | 0.0895 | 0.0895 | 0.0951 | 0.0822 | 0.0955 | 0.1177 | 0.1095 |
| 345 | 0.1258 | 0.1133 | 0.0821 | 0.0892 | 0.0892 | 0.0949 | 0.0820 | 0.0952 | 0.1174 | 0.1092 |
| 346 | 0.1255 | 0.1130 | 0.0818 | 0.0890 | 0.0890 | 0.0946 | 0.0817 | 0.0949 | 0.1170 | 0.1089 |
| 347 | 0.1251 | 0.1127 | 0.0816 | 0.0887 | 0.0887 | 0.0944 | 0.0815 | 0.0947 | 0.1167 | 0.1086 |
| 348 | 0.1248 | 0.1124 | 0.0814 | 0.0885 | 0.0885 | 0.0941 | 0.0813 | 0.0944 | 0.1164 | 0.1083 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 349 | 0.1245 | 0.1121 | 0.0812 | 0.0883 | 0.0883 | 0.0938 | 0.0811 | 0.0941 | 0.1161 | 0.1080 |
| 350 | 0.1241 | 0.1118 | 0.0809 | 0.0880 | 0.0880 | 0.0936 | 0.0808 | 0.0939 | 0.1158 | 0.1077 |
| 351 | 0.1238 | 0.1115 | 0.0807 | 0.0878 | 0.0878 | 0.0933 | 0.0806 | 0.0936 | 0.1154 | 0.1074 |
| 352 | 0.1235 | 0.1112 | 0.0805 | 0.0875 | 0.0875 | 0.0931 | 0.0804 | 0.0934 | 0.1151 | 0.1071 |
| 353 | 0.1231 | 0.1109 | 0.0803 | 0.0873 | 0.0873 | 0.0928 | 0.0802 | 0.0931 | 0.1148 | 0.1068 |
| 354 | 0.1228 | 0.1106 | 0.0800 | 0.0870 | 0.0870 | 0.0926 | 0.0799 | 0.0929 | 0.1145 | 0.1065 |
| 355 | 0.1225 | 0.1103 | 0.0798 | 0.0868 | 0.0868 | 0.0923 | 0.0797 | 0.0926 | 0.1142 | 0.1063 |
| 356 | 0.1221 | 0.1100 | 0.0796 | 0.0866 | 0.0866 | 0.0920 | 0.0795 | 0.0923 | 0.1139 | 0.1060 |
| 357 | 0.1218 | 0.1097 | 0.0794 | 0.0863 | 0.0863 | 0.0918 | 0.0793 | 0.0921 | 0.1135 | 0.1057 |
| 358 | 0.1215 | 0.1094 | 0.0791 | 0.0861 | 0.0861 | 0.0915 | 0.0790 | 0.0918 | 0.1132 | 0.1054 |
| 359 | 0.1211 | 0.1091 | 0.0789 | 0.0858 | 0.0858 | 0.0913 | 0.0788 | 0.0916 | 0.1129 | 0.1051 |
| 360 | 0.1208 | 0.1088 | 0.0787 | 0.0856 | 0.0856 | 0.0910 | 0.0786 | 0.0913 | 0.1126 | 0.1048 |
| 361 | 0.1205 | 0.1085 | 0.0785 | 0.0854 | 0.0854 | 0.0908 | 0.0784 | 0.0911 | 0.1123 | 0.1045 |
| 362 | 0.1201 | 0.1082 | 0.0783 | 0.0851 | 0.0851 | 0.0905 | 0.0782 | 0.0908 | 0.1120 | 0.1042 |
| 363 | 0.1198 | 0.1079 | 0.0781 | 0.0849 | 0.0849 | 0.0903 | 0.0780 | 0.0906 | 0.1117 | 0.1040 |
| 364 | 0.1195 | 0.1076 | 0.0779 | 0.0847 | 0.0847 | 0.0900 | 0.0778 | 0.0903 | 0.1114 | 0.1037 |
| 365 | 0.1191 | 0.1073 | 0.0777 | 0.0844 | 0.0844 | 0.0898 | 0.0776 | 0.0901 | 0.1111 | 0.1034 |
| 366 | 0.1188 | 0.1070 | 0.0775 | 0.0842 | 0.0842 | 0.0895 | 0.0774 | 0.0898 | 0.1108 | 0.1031 |
| 367 | 0.1185 | 0.1067 | 0.0772 | 0.0840 | 0.0840 | 0.0893 | 0.0771 | 0.0896 | 0.1105 | 0.1028 |
| 368 | 0.1181 | 0.1064 | 0.0770 | 0.0837 | 0.0837 | 0.0891 | 0.0769 | 0.0894 | 0.1102 | 0.1025 |
| 369 | 0.1178 | 0.1061 | 0.0768 | 0.0835 | 0.0835 | 0.0888 | 0.0767 | 0.0891 | 0.1099 | 0.1023 |
| 370 | 0.1175 | 0.1058 | 0.0766 | 0.0833 | 0.0833 | 0.0886 | 0.0765 | 0.0889 | 0.1096 | 0.1020 |
| 371 | 0.1171 | 0.1055 | 0.0764 | 0.0830 | 0.0830 | 0.0883 | 0.0763 | 0.0886 | 0.1093 | 0.1017 |
| 372 | 0.1168 | 0.1052 | 0.0762 | 0.0828 | 0.0828 | 0.0881 | 0.0761 | 0.0884 | 0.1090 | 0.1014 |
| 373 | 0.1165 | 0.1049 | 0.0760 | 0.0826 | 0.0826 | 0.0879 | 0.0759 | 0.0882 | 0.1087 | 0.1011 |
| 374 | 0.1162 | 0.1046 | 0.0758 | 0.0824 | 0.0824 | 0.0876 | 0.0757 | 0.0879 | 0.1084 | 0.1008 |
| 375 | 0.1159 | 0.1044 | 0.0756 | 0.0821 | 0.0821 | 0.0874 | 0.0755 | 0.0877 | 0.1081 | 0.1006 |
| 376 | 0.1156 | 0.1041 | 0.0754 | 0.0819 | 0.0819 | 0.0871 | 0.0753 | 0.0874 | 0.1078 | 0.1003 |
| 377 | 0.1153 | 0.1038 | 0.0752 | 0.0817 | 0.0817 | 0.0869 | 0.0751 | 0.0872 | 0.1075 | 0.1000 |
| 378 | 0.1150 | 0.1035 | 0.0750 | 0.0815 | 0.0815 | 0.0866 | 0.0749 | 0.0869 | 0.1072 | 0.0997 |
| 379 | 0.1146 | 0.1032 | 0.0747 | 0.0813 | 0.0813 | 0.0864 | 0.0746 | 0.0867 | 0.1070 | 0.0995 |
| 380 | 0.1143 | 0.1029 | 0.0745 | 0.0811 | 0.0811 | 0.0862 | 0.0744 | 0.0865 | 0.1067 | 0.0992 |
| 381 | 0.1140 | 0.1027 | 0.0743 | 0.0808 | 0.0808 | 0.0859 | 0.0742 | 0.0862 | 0.1064 | 0.0989 |
| 382 | 0.1137 | 0.1024 | 0.0741 | 0.0806 | 0.0806 | 0.0857 | 0.0740 | 0.0860 | 0.1061 | 0.0986 |
| 383 | 0.1134 | 0.1021 | 0.0739 | 0.0804 | 0.0804 | 0.0854 | 0.0738 | 0.0857 | 0.1058 | 0.0984 |
| 384 | 0.1131 | 0.1018 | 0.0737 | 0.0802 | 0.0802 | 0.0852 | 0.0736 | 0.0855 | 0.1055 | 0.0981 |
| 385 | 0.1128 | 0.1015 | 0.0735 | 0.0800 | 0.0800 | 0.0850 | 0.0734 | 0.0853 | 0.1052 | 0.0978 |
| 386 | 0.1125 | 0.1012 | 0.0733 | 0.0798 | 0.0798 | 0.0847 | 0.0732 | 0.0850 | 0.1049 | 0.0976 |
| 387 | 0.1122 | 0.1010 | 0.0731 | 0.0795 | 0.0795 | 0.0845 | 0.0730 | 0.0848 | 0.1046 | 0.0973 |
| 388 | 0.1119 | 0.1007 | 0.0729 | 0.0793 | 0.0793 | 0.0843 | 0.0728 | 0.0846 | 0.1043 | 0.0970 |
| 389 | 0.1116 | 0.1004 | 0.0727 | 0.0791 | 0.0791 | 0.0840 | 0.0726 | 0.0843 | 0.1040 | 0.0968 |
| 390 | 0.1113 | 0.1001 | 0.0725 | 0.0789 | 0.0789 | 0.0838 | 0.0724 | 0.0841 | 0.1037 | 0.0965 |
| 391 | 0.1109 | 0.0999 | 0.0723 | 0.0787 | 0.0787 | 0.0836 | 0.0722 | 0.0839 | 0.1035 | 0.0962 |
| 392 | 0.1106 | 0.0996 | 0.0721 | 0.0785 | 0.0785 | 0.0833 | 0.0720 | 0.0836 | 0.1032 | 0.0960 |
| 393 | 0.1103 | 0.0993 | 0.0719 | 0.0782 | 0.0782 | 0.0831 | 0.0718 | 0.0834 | 0.1029 | 0.0957 |
| 394 | 0.1100 | 0.0990 | 0.0717 | 0.0780 | 0.0780 | 0.0829 | 0.0716 | 0.0832 | 0.1026 | 0.0954 |
| 395 | 0.1097 | 0.0988 | 0.0715 | 0.0778 | 0.0778 | 0.0826 | 0.0714 | 0.0829 | 0.1023 | 0.0952 |
| 396 | 0.1094 | 0.0985 | 0.0713 | 0.0776 | 0.0776 | 0.0824 | 0.0712 | 0.0827 | 0.1020 | 0.0949 |
| 397 | 0.1091 | 0.0982 | 0.0711 | 0.0774 | 0.0774 | 0.0822 | 0.0710 | 0.0825 | 0.1017 | 0.0946 |
| 398 | 0.1088 | 0.0980 | 0.0709 | 0.0772 | 0.0772 | 0.0820 | 0.0708 | 0.0823 | 0.1014 | 0.0944 |

| Months to URA² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------------|----------------|----------------|---------------|-----------------|--------------|-----------------|--------------|----------------|----------------|----------------|
| 399 | 0.1085 | 0.0977 | 0.0707 | 0.0769 | 0.0769 | 0.0817 | 0.0706 | 0.0820 | 0.1012 | 0.0941 |
| 400 | 0.1082 | 0.0974 | 0.0705 | 0.0767 | 0.0767 | 0.0815 | 0.0704 | 0.0818 | 0.1009 | 0.0939 |
| 401 | 0.1079 | 0.0972 | 0.0703 | 0.0765 | 0.0765 | 0.0813 | 0.0702 | 0.0816 | 0.1006 | 0.0936 |
| 402 | 0.1076 | 0.0969 | 0.0701 | 0.0763 | 0.0763 | 0.0811 | 0.0700 | 0.0814 | 0.1003 | 0.0934 |
| 403 | 0.1074 | 0.0966 | 0.0700 | 0.0761 | 0.0761 | 0.0809 | 0.0699 | 0.0812 | 0.1001 | 0.0931 |
| 404 | 0.1071 | 0.0964 | 0.0698 | 0.0759 | 0.0759 | 0.0807 | 0.0697 | 0.0810 | 0.0998 | 0.0928 |
| 405 | 0.1068 | 0.0961 | 0.0696 | 0.0756 | 0.0756 | 0.0804 | 0.0695 | 0.0807 | 0.0995 | 0.0926 |
| 406 | 0.1065 | 0.0958 | 0.0694 | 0.0754 | 0.0754 | 0.0802 | 0.0693 | 0.0805 | 0.0992 | 0.0923 |
| 407 | 0.1062 | 0.0956 | 0.0692 | 0.0752 | 0.0752 | 0.0800 | 0.0691 | 0.0803 | 0.0990 | 0.0921 |
| 408 | 0.1059 | 0.0953 | 0.0690 | 0.0750 | 0.0750 | 0.0798 | 0.0689 | 0.0801 | 0.0987 | 0.0918 |
| 409 | 0.1056 | 0.0950 | 0.0688 | 0.0748 | 0.0748 | 0.0796 | 0.0687 | 0.0799 | 0.0984 | 0.0916 |
| 410 | 0.1053 | 0.0948 | 0.0686 | 0.0746 | 0.0746 | 0.0794 | 0.0685 | 0.0797 | 0.0982 | 0.0913 |
| 411 | 0.1050 | 0.0945 | 0.0685 | 0.0744 | 0.0744 | 0.0791 | 0.0684 | 0.0794 | 0.0979 | 0.0911 |
| 412 | 0.1047 | 0.0943 | 0.0683 | 0.0742 | 0.0742 | 0.0789 | 0.0682 | 0.0792 | 0.0976 | 0.0908 |
| 413 | 0.1044 | 0.0940 | 0.0681 | 0.0740 | 0.0740 | 0.0787 | 0.0680 | 0.0790 | 0.0974 | 0.0906 |
| 414 | 0.1041 | 0.0938 | 0.0679 | 0.0738 | 0.0738 | 0.0785 | 0.0678 | 0.0788 | 0.0971 | 0.0903 |
| 415 | 0.1039 | 0.0935 | 0.0677 | 0.0736 | 0.0736 | 0.0783 | 0.0676 | 0.0786 | 0.0968 | 0.0901 |
| 416 | 0.1036 | 0.0932 | 0.0675 | 0.0734 | 0.0734 | 0.0781 | 0.0674 | 0.0784 | 0.0966 | 0.0899 |
| 417 | 0.1033 | 0.0930 | 0.0674 | 0.0732 | 0.0732 | 0.0778 | 0.0673 | 0.0781 | 0.0963 | 0.0896 |
| 418 | 0.1030 | 0.0927 | 0.0672 | 0.0730 | 0.0730 | 0.0776 | 0.0671 | 0.0779 | 0.0960 | 0.0894 |
| 419 | 0.1027 | 0.0925 | 0.0670 | 0.0728 | 0.0728 | 0.0774 | 0.0669 | 0.0777 | 0.0958 | 0.0891 |
| 420 | 0.1024 | 0.0922 | 0.0668 | 0.0726 | 0.0726 | 0.0772 | 0.0667 | 0.0775 | 0.0955 | 0.0889 |
| 421 | 0.1021 | 0.0919 | 0.0666 | 0.0724 | 0.0724 | 0.0770 | 0.0665 | 0.0773 | 0.0952 | 0.0887 |
| 422 | 0.1018 | 0.0917 | 0.0664 | 0.0722 | 0.0722 | 0.0768 | 0.0663 | 0.0771 | 0.0950 | 0.0884 |
| 423 | 0.1016 | 0.0914 | 0.0663 | 0.0720 | 0.0720 | 0.0766 | 0.0662 | 0.0769 | 0.0947 | 0.0882 |
| 424 | 0.1013 | 0.0912 | 0.0661 | 0.0718 | 0.0718 | 0.0764 | 0.0660 | 0.0767 | 0.0945 | 0.0879 |
| 425 | 0.1010 | 0.0909 | 0.0659 | 0.0716 | 0.0716 | 0.0762 | 0.0658 | 0.0765 | 0.0942 | 0.0877 |
| 426 | 0.1007 | 0.0907 | 0.0657 | 0.0714 | 0.0714 | 0.0760 | 0.0656 | 0.0763 | 0.0940 | 0.0874 |
| 427 | 0.1005 | 0.0904 | 0.0655 | 0.0713 | 0.0713 | 0.0757 | 0.0654 | 0.0760 | 0.0937 | 0.0872 |
| 428 | 0.1002 | 0.0902 | 0.0653 | 0.0711 | 0.0711 | 0.0755 | 0.0652 | 0.0758 | 0.0934 | 0.0870 |
| 429 | 0.0999 | 0.0899 | 0.0652 | 0.0709 | 0.0709 | 0.0753 | 0.0651 | 0.0756 | 0.0932 | 0.0867 |
| 430 | 0.0996 | 0.0897 | 0.0650 | 0.0707 | 0.0707 | 0.0751 | 0.0649 | 0.0754 | 0.0929 | 0.0865 |
| 431 | 0.0994 | 0.0894 | 0.0648 | 0.0705 | 0.0705 | 0.0749 | 0.0647 | 0.0752 | 0.0927 | 0.0862 |
| 432 | 0.0991 | 0.0892 | 0.0646 | 0.0703 | 0.0703 | 0.0747 | 0.0645 | 0.0750 | 0.0924 | 0.0860 |
| 433 | 0.0988 | 0.0890 | 0.0644 | 0.0701 | 0.0701 | 0.0745 | 0.0643 | 0.0748 | 0.0921 | 0.0858 |
| 434 | 0.0986 | 0.0887 | 0.0642 | 0.0699 | 0.0699 | 0.0743 | 0.0641 | 0.0746 | 0.0919 | 0.0855 |
| 435 | 0.0983 | 0.0885 | 0.0641 | 0.0697 | 0.0697 | 0.0741 | 0.0640 | 0.0744 | 0.0916 | 0.0853 |
| 436 | 0.0980 | 0.0883 | 0.0639 | 0.0695 | 0.0695 | 0.0739 | 0.0638 | 0.0742 | 0.0914 | 0.0851 |
| 437 | 0.0978 | 0.0880 | 0.0637 | 0.0693 | 0.0693 | 0.0737 | 0.0636 | 0.0740 | 0.0911 | 0.0848 |
| 438 | 0.0975 | 0.0878 | 0.0635 | 0.0691 | 0.0691 | 0.0735 | 0.0634 | 0.0738 | 0.0909 | 0.0846 |
| 439 | 0.0972 | 0.0876 | 0.0634 | 0.0690 | 0.0690 | 0.0733 | 0.0633 | 0.0735 | 0.0906 | 0.0844 |
| 440 | 0.0970 | 0.0873 | 0.0632 | 0.0688 | 0.0688 | 0.0731 | 0.0631 | 0.0733 | 0.0904 | 0.0841 |
| 441 | 0.0967 | 0.0871 | 0.0630 | 0.0686 | 0.0686 | 0.0729 | 0.0629 | 0.0731 | 0.0901 | 0.0839 |
| 442 | 0.0964 | 0.0869 | 0.0628 | 0.0684 | 0.0684 | 0.0727 | 0.0627 | 0.0729 | 0.0899 | 0.0837 |
| 443 | 0.0962 | 0.0866 | 0.0627 | 0.0682 | 0.0682 | 0.0725 | 0.0626 | 0.0727 | 0.0896 | 0.0834 |
| 444 | 0.0959 | 0.0864 | 0.0625 | 0.0680 | 0.0680 | 0.0723 | 0.0624 | 0.0725 | 0.0894 | 0.0832 |
| 445 | 0.0956 | 0.0862 | 0.0623 | 0.0678 | 0.0678 | 0.0721 | 0.0622 | 0.0723 | 0.0892 | 0.0830 |
| 446 | 0.0954 | 0.0859 | 0.0622 | 0.0676 | 0.0676 | 0.0719 | 0.0621 | 0.0721 | 0.0889 | 0.0827 |
| 447 | 0.0951 | 0.0857 | 0.0620 | 0.0675 | 0.0675 | 0.0717 | 0.0619 | 0.0719 | 0.0887 | 0.0825 |
| 448 | 0.0949 | 0.0855 | 0.0618 | 0.0673 | 0.0673 | 0.0715 | 0.0617 | 0.0717 | 0.0884 | 0.0823 |

| Months to URA ² | LEOFF 1 | LEOFF 2 | PERS 1 | PERS 2/3 | PSERS | SERS 2/3 | TRS 1 | TRS 2/3 | WSPRS 1 | WSPRS 2 |
|----------------------------|---------|---------|--------|----------|--------|----------|--------|---------|---------|---------|
| 449 | 0.0946 | 0.0852 | 0.0617 | 0.0671 | 0.0671 | 0.0713 | 0.0616 | 0.0715 | 0.0882 | 0.0821 |
| 450 | 0.0944 | 0.0850 | 0.0615 | 0.0669 | 0.0669 | 0.0711 | 0.0614 | 0.0713 | 0.0879 | 0.0818 |
| 451 | 0.0941 | 0.0848 | 0.0613 | 0.0667 | 0.0667 | 0.0709 | 0.0612 | 0.0712 | 0.0877 | 0.0816 |
| 452 | 0.0938 | 0.0845 | 0.0612 | 0.0665 | 0.0665 | 0.0707 | 0.0611 | 0.0710 | 0.0875 | 0.0814 |
| 453 | 0.0936 | 0.0843 | 0.0610 | 0.0664 | 0.0664 | 0.0705 | 0.0609 | 0.0708 | 0.0872 | 0.0812 |
| 454 | 0.0933 | 0.0841 | 0.0608 | 0.0662 | 0.0662 | 0.0703 | 0.0607 | 0.0706 | 0.0870 | 0.0809 |
| 455 | 0.0931 | 0.0838 | 0.0607 | 0.0660 | 0.0660 | 0.0701 | 0.0606 | 0.0704 | 0.0867 | 0.0807 |
| 456 | 0.0928 | 0.0836 | 0.0605 | 0.0658 | 0.0658 | 0.0699 | 0.0604 | 0.0702 | 0.0865 | 0.0805 |
| 457 | 0.0925 | 0.0834 | 0.0603 | 0.0656 | 0.0656 | 0.0697 | 0.0602 | 0.0700 | 0.0863 | 0.0803 |
| 458 | 0.0923 | 0.0831 | 0.0602 | 0.0654 | 0.0654 | 0.0695 | 0.0601 | 0.0698 | 0.0860 | 0.0801 |
| 459 | 0.0920 | 0.0829 | 0.0600 | 0.0653 | 0.0653 | 0.0694 | 0.0599 | 0.0696 | 0.0858 | 0.0798 |
| 460 | 0.0918 | 0.0827 | 0.0598 | 0.0651 | 0.0651 | 0.0692 | 0.0598 | 0.0694 | 0.0856 | 0.0796 |
| 461 | 0.0915 | 0.0824 | 0.0597 | 0.0649 | 0.0649 | 0.0690 | 0.0596 | 0.0692 | 0.0853 | 0.0794 |
| 462 | 0.0913 | 0.0822 | 0.0595 | 0.0647 | 0.0647 | 0.0688 | 0.0595 | 0.0690 | 0.0851 | 0.0792 |
| 463 | 0.0910 | 0.0820 | 0.0593 | 0.0645 | 0.0645 | 0.0686 | 0.0593 | 0.0689 | 0.0849 | 0.0790 |
| 464 | 0.0908 | 0.0817 | 0.0592 | 0.0643 | 0.0643 | 0.0684 | 0.0591 | 0.0687 | 0.0846 | 0.0788 |
| 465 | 0.0905 | 0.0815 | 0.0590 | 0.0642 | 0.0642 | 0.0683 | 0.0590 | 0.0685 | 0.0844 | 0.0785 |
| 466 | 0.0903 | 0.0813 | 0.0588 | 0.0640 | 0.0640 | 0.0681 | 0.0588 | 0.0683 | 0.0842 | 0.0783 |
| 467 | 0.0900 | 0.0810 | 0.0587 | 0.0638 | 0.0638 | 0.0679 | 0.0587 | 0.0681 | 0.0839 | 0.0781 |
| 468 | 0.0898 | 0.0808 | 0.0585 | 0.0636 | 0.0636 | 0.0677 | 0.0585 | 0.0679 | 0.0837 | 0.0779 |
| 469 | 0.0896 | 0.0806 | 0.0583 | 0.0634 | 0.0634 | 0.0675 | 0.0583 | 0.0677 | 0.0835 | 0.0777 |
| 470 | 0.0893 | 0.0804 | 0.0582 | 0.0633 | 0.0633 | 0.0673 | 0.0582 | 0.0675 | 0.0832 | 0.0775 |
| 471 | 0.0891 | 0.0801 | 0.0580 | 0.0631 | 0.0631 | 0.0672 | 0.0580 | 0.0674 | 0.0830 | 0.0773 |
| 472 | 0.0888 | 0.0799 | 0.0579 | 0.0629 | 0.0629 | 0.0670 | 0.0579 | 0.0672 | 0.0828 | 0.0771 |
| 473 | 0.0886 | 0.0797 | 0.0577 | 0.0628 | 0.0628 | 0.0668 | 0.0577 | 0.0670 | 0.0826 | 0.0769 |
| 474 | 0.0883 | 0.0795 | 0.0576 | 0.0626 | 0.0626 | 0.0666 | 0.0576 | 0.0668 | 0.0823 | 0.0767 |
| 475 | 0.0881 | 0.0793 | 0.0574 | 0.0624 | 0.0624 | 0.0664 | 0.0574 | 0.0666 | 0.0821 | 0.0764 |
| 476 | 0.0879 | 0.0791 | 0.0572 | 0.0623 | 0.0623 | 0.0662 | 0.0572 | 0.0664 | 0.0819 | 0.0762 |
| 477 | 0.0876 | 0.0788 | 0.0571 | 0.0621 | 0.0621 | 0.0661 | 0.0571 | 0.0663 | 0.0817 | 0.0760 |
| 478 | 0.0874 | 0.0786 | 0.0569 | 0.0619 | 0.0619 | 0.0659 | 0.0569 | 0.0661 | 0.0814 | 0.0758 |
| 479 | 0.0871 | 0.0784 | 0.0568 | 0.0618 | 0.0618 | 0.0657 | 0.0568 | 0.0659 | 0.0812 | 0.0756 |
| 480 | 0.0869 | 0.0782 | 0.0566 | 0.0616 | 0.0616 | 0.0655 | 0.0566 | 0.0657 | 0.0810 | 0.0754 |

FACTOR 3

² Months to URA means the number of months between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with an unreduced retirement allowance (URA).

(4) **Tables – Factor 2 and Factor 3.** Factors 2 and 3 will be used in the calculation of the cost to establish or restore service credit only for a member in PERS Plan 1, TRS Plan 1, WSPRS Plan 1 or 2, and only if the service credit would allow the member to retire earlier.

FACTOR 2

| Plan | Factor 2 |
|---------|----------|
| PERS 1 | 0.00434 |
| TRS 1 | 0.00383 |
| WSPRS 1 | 0.00489 |
| WSPRS 2 | 0.00460 |

| Months to URA | Factor 3 |
|---------------|----------|
| 0 | 1.0000 |
| 1 | 0.9973 |
| 2 | 0.9946 |
| 3 | 0.9919 |
| 4 | 0.9892 |
| 5 | 0.9865 |
| 6 | 0.9838 |
| 7 | 0.9811 |
| 8 | 0.9784 |
| 9 | 0.9757 |
| 10 | 0.9730 |
| 11 | 0.9703 |
| 12 | 0.9676 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 13 | 0.9650 |
| 14 | 0.9624 |
| 15 | 0.9597 |
| 16 | 0.9571 |
| 17 | 0.9545 |
| 18 | 0.9519 |
| 19 | 0.9493 |
| 20 | 0.9467 |
| 21 | 0.9440 |
| 22 | 0.9414 |
| 23 | 0.9388 |
| 24 | 0.9362 |
| 25 | 0.9337 |
| 26 | 0.9311 |
| 27 | 0.9286 |
| 28 | 0.9261 |
| 29 | 0.9236 |
| 30 | 0.9210 |
| 31 | 0.9185 |
| 32 | 0.9160 |
| 33 | 0.9135 |
| 34 | 0.9109 |
| 35 | 0.9084 |
| 36 | 0.9059 |
| 37 | 0.9034 |
| 38 | 0.9010 |
| 39 | 0.8985 |
| 40 | 0.8961 |
| 41 | 0.8936 |
| 42 | 0.8912 |
| 43 | 0.8887 |
| 44 | 0.8863 |
| 45 | 0.8838 |
| 46 | 0.8814 |
| 47 | 0.8789 |
| 48 | 0.8765 |
| 49 | 0.8741 |
| 50 | 0.8718 |
| 51 | 0.8694 |
| 52 | 0.8670 |
| 53 | 0.8647 |
| 54 | 0.8623 |
| 55 | 0.8599 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 56 | 0.8576 |
| 57 | 0.8552 |
| 58 | 0.8528 |
| 59 | 0.8505 |
| 60 | 0.8481 |
| 61 | 0.8458 |
| 62 | 0.8435 |
| 63 | 0.8412 |
| 64 | 0.8389 |
| 65 | 0.8366 |
| 66 | 0.8343 |
| 67 | 0.8321 |
| 68 | 0.8298 |
| 69 | 0.8275 |
| 70 | 0.8252 |
| 71 | 0.8229 |
| 72 | 0.8206 |
| 73 | 0.8184 |
| 74 | 0.8162 |
| 75 | 0.8139 |
| 76 | 0.8117 |
| 77 | 0.8095 |
| 78 | 0.8073 |
| 79 | 0.8051 |
| 80 | 0.8029 |
| 81 | 0.8006 |
| 82 | 0.7984 |
| 83 | 0.7962 |
| 84 | 0.7940 |
| 85 | 0.7919 |
| 86 | 0.7897 |
| 87 | 0.7876 |
| 88 | 0.7854 |
| 89 | 0.7833 |
| 90 | 0.7811 |
| 91 | 0.7790 |
| 92 | 0.7769 |
| 93 | 0.7747 |
| 94 | 0.7726 |
| 95 | 0.7704 |
| 96 | 0.7683 |
| 97 | 0.7662 |
| 98 | 0.7641 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 99 | 0.7621 |
| 100 | 0.7600 |
| 101 | 0.7579 |
| 102 | 0.7558 |
| 103 | 0.7538 |
| 104 | 0.7517 |
| 105 | 0.7496 |
| 106 | 0.7475 |
| 107 | 0.7455 |
| 108 | 0.7434 |
| 109 | 0.7414 |
| 110 | 0.7394 |
| 111 | 0.7374 |
| 112 | 0.7354 |
| 113 | 0.7334 |
| 114 | 0.7314 |
| 115 | 0.7293 |
| 116 | 0.7273 |
| 117 | 0.7253 |
| 118 | 0.7233 |
| 119 | 0.7213 |
| 120 | 0.7193 |
| 121 | 0.7174 |
| 122 | 0.7154 |
| 123 | 0.7135 |
| 124 | 0.7115 |
| 125 | 0.7096 |
| 126 | 0.7076 |
| 127 | 0.7057 |
| 128 | 0.7038 |
| 129 | 0.7018 |
| 130 | 0.6999 |
| 131 | 0.6979 |
| 132 | 0.6960 |
| 133 | 0.6941 |
| 134 | 0.6922 |
| 135 | 0.6904 |
| 136 | 0.6885 |
| 137 | 0.6866 |
| 138 | 0.6847 |
| 139 | 0.6829 |
| 140 | 0.6810 |
| 141 | 0.6791 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 142 | 0.6772 |
| 143 | 0.6754 |
| 144 | 0.6735 |
| 145 | 0.6717 |
| 146 | 0.6698 |
| 147 | 0.6680 |
| 148 | 0.6662 |
| 149 | 0.6644 |
| 150 | 0.6625 |
| 151 | 0.6607 |
| 152 | 0.6589 |
| 153 | 0.6571 |
| 154 | 0.6552 |
| 155 | 0.6534 |
| 156 | 0.6516 |
| 157 | 0.6498 |
| 158 | 0.6481 |
| 159 | 0.6463 |
| 160 | 0.6446 |
| 161 | 0.6428 |
| 162 | 0.6411 |
| 163 | 0.6393 |
| 164 | 0.6375 |
| 165 | 0.6358 |
| 166 | 0.6340 |
| 167 | 0.6323 |
| 168 | 0.6305 |
| 169 | 0.6288 |
| 170 | 0.6271 |
| 171 | 0.6254 |
| 172 | 0.6237 |
| 173 | 0.6220 |
| 174 | 0.6203 |
| 175 | 0.6186 |
| 176 | 0.6169 |
| 177 | 0.6152 |
| 178 | 0.6135 |
| 179 | 0.6118 |
| 180 | 0.6101 |
| 181 | 0.6084 |
| 182 | 0.6068 |
| 183 | 0.6051 |
| 184 | 0.6035 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 185 | 0.6018 |
| 186 | 0.6002 |
| 187 | 0.5985 |
| 188 | 0.5969 |
| 189 | 0.5952 |
| 190 | 0.5936 |
| 191 | 0.5919 |
| 192 | 0.5903 |
| 193 | 0.5887 |
| 194 | 0.5871 |
| 195 | 0.5855 |
| 196 | 0.5839 |
| 197 | 0.5823 |
| 198 | 0.5807 |
| 199 | 0.5792 |
| 200 | 0.5776 |
| 201 | 0.5760 |
| 202 | 0.5744 |
| 203 | 0.5728 |
| 204 | 0.5712 |
| 205 | 0.5697 |
| 206 | 0.5681 |
| 207 | 0.5666 |
| 208 | 0.5650 |
| 209 | 0.5635 |
| 210 | 0.5619 |
| 211 | 0.5604 |
| 212 | 0.5589 |
| 213 | 0.5573 |
| 214 | 0.5558 |
| 215 | 0.5542 |
| 216 | 0.5527 |
| 217 | 0.5512 |
| 218 | 0.5497 |
| 219 | 0.5482 |
| 220 | 0.5467 |
| 221 | 0.5452 |
| 222 | 0.5437 |
| 223 | 0.5423 |
| 224 | 0.5408 |
| 225 | 0.5393 |
| 226 | 0.5378 |
| 227 | 0.5363 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 228 | 0.5348 |
| 229 | 0.5333 |
| 230 | 0.5319 |
| 231 | 0.5304 |
| 232 | 0.5290 |
| 233 | 0.5275 |
| 234 | 0.5261 |
| 235 | 0.5246 |
| 236 | 0.5232 |
| 237 | 0.5217 |
| 238 | 0.5203 |
| 239 | 0.5188 |
| 240 | 0.5174 |
| 241 | 0.5160 |
| 242 | 0.5146 |
| 243 | 0.5132 |
| 244 | 0.5118 |
| 245 | 0.5104 |
| 246 | 0.5090 |
| 247 | 0.5077 |
| 248 | 0.5063 |
| 249 | 0.5049 |
| 250 | 0.5035 |
| 251 | 0.5021 |
| 252 | 0.5007 |
| 253 | 0.4993 |
| 254 | 0.4980 |
| 255 | 0.4966 |
| 256 | 0.4953 |
| 257 | 0.4939 |
| 258 | 0.4926 |
| 259 | 0.4912 |
| 260 | 0.4898 |
| 261 | 0.4885 |
| 262 | 0.4871 |
| 263 | 0.4858 |
| 264 | 0.4844 |
| 265 | 0.4831 |
| 266 | 0.4818 |
| 267 | 0.4805 |
| 268 | 0.4792 |
| 269 | 0.4779 |
| 270 | 0.4766 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 271 | 0.4752 |
| 272 | 0.4739 |
| 273 | 0.4726 |
| 274 | 0.4713 |
| 275 | 0.4700 |
| 276 | 0.4687 |
| 277 | 0.4674 |
| 278 | 0.4662 |
| 279 | 0.4649 |
| 280 | 0.4636 |
| 281 | 0.4624 |
| 282 | 0.4611 |
| 283 | 0.4598 |
| 284 | 0.4586 |
| 285 | 0.4573 |
| 286 | 0.4560 |
| 287 | 0.4548 |
| 288 | 0.4535 |
| 289 | 0.4523 |
| 290 | 0.4510 |
| 291 | 0.4498 |
| 292 | 0.4486 |
| 293 | 0.4474 |
| 294 | 0.4461 |
| 295 | 0.4449 |
| 296 | 0.4437 |
| 297 | 0.4425 |
| 298 | 0.4412 |
| 299 | 0.4400 |
| 300 | 0.4388 |
| 301 | 0.4376 |
| 302 | 0.4364 |
| 303 | 0.4353 |
| 304 | 0.4341 |
| 305 | 0.4329 |
| 306 | 0.4317 |
| 307 | 0.4305 |
| 308 | 0.4293 |
| 309 | 0.4282 |
| 310 | 0.4270 |
| 311 | 0.4258 |
| 312 | 0.4246 |
| 313 | 0.4235 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 314 | 0.4223 |
| 315 | 0.4212 |
| 316 | 0.4200 |
| 317 | 0.4189 |
| 318 | 0.4177 |
| 319 | 0.4166 |
| 320 | 0.4155 |
| 321 | 0.4143 |
| 322 | 0.4132 |
| 323 | 0.4120 |
| 324 | 0.4109 |
| 325 | 0.4098 |
| 326 | 0.4087 |
| 327 | 0.4075 |
| 328 | 0.4064 |
| 329 | 0.4053 |
| 330 | 0.4042 |
| 331 | 0.4031 |
| 332 | 0.4020 |
| 333 | 0.4008 |
| 334 | 0.3997 |
| 335 | 0.3986 |
| 336 | 0.3975 |
| 337 | 0.3964 |
| 338 | 0.3954 |
| 339 | 0.3943 |
| 340 | 0.3932 |
| 341 | 0.3922 |
| 342 | 0.3911 |
| 343 | 0.3900 |
| 344 | 0.3890 |
| 345 | 0.3879 |
| 346 | 0.3868 |
| 347 | 0.3858 |
| 348 | 0.3847 |
| 349 | 0.3837 |
| 350 | 0.3826 |
| 351 | 0.3816 |
| 352 | 0.3805 |
| 353 | 0.3795 |
| 354 | 0.3784 |
| 355 | 0.3774 |
| 356 | 0.3764 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 357 | 0.3753 |
| 358 | 0.3743 |
| 359 | 0.3732 |
| 360 | 0.3722 |
| 361 | 0.3712 |
| 362 | 0.3702 |
| 363 | 0.3692 |
| 364 | 0.3682 |
| 365 | 0.3672 |
| 366 | 0.3662 |
| 367 | 0.3651 |
| 368 | 0.3641 |
| 369 | 0.3631 |
| 370 | 0.3621 |
| 371 | 0.3611 |
| 372 | 0.3601 |
| 373 | 0.3591 |
| 374 | 0.3582 |
| 375 | 0.3572 |
| 376 | 0.3562 |
| 377 | 0.3553 |
| 378 | 0.3543 |
| 379 | 0.3533 |
| 380 | 0.3524 |
| 381 | 0.3514 |
| 382 | 0.3504 |
| 383 | 0.3495 |
| 384 | 0.3485 |
| 385 | 0.3476 |
| 386 | 0.3466 |
| 387 | 0.3457 |
| 388 | 0.3447 |
| 389 | 0.3438 |
| 390 | 0.3428 |
| 391 | 0.3419 |
| 392 | 0.3410 |
| 393 | 0.3400 |
| 394 | 0.3391 |
| 395 | 0.3381 |
| 396 | 0.3372 |
| 397 | 0.3363 |
| 398 | 0.3354 |
| 399 | 0.3344 |

| Months to URA | Factor 3 |
|----------------------|-----------------|
| 400 | 0.3335 |
| 401 | 0.3326 |
| 402 | 0.3317 |
| 403 | 0.3308 |
| 404 | 0.3299 |
| 405 | 0.3289 |
| 406 | 0.3280 |
| 407 | 0.3271 |
| 408 | 0.3262 |
| 409 | 0.3253 |
| 410 | 0.3244 |
| 411 | 0.3236 |
| 412 | 0.3227 |
| 413 | 0.3218 |
| 414 | 0.3209 |
| 415 | 0.3201 |
| 416 | 0.3192 |
| 417 | 0.3183 |
| 418 | 0.3174 |
| 419 | 0.3166 |
| 420 | 0.3157 |
| 421 | 0.3148 |
| 422 | 0.3140 |
| 423 | 0.3131 |
| 424 | 0.3123 |
| 425 | 0.3114 |
| 426 | 0.3106 |
| 427 | 0.3097 |
| 428 | 0.3088 |
| 429 | 0.3080 |
| 430 | 0.3071 |
| 431 | 0.3063 |
| 432 | 0.3054 |
| 433 | 0.3046 |
| 434 | 0.3037 |
| 435 | 0.3029 |
| 436 | 0.3021 |
| 437 | 0.3013 |
| 438 | 0.3004 |
| 439 | 0.2996 |
| 440 | 0.2988 |
| 441 | 0.2980 |
| 442 | 0.2971 |

| Months to URA | Factor 3 |
|--------------------------|---------------------|
| 443 | 0.2963 |
| 444 | 0.2955 |
| 445 | 0.2947 |
| 446 | 0.2939 |
| 447 | 0.2931 |
| 448 | 0.2923 |
| 449 | 0.2915 |
| 450 | 0.2907 |
| 451 | 0.2900 |
| 452 | 0.2892 |
| 453 | 0.2884 |
| 454 | 0.2876 |
| 455 | 0.2868 |
| 456 | 0.2860 |
| 457 | 0.2852 |
| 458 | 0.2844 |
| 459 | 0.2837 |
| 460 | 0.2829 |
| 461 | 0.2821 |
| 462 | 0.2813 |
| 463 | 0.2806 |
| 464 | 0.2798 |
| 465 | 0.2790 |
| 466 | 0.2782 |
| 467 | 0.2775 |
| 468 | 0.2767 |
| 469 | 0.2759 |
| 470 | 0.2752 |
| 471 | 0.2744 |
| 472 | 0.2737 |
| 473 | 0.2729 |
| 474 | 0.2722 |
| 475 | 0.2714 |
| 476 | 0.2707 |
| 477 | 0.2699 |
| 478 | 0.2692 |
| 479 | 0.2684 |
| 480 | 0.2677)) |

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-02-380 How will my retirement benefit be affected if I choose a benefit option with a survivor feature? This section applies to LEOFF Plans 1 and 2; PERS

Plans 1, 2, and 3; PSERS; SERS Plans 2 and 3; TRS Plans 1, 2, and 3; and WSPRS Plans 1 and 2.

(1) **What is a survivor feature?** ~~((Some)) A survivor feature is a benefit option((s include a survivor feature, which)) that provides a lifetime monthly benefit for your survivor beneficiary after your death.~~

(2) **What is a ~~((=))~~ survivor beneficiary~~((=))~~?** ~~A survivor beneficiary is the person you name at the time of retirement to receive a lifetime monthly benefit after your death ((is referred to as your "survivor beneficiary)).((=))~~

(3) **What benefit options include a survivor feature?** Benefit options are described in detail for each system and plan in the following state law and regulations:

| | | |
|---------------------|---------------|-----------------|
| LEOFF Plan 1: | RCW 41.26.164 | WAC 415-104-202 |
| LEOFF Plan 2: | RCW 41.26.460 | WAC 415-104-215 |
| PERS Plan 1: | RCW 41.40.188 | WAC 415-108-326 |
| PERS Plan 2: | RCW 41.40.660 | WAC 415-108-326 |
| PERS Plan 3: | RCW 41.40.845 | WAC 415-108-326 |
| PSERS: | RCW 41.37.170 | WAC 415-106-600 |
| SERS Plans 2 and 3: | RCW 41.35.220 | WAC 415-110-610 |
| TRS Plan 1: | RCW 41.32.530 | WAC 415-112-504 |
| TRS Plan 2: | RCW 41.32.785 | WAC 415-112-505 |
| TRS Plan 3: | RCW 41.32.851 | WAC 415-112-505 |
| WSPRS Plan 1: | RCW 43.43.278 | WAC 415-103-215 |
| WSPRS Plan 2: | RCW 43.43.271 | WAC 415-103-225 |

(4) **How will selecting a benefit option with a survivor feature affect my monthly retirement benefit?** ~~((Yes-)) If you select a benefit option that has a survivor feature, your monthly retirement benefit will be actuarially reduced to offset the cost of the survivor feature.~~

(5) **Does my survivor beneficiary's age affect how much my monthly retirement benefit will be reduced?** Yes. Your survivor beneficiary's age is used in determining the amount of your monthly retirement benefit and the benefit of your survivor beneficiary. The younger the survivor beneficiary, the longer he or she is expected to receive a benefit. Your monthly benefit will be reduced accordingly.

(a) **Example:**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. Her monthly Option 1 benefit amount before adding a survivor option feature is \$2,000.00. She names her nephew, Steve, as her survivor beneficiary. This means, if Kendra dies before Steve, Steve will receive a monthly benefit equal to half the amount Kendra was receiving. Steve is 30 years younger than Kendra. The department will calculate the adjustment to Kendra's monthly retirement benefit by using the survivor option factor ~~((table ("member older") in subsection (6) of this section-))~~ associated with a 30-year age difference ~~((member's age minus beneficiary's age), the value))~~ in which the member is older than the beneficiary. For illustration purposes in this example only, we will use 0.776 as the corresponding ((to PERS Plan 2 and Option 3 is 0.776. This value, 0.776, is multiplied against the amount Kendra would have received under Option 1 (no survivor feature). Kendra's monthly retirement benefit will be reduced to about 77% of her Option 1 level)) Option 3 benefit factor (actuarial factors change

periodically). As a result, Kendra's Option 3 monthly benefit amount will be \$1,552.00 (\$2,000.00 x 0.776).

(b) Example:

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. His monthly Option 1 benefit amount before adding a survivor option feature is \$2,000.00. He names his wife, Susan, as his survivor beneficiary. This means, if Mark dies before Susan, Susan will receive a monthly benefit equal to the amount Mark was receiving. Mark is five years younger than Susan. The department will calculate the adjustment to Mark's monthly retirement benefit by using the survivor option factor ((table

("member younger" in subsection (11) of this section:)) that corresponds with a 5-year age difference ((member's age minus beneficiary's age), the value corresponding to LEOFF Plan 2 and Option 2 is 0.898. This value, 0.898, will be multiplied against the amount Mark would have received under Option 1 (no survivor feature). Mark's monthly retirement benefit will be reduced to about 90% of his Option 1 level)) in which the member is younger than the beneficiary. For illustration purposes in this example only, we will use 0.898 as the corresponding Option 2 benefit factor (actuarial factors change periodically). As a result, Mark's Option 2 monthly benefit amount will be \$1,796.00 (\$2,000.00 x 0.898).

~~(((6) Table – Member older (PERS and SERS).~~ The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------------|-------------------------|-----------------------------|----------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|-------------------------------|
| 0 | 0.882 | 0.937 | 0.918 | 0.807 | 0.893 | 0.862 | 0.802 | 0.890 | 0.859 |
| 1 | 0.875 | 0.933 | 0.913 | 0.793 | 0.885 | 0.852 | 0.780 | 0.877 | 0.842 |
| 2 | 0.870 | 0.930 | 0.909 | 0.783 | 0.878 | 0.844 | 0.761 | 0.864 | 0.827 |
| 3 | 0.866 | 0.928 | 0.906 | 0.775 | 0.873 | 0.838 | 0.753 | 0.859 | 0.821 |
| 4 | 0.862 | 0.926 | 0.903 | 0.767 | 0.868 | 0.832 | 0.746 | 0.854 | 0.815 |
| 5 | 0.858 | 0.924 | 0.901 | 0.760 | 0.863 | 0.826 | 0.738 | 0.849 | 0.809 |
| 6 | 0.854 | 0.922 | 0.898 | 0.752 | 0.859 | 0.820 | 0.731 | 0.845 | 0.803 |
| 7 | 0.851 | 0.919 | 0.895 | 0.745 | 0.854 | 0.814 | 0.724 | 0.840 | 0.797 |
| 8 | 0.848 | 0.917 | 0.893 | 0.738 | 0.849 | 0.809 | 0.717 | 0.835 | 0.792 |
| 9 | 0.844 | 0.916 | 0.890 | 0.732 | 0.845 | 0.803 | 0.710 | 0.831 | 0.786 |
| 10 | 0.841 | 0.914 | 0.888 | 0.725 | 0.840 | 0.798 | 0.704 | 0.826 | 0.781 |
| 11 | 0.838 | 0.912 | 0.886 | 0.718 | 0.836 | 0.793 | 0.697 | 0.822 | 0.776 |
| 12 | 0.835 | 0.910 | 0.883 | 0.712 | 0.832 | 0.788 | 0.691 | 0.817 | 0.771 |
| 13 | 0.832 | 0.908 | 0.881 | 0.706 | 0.828 | 0.783 | 0.686 | 0.813 | 0.766 |
| 14 | 0.829 | 0.907 | 0.879 | 0.700 | 0.824 | 0.778 | 0.680 | 0.809 | 0.761 |
| 15 | 0.826 | 0.905 | 0.877 | 0.695 | 0.820 | 0.774 | 0.675 | 0.806 | 0.757 |
| 16 | 0.824 | 0.904 | 0.875 | 0.690 | 0.816 | 0.769 | 0.670 | 0.802 | 0.752 |
| 17 | 0.822 | 0.902 | 0.874 | 0.684 | 0.813 | 0.765 | 0.665 | 0.799 | 0.748 |
| 18 | 0.820 | 0.901 | 0.872 | 0.680 | 0.809 | 0.761 | 0.660 | 0.795 | 0.744 |
| 19 | 0.818 | 0.900 | 0.871 | 0.675 | 0.806 | 0.757 | 0.655 | 0.792 | 0.740 |
| 20 | 0.816 | 0.898 | 0.869 | 0.670 | 0.803 | 0.753 | 0.651 | 0.789 | 0.737 |
| 21 | 0.814 | 0.897 | 0.868 | 0.666 | 0.799 | 0.749 | 0.647 | 0.786 | 0.733 |
| 22 | 0.812 | 0.896 | 0.867 | 0.662 | 0.796 | 0.746 | 0.643 | 0.783 | 0.730 |
| 23 | 0.811 | 0.895 | 0.865 | 0.658 | 0.793 | 0.742 | 0.639 | 0.780 | 0.726 |
| 24 | 0.809 | 0.895 | 0.864 | 0.654 | 0.791 | 0.739 | 0.635 | 0.777 | 0.723 |
| 25 | 0.808 | 0.894 | 0.863 | 0.650 | 0.788 | 0.736 | 0.632 | 0.774 | 0.720 |
| 26 | 0.807 | 0.893 | 0.862 | 0.646 | 0.785 | 0.733 | 0.628 | 0.772 | 0.717 |
| 27 | 0.806 | 0.892 | 0.861 | 0.643 | 0.783 | 0.730 | 0.625 | 0.769 | 0.714 |
| 28 | 0.804 | 0.892 | 0.860 | 0.640 | 0.780 | 0.727 | 0.622 | 0.767 | 0.711 |
| 29 | 0.803 | 0.891 | 0.860 | 0.637 | 0.778 | 0.724 | 0.619 | 0.764 | 0.709 |
| 30 | 0.802 | 0.890 | 0.859 | 0.634 | 0.776 | 0.722 | 0.616 | 0.762 | 0.706 |
| 31 | 0.801 | 0.890 | 0.858 | 0.631 | 0.773 | 0.719 | 0.613 | 0.760 | 0.704 |
| 32 | 0.800 | 0.889 | 0.857 | 0.628 | 0.771 | 0.717 | 0.611 | 0.758 | 0.702 |
| 33 | 0.799 | 0.888 | 0.856 | 0.625 | 0.769 | 0.714 | 0.608 | 0.756 | 0.699 |

| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------|-------------------|-----------------------|----------------------|---------------------|-------------------------|----------------------|---------------------|-------------------------|
| 34 | 0.798 | 0.888 | 0.856 | 0.623 | 0.767 | 0.712 | 0.606 | 0.754 | 0.697 |
| 35 | 0.797 | 0.887 | 0.855 | 0.620 | 0.766 | 0.710 | 0.603 | 0.752 | 0.695 |
| 36 | 0.796 | 0.887 | 0.854 | 0.618 | 0.764 | 0.708 | 0.601 | 0.751 | 0.693 |
| 37 | 0.796 | 0.886 | 0.854 | 0.616 | 0.762 | 0.706 | 0.599 | 0.749 | 0.691 |
| 38 | 0.795 | 0.886 | 0.853 | 0.613 | 0.760 | 0.704 | 0.597 | 0.747 | 0.689 |
| 39 | 0.794 | 0.885 | 0.853 | 0.611 | 0.759 | 0.702 | 0.595 | 0.746 | 0.687 |
| 40 | 0.793 | 0.885 | 0.852 | 0.609 | 0.757 | 0.700 | 0.593 | 0.744 | 0.686 |

(7) ~~Table – Member younger (PERS and SERS).~~ The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | PERS 1 Opt. 2 100% | PERS 1 Opt. 3 50% | PERS 1 Opt. 4 66 2/3% | PERS 2/3 Opt. 2 100% | PERS 2/3 Opt. 3 50% | PERS 2/3 Opt. 4 66 2/3% | SERS 2/3 Opt. 2 100% | SERS 2/3 Opt. 3 50% | SERS 2/3 Opt. 4 66 2/3% |
|----------------|--------------------|-------------------|-----------------------|----------------------|---------------------|-------------------------|----------------------|---------------------|-------------------------|
| -20 | 0.961 | 0.980 | 0.974 | 0.945 | 0.972 | 0.963 | 0.953 | 0.976 | 0.968 |
| -19 | 0.959 | 0.979 | 0.972 | 0.942 | 0.970 | 0.960 | 0.950 | 0.974 | 0.966 |
| -18 | 0.956 | 0.978 | 0.971 | 0.938 | 0.968 | 0.958 | 0.947 | 0.973 | 0.964 |
| -17 | 0.954 | 0.976 | 0.969 | 0.934 | 0.966 | 0.955 | 0.943 | 0.971 | 0.962 |
| -16 | 0.951 | 0.975 | 0.967 | 0.929 | 0.963 | 0.952 | 0.940 | 0.969 | 0.959 |
| -15 | 0.948 | 0.973 | 0.965 | 0.925 | 0.961 | 0.949 | 0.936 | 0.967 | 0.956 |
| -14 | 0.945 | 0.972 | 0.963 | 0.920 | 0.959 | 0.945 | 0.932 | 0.965 | 0.953 |
| -13 | 0.942 | 0.970 | 0.961 | 0.916 | 0.956 | 0.942 | 0.927 | 0.962 | 0.950 |
| -12 | 0.939 | 0.969 | 0.959 | 0.910 | 0.953 | 0.938 | 0.923 | 0.960 | 0.947 |
| -11 | 0.936 | 0.967 | 0.957 | 0.905 | 0.950 | 0.935 | 0.918 | 0.957 | 0.944 |
| -10 | 0.933 | 0.965 | 0.954 | 0.900 | 0.947 | 0.931 | 0.914 | 0.955 | 0.941 |
| -9 | 0.930 | 0.964 | 0.952 | 0.894 | 0.944 | 0.927 | 0.909 | 0.952 | 0.937 |
| -8 | 0.926 | 0.962 | 0.950 | 0.888 | 0.941 | 0.923 | 0.903 | 0.949 | 0.933 |
| -7 | 0.923 | 0.960 | 0.947 | 0.882 | 0.937 | 0.918 | 0.898 | 0.946 | 0.930 |
| -6 | 0.919 | 0.958 | 0.945 | 0.876 | 0.934 | 0.914 | 0.893 | 0.943 | 0.926 |
| -5 | 0.916 | 0.956 | 0.942 | 0.870 | 0.930 | 0.909 | 0.887 | 0.940 | 0.922 |
| -4 | 0.912 | 0.954 | 0.940 | 0.864 | 0.927 | 0.905 | 0.880 | 0.936 | 0.917 |
| -3 | 0.907 | 0.951 | 0.936 | 0.853 | 0.921 | 0.897 | 0.868 | 0.929 | 0.908 |
| -2 | 0.901 | 0.948 | 0.932 | 0.843 | 0.915 | 0.890 | 0.862 | 0.926 | 0.903 |
| -1 | 0.892 | 0.943 | 0.925 | 0.826 | 0.905 | 0.877 | 0.841 | 0.913 | 0.888 |
| 0 | 0.882 | 0.937 | 0.918 | 0.807 | 0.893 | 0.862 | 0.802 | 0.890 | 0.859 |

(8) ~~Table – Member older (PSERS).~~ The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| 0 | 0.813 | 0.897 | 0.867 |
| 1 | 0.806 | 0.892 | 0.861 |
| 2 | 0.798 | 0.888 | 0.856 |
| 3 | 0.791 | 0.883 | 0.850 |
| 4 | 0.784 | 0.879 | 0.845 |

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| 5 | 0.776 | 0.874 | 0.839 |
| 6 | 0.769 | 0.870 | 0.833 |
| 7 | 0.762 | 0.865 | 0.828 |
| 8 | 0.755 | 0.861 | 0.822 |
| 9 | 0.748 | 0.856 | 0.817 |
| 10 | 0.742 | 0.852 | 0.812 |
| 11 | 0.735 | 0.847 | 0.806 |
| 12 | 0.729 | 0.843 | 0.801 |
| 13 | 0.723 | 0.839 | 0.796 |
| 14 | 0.717 | 0.835 | 0.791 |

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| 15 | 0.711 | 0.831 | 0.787 |
| 16 | 0.706 | 0.827 | 0.782 |
| 17 | 0.700 | 0.824 | 0.778 |
| 18 | 0.695 | 0.820 | 0.774 |
| 19 | 0.690 | 0.817 | 0.770 |
| 20 | 0.686 | 0.814 | 0.766 |
| 21 | 0.681 | 0.810 | 0.762 |
| 22 | 0.677 | 0.807 | 0.759 |
| 23 | 0.673 | 0.804 | 0.755 |
| 24 | 0.669 | 0.802 | 0.752 |
| 25 | 0.665 | 0.799 | 0.749 |
| 26 | 0.662 | 0.796 | 0.746 |
| 27 | 0.658 | 0.794 | 0.743 |
| 28 | 0.655 | 0.791 | 0.740 |
| 29 | 0.652 | 0.789 | 0.737 |
| 30 | 0.649 | 0.787 | 0.735 |
| 31 | 0.646 | 0.785 | 0.732 |
| 32 | 0.643 | 0.783 | 0.730 |
| 33 | 0.641 | 0.781 | 0.728 |
| 34 | 0.638 | 0.779 | 0.726 |
| 35 | 0.636 | 0.777 | 0.724 |
| 36 | 0.633 | 0.776 | 0.722 |
| 37 | 0.631 | 0.774 | 0.720 |
| 38 | 0.629 | 0.772 | 0.718 |
| 39 | 0.627 | 0.771 | 0.716 |
| 40 | 0.625 | 0.769 | 0.714 |

~~(9) Table – Member younger (PSERS).~~ The following factors are effective September 1, 2010.
Survivor option factor table: Member younger than beneficiary

| Age Difference | WSP 1 Option B 100% | WSP 2 Option 2 100% | WSP 2 Option 3 50% | WSP 2 Option 4 66 2/3% | LEOFF 2 Option 2 100% | LEOFF 2 Option 3 50% | LEOFF 2 Option 4 66 2/3% |
|----------------|---------------------------|---------------------------|--------------------------|------------------------------|-----------------------------|----------------------------|--------------------------------|
| 0 | 0.953 | 0.889 | 0.941 | 0.923 | 0.881 | 0.937 | 0.918 |
| 1 | 0.950 | 0.884 | 0.938 | 0.920 | 0.876 | 0.934 | 0.914 |
| 2 | 0.947 | 0.879 | 0.936 | 0.916 | 0.871 | 0.931 | 0.910 |
| 3 | 0.944 | 0.874 | 0.933 | 0.913 | 0.866 | 0.928 | 0.906 |
| 4 | 0.941 | 0.870 | 0.930 | 0.909 | 0.861 | 0.925 | 0.903 |
| 5 | 0.938 | 0.865 | 0.928 | 0.906 | 0.855 | 0.922 | 0.899 |
| 6 | 0.934 | 0.860 | 0.925 | 0.902 | 0.850 | 0.919 | 0.895 |
| 7 | 0.931 | 0.855 | 0.922 | 0.899 | 0.845 | 0.916 | 0.891 |
| 8 | 0.928 | 0.851 | 0.919 | 0.895 | 0.840 | 0.913 | 0.887 |
| 9 | 0.925 | 0.846 | 0.917 | 0.892 | 0.835 | 0.910 | 0.883 |
| 10 | 0.921 | 0.842 | 0.914 | 0.889 | 0.830 | 0.907 | 0.880 |
| 11 | 0.918 | 0.837 | 0.911 | 0.885 | 0.825 | 0.904 | 0.876 |

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3 % |
|----------------|------------------|-----------------|----------------------|
| -20 | 0.934 | 0.966 | 0.955 |
| -19 | 0.930 | 0.963 | 0.952 |
| -18 | 0.925 | 0.961 | 0.949 |
| -17 | 0.921 | 0.959 | 0.946 |
| -16 | 0.916 | 0.956 | 0.942 |
| -15 | 0.911 | 0.953 | 0.939 |
| -14 | 0.905 | 0.950 | 0.935 |
| -13 | 0.900 | 0.947 | 0.931 |
| -12 | 0.894 | 0.944 | 0.927 |
| -11 | 0.888 | 0.941 | 0.922 |
| -10 | 0.882 | 0.937 | 0.918 |
| -9 | 0.876 | 0.934 | 0.913 |
| -8 | 0.869 | 0.930 | 0.909 |
| -7 | 0.862 | 0.926 | 0.904 |
| -6 | 0.856 | 0.922 | 0.899 |
| -5 | 0.849 | 0.918 | 0.894 |
| -4 | 0.842 | 0.914 | 0.889 |
| -3 | 0.835 | 0.910 | 0.883 |
| -2 | 0.827 | 0.906 | 0.878 |
| -1 | 0.820 | 0.901 | 0.872 |
| 0 | 0.813 | 0.897 | 0.867 |

~~(10) Table – Member older (LEOFF Plan 2 and WSPRS Plans 1 and 2).~~ The following factors for LEOFF Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.
Survivor option factor table: Member older than beneficiary
Age difference: Member's age minus beneficiary's age

| Age Difference | WSP-1 Option-B 100% | WSP-2 Option-2 100% | WSP-2 Option-3 50% | WSP-2 Option-4 66-2/3% | LEOFF-2 Option-2 100% | LEOFF-2 Option-3 50% | LEOFF-2 Option-4 66-2/3% |
|-----------------------|----------------------------|----------------------------|---------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------|
| 12 | 0.915 | 0.833 | 0.909 | 0.882 | 0.820 | 0.901 | 0.872 |
| 13 | 0.912 | 0.829 | 0.906 | 0.879 | 0.815 | 0.898 | 0.869 |
| 14 | 0.909 | 0.824 | 0.904 | 0.876 | 0.811 | 0.895 | 0.865 |
| 15 | 0.906 | 0.820 | 0.901 | 0.873 | 0.806 | 0.893 | 0.862 |
| 16 | 0.903 | 0.816 | 0.899 | 0.870 | 0.802 | 0.890 | 0.858 |
| 17 | 0.900 | 0.812 | 0.896 | 0.867 | 0.797 | 0.887 | 0.855 |
| 18 | 0.898 | 0.809 | 0.894 | 0.864 | 0.793 | 0.885 | 0.852 |
| 19 | 0.895 | 0.805 | 0.892 | 0.861 | 0.789 | 0.882 | 0.849 |
| 20 | 0.892 | 0.801 | 0.890 | 0.858 | 0.785 | 0.880 | 0.846 |
| 21 | 0.890 | 0.798 | 0.888 | 0.856 | 0.782 | 0.877 | 0.843 |
| 22 | 0.887 | 0.795 | 0.886 | 0.853 | 0.778 | 0.875 | 0.840 |
| 23 | 0.885 | 0.791 | 0.884 | 0.851 | 0.774 | 0.873 | 0.837 |
| 24 | 0.882 | 0.788 | 0.882 | 0.848 | 0.771 | 0.871 | 0.835 |
| 25 | 0.880 | 0.785 | 0.880 | 0.846 | 0.768 | 0.869 | 0.832 |
| 26 | 0.878 | 0.782 | 0.878 | 0.844 | 0.765 | 0.867 | 0.830 |
| 27 | 0.876 | 0.780 | 0.876 | 0.842 | 0.762 | 0.865 | 0.827 |
| 28 | 0.874 | 0.777 | 0.875 | 0.839 | 0.759 | 0.863 | 0.825 |
| 29 | 0.872 | 0.775 | 0.873 | 0.837 | 0.756 | 0.861 | 0.823 |
| 30 | 0.871 | 0.772 | 0.871 | 0.836 | 0.753 | 0.859 | 0.821 |
| 31 | 0.869 | 0.770 | 0.870 | 0.834 | 0.751 | 0.858 | 0.819 |
| 32 | 0.868 | 0.767 | 0.868 | 0.832 | 0.748 | 0.856 | 0.817 |
| 33 | 0.866 | 0.765 | 0.867 | 0.830 | 0.746 | 0.854 | 0.815 |
| 34 | 0.865 | 0.763 | 0.866 | 0.829 | 0.743 | 0.853 | 0.813 |
| 35 | 0.864 | 0.761 | 0.864 | 0.827 | 0.741 | 0.851 | 0.811 |
| 36 | 0.863 | 0.759 | 0.863 | 0.826 | 0.739 | 0.850 | 0.810 |
| 37 | 0.862 | 0.758 | 0.862 | 0.824 | 0.737 | 0.849 | 0.808 |
| 38 | 0.861 | 0.756 | 0.861 | 0.823 | 0.735 | 0.848 | 0.807 |
| 39 | 0.860 | 0.754 | 0.860 | 0.822 | 0.734 | 0.846 | 0.805 |
| 40 | 0.859 | 0.753 | 0.859 | 0.820 | 0.732 | 0.845 | 0.804 |

(11) **Table - Member younger (LEOFF Plan 2 and WSPRS Plans 1 and 2).** The following factors for LEOFF Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary
 Age difference: Member's age minus beneficiary's age

| Age Difference | WSP-1 Option-B 100% | WSP-2 Option-2 100% | WSP-2 Option-3 50% | WSP-2 Option-4 66-2/3% | LEOFF-2 Option-2 100% | LEOFF-2 Option-3 50% | LEOFF-2 Option-4 66-2/3% |
|-----------------------|----------------------------|----------------------------|---------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------|
| -20 | 0.993 | 0.962 | 0.981 | 0.975 | 0.961 | 0.980 | 0.974 |
| -19 | 0.992 | 0.960 | 0.979 | 0.973 | 0.958 | 0.979 | 0.972 |
| -18 | 0.991 | 0.957 | 0.978 | 0.971 | 0.955 | 0.977 | 0.970 |
| -17 | 0.990 | 0.954 | 0.977 | 0.969 | 0.952 | 0.976 | 0.968 |
| -16 | 0.989 | 0.952 | 0.975 | 0.967 | 0.949 | 0.974 | 0.966 |
| -15 | 0.987 | 0.949 | 0.974 | 0.965 | 0.946 | 0.972 | 0.963 |
| -14 | 0.986 | 0.945 | 0.972 | 0.963 | 0.943 | 0.971 | 0.961 |
| -13 | 0.984 | 0.942 | 0.970 | 0.961 | 0.939 | 0.969 | 0.959 |
| -12 | 0.983 | 0.939 | 0.968 | 0.958 | 0.936 | 0.967 | 0.956 |
| -11 | 0.981 | 0.935 | 0.967 | 0.956 | 0.932 | 0.965 | 0.953 |
| -10 | 0.979 | 0.931 | 0.965 | 0.953 | 0.928 | 0.963 | 0.951 |
| -9 | 0.977 | 0.928 | 0.962 | 0.951 | 0.924 | 0.960 | 0.948 |
| -8 | 0.975 | 0.924 | 0.960 | 0.948 | 0.919 | 0.958 | 0.945 |
| -7 | 0.972 | 0.920 | 0.958 | 0.945 | 0.915 | 0.956 | 0.942 |

| Age Difference | WSP-1 Option-B 100% | WSP-2 Option-2 100% | WSP-2 Option-3 50% | WSP-2 Option-4 66-2/3% | LEOFF-2 Option-2 100% | LEOFF-2 Option-3 50% | LEOFF-2 Option-4 66-2/3% |
|-----------------------|----------------------------|----------------------------|---------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------|
| -6 | 0.970 | 0.916 | 0.956 | 0.942 | 0.911 | 0.953 | 0.939 |
| -5 | 0.967 | 0.911 | 0.954 | 0.939 | 0.906 | 0.951 | 0.935 |
| -4 | 0.965 | 0.907 | 0.951 | 0.936 | 0.901 | 0.948 | 0.932 |
| -3 | 0.962 | 0.902 | 0.949 | 0.933 | 0.896 | 0.945 | 0.928 |
| -2 | 0.959 | 0.898 | 0.946 | 0.930 | 0.891 | 0.943 | 0.925 |
| -1 | 0.956 | 0.893 | 0.944 | 0.926 | 0.886 | 0.940 | 0.921 |
| 0 | 0.953 | 0.889 | 0.941 | 0.923 | 0.881 | 0.937 | 0.918 |

(12) **Table - Member younger (TRS).** The following factors are effective September 1, 2010.
 Survivor option factor table: Member younger than beneficiary
 Age difference: Member's age minus beneficiary's age

| Age Difference | TRS-1 Option-2 100% | TRS-1 Option-3 50% | TRS-1 Option-4 66-2/3% | TRS-2/3 Option-2 100% | TRS-2/3 Option-3 50% | TRS-2/3 Option-4 66-2/3% |
|-----------------------|----------------------------|---------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------|
| -20 | 0.969 | 0.984 | 0.979 | 0.956 | 0.977 | 0.970 |
| -19 | 0.967 | 0.983 | 0.978 | 0.953 | 0.976 | 0.968 |
| -18 | 0.965 | 0.982 | 0.976 | 0.949 | 0.974 | 0.966 |
| -17 | 0.963 | 0.981 | 0.975 | 0.946 | 0.972 | 0.963 |
| -16 | 0.961 | 0.980 | 0.973 | 0.942 | 0.970 | 0.961 |
| -15 | 0.958 | 0.979 | 0.972 | 0.939 | 0.968 | 0.958 |
| -14 | 0.956 | 0.977 | 0.970 | 0.935 | 0.966 | 0.955 |
| -13 | 0.953 | 0.976 | 0.968 | 0.930 | 0.964 | 0.953 |
| -12 | 0.951 | 0.975 | 0.967 | 0.926 | 0.962 | 0.950 |
| -11 | 0.948 | 0.973 | 0.965 | 0.922 | 0.959 | 0.946 |
| -10 | 0.946 | 0.972 | 0.963 | 0.917 | 0.957 | 0.943 |
| -9 | 0.943 | 0.971 | 0.961 | 0.912 | 0.954 | 0.940 |
| -8 | 0.940 | 0.969 | 0.959 | 0.907 | 0.951 | 0.936 |
| -7 | 0.937 | 0.968 | 0.957 | 0.902 | 0.949 | 0.933 |
| -6 | 0.934 | 0.966 | 0.955 | 0.897 | 0.946 | 0.929 |
| -5 | 0.931 | 0.964 | 0.953 | 0.891 | 0.943 | 0.925 |
| -4 | 0.928 | 0.963 | 0.951 | 0.886 | 0.939 | 0.921 |
| -3 | 0.925 | 0.961 | 0.949 | 0.880 | 0.936 | 0.917 |
| -2 | 0.918 | 0.957 | 0.944 | 0.865 | 0.928 | 0.906 |
| -1 | 0.912 | 0.954 | 0.940 | 0.851 | 0.920 | 0.896 |
| 0 | 0.903 | 0.949 | 0.933 | 0.831 | 0.908 | 0.880 |

(13) **Table - Member older (TRS).** The following factors are effective September 1, 2010.
 Survivor option factor table: Member older than beneficiary
 Age difference: Member's age minus beneficiary's age

| Age Difference | TRS-1 Option-2 100% | TRS-1 Option-3 50% | TRS-1 Option-4 66-2/3% | TRS-2/3 Option-2 100% | TRS-2/3 Option-3 50% | TRS-2/3 Option-4 66-2/3% |
|-----------------------|----------------------------|---------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------|
| 0 | 0.903 | 0.949 | 0.933 | 0.831 | 0.908 | 0.880 |
| 1 | 0.896 | 0.945 | 0.928 | 0.815 | 0.898 | 0.869 |
| 2 | 0.891 | 0.942 | 0.924 | 0.803 | 0.891 | 0.859 |
| 3 | 0.887 | 0.940 | 0.922 | 0.795 | 0.886 | 0.853 |
| 4 | 0.884 | 0.939 | 0.920 | 0.789 | 0.882 | 0.848 |
| 5 | 0.881 | 0.937 | 0.918 | 0.782 | 0.877 | 0.843 |
| 6 | 0.878 | 0.935 | 0.915 | 0.775 | 0.873 | 0.838 |
| 7 | 0.875 | 0.933 | 0.913 | 0.768 | 0.869 | 0.833 |
| 8 | 0.872 | 0.932 | 0.911 | 0.762 | 0.865 | 0.827 |
| 9 | 0.870 | 0.930 | 0.909 | 0.755 | 0.861 | 0.822 |

| Age Difference | TRS-1 Option-2 100% | TRS-1 Option-3 50% | TRS-1 Option-4 66 2/3% | TRS-2/3 Option-2 100% | TRS-2/3 Option-3 50% | TRS-2/3 Option-4 66 2/3% |
|----------------|---------------------|--------------------|------------------------|-----------------------|----------------------|--------------------------|
| 10 | 0.867 | 0.929 | 0.907 | 0.749 | 0.856 | 0.817 |
| 11 | 0.865 | 0.928 | 0.906 | 0.743 | 0.852 | 0.812 |
| 12 | 0.863 | 0.926 | 0.904 | 0.737 | 0.849 | 0.808 |
| 13 | 0.860 | 0.925 | 0.902 | 0.731 | 0.845 | 0.803 |
| 14 | 0.858 | 0.924 | 0.901 | 0.726 | 0.841 | 0.799 |
| 15 | 0.856 | 0.923 | 0.899 | 0.720 | 0.837 | 0.794 |
| 16 | 0.854 | 0.921 | 0.898 | 0.715 | 0.834 | 0.790 |
| 17 | 0.853 | 0.920 | 0.897 | 0.710 | 0.830 | 0.786 |
| 18 | 0.851 | 0.919 | 0.895 | 0.705 | 0.827 | 0.782 |
| 19 | 0.849 | 0.919 | 0.894 | 0.701 | 0.824 | 0.778 |
| 20 | 0.848 | 0.918 | 0.893 | 0.696 | 0.821 | 0.775 |
| 21 | 0.847 | 0.917 | 0.892 | 0.692 | 0.818 | 0.771 |
| 22 | 0.845 | 0.916 | 0.891 | 0.688 | 0.815 | 0.768 |
| 23 | 0.844 | 0.915 | 0.890 | 0.684 | 0.812 | 0.764 |
| 24 | 0.843 | 0.915 | 0.889 | 0.680 | 0.809 | 0.761 |
| 25 | 0.842 | 0.914 | 0.889 | 0.676 | 0.807 | 0.758 |
| 26 | 0.841 | 0.913 | 0.888 | 0.673 | 0.804 | 0.755 |
| 27 | 0.840 | 0.913 | 0.887 | 0.669 | 0.802 | 0.752 |
| 28 | 0.839 | 0.912 | 0.887 | 0.666 | 0.800 | 0.750 |
| 29 | 0.838 | 0.912 | 0.886 | 0.663 | 0.797 | 0.747 |
| 30 | 0.837 | 0.911 | 0.885 | 0.660 | 0.795 | 0.744 |
| 31 | 0.837 | 0.911 | 0.885 | 0.657 | 0.793 | 0.742 |
| 32 | 0.836 | 0.911 | 0.884 | 0.655 | 0.791 | 0.740 |
| 33 | 0.835 | 0.910 | 0.884 | 0.652 | 0.789 | 0.737 |
| 34 | 0.835 | 0.910 | 0.883 | 0.649 | 0.787 | 0.735 |
| 35 | 0.834 | 0.910 | 0.883 | 0.647 | 0.786 | 0.733 |
| 36 | 0.834 | 0.909 | 0.882 | 0.645 | 0.784 | 0.731 |
| 37 | 0.833 | 0.909 | 0.882 | 0.643 | 0.782 | 0.730 |
| 38 | 0.832 | 0.909 | 0.882 | 0.641 | 0.781 | 0.728 |
| 39 | 0.832 | 0.908 | 0.881 | 0.639 | 0.779 | 0.726 |
| 40 | 0.831 | 0.908 | 0.881 | 0.637 | 0.778 | 0.724 |

(14) ~~Table Member younger (LEOFF Plan 1).~~ The following factors are effective September 1, 2010:

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option-2 100% | Option-3 50% | Option-4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| -20 | 0.959 | 0.979 | 0.972 |
| -19 | 0.957 | 0.978 | 0.971 |
| -18 | 0.954 | 0.976 | 0.969 |
| -17 | 0.951 | 0.975 | 0.967 |
| -16 | 0.948 | 0.973 | 0.965 |
| -15 | 0.945 | 0.972 | 0.962 |
| -14 | 0.941 | 0.970 | 0.960 |
| -13 | 0.938 | 0.968 | 0.958 |
| -12 | 0.934 | 0.966 | 0.955 |

| Age Difference | Option-2 100% | Option-3 50% | Option-4 66 2/3 % |
|----------------|---------------|--------------|-------------------|
| -11 | 0.931 | 0.964 | 0.953 |
| -10 | 0.927 | 0.962 | 0.950 |
| -9 | 0.923 | 0.960 | 0.947 |
| -8 | 0.919 | 0.958 | 0.944 |
| -7 | 0.915 | 0.955 | 0.941 |
| -6 | 0.910 | 0.953 | 0.938 |
| -5 | 0.906 | 0.951 | 0.935 |
| -4 | 0.901 | 0.948 | 0.932 |
| -3 | 0.897 | 0.945 | 0.929 |
| -2 | 0.892 | 0.943 | 0.925 |
| -1 | 0.887 | 0.940 | 0.922 |
| 0 | 0.882 | 0.937 | 0.918 |

(15) ~~Table Member older (LEOFF Plan 1).~~ The following factors are effective September 1, 2010:

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3% |
|----------------|---------------|--------------|------------------|
| 0 | 0.882 | 0.937 | 0.918 |
| 1 | 0.877 | 0.935 | 0.915 |
| 2 | 0.872 | 0.932 | 0.911 |
| 3 | 0.867 | 0.929 | 0.907 |
| 4 | 0.862 | 0.926 | 0.904 |
| 5 | 0.857 | 0.923 | 0.900 |
| 6 | 0.852 | 0.920 | 0.896 |
| 7 | 0.847 | 0.917 | 0.892 |
| 8 | 0.842 | 0.914 | 0.889 |
| 9 | 0.837 | 0.911 | 0.885 |
| 10 | 0.832 | 0.908 | 0.882 |
| 11 | 0.827 | 0.906 | 0.878 |
| 12 | 0.823 | 0.903 | 0.874 |
| 13 | 0.818 | 0.900 | 0.871 |
| 14 | 0.814 | 0.897 | 0.868 |
| 15 | 0.809 | 0.895 | 0.864 |
| 16 | 0.805 | 0.892 | 0.861 |
| 17 | 0.801 | 0.889 | 0.858 |
| 18 | 0.797 | 0.887 | 0.855 |
| 19 | 0.793 | 0.884 | 0.851 |
| 20 | 0.789 | 0.882 | 0.849 |
| 21 | 0.785 | 0.880 | 0.846 |
| 22 | 0.781 | 0.877 | 0.843 |
| 23 | 0.778 | 0.875 | 0.840 |
| 24 | 0.774 | 0.873 | 0.837 |
| 25 | 0.771 | 0.871 | 0.835 |
| 26 | 0.768 | 0.869 | 0.832 |
| 27 | 0.765 | 0.867 | 0.830 |
| 28 | 0.762 | 0.865 | 0.828 |
| 29 | 0.759 | 0.863 | 0.825 |
| 30 | 0.756 | 0.861 | 0.823 |
| 31 | 0.754 | 0.860 | 0.821 |
| 32 | 0.751 | 0.858 | 0.819 |
| 33 | 0.749 | 0.856 | 0.817 |
| 34 | 0.746 | 0.855 | 0.815 |
| 35 | 0.744 | 0.853 | 0.814 |
| 36 | 0.742 | 0.852 | 0.812 |
| 37 | 0.740 | 0.851 | 0.810 |
| 38 | 0.738 | 0.849 | 0.809 |
| 39 | 0.736 | 0.848 | 0.807 |

| Age Difference | Option 2 100% | Option 3 50% | Option 4 66 2/3% |
|----------------|---------------|--------------|------------------|
| 40 | 0.734 | 0.847 | 0.806)) |

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-02-390 Total allocation portfolio (TAP) annuity factors.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-103-215 What are the WSPRS Plan 1 retirement benefit options? This section only applies to members commissioned before January 1, 2003.

(1) When retiring for service, a married member can choose either Option A (historic retirement option) under RCW 43.43.260 and 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse and any eligible children to receive a monthly benefit after the retiree dies.

(2) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement benefit in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement benefit equal to the gross monthly benefit then payable to the retiree, or a benefit equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(3) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly retirement benefit that is actuarially reduced from the benefit calculated under Option A. The department pays survivor benefits in accordance with RCW 43.43.278 using an actuarial ((factors in)) reduction. See WAC 415-02-380 ((10) and (11)) for more information on how your benefit is affected by choosing an optional survivor feature.

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement benefit equal to the gross monthly benefit then payable to the retiree.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each surviving unmarried child under the age of eighteen years shall

be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement.

(4) Benefits included in Option A and Option B.

(a) **Cost-of-living adjustment.** The retiree's annual adjustment every July is based upon the provisions in RCW 43.43.260(5). The annual adjustment applies to the eligible surviving spouse and any eligible children, who receive a monthly benefit after the retiree dies.

(b) **Surviving spouse eligibility.** To be eligible for a benefit, the surviving spouse of a retiree must either:

(i) Have been married to the retiree prior to his or her retirement and continuously thereafter until the retiree's death; or

(ii) Have been married to the retiree for at least two years prior to the retiree's death.

(c) **Remarriage of surviving spouse.** If a surviving spouse who is receiving benefits under this subsection marries another member of WSPRS and that retiree dies before the spouse, the spouse will receive only the higher of the two survivors' benefits for which he or she qualifies. The surviving spouse cannot receive more than one survivor benefit at a time under this subsection.

(d) **Surviving children when there is no surviving spouse.** If there is no surviving spouse or the surviving spouse dies, the unmarried child or children under the age of eighteen years shall be entitled to a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child. The combined benefits to the surviving children cannot exceed sixty percent of the retiree's AFS. Benefit payments under this subsection will be divided equally among the children.

(e) **End of benefits.** All benefits end when the surviving spouse dies or the youngest unmarried child reaches age eighteen, whichever occurs last.

(f) **Distribution of remaining contributions.** Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (f)(i) of this subsection is living or in existence at the time of the retiree's death.

(5) Pop-up provision.

(a) This subsection only applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree and spouse divorce, or if the spouse dies before the retiree, the retiree's monthly retirement benefit increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option A at retirement; plus

(ii) Any cost of living adjustments (COLA) the retiree received prior to the divorce or the spouse's death.

(c) Pop-up recalculation example:

Option B: ~~((Bob retires on))~~ When Bob retired in September ~~((+))~~ 2010~~((-))~~, his Option A monthly benefit ~~((is))~~ was \$3,000. He ~~((selects))~~ selected Option B so that his spouse, Linda, ~~((with))~~ would receive his monthly benefit and COLA after he dies. Bob is 5 years younger than Linda. For

illustration purposes in this example, 0.967 is being used as the Option B actuarial reduction factor (actuarial factors change periodically). As a result, the department ~~((will calculate the adjustment to Bob's monthly retirement))~~ calculated Bob's Option B benefit amount by ~~((using the survivor option factor found in WAC 415-02-380(11). With a 5 year age difference, the value corresponding to WSP Plan 1 Option B is 0.967. This value, 0.967, will be multiplied against the \$3,000 Option A benefit amount))~~ multiplying \$3,000 (Option A) by 0.967. Bob's Option B monthly benefit amount ~~((will be))~~ at retirement was \$2,901. Bob ~~((receives))~~ received his first COLA on July 1, 2012, in the amount of \$87.03. Bob's monthly benefit amount with the COLA ~~((is))~~ was \$2,988.03.

Linda ~~((dies))~~ died in September 2012. Under the "pop-up" provision, Bob's monthly benefit increased in October 2012 to a total of \$3,087.03. His new benefit amount ~~((includes))~~ included the \$3,000 he would have received had he originally chosen Option A, plus the COLA he received in 2012 (\$87.03).

(d) If a retiree whose benefit increases under this subsection dies and there is no eligible child, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (d)(i) of this subsection is living or in existence at the time of the retiree's death.

(6) ~~((For more information))~~ See chapter 415-02 WAC starting with WAC 415-02-300 for ~~((the tables,))~~ information on how the department uses factors and schedules ~~((, and factors the department uses for calculating))~~ to calculate retirement benefits.

(7) Terms used in this section:

"Pop-up" - See WAC 415-02-030.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

WAC 415-103-225 What are my WSPRS Plan 2 retirement benefit options? This section applies to WSPRS Plan 2 members. Upon retirement for service under RCW 43.43.250, you must choose to have your monthly retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more infor-

mation on how your monthly allowance is affected by choosing a survivor feature.

(2) What are my benefit options?

(a) Option one: Standard allowance (no survivor option). The department will pay you a monthly retirement allowance throughout your life. Your monthly allowance will cease upon your death.

(b) Option two: Joint and whole allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) Option three: Joint and one-half allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) Option four: Joint and two-thirds allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667 percent) of the gross monthly retirement allowance you were receiving.

(3) Do I need my spouse's consent on the option I choose? If you are married, you must submit your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 43.43.271(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do? Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

John ~~((retires))~~ retired from WSPRS in 2008. John ~~((chooses))~~ chose a benefit option with a survivor feature and ~~((names))~~ named Beatrice, his daughter, as his survivor beneficiary. As a result, John's monthly allowance ~~((is))~~ was

reduced from \$2,000 (standard allowance) to \$1,750. Beatrice ~~((dies))~~ died in 2013. John's monthly allowance will increase to \$2,191.05, which equals the amount he would have received had he chosen the standard allowance option, plus the COLAs he has received (based on his prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|----------------------------|--------------------|----------------------------|---------------------|-------------------------|
| 2008 | 2,000.00 | 1,750.00 | | 0.00 |
| 2009 | | 1,750.00 | .02 | 35.00 |
| 2010 | | 1,785.00 | .03 | 53.55 |
| 2011 | | 1,838.55 | .025 | 45.96 |
| 2012 | | 1,884.51 | .03 | 56.54 |
| 2013 | 2,000.00 | 1,941.05 | — | — |
| | | | Total COLAs | 191.05 |
| Original Monthly Allowance | | + Total COLAs | | = New Monthly Allowance |
| \$2000 | | + \$191.05 | | = \$2,191.05* |

* In the future, John's COLA will be based on his increased monthly allowance.

(6) May I change my benefit option after retirement?

Your choice of a benefit option is irrevocable with the following three exceptions:

(a) Return to membership. If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) Postretirement marriage option. If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date ~~((; and~~

~~((v) You exercise this option one time only)).~~

(c) Removal of a nonspouse survivor option. If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 43.43.271.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-103-300 Actuarial (~~tables, schedules, and~~) factors and schedules. See chapter 415-02 WAC starting with WAC 415-02-300 for (~~the tables,)~~ information on how the department uses factors and schedules(~~, and factors the department uses for calculating~~) to calculate optional retirement allowances of members of the Washington state patrol retirement system plan 2.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-104-108 Actuarial (~~tables, schedules, and~~) factors and schedules. See chapter 415-02 WAC starting with WAC 415-02-300 for (~~the tables, schedules, and factors~~) information on how the department uses (~~for calculating~~) actuarial factors and schedules to calculate optional retirement allowances of members of the Washington state law enforcement officers' and firefighters' retirement system.

AMENDATORY SECTION (Amending WSR 08-23-071, filed 11/18/08, effective 12/19/08)

WAC 415-104-111 How is my LEOFF Plan 2 retirement allowance affected if I return to work after retirement? This rule applies to you if you are a LEOFF 2 retiree who returns to work in an eligible LEOFF, public employees' retirement system (PERS), public safety employees' retirement system (PSERS), school employees' retirement system (SERS), or teachers' retirement system (TRS) position.

(1) **If you return to employment in a LEOFF eligible position, you must reenter membership and your retirement allowance will stop.** When you separate from service, the department will calculate your retirement allowance according to this subsection.

(a) If you previously retired before age fifty-three, the department will:

(i) Calculate your retirement allowance pursuant to RCW 41.26.420 using:

(A) Your total years of career service, including service earned prior to your initial retirement and service earned after reentering membership; and

(B) Any increase in your final average salary resulting from your reentry into membership; and

(ii) Actuarially reduce your retirement allowance:

(A) Based on the present value of the retirement allowance payments you received during your initial retirement;

(B) To reflect the difference in the number of years between your current age and the attainment of age fifty-three, if you are not yet fifty-three; and

(C) To offset the cost of your benefit option if it includes a survivor feature. See WAC 415-104-215.

(b) If you previously retired at or after age fifty-three, the department will:

(i) Calculate your retirement allowance pursuant to RCW 41.26.420 using:

(A) Your total years of career service, including service earned prior to your initial retirement and service earned after reentering membership; and

(B) Any increase in your final average salary resulting from your reentry into membership; and

(ii) Actuarially reduce your retirement allowance to offset the cost of your benefit option if it includes a survivor feature. See WAC 415-104-215.

(c) Under no circumstances will you receive a retirement allowance creditable to a month during which you earned service credit.

(2) **If you enter employment in a PERS, PSERS, SERS, or TRS eligible position,** you have two options:

(a) You may decline membership in the PERS, PSERS, SERS, or TRS retirement system. Under this option, you will continue to receive your monthly LEOFF Plan 2 retirement allowance; or

(b) You may choose to become a member of the PERS, PSERS, SERS, or TRS retirement system. Under this option, your LEOFF Plan 2 retirement allowance will be suspended while you earn a retirement benefit in the other system. When you terminate employment in the PERS, PSERS, SERS, or TRS eligible position, you will resume receiving your LEOFF Plan 2 retirement allowance, along with a retroactive payment of your LEOFF Plan 2 retirement allowance for the time you were employed.

(i) Your **ongoing LEOFF Plan 2 retirement allowance** will include any cost of living adjustments (COLAs) that you would have received if your LEOFF allowance had not been suspended during the period of non-LEOFF employment.

(ii) Your **retroactive payment** will equal the sum of your suspended LEOFF Plan 2 retirement allowances, including COLAs, during the period of non-LEOFF employment. You may choose to receive your retroactive payment in either of the following forms:

(A) A lump sum; or

(B) An increase in your ongoing LEOFF Plan 2 retirement allowance on an actuarial basis. The amount of the increase is calculated by taking the lump sum amount and

multiplying it by an actuarial factor that is determined by your age at the time your retirement allowance is resumed. See ~~((the table in))~~ WAC 415-02-340 for ~~((the))~~ more information on how the department uses actuarial factors to determine the equivalent value of a lump sum amount when compared with monthly payments.

AMENDATORY SECTION (Amending WSR 05-22-110, filed 11/2/05, effective 12/3/05)

WAC 415-104-202 Survivor benefit options—LEOFF Plan 1. (1) **To whom does this section apply?** This section applies to you if you are a retiree of LEOFF Plan 1.

(2) **What are flexible survivor benefit options?** RCW 41.26.164 allows a retiree to provide a survivor option for a spouse who is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161. The survivor option will provide a lifetime benefit for the spouse after the retiree's death.

(3) **How will my monthly retirement allowance be affected by selecting a flexible survivor option?** Your monthly retirement allowance will be actuarially reduced beginning the first month following the month in which the department receives the completed form.

(4) **What are the flexible survivor option choices?**

(a) **Joint and whole allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(b) **Joint and one-half allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(c) **Joint and two-thirds allowance option.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your surviving spouse a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(5) **Do I qualify to add a flexible survivor option?** You may select a flexible survivor option if:

(a) Your current spouse is not eligible for survivor benefits under RCW 41.26.160 or 41.26.161;

(b) Some portion of your monthly retirement allowance is payable to you, after any reduction pursuant to a property division obligation under RCW 41.50.670;

(c) You have not previously selected a flexible survivor option; and

(d) You meet the deadline and application requirements in subsection (6) of this section.

(6) **How do I add a flexible survivor option?** You may select a flexible survivor option and name your current spouse as your survivor beneficiary, provided that:

(a) The selection is made:

(i) During a one-year window, on or after the date of the first anniversary and before the second anniversary of the marriage; or

(ii) No later than June 30, 2006, if you cannot comply with (a)(i) of this subsection because you were married prior to July 1, 2005;

(b) You provide a copy of your certified marriage certificate to the department;

(c) You provide proof, satisfactory to the department, of your current spouse's birth date; and

(d) You file the properly completed forms with the department in a timely manner.

(7) **May I remove the flexible survivor option in the future?** Your choice of a flexible survivor option is irrevocable with the following exceptions:

(a) Your spouse dies before you; or

(b) You and your spouse divorce.

See subsection (8) of this section.

(8) **What happens if my spouse dies before me, or if we divorce?** If your spouse dies before you, or if you divorce, your monthly retirement allowance will increase, effective the first day of the following month. Your increased monthly allowance will be the amount you would have received had you not chosen a flexible survivor option plus any cost-of-living adjustments (COLA) you received prior to your spouse's death.

(9) **What happens to my eligible surviving children's share if I select a flexible survivor option?** There is *no* impact to the benefit provided under RCW 41.26.160 or 41.26.161 to surviving children if you select a flexible survivor option.

(10) **Actuarial information.** See chapter 415-02 WAC starting with WAC 415-02-300 for ~~((the tables, schedules, and))~~ information on how the department uses actuarial factors ((the department uses for calculating)) and schedules to calculate retirement allowances.

Terms used in this section:

(a) Child or children - RCW 41.26.030(7).

(b) Eligible surviving child - RCW 41.26.160 and 41.26.161.

(c) Eligible surviving spouse - RCW 41.26.161 and 41.26.162.

(d) Surviving spouse - RCW 41.26.030(6).

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

WAC 415-104-215 What are my retirement benefit options—LEOFF Plan 2? If you retire for service under RCW 41.26.430 or nonduty disability under RCW 41.26.470, or if you choose to receive a monthly allowance for duty disability under RCW 41.26.470, you must choose to have your monthly retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the sur-

vivor feature. ((The factors used to determine the amount of the reduction are in)) See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) What are my benefit options?

(a) Option one: Standard allowance (no survivor feature). The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) Option two: Joint and whole allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) Option three: Joint and one-half allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) Option four: Joint and two-thirds allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) Do I need my spouse's consent on the option I choose? If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.26.460(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do? Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) Members who retire on or after January 1, 1996. Your increased monthly allowance will be:

- (i) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus
(ii) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death based on your original option selection.

Example:

Agnes retires in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in January 2001. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

Table with 5 columns: Year, Standard Allowance, Survivor Option plus COLAs, COLA incr. (3% max), \$ Increase. Rows show data from 1996 to 2001, including a summary row for Total COLAs and a calculation for New Monthly Allowance.

* In the future, Agnes's COLA will be based on her increased monthly allowance.

(b) Members who retired before January 1, 1996. Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.26.460(3).

(6) May I change my benefit option after retirement? Your choice of a benefit option is irrevocable with the following three exceptions:

(a) Return to membership. If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement.

(b) Postretirement marriage option. If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

- (i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;
(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;
(iii) You provide a copy of your certified marriage certificate to the department; and
(iv) You provide proof of your current spouse's birth date(=and
(v) You exercise this option one time only).

(c) Removal of a nonspouse survivor option. If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement,

you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate.

(8) For more information, see RCW 41.26.460.

AMENDATORY SECTION (Amending WSR 06-18-007, filed 8/24/06, effective 9/24/06)

WAC 415-104-480 LEOFF Plan 2 duty disability benefits. This section applies to you if you are a LEOFF Plan 2 member who incurs a disability in the line of duty per RCW 41.26.470 (6) and (7) and this section.

(1) Who is entitled to duty disability benefits? Any member of LEOFF Plan 2 who the department determines has:

(a) Incurred a physical or mental disability in the line of duty;

(b) Become totally incapacitated for continued employment in a LEOFF eligible position; and

(c) Separated from a LEOFF eligible position due to the disability.

(2) How is "line of duty" defined? Line of duty means any action or activity occurring in conjunction with your employment or your status as a law enforcement officer or firefighter and required or authorized by law, rule, regulations, or condition of employment or service.

(3) When are the duty disability provisions effective? The duty disability provisions under RCW 41.26.470 (6) and (7) are effective June 10, 2004.

(4) How do I apply for duty disability benefits? The department must receive:

(a) A completed three-part disability retirement application on the form provided by the department.

(i) Part 1: Disability retirement application. You must complete and sign the application. If you are married, your spouse must sign consenting to the retirement payment option you choose. Your signature(s) must be notarized.

(ii) Part 2: Employer's statement and report. Your employer must complete, sign and return it directly to the department.

(iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, clinical psychology, podiatry, dentistry, or optometry;

(b) Additional information requested by the department; and

(c) Any other material you want the department to consider.

(5) What evidence will the department use to determine whether I am entitled to benefits under this section?

The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

(a) Information and determinations by the department of labor and industries (L&I) or a self-insurer;

(b) Medical, vocational, and other information about your disability;

(c) Your job description;

(d) Your membership records, maintained by the department; and

(e) Any other relevant evidence.

(6) What would disqualify me for duty disability benefits? You are not eligible for duty disability benefits if any of the following apply:

(a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;

(b) Your application does not provide adequate proof that your disability was incurred in the line of duty;

(c) The disability occurred as a result of intentional misconduct including but not limited to:

(i) An action you took intentionally to bring about your own disability;

(ii) Gross negligence on your part; or

(iii) Your voluntary intoxication. As used in this section, "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of:

(A) Alcohol into the body as evidenced by:

(I) A blood alcohol level of .20 per centum or greater; or

(II) A blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the officer or firefighter was not acting in an intoxicated manner immediately prior to the injury; or

(B) Drugs or other substances in the body.

(7) Who decides if I meet the requirements for benefits under this section? The LEOFF plan administrator.

(8) May I petition a decision made by the LEOFF plan administrator? Yes. If the LEOFF plan administrator denies your request for a disability benefit under this section, you may petition for review under chapter 415-04 WAC.

(9) What are the duty disability retirement benefits?

As a duty disability retiree, you may choose between:

(a) A nontaxable, one-time lump sum payment equal to one hundred fifty percent of your retirement contributions; except that, any payments made to restore service credit after the five-year deadline will be paid at one hundred percent; or

(b) A monthly allowance equal to:

(i) Ten percent of your final average salary (FAS), which is nontaxable; and

(ii) Two percent of your FAS for each year of service beyond five years.

Your monthly allowance will not be adjusted for early retirement. However, if you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

Example:

Tom incurs a duty disability at age 42 after twenty years of service. His final average salary is \$5,000 per month. Tom's wife is also age 42. He chooses Benefit Option Two so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. ~~((See WAC 415-104-215 (2)(b).))~~ For illustration purposes in this example only, we will use 0.87 as the corresponding Option Two joint and survivor factor (actuarial factors change periodically) for zero age difference between Tom and his wife.

Tom will receive a minimum allowance of \$435 (nontaxable) plus an additional \$1,305 (taxable), for a total monthly allowance of \$1,740. The department will use the following formula to determine Tom's monthly allowance:

~~((Tom's minimum duty disability allowance, calculated at 10 percent of his final average salary (FAS) is:~~

| | | |
|---|------------------------|--------------------|
| Allowance | $\$5000 \times 10\% =$ | \$500 |
| Allowance after the actuarial reduction for Option Two (survivor feature) | $\$500 \times 0.87 =$ | \$435 (nontaxable) |

~~In addition, Tom will receive:~~

| | | |
|---|--|--------|
| Allowance | $15 \text{ years} \times 2\% \times \text{FAS} (\$5000) =$ | \$1500 |
| Allowance after the actuarial reduction for Option Two (survivor feature) | $\$1500 \times 0.87 =$ | \$1305 |

~~Tom will receive \$435 (nontaxable) plus \$1305 (taxable), for a total monthly allowance of \$1740.)~~

$$\begin{aligned}
 &\underline{\$5,000 \times 10\% \times 0.87} &= &\underline{\$435 \text{ (nontaxable);}} \\
 & & & \text{PLUS} \\
 &\underline{15 \times 2\% \times \$5,000 \times 0.87} &= &\underline{\$1,305 \text{ (taxable)}} \\
 &\text{TOTAL} &= &\underline{\$1,740}
 \end{aligned}$$

(10) Are my duty disability benefits taxable? The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, part of your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

The department does not:

- (a) Guarantee that payments are exempt from federal income tax;
- (b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;
- (c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its determination; or
- (d) Assume any liability for your compliance with the Internal Revenue Code.

(11) If I previously withdrew my contributions, may I apply for duty disability benefits? If you separated from employment due to a disability and withdrew your contributions, you may apply for duty disability benefits according to the provisions of subsection (4) of this section.

(12) If I previously withdrew my contributions and am approved for duty disability benefits, what will I receive as a benefit? If the LEOFF plan administrator determines you are entitled to duty disability benefits, the department will amend Internal Revenue Service reporting to designate your previous withdrawal as nontaxable. In addition, you may choose either of the following:

- (a) If you previously withdrew 100% of your contributions, you may choose to receive an additional lump sum payment equal to 50% of the contributions you withdrew. The payment will be nontaxable; or
- (b) If you previously withdrew 100% or 150% of your contributions, you may choose to receive a monthly allowance according to subsection (9) of this section. You must repay the amount you withdrew, either in a lump sum payment or by having your monthly allowance permanently actuarially reduced to offset the amount of your previous withdrawal.

Example:

John was injured on the job and separated from his LEOFF position in March 2002. At the time he separated, he was 43 years old, had 10 years of service, and his final average salary was \$5,000.00 per month. At that time, John chose to withdraw \$75,000, which equaled 150 percent of his retirement contributions.

John subsequently applied under the provisions of RCW 41.26.470 (6) and (7) and was deemed eligible for duty disability benefits.

The department calculated John's benefit according to the methods in subsection (9) of this section. For illustration purposes in this example only, we will use .0049904 as the corresponding annuity factor for age 43 (actuarial factors change periodically). John determined it was to his advantage to take a monthly allowance.

If John repays the entire amount he withdrew in a lump sum, his monthly allowance will be calculated according to the formula in subsection (9)(b) of this section:

| | | |
|--|--|-----------------------|
| ((Minimum monthly allowance | $10\% \times \text{FAS } (\$5000) =$ | \$500 (nontaxable) |
| | Plus: | |
| Monthly allowance | $5 \text{ years} \times 2\% \times \text{FAS } (\$5000) =$ | \$500 |
| John's total monthly allowance will be \$1,000 ⁽¹⁾ .) | | |

$$\begin{aligned}
 \$5,000 \times 10\% &= \$500 \text{ (nontaxable); PLUS} \\
 5 \times 2\% \times \$5,000 &= \$500 \text{ (taxable)} \\
 \text{TOTAL} &= \$1,000
 \end{aligned}$$

If John repays the withdrawn amount through a permanent actuarial reduction, his monthly allowance will be reduced as follows:

| | | |
|--|--|--------------------------|
| ((Monthly allowance (calculated above) | = | \$1000 |
| Reduction to repay the withdrawn amount (\$75,000) | $\$75,000 \times .0049904$ (annuity factor, which is based on the retiree's age)= | -\$374.28 |
| Monthly allowance | | (\$625.72 ²) |

$$\begin{aligned}
 \text{Monthly amount from above} &= \$1,000; \text{ LESS} \\
 \$75,000 \times .0049904 &= -\$374.28 \\
 \text{Monthly allowance} &= \$625.72^1
 \end{aligned}$$

¹ ((Annuity factors are provided in WAC 415-02-340.
²) If John chooses a benefit option with a survivor feature, as described in WAC 415-104-215, his monthly allowance will be actuarially reduced to offset the cost. ((Survivor option factors are provided in)) See also WAC 415-02-380.

(13) **When does a duty disability retirement benefit end?** The department may require comprehensive medical examinations to reevaluate your eligibility for continued dis-

ability benefits according to the provisions of RCW 41.26.470(2). Your duty disability benefit will cease if:

- (a) You return to work in a LEOFF-eligible position; or
- (b) Medical examination reveals that you are no longer totally incapacitated for employment in a LEOFF eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

(14) **If I retire for a duty disability and die, will my survivor beneficiary receive a monthly allowance?** If you choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly allowance after your death.

(15) **What happens if I return to a LEOFF-eligible position?** If you return to a LEOFF-eligible position, your monthly allowance will stop.

(16) **If I return to a LEOFF-eligible position, how will my future retirement benefit be affected?** When you rere-tire, your monthly allowance will be calculated pursuant to RCW 41.26.500 and WAC 415-104-111.

AMENDATORY SECTION (Amending WSR 07-09-032, filed 4/10/07, effective 5/11/07)

WAC 415-104-485 LEOFF nonduty disability benefits. This section applies to you if you are a LEOFF Plan 2 member who incurs a disability not in the line of duty. If your disability or injury was incurred in the line of duty, see WAC 415-104-480.

(1) **Who is entitled to nonduty disability benefits?** Any member of LEOFF Plan 2 who the department determines has:

- (a) Incurred a physical or mental disability while not in the line of duty;
- (b) Become totally incapacitated for continued employment in a LEOFF eligible position; and
- (c) Separated from a LEOFF-eligible position due to the disability.

(2) **How is "line of duty" defined?** Line of duty means any action or activity occurring in conjunction with your employment or your status as a law enforcement officer or firefighter and required or authorized by law, rule, regulations, or condition of employment or service.

(3) **How do I apply for nonduty disability benefits?** The department must receive:

- (a) A completed three-part disability retirement application on the form provided by the department.
 - (i) Part 1: Disability retirement application. You, or a person with legal authority to apply on your behalf, must complete and sign the application. If you are married, your spouse must sign consenting to the retirement payment option you choose. Your signature(s) must be notarized.
 - (ii) Part 2: Employer's statement and report. Your employer must complete, sign and return it directly to the department.
 - (iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, clinical psychology, podiatry, dentistry, or optometry;

(b) Additional information requested by the department; and

(c) Any other material you want the department to consider.

(4) **Is there a time limit for filing an application for nonduty disability benefits?** No. There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(5) **What evidence will the department use to determine whether I am entitled to benefits under this section?** The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

(a) Information and determinations by the department of labor and industries (L&I) or a self-insurer;

(b) Medical, vocational, and other information about your disability;

(c) Your job description;

(d) Your membership records, maintained by the department; and

(e) Any other relevant evidence.

(6) **What would disqualify me for nonduty disability benefits?** You are not eligible for nonduty disability benefits if any of the following apply:

(a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;

(b) Your disability is the result of your criminal conduct committed after April 21, 1997. See RCW 41.26.061.

(7) **Who decides if I meet the requirements for benefits under this section?** The LEOFF plan administrator.

(8) **May I petition a decision made by the LEOFF plan administrator?** Yes. If the LEOFF plan administrator denies your request for a disability benefit under this section, you may petition for review under chapter 415-04 WAC.

(9) **What are the nonduty disability retirement benefits?** As a nonduty disability retiree, your retirement benefit is a monthly allowance equal to:

(a) Two percent times your final average salary times your service credit years. This allowance will be actuarially reduced to reflect the difference in age at the time of disability retirement and age 53. If you qualify for alternative early retirement per RCW 41.26.430(3), your reduction will be three percent per year before age 53.

(b) If you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. ~~((The factors used to determine the amount of reduction are in))~~ See WAC 415-104-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

Example: Tom incurs a nonduty disability at age 42 after twenty years of service. His final average salary (FAS) is \$5,000 per month. Tom's wife is also age 42. He chooses Benefit Option Two so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. ~~((See WAC 415-104-215(2)(b).))~~ For illustration purposes in this example only, we will use 0.39 as the corresponding factor for retiring 11 years early, and 0.87 as the Option Two factor (actuarial factors change periodically). As a result, Tom's monthly allowance will be \$678.60.

The department will use the following formula to determine Tom's monthly allowance:

$$\frac{20 \text{ (years of service)} \times 2\% \times \$5,000 \text{ (FAS)} \times 0.39 \text{ (early retirement factor)} \times 0.87 \text{ (Option Two factor)}}{1} = \$678.60$$

~~((Tom's nonduty disability allowance is: Nonduty disability allowance \$5,000 x 2% x 20 years = \$2,000~~

~~Allowance after the actuarial reduction for early retirement \$2,000 x 0.39 = \$780~~

~~Allowance after the actuarial reduction for Option Two (survivor feature) \$780 x .87 = \$679))~~

(10) **Are my nonduty disability benefits taxable?** The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

The department does not:

(a) Guarantee that payments are exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

(11) **If I previously retired for service under the alternative early retirement provisions of RCW 41.26.430(3), but I qualified for a disability retirement, can I apply for duty or nonduty disability benefits?** Yes. If you retired under the alternative early retirement provisions of RCW 41.26.430(3) on or before January 1, 2001, you can apply to retire under the disability provisions of RCW 41.26.470. Your benefit will be reduced by three percent per year before age 53 instead of actuarially reduced by the early retirement factors in WAC 415-02-320.

(12) **If I previously retired for disability but was otherwise qualified for a service retirement under the alternative early retirement provisions of RCW 41.26.430(3), can I have my benefit recalculated to reflect a three per-**

cent reduction instead of being actuarially reduced by the early retirement reduction factors in WAC 415-102-320? Yes. If you retired on or after January 1, 2001, and met the requirements of RCW 41.26.430(3), you can have your disability benefit recalculated under those provisions.

(13) When does a nonduty disability retirement benefit end? The department may require comprehensive medical examinations to reevaluate your eligibility for continued disability benefits according to the provisions of RCW 41.26.470(2). Your nonduty disability benefit will cease if:

(a) You return to work in a LEOFF-eligible position; or

(b) Medical examination reveals that you are no longer totally incapacitated for employment in a LEOFF-eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

(14) If I retire for a nonduty disability and die, will my survivor beneficiary receive a monthly allowance? If you choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly allowance after your death.

(15) What happens if I return to a LEOFF-eligible position? If you return to a LEOFF-eligible position, your monthly allowance will stop.

(16) If I return to a LEOFF-eligible position, how will my future retirement benefit be affected? When you rere-tire, your monthly allowance will be calculated pursuant to RCW 41.26.500 and WAC 415-104-111.

AMENDATORY SECTION (Amending WSR 08-02-046, filed 12/27/07, effective 1/27/08)

WAC 415-106-080 Actuarial ((~~tables,~~) factors and schedules(~~, and factors~~)). See chapter 415-02 WAC starting with WAC 415-02-300 for information on how the ((~~tables, schedules, and factors~~ the)) department uses ((~~for calculating~~)) factors and schedules to calculate optional retirement allowances for PSERS members.

AMENDATORY SECTION (Amending WSR 08-02-046, filed 12/27/07, effective 1/27/08)

WAC 415-106-600 What are my retirement benefit options? Upon retirement for service under RCW 41.37.210 or retirement for disability under RCW 41.37.230, you must choose to have your retirement allowance paid to you by one of the options described in this section.

(1) Which option will pay my beneficiary a monthly allowance after my death? Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) What are my benefit options?

(a) Option one: Standard allowance (no survivor feature). The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly retirement allowance will cease upon your death.

(b) Option two: Joint and whole allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) Option three: Joint and one-half allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) Option four: Joint and two-thirds allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) Do I need my spouse's consent on the option I choose? If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.37.170(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do? Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will accrue from the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example: John retires from PSERS in 2006. John chooses a benefit option with a survivor feature and names Beatrice, his daughter, as his survivor beneficiary. As a result, John's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2011. John's monthly allowance will increase to \$2,191.05, which equals the amount he would have received had he chosen the standard allowance option, plus the COLAs he has received (based on his prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|---------------------------------------|--------------------|----------------------------|---------------------|-------------------------|
| 2006 | 2,000.00 | 1,750.00 | | 0.00 |
| 2007 | | 1,750.00 | .02 | 35.00 |
| 2008 | | 1,785.00 | .03 | 53.55 |
| 2009 | | 1,838.55 | .025 | 45.96 |
| 2010 | | 1,884.51 | .03 | 56.54 |
| 2011 | 2,000.00 | 1,941.05 | — | — |
| | | | Total COLAs | 191.05 |
| Original Option One Monthly Allowance | \$2000 | + Total COLAs | | = New Monthly Allowance |
| | | \$191.05 | | = \$2,191.05 |

(6) May I change my benefit option after retirement? Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.37.050(3).

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(~~and~~

~~(v) You exercise this option one time only).~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(iii) If not paid according to (a)(i) or (ii) of this subsection, then to your estate.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(i) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(ii) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(iii) If not paid according to (b)(i) or (ii) of this subsection, then to your survivor beneficiary's estate. See RCW 41.37.170.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

WAC 415-108-326 What are my retirement benefit options? Upon retirement for service under RCW 41.40.180, 41.40.630, or 41.40.820, or for disability under RCW 41.40.210, 41.40.230, 41.40.670, or 41.40.825, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section. If you are a Plan I member, you may also select an optional supplemental cost of living adjustment (COLA).

(1) Which option will pay my beneficiary a monthly allowance after my death? Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) What are my benefit options?

(a) **Option one: Standard allowance (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allow-

ance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance (available to members retiring on or after January 1, 1996).** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.40.188, 41.40.660 and 41.40.845. If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What is the supplemental COLA option for Plan 1 members?** If you are a Plan 1 member, in addition to choosing a retirement benefit option described in subsection (2) of this section, you may choose to receive a supplemental annual COLA. If you select this option, your monthly retirement allowance will be actuarially reduced to offset the cost of this benefit.

(6) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retired on or after January 1, 1996.** Your increased benefit will be:

- (i) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus
- (ii) Any COLAs you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

Agnes retires from PERS Plan 2 in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2001. Agnes's monthly

allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|----------------------------|--------------------|----------------------------|------------------------|-------------------------|
| 1996 | 2,000.00 | 1,750.00 | | 0.00 |
| 1997 | | 1,750.00 | .02 | 35.00 |
| 1998 | | 1,785.00 | .03 | 53.55 |
| 1999 | | 1,838.55 | .025 | 45.96 |
| 2000 | | 1,884.51 | .03 | 56.54 |
| 2001 | 2,000.00 | 1,941.05 | — | — |
| | | | Total ((COLA's)) COLAs | 191.05 |
| Original Monthly Allowance | | + Total ((COLA's)) COLAs | | = New Monthly Allowance |
| \$2000 | | + \$191.05 | | = \$2,191.05* |

* In the future, Agnes's COLA will be based on her increased monthly allowance.

(b) **Members who retire before January 1, 1996.** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.40.188(3) (Plan 1) or RCW 41.40.660(3) (Plan 2).

(7) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.40.037.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(~~and~~

~~(v) You exercise this option one time only).~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(8) Who will receive the balance of my accumulated contributions, if any, after my death?**(a) Plan 1 and 2 members:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) Plan 3 members: The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(9) For more information, see RCW 41.40.188 (Plan 1), RCW 41.40.660 (Plan 2) and RCW 41.40.845 (Plan 3).

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-108-340 Actuarial (~~tables, schedules, and~~) factors and schedules. See chapter 415-02 WAC starting with WAC 415-02-300 for information on how the (~~tables, schedules, and~~) department uses actuarial factors (~~the department uses for calculating~~) and schedules to calculate optional retirement allowances of members of the Washington state public employees' retirement system.

AMENDATORY SECTION (Amending WSR 05-12-106, filed 5/27/05, effective 6/27/05)

WAC 415-108-436 PERS Plans 2 and 3 disability benefits. This section covers disability benefits provided for in RCW 41.40.670 and 41.40.825 for members of PERS Plans 2 and 3. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on- or off-the-job injuries and/or illnesses.

Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

(1) Am I eligible for disability benefits? You are eligible for a disability allowance if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other position for a PERS employer for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) If eligible, what will I receive as my monthly disability benefits under the standard option?

(a) If you are a Plan 2 member, you will receive two percent times average final compensation (AFC) times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~factors and examples~~).

(b) If you are a Plan 3 member, you will receive a defined benefit of one percent times average final compensation times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~factors and examples~~).

(c) The degree of your disability or impairment will not impact the amount of your disability benefit.

(3) May I choose a benefit option that provides a monthly allowance to my survivor beneficiary? You may choose to have your benefit paid according to any of the benefit options described in WAC 415-108-326. If you choose an option with a survivor feature, your monthly benefit will be actuarially reduced to offset the cost.

(4) How do I apply?

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(i) **Part 1:** Disability retirement application. You must complete, sign and have notarized. If you are married, your spouse must sign consent of the benefit option you choose.

(ii) **Part 2:** Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return directly to the department. You are responsible for all medical expenses related to your application for benefits.

(b) When the department receives Part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.

(5) What is the time limit for filing an application for disability benefits? There is no time limit for applying for

benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(6) If I am eligible to retire, may I still apply for disability benefits? Yes, however, there will be no difference in the dollar amount of your benefit.

(7) Once my application is approved, when will my benefit begin?

(a) You will start accruing disability benefits the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first benefit payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire ninety days after the approval date if you have not officially separated from PERS employment.

(i) If you are continuing to perform the duties of your position or another PERS position, you may reapply for disability benefits according to subsection (4) of this section if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

(8) What are my options if my application is denied?

(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.

(b) If you continue to work in a PERS position, you may reapply for disability benefits at a later time if your condition worsens.

(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.

(9) What information must be provided to the department if I am receiving disability benefits?

(a) You and your doctor must report any improvement in your condition; and

(b) You must report the name of your employer and monthly salary if you resume employment, regardless of the number of hours you work.

(10) How long will my disability benefits last? You may receive benefits throughout your lifetime, subject to the provisions of subsection (15) of this section.

(11) Are my disability benefits taxable? You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

(12) Are disability benefits subject to court or administrative orders? Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.40.052(3) or contact the department.

(13) Am I eligible for disability benefits if my disability is the result of my criminal conduct committed after April 21, 1997? No. For more information, see RCW 41.40.054.

(14) How is my disability benefit affected if I am a member of more than one retirement system? If you are a member of more than one retirement system, your benefit is governed by portability law (see chapters 41.54 RCW and 415-113 WAC). You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

(15) Is it possible to lose my disability benefits after I begin receiving them?

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive disability benefits if both of the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.40.010 (4)(b), at a comparable compensation.

(b) If you return to employment and reenter PERS membership, your benefits will cease.

(16) If I take my disability benefit in a lump sum and return to work, may I restore my service credit? Yes, you may restore your service credit if you take a lump sum benefit and return to PERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165.

(c) The provisions for restoring service credit vary according to retirement plan.

(i) If you are a member of PERS Plan 2, see RCW 41.40.625.

(ii) If you are a member of PERS Plan 3, see RCW 41.40.815.

AMENDATORY SECTION (Amending WSR 07-10-013, filed 4/20/07, effective 5/21/07)

WAC 415-108-805 What is the PERS Plan 1 minimum allowance? RCW 41.40.1984 entitles certain PERS Plan 1 retirees and beneficiaries to a minimum monthly allowance. Subsection (3) of this section provides the amount

of the minimum allowance and explains how it may be adjusted.

(1) **Do I qualify for the minimum allowance?** Except as provided in subsection (2) of this section:

(a) You qualify if your current monthly allowance, excluding any amount you receive for an additional (optional) annuity based on extra contributions, is less than the minimum allowance calculated under subsection (3) of this section, and:

(i) You have twenty-five or more years of PERS Plan 1 service credit and have been retired at least twenty years; or

(ii) You have twenty or more years of PERS Plan 1 service credit and have been retired at least twenty-five years.

(b) You qualify if you are a PERS Plan 1 member's survivor beneficiary under WAC 415-108-326 and your current monthly allowance is less than the minimum allowance calculated under subsection (3) of this section, provided:

(i) The member had twenty-five or more years of PERS Plan 1 service credit and retired at least twenty years ago; or

(ii) The member had twenty or more years of PERS Plan 1 service credit and retired at least twenty-five years ago.

(2) **Do I qualify if I receive a duty disability allowance?** You do not qualify to receive the minimum allowance provided by this rule if you are a:

(a) Retiree currently receiving a duty disability retirement allowance under RCW 41.40.220(1);

(b) Retiree currently receiving a statewide city employees' retirement system duty disability retirement allowance under RCW 41.44.170(3); or

(c) Beneficiary currently receiving an allowance under RCW 41.44.170(5).

(3) **How much is the minimum allowance in RCW 41.40.1984, and how is it adjusted?**

(a) **Minimum allowance.** The minimum allowance prior to July 1, 2006, was \$1000. On July 1, 2006, and each July 1 thereafter, the minimum allowance increases by three percent, rounded to the nearest cent.

(b) **Adjustment.** The minimum allowance in (a) of this subsection will be adjusted each July by the same factors that were otherwise used in the calculation of your monthly allowance, including, but not limited to:

(i) Early retirement;

(ii) Automatic cost-of-living (COLA) increases chosen at retirement;

(iii) Benefit option chosen at retirement (see WAC 415-108-326);

(iv) Survivor percentage. See Example 2 in this subsection.

Example 1: Bob retired in August 1986 with twenty-five years of service credit. Bob chose benefit option three, so that his wife, Betty, would receive a monthly allowance equal to 50% of his allowance after his death.

In August 2006, Bob became eligible for the minimum allowance, calculated as follows:

| | | |
|--|--|-----------------|
| Minimum allowance in August 2006 = | | \$1,030.00 |
| Minimum allowance, actuarially reduced for benefit option three | $\$1,030 \times 0.87$ ((benefit option factor based on the difference in age between Bob and Betty)) <u>This is an example of an actuarial factor for illustration purposes only. Actuarial factors periodically change.</u> = | \$896.10 |

Example 2: When Bob died in August 2009, Betty's allowance was calculated using the minimum allowance in effect on the date of Bob's death. The minimum allowance was adjusted by the same factors used to calculate Bob's allowance at retirement and also by the survivor percentage (50%) chosen when Bob retired.

| | | |
|--|--|-----------------|
| Minimum allowance in August 2009 | (includes a 3% per year increase) | \$1,125.51 |
| Actuarially reduced for benefit option three = | $\$1,125.51 \times 0.87 =$ | \$979.19 |
| Betty's adjusted minimum allowance | (50% of the allowance Bob was receiving) | \$489.60 |

~~((The tables, schedules, and factors the department currently uses to calculate benefits are located in WAC 415-02-300 through 415-02-380. However, factors have changed over time, and your minimum allowance will be adjusted using the same factors that were used to calculate your current monthly allowance.))~~

(4) **If the minimum allowance is less than my current monthly allowance, will my monthly allowance be reduced?** The department will compare the amount of the

minimum allowance calculated under subsection (3) of this section with your current monthly allowance. You will always receive the higher of the two benefits.

(5) **If I qualify for the minimum allowance, when will I begin to receive it?**

(a) If your eligibility is based on meeting the requirements of subsection (1)(a)(i) or (b)(i) of this section, and:

(i) You were eligible on July 1, 2004, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2004.

(ii) You become eligible after July 1, 2004, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(b) If your eligibility is based on meeting the requirements of subsection (1)(a)(ii) or (b)(ii) of this section, and:

(i) You were eligible on July 1, 2006, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2006.

(ii) You become eligible after July 1, 2006, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(6) **Will I receive cost-of-living adjustments (COLAs)?** You will not receive the uniform COLA (based on your years of service credit) while you are receiving the minimum allowance.

(7) **How long will I continue to receive the minimum allowance?** You will receive the minimum allowance calculated under subsection (3) of this section, for your lifetime or until your regular retirement allowance, plus COLAs and other eligible adjustments, exceeds the minimum allowance. At that time you will automatically start receiving the higher allowance.

Example:

| | Regular Allowance (including COLAs and other eligible adjustments) | Adjusted Minimum Allowance | Actual Amount Paid |
|--------------|---|------------------------------------|--|
| July 1, 2006 | \$882.38 (allowance + COLAs) | \$896.10 (\$1,030 x .87) | \$896.10 |
| July 1, 2007 | \$914.63 (\$882.38 + COLA) | \$922.98 (\$1,060.90 x .87) | \$922.98 |
| July 1, 2008 | \$946.88 (\$914.63 + COLA) | \$950.67 (\$1,092.73 x .87) | \$950.67 |
| July 1, 2009 | \$979.13 (\$946.88 + COLA) | \$979.19 (\$1,125.51 x .87) | \$979.19 |
| July 1, 2010 | \$1,011.38 (\$979.13 + COLA) | \$1,008.57 (\$1,159.28 x .87) | \$1,011.38 (reverts to regular allowance including COLAs) |

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-110-340 Actuarial (~~tables,~~) factors and schedules(~~, and factors~~). See chapter 415-02 WAC starting with WAC 415-02-300 for (~~the tables, schedules, and factors~~) information on how the department uses (~~for calculating~~) actuarial factors and schedules to calculate optional retirement allowances of members of the Washington state school employees' retirement system.

AMENDATORY SECTION (Amending WSR 05-19-014, filed 9/9/05, effective 10/10/05)

WAC 415-110-436 SERS Plans 2 and 3 disability benefits. This section covers disability benefits provided for in RCW 41.35.440 and 41.35.690 for members of SERS Plans 2 and 3. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on- or off-the-job injuries and/or illnesses. Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

(1) **Am I eligible for disability benefits?** You are eligible for a disability allowance if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other position for a SERS

employer for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) **If eligible, what will I receive as my monthly disability benefits under the standard option?**

(a) If you are a Plan 2 member, you will receive two percent times average final compensation (AFC) times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~factors and examples~~).

(b) If you are a Plan 3 member, you will receive a defined benefit of one percent times average final compensation times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for more information on early retirement (~~factors and examples~~).

(c) The degree of your disability or impairment will not impact the amount of your disability benefit.

(3) **May I choose a benefit option that provides a monthly allowance to my survivor beneficiary?** You may choose to have your benefit paid according to any of the benefit options described in WAC 415-110-326. If you choose an option with a survivor feature, your monthly benefit will be actuarially reduced to offset the cost.

(4) How do I apply?

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(i) **Part 1:** Disability retirement application. You must complete, sign and have notarized. If you are married, your spouse must sign consent of the benefit option you choose.

(ii) **Part 2:** Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return directly to the department. You are responsible for all medical expenses related to your application for benefits.

(b) When the department receives part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.

(5) What is the time limit for filing an application for disability benefits? There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

(6) If I am eligible to retire, may I still apply for disability benefits? Yes, however, there will be no difference in the dollar amount of your benefit.

(7) Once my application is approved, when will my benefit begin?

(a) You will start accruing disability benefits the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first benefit payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire ninety days after the approval date if you have not officially separated from SERS employment.

(i) If you are continuing to perform the duties of your position or another SERS position, you may reapply for disability benefits according to subsection (4) of this section if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

(8) What are my options if my application is denied?

(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.

(b) If you continue to work in a SERS position, you may reapply for disability benefits at a later time if your condition worsens.

(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.

(9) What information must be provided to the department if I am receiving disability benefits?

(a) You and your doctor must report any improvement in your condition; and

(b) You must report the name of your employer and monthly salary if you resume employment, regardless of the number of hours you work.

(10) How long will my disability benefits last? You may receive benefits throughout your lifetime, subject to the provisions of subsection (15) of this section.

(11) Are my disability benefits taxable? You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

(12) Are disability benefits subject to court or administrative orders? Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.35.100(3) or contact the department.

(13) Am I eligible for disability benefits if my disability is the result of my criminal conduct committed after April 21, 1997? No. For more information, see RCW 41.35.110.

(14) How is my disability benefit affected if I am a member of more than one retirement system? If you are a member of more than one retirement system, your benefit is governed by portability law (see chapters 41.54 RCW and 415-113 WAC). You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

(15) Is it possible to lose my disability benefits after I begin receiving them?

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive disability benefits if both of the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.35.010(4), at a comparable compensation.

(b) If you return to employment and reenter SERS membership, your benefits will cease.

(16) If I take my disability benefit in a lump sum and return to work, may I restore my service credit? Yes, you may restore your service credit if you take a lump sum benefit and return to SERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165.

(c) The provisions for restoring service credit vary according to retirement plan.

(i) If you are a member of SERS Plan 2, see RCW 41.35.410.

(ii) If you are a member of SERS Plan 3, see RCW 41.35.670.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

WAC 415-110-610 What are my retirement benefit options? Upon retirement for service under RCW 41.35.420 or 41.35.680, or for disability under RCW 41.35.440 or 41.35.690, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section.

(1) Which option will pay my beneficiary a monthly allowance after my death? Options described in subsection (2)(b) through (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) What are my benefit options?

(a) Option one: Standard allowance (no survivor feature). The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly retirement allowance will cease upon your death.

(b) Option two: Joint and whole allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) Option three: Joint and one-half allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) Option four: Joint and two-thirds allowance. The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) Do I need my spouse's consent on the option I choose? If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.35.220. If your survivor beneficiary has been designated by a dissolution order according to subsection (4) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) Can a dissolution order require that a former spouse be designated as a survivor beneficiary? Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do? Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death. Your increased monthly allowance will be:

(a) The amount you would have received had you chosen the standard allowance option at the time of retirement; plus

(b) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

Agnes retires from SERS Plan 2 in 2006. Agnes chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2011. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|---------------------------------------|--------------------|----------------------------|------------------------|-------------------------|
| 2006 | 2,000.00 | 1,750.00 | | 0.00 |
| 2007 | | 1,750.00 | .02 | 35.00 |
| 2008 | | 1,785.00 | .03 | 53.55 |
| 2009 | | 1,838.55 | .025 | 45.96 |
| 2010 | | 1,884.51 | .03 | 56.54 |
| 2011 | 2,000.00 | 1,941.05 | — | — |
| | | | Total ((COLA's)) COLAs | 191.05 |
| Original Option One Monthly Allowance | | + Total ((COLA's)) COLAs | | = New Monthly Allowance |
| \$2000 | | + \$191.05 | | = \$2,191.05* |

* In the future, Agnes's COLAs will be based on her increased monthly allowance.

(6) May I change my benefit option after retirement?

Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership for at least two years of uninterrupted service, you may choose a different retirement option upon your subsequent retirement. See RCW 41.35.060.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-01-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(~~;~~ ~~and~~

~~(v) You exercise this option one time only).~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) Plan 2 members:

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living or in existence, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living or in existence, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3 members:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.35.220.

AMENDATORY SECTION (Amending WSR 10-16-086, filed 7/30/10, effective 9/1/10)

WAC 415-111-320 May I purchase a life annuity with my Plan 3 defined contribution account? Any time after you become eligible to withdraw funds from your Plan 3 account, you may use part or all of your funds to purchase a life annuity according to this section. To purchase a Total Allocation Portfolio (TAP) Annuity that is administered by the state of Washington you must use funds that are in the Washington state investment board (WSIB) investment program. To purchase an annuity through an insurance company that is offered by the self-directed investment program, you must use funds that are in the self-directed investment program.

(1) **What is a life annuity?** A life annuity is a contract that provides a guaranteed income for the rest of your life in exchange for a lump-sum dollar amount you pay up front. The contract specifies the amount you pay to purchase the annuity, the amount you will receive each month, and any other terms and conditions.

(a) **A single life annuity** is based on your lifetime. It provides guaranteed payments for as long as you live. The payments stop upon your death.

(b) **A joint life annuity** is based on two lifetimes, yours and another person that you choose (referred to as your joint annuitant). It provides guaranteed payments to you during your lifetime, and then, if your joint annuitant survives you, to your joint annuitant for the remainder of his/her lifetime. The payments stop when both you and your joint annuitant die.

(c) **A term-certain—Single life annuity** is based on your lifetime. It provides you with regular payments for as long as you live. It also guarantees the payments for a specific, predetermined period of time (term-certain). If you die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

(d) **A term-certain—Joint life annuity** is based on two lifetimes, yours and your joint annuitant's. It provides regular payments for as long as you or your joint annuitant lives. It also guarantees those payments for a specific, predetermined period of time (term-certain). If you and your joint annuitant should both die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

Example (term-certain—Joint life annuity):

John purchased a 20-year term-certain joint life annuity. He received monthly payments until his death 10 years later. Upon John's death, Mary, John's joint annuitant, will receive payments for the duration of her life.

- If Mary lives for 5 years after John's death, upon her death the annuity will make payments to John's ben-

eficiary for 5 years, the remainder of the 20-year term.

- If Mary lives for 5 years after John's death, upon her death the annuity will make payments to John's beneficiary for 5 years, the remainder of the 20-year term.

(2) Are the life annuities offered by each investment program different? The life annuities offered through the WSIB investment program and the self-directed investment program have distinct features and options. Each program may offer some or all of the annuities described in subsection (1) of this section. Minimum purchase price, payment frequency, survivorship percentages, length of term-certain annuities, and other optional features differ between programs as well.

(3) How is the original purchase price of the life annuity determined? You will choose how much of your defined contribution funds to use as your original purchase price. The minimum purchase price depends on the type of annuity you purchase: The minimum purchase price for a TAP annuity is twenty-five thousand dollars and the minimum purchase price for an annuity through a self-directed investment program insurance company is five thousand dollars.

The minimum purchase price for a life annuity is subject to change.

(4) How are the monthly annuity payments calculated? The amount of your monthly annuity payment is based on various actuarial assumptions, including without limitation, assumptions about life expectancy and anticipated investment returns. The amount of your monthly annuity payment will vary depending on:

- (a) The original purchase price;
- (b) Your age;
- (c) The age of your joint annuitant (if any);
- (d) The survivorship percentage you select on a joint annuity (if any); and
- (e) Other features of your specific annuity, including, but not limited to, COLAs or refunds of undistributed balances upon your death.

~~(For more information about the factors used in calculating a TAP annuity, see WAC 415-02-390. For more information about the factors used in calculating an annuity through a self-directed investment program insurance company, contact the Plan 3 record keeper.)~~

(5) May I cancel my purchase of an annuity contract? Your contract will specify a period of time in which you can cancel your decision to purchase the annuity. Once the rescission period expires, your decision is irrevocable.

(6) Can the terms of the annuity be changed after the rescission period expires? You may not make any changes after the rescission period unless your annuity contract explicitly states otherwise. Some contracts allow you to make changes in specific circumstances. For instance, you may make changes to an annuity purchased through the Washington state investment board investment program only as follows:

- (a) If you name someone other than your spouse as the joint annuitant, you may convert to a single life annuity at any

time after your payments begin. This option may only be used once and is irrevocable.

(b) If you marry after purchasing a single life annuity, you may convert to a joint life annuity and name your new spouse as joint annuitant, provided that:

(i) Your monthly annuity payment is not subject to property division pursuant to a dissolution order (definition of dissolution order in RCW 41.50.500 includes orders of legal separation);

(ii) The selection is made during a one-year window on or after the date of the first anniversary and before the second anniversary of your marriage; and

(iii) You provide satisfactory proof of your new marriage and your new spouse's birth date.

(7) What are the tax consequences of a life annuity?

(a) You, your joint annuitant or your beneficiary may be liable for federal and/or state taxes on payments from your annuity in the year in which they are received. You will receive an annual statement indicating the taxable portion of your annuity payments.

(b) For a TAP annuity, if you do not submit a tax withholding Form W-4P to the department before your first payment, taxes will be withheld according to Internal Revenue Service requirements, using a filing status of married with three exemptions.

(c) The department does not:

(i) Guarantee that payments should or should not be designated as exempt from federal income tax;

(ii) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;

(iii) Represent or guarantee any particular federal or state income, payroll, personal property or other tax consequence because of the department's determination of the taxable status of a distribution; or

(iv) Assume any liability for your compliance with the Internal Revenue Code.

(8) How do I purchase a life annuity?

(a) The forms required to purchase an annuity and the applicable directions are available on the department's web site or upon request from the department, and include:

(i) Plan 3 Request for Payment of Defined Contributions Funds Form;

(ii) Plan 3 Annuity Payment Request Form;

(iii) Spousal consent form, if married;

(iv) Proof of your birth date;

(v) Proof of your joint annuitant's birth date, if applicable; and

(vi) Tax withholding Form W-4P.

(b) You may transfer funds from one investment program to the other in order to have sufficient funds in the appropriate investment program to cover the cost of the annuity purchase.

(9) What if there is an error in my contract? Carefully examine your contract upon receipt. If there is an error or omission, you must report the error or omission immediately according to the instructions in your contract.

AMENDATORY SECTION (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

WAC 415-112-040 Actuarial ~~((tables,)) factors and schedules(, and factors)~~. See chapter 415-02 WAC starting with WAC 415-02-300 for ~~((the tables, schedules, and)) information on how the department uses actuarial factors ((the department uses for calculating)) and schedules to calculate optional retirement allowances of members of the Washington state teachers' retirement system.~~

AMENDATORY SECTION (Amending WSR 10-14-112, filed 7/7/10, effective 8/7/10)

WAC 415-112-292 May I purchase TRS Plan 2 or Plan 3 service credit for public education experience gained by teaching out-of-state or for the federal government? If you earned service credit for teaching out-of-state or for the federal government, you may be eligible to purchase that public education experience as TRS service credit. The public education claimed must have been covered by a retirement or pension plan and must have been as a teacher, as defined by that retirement or pension plan.

(1) Do I qualify to purchase TRS service credit for public education experience outside of the state of Washington? You are eligible to purchase service credit under this section if you meet all the following requirements at the time of purchase:

- (a) You are employed in a TRS Plan 2 or Plan 3 eligible position;
- (b) You have at least two years of TRS service credit;
- (c) You earned the education experience service credit by teaching in a public school in another state within the United States or with the United States federal government;
- (d) The service was covered by a state, political subdivision of a state, or federal retirement plan;
- (e) You are not receiving a benefit from the other system; and
- (f) You are not eligible for an unreduced benefit from the other system.

(2) Do I qualify to purchase public education experience service credit if I am a substitute teacher? You may purchase service credit under this section if your employer is currently reporting you as an active substitute teacher and you meet the requirements in subsection (1)(b) through (f) of this section.

(3) If I purchase TRS service credit for public education experience, how may it be used? The service credit you purchase under this section will be treated the same as service credit you earn in TRS. It will be used in the calculation of your retirement allowance, to qualify for retirement or early retirement, and to meet the Plan 3 ten-year vesting requirement.

(4) What is the cost of the service credit? You must pay the actuarial value of the resulting increase in your retirement allowance. The following formula is used to calculate the cost:

$$\text{Average earnings}^1 \times \text{Years of service credit being purchased} \times \text{Actuarial factor } ((+)) = \text{Cost}$$

~~((EXAMPLE:))~~
Example:

Will is an active TRS Plan 2 member, age sixty-one, with seventeen years of service credit. If he was eligible to retire, his annual AFC would be \$50,000. He would like to purchase three years and six months of service credit for his public education experience. The cost is calculated as follows:

$$\$50,000 \times 3.5 \times ((-2151)) \text{ Actuarial factor} = ((\$37,642.50)) \text{ Cost}$$

~~((The cost for Will to purchase his service credit is \$37,642.50. Factor 1 from the actuarial table in WAC 415-02-370(3) is .2151. This is determined by finding the difference between Will's age at the time of purchase (sixty one) and age sixty five; the difference is forty eight months (four years). From the table, Factor 1 for forty eight months is .2151.)) For more information on how the department uses factors in determining the cost of purchasing service credit for public education experience, see WAC 415-02-370.~~

(5) How much TRS service credit may I purchase for out-of-state or federal public education experience? If you meet the requirements in this section, you may purchase up to seven years (eighty-four months) of TRS service credit. You may purchase service credit in one-month increments but may not purchase a partial month of service credit.

(6) May I purchase some service credit now and some at a later date? No, you may not purchase some service credit now and some at a later date. You have one opportunity to purchase service credit under this section. You may purchase service credit from more than one retirement system provided you purchase it at the same time.

(7) How do I purchase the service credit? To purchase TRS Plan 2 or Plan 3 service credit for out-of-state or federal public education experience, you must do the following:

- (a) You must complete an application provided by the department.
 - (i) You must complete, sign, and forward the application to your former retirement system(s).
 - (ii) Your former retirement system(s) must verify your service credit according to the instructions on the application.
 - (iii) If you are purchasing service credit from more than one retirement system, each retirement system must verify your service on a separate application.
 - (iv) Upon receipt of your properly completed application, the department will bill you for the service credit using

the formula in subsection (4) of this section; the department will set a due date for the payment.

(b) You must make payment in full by the due date. If your payment is not received by the due date, your bill will become null and void. You may request a new bill from the department at a later date and it will reflect factors in effect at that time.

(i) You may make direct payment with either a personal or cashier's check. It may be possible to transfer funds from another eligible retirement account to pay your bill. However, DRS cannot accept funds in excess of the cost to make your purchase. You are advised to check with the administrator of your account to see if you can transfer those dollars.

(ii) Your employer may, at its option, pay some or all of the cost of the service credit.

(iii) If you are a Plan 2 member, your payment will be placed in your member account.

(iv) If you are a Plan 3 member, fifty percent of your payment will be placed in your defined contribution account and fifty percent will be placed in the trust fund from which your retirement allowance will be paid.

(8) Do I need to give up my right to a benefit from my previous retirement system for the service credit I purchase in TRS? No, you do not need to give up your right to a benefit from your previous retirement system for the service credit you purchase in TRS. At the time you purchase TRS service credit, you only need to prove that you are not currently receiving a benefit from your previous system and that you are not currently eligible for an unreduced benefit. Your previous retirement system will be required to verify this information on your application.

(9) May I purchase public education experience service credit to add to my TRS service credit and also use out-of-state teaching service credit to qualify for early retirement? Yes, you may purchase public education experience to add to your TRS service credit and/or use out-of-state teaching to qualify for early retirement. However, you may not use the same out-of-state service for both programs. Please see WAC 415-112-295. For example, if you have seven years of eligible out-of-state service credit, you may purchase five years to increase your TRS service credit and use the remaining two years to qualify for early retirement.

¹ Up to sixty months of service credit will be used in determining your average earnings; for this formula, average earnings is the amount your average final compensation (AFC) would be if you retired on the date of the service credit purchase.

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

WAC 415-112-504 What are the benefit options for Plan 1 members? Upon retirement from Plan 1 for service under RCW 41.32.480 or disability under RCW 41.32.550 (1)(c), you must choose to have your retirement allowance paid to you by one of the options described in this section. You may also select an optional supplemental cost-of-living (COLA) adjustment.

(1) May I withdraw any of my contributions? You may withdraw some or all of your accumulated contributions as follows:

(a) If you retire according to the provisions of RCW 41.32.498, you may withdraw some or all of your accumulated contributions at the time of retirement. Your monthly retirement allowance will be actuarially reduced according to the amount you withdraw.

(b) If you terminate service due to a disability under the conditions of RCW 41.32.550 (1)(a), you may withdraw all your accumulated contributions in a lump sum payment. You will receive no monthly retirement allowance.

(2) Which option will pay my beneficiary a monthly allowance after my death? Options described in subsection (3)(c) through (e) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(3) What are my benefit options?

(a) **Maximum benefit allowance (no survivor feature).** The department will pay you the maximum benefit allowed by statute. Under this option you will receive a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death, and any remaining balance of accumulated contributions will be:

(i) Retained by the retirement fund if you retired for service under RCW 41.32.497 or 41.32.498; or

(ii) Paid according to subsection (9) of this section if you retired because of disability and were receiving a monthly retirement allowance under RCW 41.32.550 (1)(c).

(b) **Option one: Standard allowance for service retirement (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death, and any remaining balance of accumulated contributions will be paid according to subsection (9) of this section.

(i) This benefit option has a lower monthly allowance than the **maximum benefit allowance** in (a) of this subsection because, with this option, any remaining accumulated contributions will be paid to your beneficiaries upon your death.

(ii) If you are retiring because of disability under RCW 41.32.550 (1)(c), you will not benefit from this option because your beneficiaries will receive any remaining accumulated contributions under the maximum benefit allowance in (a) of this subsection.

(c) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(d) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance

equal to one-half of the gross monthly retirement allowance you were receiving.

(e) **Option four: Joint and two-thirds allowance** (available to members retiring on or after January 1, 1996). The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(4) **Do I need my spouse's consent on the option I choose?** If you are married, you must provide your spouse's notarized signature indicating consent to the retirement option you select. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.32.530(2). If your survivor beneficiary has been designated by a dissolution order according to subsection (5) of this section, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(5) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(6) **What is the supplemental COLA option?** In addition to choosing a retirement benefit option described in subsection (3) of this section, you may choose a supplemental annual COLA. If you select this option, your monthly retirement allowance will be actuarially reduced to offset the cost of this benefit.

(7) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996:** Your increased monthly allowance will be:

- (i) The amount you would have received had you chosen the maximum benefit at the time of retirement;
- (ii) Minus any reduction in the maximum allowance resulting from a withdrawal of contributions;
- (iii) Plus any COLAs you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

Lucinda retires from TRS Plan 1 in 1996. Lucinda withdraws some of her contributions, which actuarially reduces her maximum monthly allowance from \$2,000 to \$1,963.86. She chooses a benefit option with a survivor feature, and names Garth, her husband, as her survivor beneficiary. As a result, Lucinda's monthly allowance is further reduced from \$1,963.86 to \$1,846.03. Garth dies in January 2001. Lucinda's monthly allowance will increase to \$1,963.86, the amount she would have received had she chosen the maximum benefit option (after reduction for her withdrawals). The total amount of the COLAs she received (based on her prior monthly allowance) will be added to the \$1,963.86.

(b) **Members who retired before January 1, 1996:** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.32.530(3).

(8) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the maximum benefit option or the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department; and

(iv) You provide proof of your current spouse's birth date(=and

~~(v) You exercise this option one time only).~~

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(9) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the annuity payments paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid according to this subsection.

(i) Except as provided in (a)(ii) of this subsection, any remaining balance will be paid to the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(ii) If you retired for service and chose the maximum benefit option, any remaining balance will be retained by the retirement fund.

(b) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid to the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(10) For more information, see RCW 41.32.530 and 41.32.550.

AMENDATORY SECTION (Amending WSR 08-10-025, filed 4/25/08, effective 5/26/08)

WAC 415-112-505 What are the benefit options for Plan 2 and 3 members? Upon retirement for service under RCW 41.32.765 or 41.32.875, or disability under RCW

((415-112-790)) 41.32.790 or ((415-112-880)) 41.32.880, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(b), (c), and (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. ~~((The factors used to determine the amount of the reduction are in))~~ See WAC 415-02-380 for more information on how your monthly allowance is affected by choosing a survivor feature.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance for service retirement (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance** (available to members retiring on or after January 1, 1996). The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must submit your spouse's notarized signature indicating consent to the retirement option you selected. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.32.785(2) and 41.32.851(2). If your survivor beneficiary has been designated by a dissolution order under RCW 41.50.790, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996:** Your increased monthly allowance will be:

- (i) The amount you would have received had you chosen the standard allowance option; plus
- (ii) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

Agnes retires from TRS Plan 2 in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes's monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2001. Agnes's monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

| Year | Standard Allowance | Survivor Option plus COLAs | COLA incr. (3% max) | \$ Increase |
|----------------------------|--------------------|----------------------------|---------------------|-------------------------|
| 1996 | 2,000.00 | 1,750.00 | | 0.00 |
| 1997 | | 1,750.00 | .02 | 35.00 |
| 1998 | | 1,785.00 | .03 | 53.55 |
| 1999 | | 1,838.55 | .025 | 45.96 |
| 2000 | | 1,884.51 | .03 | 56.54 |
| 2001 | 2,000.00 | 1,941.05 | — | — |
| | | | Total COLAs | 191.05 |
| Original Monthly Allowance | | + Total COLAs | | = New Monthly Allowance |
| \$2000 | | + \$191.05 | | = \$2,191.05* |

* In the future, Agnes's COLA will be based on her increased monthly allowance.

(b) **Members who retired before January 1, 1996:** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.32.785(3).

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

- (i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department;

(iv) You provide proof of your current spouse's birth date; and

(v) You exercise this option one time only.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) Who will receive the balance of my accumulated contributions, if any, after my death?

(a) Plan 2:

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.32.785 and 41.32.790 (Plan 2) and RCW 41.32.851 (Plan 3).

Example 1: Bob retired in August 1986 with twenty-five years of service credit. Bob chose benefit option three, so that his wife, Betty, would receive a monthly allowance equal to 50% of his allowance after his death. In August 2006, Bob became eligible for the minimum allowance, calculated as follows:

| | | |
|--|---|-----------------|
| Minimum allowance in August 2006 = | | \$1,030.00 |
| Minimum allowance, actuarially reduced for benefit option three | $\$1,030 \times 0.87$ (((benefit option factor based on the difference in age between Bob and Betty)) This is an example of an actuarial factor for illustration purposes only. Actuarial factors periodically change.) = | \$896.10 |

AMENDATORY SECTION (Amending WSR 07-10-013, filed 4/20/07, effective 5/21/07)

WAC 415-112-555 What is the TRS Plan 1 minimum allowance? RCW 41.32.4851 entitles certain TRS Plan 1 retirees and beneficiaries to a minimum monthly allowance. Subsection (3) of this section provides the amount of the minimum allowance and explains how it may be adjusted.

(1) Do I qualify for the minimum allowance? Except as provided in subsection (2) of this section:

(a) You qualify if your current monthly allowance, excluding any amount you receive for an additional (optional) annuity based on extra contributions, is less than the minimum allowance calculated under subsection (3) of this section, and:

(i) You have twenty-five or more years of TRS Plan 1 service credit and have been retired at least twenty years; or

(ii) You have twenty or more years of TRS Plan 1 service credit and have been retired at least twenty-five years.

(b) You qualify if you are a TRS Plan 1 member's survivor beneficiary under WAC 415-112-504 and your current monthly allowance is less than the minimum allowance calculated under subsection (3) of this section, provided:

(i) The member had twenty-five or more years of TRS Plan 1 service credit and retired at least twenty years ago; or

(ii) The member had twenty or more years of TRS Plan 1 service credit and retired at least twenty-five years ago.

(2) Do I qualify if I am receiving a temporary disability benefit? You do not qualify to receive the minimum allowance provided by this rule if you are currently receiving a temporary disability benefit under RCW 41.32.540.

(3) How much is the minimum allowance in RCW 41.32.4851, and how is it adjusted?

(a) **Minimum allowance.** The minimum allowance prior to July 1, 2006, was \$1000. On July 1, 2006, and each July 1 thereafter, the minimum allowance increases by three percent, rounded to the nearest cent.

(b) **Adjustment.** The minimum allowance in (a) of this subsection will be adjusted each July by the same factors that were otherwise used in the calculation of your monthly allowance, including, but not limited to:

(i) Annuity withdrawal;

(ii) Early retirement;

(iii) Automatic cost-of-living (COLA) increases chosen at retirement;

(iv) Joint survivor option chosen at retirement;

(v) Survivor percentage. See Example 2 in this subsection.

Example 2: When Bob died in August 2009, Betty's allowance was calculated using the minimum allowance in effect on the date of Bob's death. The minimum allowance was adjusted by the same factors used to calculate Bob's allowance at retirement and also by the survivor percentage (50%) chosen when Bob retired.

| | | |
|--|--|-----------------|
| Minimum allowance in August 2009 | (includes a 3% per year increase) | \$1,125.51 |
| Actuarially reduced for benefit option three = | \$1,125.51 x 0.87 = | \$979.19 |
| Betty's adjusted minimum allowance | (50% of the allowance Bob was receiving) | \$489.60 |

~~((The tables, schedules, and factors the department currently uses to calculate benefits are located in WAC 415-02-300 through 415-02-380. However, factors have changed over time, and your minimum allowance will be adjusted using the same factors that were used to calculate your current monthly allowance.))~~

(4) **If the minimum allowance is less than my current monthly allowance, will my monthly allowance be reduced?** The department will compare the amount of the minimum allowance calculated under subsection (3) of this section with your current monthly allowance. You will always receive the higher of the two benefits.

(5) **If I qualify for the minimum allowance, when will I begin to receive it?**

(a) If your eligibility is based on meeting the requirements of subsection (1)(a)(i) or (b)(i) of this section, and:

(i) You were eligible on July 1, 2004, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2004.

(ii) You become eligible after July 1, 2004, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(b) If your eligibility is based on meeting the requirements of subsection (1)(a)(ii) or (b)(ii) of this section, and:

(i) You were eligible on July 1, 2006, you began receiving the minimum allowance in effect at that time, in lieu of your regular monthly allowance, in July 2006.

(ii) You become eligible after July 1, 2006, you will begin receiving the minimum allowance, in lieu of your regular monthly allowance, the month in which you qualify.

(6) **Will I receive cost-of-living adjustments (COLAs)?** You will not receive the uniform COLA (based on your years of service credit) while you are receiving the minimum allowance.

(7) **How long will I continue to receive the minimum allowance?** You will receive the minimum allowance calculated under subsection (3) of this section for your lifetime or until your regular retirement allowance, plus COLAs and other eligible adjustments, exceeds your minimum allowance. At that time you will automatically start receiving the higher benefit.

Example:

| | Regular Allowance (including COLAs and other eligible adjustments) | Adjusted Minimum Allowance | Actual Amount Paid |
|--------------|---|---------------------------------------|--|
| July 1, 2006 | \$882.38 (allowance + COLAs) | \$896.10 (\$1,030 x .87) | \$896.10 |
| July 1, 2007 | \$914.63 (\$882.38 + COLA) | \$922.98 (\$1,060.90 x .87) | \$922.98 |
| July 1, 2008 | \$946.88 (\$914.63 + COLA) | \$950.67 (\$1,092.73 x .87) | \$950.67 |
| July 1, 2009 | \$979.13 (\$946.88 + COLA) | \$979.19 (\$1,125.51 x .87) | \$979.19 |
| July 1, 2010 | \$1,011.38 (\$979.13 + COLA) | \$1,008.57 (\$1,159.28 x .87) | \$1,011.38 (reverts to regular allowance including COLAs) |

WSR 13-18-035
PERMANENT RULES
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed August 28, 2013, 10:39 a.m., effective September 28, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The health care authority has concluded that implementing a drug formulary for fee-for-service medicaid

client[s] who remain after the transition of SSI clients to managed care is not the most effective use of state resources at this time.

Citation of Existing Rules Affected by this Order: Repealing WAC 182-530-2200 and 182-530-2300; and amending WAC 182-501-0160, 182-530-1050, 182-530-2100, and 182-531-0100.

Statutory Authority for Adoption: RCW 41.05.021.

Adopted under notice filed as WSR 13-15-102 on July 22, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 2.

Date Adopted: August 28, 2013.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

WAC 182-501-0160 Exception to rule—Request for a noncovered health care service. A client and/or the client's provider may request the medicaid agency or its designee to pay for a noncovered health care service. This is called an exception to rule (ETR). ~~((ETR does not apply to nonformulary drugs (see WAC 182-530-2300).))~~

(1) The agency or its designee cannot approve an exception to rule if the requested service is excluded under state statute.

(2) The item or service(s) for which an exception is requested must be of a type and nature which falls within accepted standards and precepts of good medical practice;

(3) All exception requests must represent cost-effective utilization of medical assistance program funds as determined by the agency or its designee;

(4) A request for an exception to rule must be submitted to the agency or its designee in writing within ninety days of the date of the written notification denying authorization for the noncovered service. For the agency or its designee to consider the exception to rule request:

(a) The client and/or the client's health care provider must submit sufficient client-specific information and documentation to the agency's medical director or designee which demonstrate the client's clinical condition is so different from the majority that there is no equally effective, less costly covered service or equipment that meets the client's need(s).

(b) The client's health care professional must certify that medical treatment or items of service which are covered under the client's medical assistance program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition; or

(ii) Inappropriate for that specific client.

(5) Within fifteen business days of receiving the request, the agency or its designee sends written notification to the provider and the client:

(a) Approving the exception to rule request;

(b) Denying the exception to rule request; or

(c) Requesting additional information.

(i) The additional information must be received by the agency or its designee within thirty days of the date the information was requested.

(ii) The agency or its designee approves or denies the exception to rule request within five business days of receiving the additional information.

(iii) If the requested information is insufficient or not provided within thirty days, the agency or its designee denies the exception to rule request.

(6) The agency's medical director or designee evaluates and considers requests on a case-by-case basis. The agency's medical director has final authority to approve or deny a request for exception to rule.

(7) Clients do not have a right to a fair hearing on exception to rule decisions.

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

WAC 182-530-1050 Definitions. In addition to the definitions and abbreviations found in chapter 182-500 WAC, Medical definitions, the following definitions apply to this chapter.

"Active ingredient" - The chemical component of a drug responsible for a drug's prescribed/intended therapeutic effect. The medicaid agency or its designee limits coverage of active ingredients to those with an eleven-digit national drug code (NDC) and those specifically authorized by the agency or its designee.

"Actual acquisition cost (AAC)" - The net cost a provider paid for a drug, device, or drug-related supply marketed in the package size purchased. The AAC includes discounts, rebates, charge backs and other adjustments to the price of the drug, device or drug-related supply, but excludes dispensing fees.

"Administer" - Includes the direct application of a prescription drug or device by injection, insertion, inhalation, ingestion, or any other means, to the body of a patient by a practitioner, or at the direction of the practitioner.

"Appointing authority" - For the evidence-based prescription drug program of the participating agencies in the state-operated health care programs, the following persons acting jointly: The director of the health care authority (HCA), the secretary of the department of social and health services (DSHS), and the director of the department of labor and industries (L&I).

"Automated authorization" - Adjudication of claims using submitted NCPDP data elements or claims history to verify that the medicaid agency's or its designee's authorization requirements have been satisfied without the need for the medicaid agency or its designee to request additional clinical information.

"Automated maximum allowable cost (AMAC)" - The rate established by the medicaid agency or its designee

for a multiple-source drug that is not on the maximum allowable cost (MAC) list and that is designated by two or more products at least one of which must be under a federal drug rebate contract.

"Average manufacturer price (AMP)" - The average price paid to a manufacturer by wholesalers for drugs distributed to retail pharmacies.

"Average sales price (ASP)" - The weighted average of all nonfederal sales to wholesalers net of charge backs, discounts, rebates, and other benefits tied to the purchase of the drug product, whether it is paid to the wholesaler or the retailer.

"Average wholesale price (AWP)" - The average price of a drug product that is calculated from wholesale list prices nationwide at a point in time and reported to the medicaid agency or its designee by the agency's drug file contractor.

"Combination drug" - A commercially available drug including two or more active ingredients.

"Compendia of drug information" includes the following:

(1) The American Hospital Formulary Service Drug Information;

(2) The United States Pharmacopeia Drug Information; and

(3) DRUGDEX Information System.

"Compounding" - The act of combining two or more active ingredients or adjusting therapeutic strengths in the preparation of a prescription.

"Deliver or delivery" - The transfer of a drug or device from one person to another.

"Dispense as written (DAW)" - An instruction to the pharmacist forbidding substitution of a generic drug or a therapeutically equivalent product for the specific drug product prescribed.

"Dispensing fee" - The fee the medicaid agency or its designee sets to pay pharmacy providers for dispensing agency-covered prescriptions. The fee is the agency's maximum reimbursement for expenses involved in the practice of pharmacy and is in addition to the agency's reimbursement for the costs of covered ingredients.

"Drug evaluation matrix" - The criteria-based scoring sheet used to objectively and consistently evaluate the food and drug administration (FDA) approved drugs to determine drug coverage status.

"Drug file" - A list of drug products, pricing and other information provided to the medicaid agency or its designee and maintained by a drug file contractor.

"Drug file contractor" - An entity which has been contracted to provide regularly updated information on drugs, devices, and drug-related supplies at specified intervals, for the purpose of pharmaceutical claim adjudication. Information is provided specific to individual national drug codes, including product pricing.

"Drug rebates" - Reimbursements provided by pharmaceutical manufacturers to state medicaid programs under the terms of the manufacturers' agreements with the Department of Health and Human Services (DHHS).

"Drug-related supplies" - Nondrug items necessary for the administration, delivery, or monitoring of a drug or drug regimen.

"Drug use review (DUR)" - A review of covered outpatient drug use that assures prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"Effectiveness" - The extent to which a given intervention is likely to produce beneficial results for which it is intended in ordinary circumstances.

"Efficacy" - The extent to which a given intervention is likely to produce beneficial effects in the context of the research study.

"Emergency kit" - A set of limited pharmaceuticals furnished to a nursing facility by the pharmacy that provides prescription dispensing services to that facility. Each kit is specifically set up to meet the emergency needs of each nursing facility's client population and is for use during those hours when pharmacy services are unavailable.

"Endorsing practitioner" - A practitioner who has reviewed the Washington preferred drug list (PDL) and has enrolled with the health care authority (HCA), agreeing to allow therapeutic interchange (substitution) of a preferred drug for any nonpreferred drug in a given therapeutic class on the Washington PDL.

"Estimated acquisition cost (EAC)" - The medicaid agency's estimate of the price providers generally and currently pay for a drug marketed or sold by a particular manufacturer or labeler.

"Evidence-based" and **"evidenced-based medicine (EBM)"** - The application of a set of principles and a method for the review of well-designed studies and objective clinical data to determine the level of evidence that proves to the greatest extent possible, that a health care service is safe, effective and beneficial when making population-based coverage policies or individual medical necessity decisions.

"Evidence-based practice center" - A research organization that has been designated by the Agency for Healthcare Research and Quality (AHRQ) of the U.S. government to conduct systematic reviews of all the evidence to produce evidence tables and technology assessments to guide health care decisions.

"Federal upper limit (FUL)" - The maximum allowable reimbursement set by the Centers for Medicare and Medicaid Services (CMS) for a multiple-source drug.

~~**"Formulary"** - All drugs covered under WAC 182-530-2000 and not removed from the formulary by the DUR board (see WAC 182-530-2200).~~

~~**"Formulary drug"** - A drug covered under WAC 182-530-2000 and not removed from the formulary by the DUR board with respect to the treatment of a specific disease or condition for an identified population (see WAC 182-530-2200-))~~

"Four brand name prescriptions per calendar month limit" - The maximum number of paid prescription claims for brand name drugs that the medicaid agency or its designee allows for each client in a calendar month without a complete review of the client's drug profile.

"Generic drug" - A nonproprietary drug that is required to meet the same bioequivalency tests as the original brand name drug.

"Inactive ingredient" - A drug component that remains chemically unchanged during compounding but serves as the:

(1) Necessary vehicle for the delivery of the therapeutic effect; or

(2) Agent for the intended method or rate of absorption for the drug's active therapeutic agent.

"Ingredient cost" - The portion of a prescription's cost attributable to the covered drug ingredients or chemical components.

"Innovator multiple source drug" - As set forth in Section 1927 (k)(7)(A)(ii) of the Social Security Act, includes all covered outpatient drugs approved under a new drug application (NDA), product license approval (PLA), establishment license approval (ELA), or antibiotic drug approval (ADA). A covered outpatient drug marketed by a cross-licensed producer or distributor under the approved new drug application will be included as an innovator multiple source drug when the drug product meets this definition.

"Less than effective drug" or **"DESI"** - A drug for which:

(1) Effective approval of the drug application has been withdrawn by the Food and Drug Administration (FDA) for safety or efficacy reasons as a result of the drug efficacy study implementation (DESI) review; or

(2) The secretary of the Department of Health and Human Services (DHHS) has issued a notice of an opportunity for a hearing under section 505(e) of the federal Food, Drug, and Cosmetic Act on a proposed order of the secretary to withdraw approval of an application for such drug under such section because the secretary has determined the drug is less than effective for some or all conditions of use prescribed, recommended, or suggested in its labeling.

"Long-term therapy" - A drug regimen a client receives or will receive continuously through and beyond ninety days.

"Maximum allowable cost (MAC)" - The maximum amount that the medicaid agency or its designee reimburses for a drug, device, or drug-related supply.

"Medically accepted indication" - Any use for a covered outpatient drug:

(1) Which is approved under the federal Food, Drug, and Cosmetic Act; or

(2) The use of which is supported by one or more citations included or approved for inclusion in any of the compendia of drug information, as defined in this chapter.

"Modified unit dose delivery system" (also known as blister packs or "bingo/punch cards") - A method in which each patient's medication is delivered to a nursing facility:

(1) In individually sealed, single dose packages or "blisters"; and

(2) In quantities for one month's supply, unless the prescriber specifies a shorter period of therapy.

"Multiple-source drug" - A drug marketed or sold by:

(1) Two or more manufacturers or labelers; or

(2) The same manufacturer or labeler:

(a) Under two or more different proprietary names; or

(b) Under a proprietary name and a generic name.

"National drug code (NDC)" - The eleven-digit number the FDA and manufacturer or labeler assigns to a pharmaceutical product and attaches to the product container at the time of packaging. The NDC is composed of digits in 5-4-2 groupings. The first five digits comprise the labeler code

assigned to the manufacturer by the Food and Drug Administration (FDA). The second grouping of four digits is assigned by the manufacturer to describe the ingredients, dose form, and strength. The last grouping of two digits describes the package size.

"Noncontract drugs" - Are drugs manufactured or distributed by manufacturers/labelers who have not signed a drug rebate agreement with the federal Department of Health and Human Services.

~~("Nonformulary drug" - A drug:~~

~~(a) Removed from the formulary by the DUR board with respect to treatment of a specific disease or condition for an identified population (see WAC 182-530-2200);~~

~~(b) Prescribed for the treatment of the specific disease or condition identified in (a) of this definition nonformulary drug;~~

~~(c) Prescribed for a client in the identified population in (a) of this definition nonformulary drug; and~~

~~(d) Included on the agency's nonformulary list with a written explanation of the basis for the drug's removal from the formulary.~~

~~**"Nonformulary justification"** or **"NFJ"** - See WAC 182-530-2300.~~

~~**"Nonformulary list"** - The agency's list of nonformulary drugs and the reasons for removal from the formulary by the DUR board.)~~

"Nonpreferred drug" - A drug that has not been selected as a preferred drug within the therapeutic class(es) of drugs on the preferred drug list.

"Obsolete NDC" - A national drug code replaced or discontinued by the manufacturer or labeler.

"Over-the-counter (OTC) drugs" - Drugs that do not require a prescription before they can be sold or dispensed.

"Peer reviewed medical literature" - A research study, report, or findings regarding the specific use of a drug that has been submitted to one or more professional journals, reviewed by experts with appropriate credentials, and subsequently published by a reputable professional journal. A clinical drug study used as the basis for the publication must be a double blind, randomized, placebo or active control study.

"Pharmacist" - A person licensed in the practice of pharmacy by the state in which the prescription is filled.

"Pharmacy" - Every location licensed by the state board of pharmacy in the state where the practice of pharmacy is conducted.

"Pharmacy and therapeutic (P&T) committee" - The independent Washington state committee created by RCW 41.05.021 (1)(a)(iii) and 70.14.050. At the election of the medicaid agency or its designee, the committee may serve as the drug use review board provided for in WAC 182-530-4000.

"Point-of-sale (POS)" - A pharmacy claims processing system capable of receiving and adjudicating claims online.

"Practice of pharmacy" - The practice of and responsibility for:

(1) Accurately interpreting prescription orders;

(2) Compounding drugs;

(3) Dispensing, labeling, administering, and distributing of drugs and devices;

(4) Providing drug information to the client that includes, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices;

(5) Monitoring of drug therapy and use;

(6) Proper and safe storage of drugs and devices;

(7) Documenting and maintaining records;

(8) Initiating or modifying drug therapy in accordance with written guidelines or protocols previously established and approved for a pharmacist's practice by a practitioner authorized to prescribe drugs; and

(9) Participating in drug use reviews and drug product selection.

"Practitioner" - An individual who has met the professional and legal requirements necessary to provide a health care service, such as a physician, nurse, dentist, physical therapist, pharmacist or other person authorized by state law as a practitioner.

"Preferred drug" - Drug(s) of choice within a selected therapeutic class that are selected based on clinical evidence of safety, efficacy, and effectiveness.

"Preferred drug list (PDL)" - The medicaid agency's list of drugs of choice within selected therapeutic drug classes.

"Prescriber" - A physician, osteopathic physician/surgeon, dentist, nurse, physician assistant, optometrist, pharmacist, or other person authorized by law or rule to prescribe drugs. See WAC 246-863-100 for pharmacists' prescriptive authority.

"Prescription" - An order for drugs or devices issued by a practitioner authorized by state law or rule to prescribe drugs or devices, in the course of the practitioner's professional practice, for a legitimate medical purpose.

"Prescription drugs" - Drugs required by any applicable federal or state law or regulation to be dispensed by prescription only or that are restricted to use by practitioners only.

"Prospective drug use review (Pro-DUR)" - A process in which a request for a drug product for a particular client is screened, before the product is dispensed, for potential drug therapy problems.

"Reconstitution" - The process of returning a single active ingredient, previously altered for preservation and storage, to its approximate original state. Reconstitution is not compounding.

"Retrospective drug use review (Retro-DUR)" - The process in which drug utilization is reviewed on an ongoing periodic basis to identify patterns of fraud, abuse, gross overuse, or inappropriate or not medically necessary care.

"Risk/benefit ratio" - The result of assessing the side effects of a drug or drug regimen compared to the positive therapeutic outcome of therapy.

"Single source drug" - A drug produced or distributed under an original new drug application approved by the Food and Drug Administration (FDA).

"Substitute" - To replace a prescribed drug, with the prescriber's authorization, with:

(1) An equivalent generic drug product of the identical base or salt as the specific drug product prescribed; or

(2) A therapeutically equivalent drug other than the identical base or salt.

"Systematic review" - A specific and reproducible method to identify, select, and appraise all the studies that meet minimum quality standards and are relevant to a particular question. The results of the studies are then analyzed and summarized into evidence tables to be used to guide evidence-based decisions.

"Terminated NDC" - An eleven-digit national drug code (NDC) that is discontinued by the manufacturer for any reason. The NDC may be terminated immediately due to health or safety issues or it may be phased out based on the product's shelf life.

"Therapeutic alternative" - A drug product that contains a different chemical structure than the drug prescribed, but is in the same pharmacologic or therapeutic class and can be expected to have a similar therapeutic effect and adverse reaction profile when administered to patients in a therapeutically equivalent dosage.

"Therapeutic class" - A group of drugs used for the treatment, remediation, or cure of a specific disorder or disease.

"Therapeutic interchange" - To dispense a therapeutic alternative to the prescribed drug when an endorsing practitioner who has indicated that substitution is permitted, prescribes the drug. See therapeutic interchange program (TIP).

"Therapeutic interchange program (TIP)" - The process developed by participating state agencies under RCW 69.41.190 and 70.14.050, to allow prescribers to endorse a Washington preferred drug list, and in most cases, requires pharmacists to automatically substitute a preferred, equivalent drug from the list.

"Therapeutically equivalent" - Drug products that contain different chemical structures but have the same efficacy and safety when administered to an individual, as determined by:

(1) Information from the Food and Drug Administration (FDA);

(2) Published and peer-reviewed scientific data;

(3) Randomized controlled clinical trials; or

(4) Other scientific evidence.

"Tiered dispensing fee system" - A system of paying pharmacies different dispensing fee rates, based on the individual pharmacy's total annual prescription volume and/or the drug delivery system used.

"True unit dose delivery" - A method in which each patient's medication is delivered to the nursing facility in quantities sufficient only for the day's required dosage.

"Unit dose drug delivery" - True unit dose or modified unit dose delivery systems.

"Usual and customary charge" - The fee that the provider typically charges the general public for the product or service.

"Washington preferred drug list (Washington PDL)" - The list of drugs selected by the appointing authority to be used by applicable state agencies as the basis for purchase of drugs in state-operated health care programs.

"Wholesale acquisition cost" - The price paid by a wholesaler for drugs purchased from a manufacturer.

AMENDATORY SECTION (Amending WSR 12-18-062, filed 8/31/12, effective 10/1/12)

WAC 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies. (1) The medicaid agency does not cover:

- (a) A drug that is:
 - (i) Not approved by the Food and Drug Administration (FDA); or
 - (ii) Prescribed for a nonmedically accepted indication, including diagnosis, dose, or dosage schedule that is not evidenced-based.
- (b) A drug prescribed:
 - (i) For weight loss or gain;
 - (ii) For infertility, frigidity, impotency;
 - (iii) For sexual or erectile dysfunction;
 - (iv) For cosmetic purposes or hair growth; or
 - (v) For treatment of cough or cold symptoms, except as listed in WAC 182-530-2000 (1)(i).
- (c) Drugs used to treat sexual or erectile dysfunction, in accordance with section 1927 (d)(2)(K) of the Social Security Act, unless such drugs are used to treat a condition other than sexual or erectile dysfunction, and these uses have been approved by the Food and Drug Administration.
- (d) Drugs listed in the federal register as "less-than-effective" ("DESI" drugs) or which are identical, similar, or related to such drugs.
- (e) Outpatient drugs for which the manufacturer requires as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or manufacturer's designee.
- (f) A product:
 - (i) With an obsolete national drug code (NDC) for more than two years;
 - (ii) With a terminated NDC;
 - (iii) Whose shelf life has expired; or
 - (iv) Which does not have an eleven-digit NDC.
- (g) Over-the-counter (OTC) drugs, vitamins, and minerals, except as allowed under WAC 182-530-2000 (1)(i).
- (h) Any drug regularly supplied by other public agencies as an integral part of program activity (e.g., immunization vaccines for children).
- (i) Free pharmaceutical samples.
- (j) Over-the-counter or prescription drugs to promote smoking cessation unless the client is eighteen years old or older and participating in a medicaid agency-approved cessation program.
- ~~((k) A nonformulary drug except as allowed by WAC 182-530-2300(4).))~~
- (2) A noncovered drug can be requested(~~(=~~
 - ~~(a) As described in WAC 182-530-2300 for a nonformulary drug; or~~
 - ~~(b)) through the exception to rule process as described in WAC 182-501-0160 ((for all other noncovered drugs)).~~
- (3) If a noncovered drug is prescribed through the early and periodic screening, diagnosis, and treatment (EPSDT) process, an authorization request may be submitted indicating that the request is EPSDT related, and the request will be evaluated according to the process in WAC 182-501-0165. (See WAC 182-534-0100 for EPSDT rules).

AMENDATORY SECTION (Amending WSR 13-04-095, filed 2/6/13, effective 3/9/13)

WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative. (1) The medicaid agency covers health care services, equipment, and supplies listed in this chapter, according to agency rules and subject to the limitations and requirements in this chapter, when they are:

- (a) Within the scope of an eligible client's medical assistance program. Refer to WAC 182-501-0060 and 182-501-0065; and
- (b) Medically necessary as defined in WAC 182-500-0070.
- (2) The agency evaluates a request for a service that is in a covered category under the provisions of WAC 182-501-0065.
- (3) The agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC 182-501-0169.
- (4) The agency covers the following physician-related services and health care professional services, subject to the conditions in subsections (1), (2), and (3) of this section:
 - (a) Allergen immunotherapy services;
 - (b) Anesthesia services;
 - (c) Dialysis and end stage renal disease services (refer to chapter 182-540 WAC);
 - (d) Emergency physician services;
 - (e) ENT (ear, nose, and throat) related services;
 - (f) Early and periodic screening, diagnosis, and treatment (EPSDT) services (refer to WAC 182-534-0100);
 - (g) Reproductive health services (refer to chapter 182-532 WAC);
 - (h) Hospital inpatient services (refer to chapter 182-550 WAC);
 - (i) Maternity care, delivery, and newborn care services (refer to chapter 182-533 WAC);
 - (j) Office visits;
 - (k) Vision-related services (refer to chapter 182-544 WAC for vision hardware for clients twenty years of age and younger);
 - (l) Osteopathic treatment services;
 - (m) Pathology and laboratory services;
 - (n) Physiatry and other rehabilitation services (refer to chapter 182-550 WAC);
 - (o) Foot care and podiatry services (refer to WAC 182-531-1300);
 - (p) Primary care services;
 - (q) Psychiatric services, provided by a psychiatrist;
 - (r) Psychotherapy services for children as provided in WAC 182-531-1400;
 - (s) Pulmonary and respiratory services;
 - (t) Radiology services;
 - (u) Surgical services;
 - (v) Cosmetic, reconstructive, or plastic surgery, and related services and supplies to correct physiological defects from birth, illness, or physical trauma, or for mastectomy reconstruction for post cancer treatment;
 - (w) Oral health care services for emergency conditions for clients twenty-one years of age and older, except for cli-

ents of the division of developmental disabilities (refer to WAC 182-531-1025); and

(x) Other outpatient physician services.

(5) The agency covers physical examinations for medical assistance clients only when the physical examination is one or more of the following:

(a) A screening exam covered by the EPSDT program (see WAC 182-534-0100);

(b) An annual exam for clients of the division of developmental disabilities; or

(c) A screening pap smear, mammogram, or prostate exam.

(6) By providing covered services to a client eligible for a medical assistance program, a provider who meets the requirements in WAC 182-502-0005(3) accepts the agency's rules and fees which includes federal and state law and regulations, billing instructions, and agency issuances.

~~((7) Outpatient drugs are not subject to the rules in this chapter. For rules about outpatient drugs see chapter 182-530 WAC.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 182-530-2200 How the medicaid agency develops and maintains the formulary.

WAC 182-530-2300 The medicaid agency's nonformulary justification process.

WSR 13-18-039

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed August 29, 2013, 11:53 a.m., effective October 1, 2013]

Effective Date of Rule: October 1, 2013.

Purpose: The department is amending chapter 388-106 WAC, Long-term care services, specifically the New Freedom directed services, in order to make program revisions. The department filed a permanent rule on August 21, 2013, as WSR 13-17-125 but the text did not include the changes made as a result of public comment. This filing supersedes the permanent filing WSR 13-17-125. See Reviser's note below.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0040, 388-106-0050, 388-106-1315, 388-106-1400, 388-106-1405, 388-106-1410, 388-106-1415, 388-106-1420, 388-106-1422, 388-106-1425, 388-106-1430, 388-106-1445, 388-106-1450, 388-106-1455, 388-106-1458, 388-106-1460, 388-106-1465, 388-106-1475, and 388-106-1480.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 13-13-083 on June 19, 2013.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 18, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 18, Repealed 0.

Date Adopted: August 27, 2013.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-19 issue of the Register.

WSR 13-18-046

PERMANENT RULES DEPARTMENT OF

FISH AND WILDLIFE

[Order 13-192—Filed August 30, 2013, 8:25 a.m., effective September 30, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This proposed rule making updates and makes structural improvements to WAC 232-12-275. Specifically, the project splits the rule into smaller sections and better organizes the subject matter currently contained in WAC 232-12-275. The proposed changes also make some clarifications and amendments to include more detail and guidance for people practicing wildlife rehabilitation.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-275.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, 77.32.070.

Adopted under notice filed as WSR 13-10-077 on May 1, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 16, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 2, 2013.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 09-01-123, filed 12/19/08, effective 1/19/09)

WAC 232-12-275 Definitions—Oiled-wildlife and wildlife rehabilitation permits. ~~((+))~~ For the purposes of ~~((this rule))~~ WAC 232-12-841 through 232-12-871, the following definitions apply:

~~((+))~~ (1) "Bird" means any wild animal of the class Aves.

~~((+))~~ (2) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

~~((+))~~ (3) "Director" means the director of the department of fish and wildlife or his or her designee.

(4) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

~~((+))~~ (5) "Hacking" means the release, sometimes temporary, of a raptor to the wild so that it may survive on its own.

(6) "Imping" means a method of ~~((repairing))~~ replacing a broken feather(s) with an undamaged feather by cutting the shaft of the broken feather on the bird, trimming the replacement feather to the correct length, and gluing the shaft of the replacement feather to the shaft of the broken feather.

(7) "Imprinting" means when a very young animal fixes its attention on and follows the first object or creature it sees, hears, or touches, and becomes socially, and later sexually, bonded to that object or creature, identifying itself as whatever it imprints upon.

~~((+))~~ (8) "Indoor area" means the space within an oiled bird rehabilitation facility in which the air temperature and exchange of air can be controlled and maintained. Indoor areas can include oiled bird rehabilitation pools, morgues, freezers, isolation/intensive care units, medical laboratories, laundry and storage facilities, and electrical and mechanical equipment. These areas may consist of space for ~~((:))~~ conducting intake, prewash holding, ~~((wash/rinse))~~ washing and rinsing, drying, ~~((oiled bird rehabilitation pools, morgue/))~~ necropsy, and preparing bird food ~~((preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas)).~~

~~((+))~~ (9) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

~~((+))~~ (10) "Mesh size" means the measured distance between one vertical side of a mesh unit and the ~~((centers of the two opposing vertices in))~~ opposite vertical side of the same mesh ~~((of a piece of))~~ unit when the netting ~~((when))~~ is pulled taut.

~~((+))~~ (11) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not

limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

~~((+))~~ (12) "Oiled bird" means a bird that has come in contact with oil.

~~((+))~~ (13) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.

~~((+))~~ (14) "Oiled bird rehabilitation pool" means a container filled with ~~((unheated))~~ fresh water used during the rehabilitation of oiled birds.

~~((+))~~ (15) "Oiled bird rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, and drying ~~((: while))~~, to allow the birds to return to their natural habitat. This form of rehabilitation includes keeping the birds in pools ~~((: by))~~ and providing semi-static and static areas ~~((: and by maintaining))~~ with steady air temperatures and air exchanges while the birds are in ~~((an oiled bird))~~ the rehabilitation facility.

~~((+))~~ (16) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the ~~((contiguous))~~ indoor and outdoor areas used for the rehabilitation of oiled birds.

~~((+))~~ (17) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

~~((+))~~ (18) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate wild behavior to young wildlife.

~~((+))~~ (19) "Permit" means a wildlife rehabilitation permit without any additional endorsements.

(20) "Prewash holding resources" mean the floor-space and oiled bird rehabilitation-pen ~~((requirements within))~~ capabilities of an oiled bird rehabilitation facility ~~((necessary))~~ to hold birds after intake and prior to washing.

~~((+))~~ (21) "Primary permittee" means the person listed on the wildlife rehabilitation permit who originally applied for and received the permit and is licensed to practice wildlife rehabilitation.

(22) "Principal veterinarian" means a licensed veterinarian who ~~((provides))~~ agrees, in writing ~~((their willingness)),~~ to assist ~~((the)),~~ direct, and oversee a wildlife rehabilitator in conducting wildlife rehabilitation services and activities.

~~((+))~~ (23) "Public display" means to place or locate wildlife so that they may be viewed by the public.

~~((+))~~ (24) "Semi-static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for preparing bird food ~~((preparation, morgue/necropsy, storage)),~~ conducting necropsies, and storing and ~~((freezers))~~ freezing items.

~~((+))~~ (25) "Static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary, regardless of the number of birds to be rehabilitated. These areas include ~~((areas for the))~~ isolation/intensive care units, medical ~~((laboratory))~~ laboratories, laundry facilities, and electrical ~~((:))~~ and mechanical ~~((spaces))~~ equipment.

~~((u))~~ (26) "Subpermittee" means persons listed on the primary permittee's (also "wildlife rehabilitator") wildlife rehabilitation permit who care for wildlife away from the rehabilitation facility with the permission and under the direction of the primary licensed wildlife rehabilitation permittee ("primary permittee"). The primary permittee is responsible for monitoring and approving the subpermittee's conduct, practices, and facilities.

(27) "Veterinarian" means a licensed veterinarian.

(28) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

~~((v))~~ (29) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, ~~((capture))~~ capturing, transporting, ~~((veterinary treatment))~~ treating, feeding, housing, ~~((exercise therapy, and any other treatment or training necessary for release))~~ and conditioning animals so they can be released back to the wild.

~~((w))~~ (30) "Wildlife rehabilitation facility," or "facility," means the authorized site(s), as shown on the wildlife rehabilitation permit, where ~~((the))~~ treatment and rehabilitation of wildlife takes place.

~~((x))~~ (31) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to practice wildlife rehabilitation.

(32) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation ~~((or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.~~

~~((y))~~ "Wildlife rehabilitation permit" means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:

(a) They have a valid wildlife rehabilitation permit; or

(b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.

(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.

(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.

(e) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.

(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within twenty-four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty-four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy-two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty-four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease,

rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of becoming reoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to violations other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty-four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

(24) Oiled bird rehabilitation facility requirements. The facility requirements listed in this subsection address oiled bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety.

(a) Air temperature and air exchange requirements: This section refers to the air temperature and air exchange requirements within indoor areas:

(i) Air temperature: All indoor areas shall have the means to control air temperature and shall be adjustable and maintainable at any given air temperature between 65°F–85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

(B) Wash/rinse and drying areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and

(C) The isolation/intensive care unit shall be air temperature controlled independently of other oiled bird rehabilitation facility areas.

(ii) Air exchange: All indoor areas shall have the means to exchange the air volume a minimum of ten times per hour with fresh air from outside.

The fresh air exchange rate for any given indoor area may be reduced by the use of an air recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. No more than ninety percent of the fresh air exchange requirement shall be met by recirculation. The filters in the recirculation system shall be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and

(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.

(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be

impermeable. Water shall not be allowed to accumulate on the floor.

(e) ~~Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.~~

~~(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than two feet in length by two feet in width; and a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net bottoms with a stretched mesh size of one-half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.~~

~~(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty-four hours after intake.~~

~~(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within each wash/rinse space for each oiled bird being washed and rinsed:~~

~~(A) The water temperature shall be adjustable and maintainable at any given temperature between 102°F–108°F;~~

~~(B) The water hardness shall be maintained between 34 mg–85 mg calcium carbonate/liter (2–5 grain hardness);~~

~~(C) The water pressure shall be maintained between 40–60 p.s.i.;~~

~~(D) The water flow rate shall be not less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place.~~

~~(E) All water requirements listed above shall remain within the specified ranges at all times.~~

~~(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds.~~

~~(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(e) Drying resource requirements: Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen. The drying temperature shall be adjustable and maintainable at any given temperature between 90°F–106°F.~~

~~(i) Oiled bird rehabilitation drying pen requirements: Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net bottoms with a stretched mesh size of one-half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.~~

~~(ii) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable. Water shall not be allowed to accumulate on the floor.~~

~~(f) Oiled bird rehabilitation pool resource requirements: Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.~~

~~(i) Oiled bird rehabilitation pool requirements: Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one-quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.~~

~~(ii) Space requirements: Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.~~

~~(g) Semi-static areas:~~

~~Space requirements: Semi-static areas shall be indoor areas. The floors in semi-static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand,~~

each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/neropsy.

Table 1:

Semi-static area space requirements by activity type.

| Area | Space |
|-----------------------|-------------|
| Morgue/neropsy | 250 sq. ft. |
| Bird food preparation | 300 sq. ft. |
| Storage | 100 sq. ft. |
| Freezers | 100 sq. ft. |

(h) Static areas:

Space requirements: Static areas shall be indoor areas. The floors in static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:

Static area space requirements by activity type.

| Area | Space |
|-------------------------------|---------------|
| Isolation/intensive care unit | 200 sq. ft. |
| Medical laboratory | 200 sq. ft. |
| Laundry | 200 sq. ft. |
| Electrical | 100 sq. ft. |
| Mechanical | 250 sq. ft.)) |

and possesses a current wildlife rehabilitator permit from the department.

NEW SECTION

WAC 232-12-841 Wildlife rehabilitation permits—Requirements and restrictions. (1) All wildlife held under a wildlife rehabilitation permit remains the property of the state and is subject to control by the state.

(2) Wildlife rehabilitation permits.

(a) The department may issue a wildlife rehabilitation permit if the applicant:

(i) Completes and submits a current application form to the department's wildlife rehabilitation manager;

(ii) Demonstrates completion of at least six months, or one thousand hours, of experience in wildlife rehabilitation under the direct supervision of a wildlife rehabilitator. At least three months, or five hundred hours, of this experience must occur during the spring or summer. The department, at its discretion, may consider education in wildlife rehabilitation to suffice as a partial substitute for experience;

(ii) Submits to the department a written letter of recommendation from a wildlife rehabilitator who has two or more years of experience in wildlife rehabilitation and who agrees to advise the applicant in performing wildlife rehabilitation;

(iv) Submits to the department a written agreement from a veterinarian who is willing to serve as the principal veterinarian for the applicant;

(v) Successfully completes the Washington general wildlife rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(vi) Possesses, is employed by, or volunteers at suitable facilities that are inspected and approved by the department.

(b) Veterinarians are exempt from the requirements in (a)(ii) through (v) of this subsection.

(c) The department will determine which species the wildlife rehabilitator is qualified to care for and may tailor the permit according to the applicant's training, experience, capabilities, and facilities.

(d) Wildlife rehabilitators must display the wildlife rehabilitation permit or a copy of the permit in a location at the facility that is visible to the public.

(e) Wildlife rehabilitation permits are valid for up to three years, as long as the information on the permit remains valid and the permittee adheres to permit conditions and department rules.

(f) Wildlife rehabilitators must report any permit information changes to the department within ten business days of the change.

(g) The department may refuse to issue a wildlife rehabilitation permit to an applicant if the applicant:

(i) Was convicted of a fish or wildlife offense; or

(ii) Was convicted of any offense involving animal cruelty or neglect, or child abuse or neglect.

(3) Large-carnivore rehabilitation endorsement.

(a) A person must possess a large-carnivore rehabilitation endorsement to rehabilitate large carnivores. Large carnivores are brown bear, black bear, cougar, wolf, bobcat, and lynx. The department may issue large-carnivore endorsements to wildlife rehabilitators who:

(i) Have at least three months, or five hundred hours, of direct rehabilitation practice with and handling of large carnivores;

(ii) Have received training in large-animal restraint techniques, including knowledge of proper catchpole use and immobilization-drug administration;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in large-carnivore rehabilitation and who agrees to advise the applicant in performing large-carnivore rehabilitation;

(iv) Successfully complete the written large-carnivore rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(v) Possess department-inspected and -approved facilities suitable for large carnivores as required by department rule and the standards set by the International Wildlife Reha-

bilitation Council (IWRC) and the National Wildlife Rehabilitators Association (NWRA).

(b) Applicants are exempt from the requirements in (a)(i) and (iii) of this subsection if they are or were employed for at least three months or five hundred hours as a zookeeper or wildlife biologist with direct practice handling and housing large carnivores.

(4) **Raptor rehabilitation endorsement.** A person must possess a raptor rehabilitation endorsement to rehabilitate raptors. The department may issue raptor rehabilitation endorsements to wildlife rehabilitators who:

(a) Demonstrate one hundred hours direct practice with and handling of raptors;

(b) Successfully complete the written raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam;

(c) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and the standards set by the IWRC and the NWRA; and

(d) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation.

(5) **Raptors-only rehabilitation permit.**

(a) The department may issue raptors-only rehabilitation permits that allow a person to rehabilitate only raptors and no other wildlife. To qualify for these permits, an applicant must:

(i) Demonstrate one hundred hours direct practice with and handling of raptors;

(ii) Successfully complete the raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the raptor rehabilitation examination may retake it beginning fourteen days from the date of the failed exam;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation; and

(iv) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and IWRC/NWRA.

(b) General falconers licensed for three years or more and master falconers are exempt from the requirements in (a)(i) and (iii) of this subsection.

(6) **Oiled-wildlife rehabilitation endorsement.** An oiled-wildlife rehabilitation endorsement is required to rehabilitate oiled-wildlife. The department may issue oiled-wildlife rehabilitation endorsements to wildlife rehabilitators who possess or have permission to access or use department-inspected and department-approved facilities for oiled-wildlife.

(7) **Wildlife rehabilitation permit renewal.** To renew a wildlife rehabilitation permit, the permittee must submit the following information at least thirty days prior to his or her permit expiring:

(a) A new, completed wildlife rehabilitation permit application form; and

(b) Documentation demonstrating ten hours or more of continuing education during the previous permit period. Continuing education includes:

(i) Documented attendance at state wildlife rehabilitator meetings, NWRA annual meetings, or IWRC Annual Symposiums;

(ii) A certificate of completion of an IWRC online or in-person class;

(iii) Completion and documented attendance of privately offered wildlife rehabilitation training;

(iv) Completion and documented attendance of wildlife rehabilitation classes at a college or university;

(v) Documented training with a wildlife rehabilitator; or

(vi) Other continuing education activities as approved by the department.

(8) **Reinstatement of expired permits.**

(a) A permit expired for less than three years may be reinstated for the facility and species listed on the expired permit so long as the facilities have not changed within that three-year period. If the facilities change after the permit expires, the department must inspect and approve the facilities before the permit is reinstated.

(b) Permits expired for three years or more may be reinstated if:

(i) The applicant possesses facilities that meet the standards set by the department, the NWRA, and the IWRC's minimum standards for wildlife rehabilitation for treating and housing wildlife for rehabilitation;

(ii) The facilities are inspected and approved by the department; and

(iii) The applicant takes and successfully completes the Washington general wildlife rehabilitation examination, the raptor rehabilitation examination, or large carnivore rehabilitation examination, whichever examination is applicable, by correctly answering eighty percent or more of the questions. An applicant who fails the examination may retake it beginning fourteen days from the date of the failed exam.

(9) **Out-of-state wildlife rehabilitators.** Wildlife rehabilitators who have a current wildlife rehabilitation permit or a comparable permit issued by another state, and who move to Washington state for the purpose of residency and wish to practice wildlife rehabilitation in Washington, must follow the same procedures and requirements as a new applicant for a Washington state wildlife rehabilitation permit. However, out-of-state wildlife rehabilitators are exempt from the requirement of providing a letter of recommendation from another wildlife rehabilitator.

(10) A violation of this section by a person who engages in wildlife rehabilitation without a department permit is punishable under the appropriate statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(11) A violation of this section by a person who has a wildlife rehabilitation permit is punishable under RCW

77.15.750(1), Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-843 Wildlife rehabilitation—Responsibilities of primary permittees and subpermittees. (1) A primary permittee on a wildlife rehabilitation permit is the person who applies for and receives the permit. A primary permittee may include other persons on his or her permit. These other people, known as "subpermittees," operate with the permission and under the direction of the primary permittee.

(2) A primary permittee has the following responsibilities for his or her subpermittees:

(a) Ensuring that subpermittees listed on the permit abide by the permit's conditions and state and federal laws and regulations, when conducting wildlife rehabilitation practices or actions associated with wildlife rehabilitation on or off the facility premises; and

(b) Notifying the department within ten business days of removing or adding a subpermittee or changing the address of a subpermittee's facilities.

(3) Subpermittees must:

(a) Be listed on the primary permittee's wildlife rehabilitation permit;

(b) Be eighteen years of age or older;

(c) Be employed by or a registered volunteer for the primary permittee's wildlife rehabilitation facility, have assisted or observed all facets of wildlife care practices at the facility, and possess sufficient experience to tend to the species in his or her care to the satisfaction of the primary wildlife rehabilitator and the department;

(d) Possess direct contact information for at least one other employee or volunteer of the permitted facility in addition to the primary permittee, who the subpermittee must be able to reach at any time;

(e) Have read the National Wildlife Rehabilitators Association/International Wildlife Rehabilitation Council minimum standards for wildlife rehabilitation and retained a copy of the publication for reference; and

(f) Comply with all federal migratory bird treaty act rules.

(4) A violation of this section by a primary permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-845 Wildlife rehabilitation—Permit revocation, modification, or suspension. (1) The department may revoke, modify, or suspend a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any conditions of the permit. Such violations include, but are not limited to:

(a) Violating a department rule;

(b) Failing to comply with permit conditions;

(c) Failing to provide adequate facilities for the care and housing of wildlife;

(d) Possessing a species of wildlife not expressly permitted in the wildlife rehabilitation permit or by department authorization;

(e) Failing to provide adequate care, feed for, or maintenance of the health of wildlife in the permittee's care;

(f) Treating wildlife in the permittee's care inhumanely, or negligently, or keeping the wildlife in unsanitary conditions;

(g) Publicly displaying wildlife in rehabilitation or using wildlife in rehabilitation for public education or profit;

(h) Improperly handling, imprinting, habituation, or taming wildlife at the facility; or

(i) Failing to maintain a daily patient log or ledger.

(2) A primary permittee who is in violation of permit conditions or department wildlife rehabilitation rules, or whose subpermittee is in violation of permit conditions or department wildlife rehabilitation rules, except for oiled bird facility requirements as provided in WAC 232-12-869, may provide a corrective-action plan to return to compliance. The primary permittee must provide the plan to the department within ten days of the notice of the violation. If the department accepts the plan for corrective action, it will allow the primary permittee at least thirty days to correct the permit violation. If the primary permittee fails to return to compliance by the deadline the department gave him or her, the department may revoke his or her permit.

(3) If the department revokes, suspends, or modifies a permit, then the department or the U.S. Fish and Wildlife Service may seize and find a new rehabilitator for the primary permittee's wildlife.

(4) The department's revocation, modification, or suspension of a rehabilitation permit under this section does not preclude the department from taking criminal action against the primary permittee, subpermittee, or both.

(5) Any primary permittee whose rehabilitation permit is revoked, modified, or suspended under this section may request an administrative hearing to appeal the department's action. The department will administer such appeals in accordance with chapter 34.05 RCW.

NEW SECTION

WAC 232-12-847 Wildlife rehabilitation—Facility requirements and inspections—On- and off-site care. (1) The facility requirements listed in this section address wildlife health and safety. The department of labor and industries and other local, state, or federal agencies may have additional requirements relating to human health and safety. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her subpermittees do the same.

(2) Facilities.

(a) Primary permittees on a wildlife rehabilitation permit must maintain approved facilities that meet the standards set by the department, the National Wildlife Rehabilitators Association (NWRA), and the International Wildlife Rehabilitation Council's (IWRC) minimum standards for wildlife rehabilitation, unless as otherwise provided by the department. More information on facilities requirements is available at www.wdfw.wa.gov.

(b) All wildlife held under a wildlife rehabilitation permit must be maintained in humane, healthful, and secluded conditions.

(c) The wildlife rehabilitation facility must protect wildlife from predators, weather extremes, undue human contact and noise, and domestic animals.

(d) In-home wildlife rehabilitation facilities must designate separate and exclusive rooms used only for wildlife housing, treatment, and rehabilitation. It is unlawful to house, treat, or handle wildlife in other parts of the residence. It is unlawful to house or treat wildlife anywhere human food is prepared, stored, or consumed.

(e) The primary permittee must notify the department at least thirty days prior to moving if he or she intends to transfer his or her wildlife rehabilitation facilities to another location. The new facilities must pass a department facility inspection before wildlife is moved to the new facility.

(f) The wildlife rehabilitation facility must be associated with a primary permittee at all times. If a facility is left with no primary permittees, facility personnel must notify the department within five days of the departure of the last primary permittee. The facility has thirty days in which to bring a primary permittee into the facility. After thirty days, if the facility is no longer associated with a primary permittee, the facility must transfer wildlife to another facility associated with a primary permittee.

(3) Off-site care.

(a) A primary permittee is responsible for ensuring that his or her off-site facilities, or those of his or her subpermittee, meet all species- and treatment-stage-specific facility requirements as provided by department rule.

(b) A primary permittee, or subpermittee authorized to care for wildlife off-site from the wildlife rehabilitation facilities, must have adequate facilities to house the species in his or her care, based on the criteria for wildlife rehabilitation facilities outlined in the NWRA/IWRC minimum standards for wildlife rehabilitation.

(c) It is unlawful for a subpermittee to care for wildlife in his or her off-site facility, or for the primary permittee to transfer wildlife to the subpermittee, unless the following requirements are met:

(i) The primary facility is overcrowded or there is a need for twenty-four-hour or after-hours care, such as nestling care or nursing small mammals, or critical care;

(ii) The subpermittee only houses the following species off-site: Common small mammals (except bats), ducks and geese (except swans), pheasant, grouse, quail, pigeon and dove, woodpeckers (except pileated woodpecker), and songbirds and perching birds;

(iii) The wildlife receives an initial intake exam at the primary permittee's facility before wildlife is transferred to the subpermittee for off-site care;

(iv) The wildlife exhibits no signs of a reportable disease;

(v) The subpermittee follows a treatment plan developed by the veterinarian or primary permittee if a treatment plan is prescribed for any nonreportable condition;

(vi) The subpermittee returns the animal to the wildlife rehabilitation facility under which the subpermittee is permit-

ted as soon as the facility is able to care for the animal, such as space becoming available; and

(vii) The subpermittee possesses a copy of the wildlife rehabilitation permit at all times while in possession of wildlife, including while transporting wildlife for the wildlife rehabilitation facility.

(d) It is unlawful for a subpermittee to house large carnivores at his or her off-site facilities.

(e) It is unlawful for a subpermittee to house, possess, care for, or treat state and federally designated threatened or endangered species at his or her off-site facilities.

(4) Inspections.

(a) Wildlife rehabilitation facilities, records, equipment, and animals may be inspected without advance notice at reasonable times and in a reasonable manner by authorized state or federal personnel. This includes off-site wildlife rehabilitation facilities, records, equipment, and animals.

(b) Inspecting authorities may not enter the facilities or disturb wildlife unless the primary permittee, a subpermittee, or a designated staff member or volunteer is present.

(c) If wildlife rehabilitation facilities are on property owned by a person other than the primary permittee or a subpermittee, the permittee must submit a signed, dated statement in which the property owner:

(i) Gives written permission to the permittee to engage in wildlife rehabilitation on the property; and

(ii) Agrees that the wildlife rehabilitation facilities may be inspected by the department at reasonable times and in a reasonable manner.

(5) A violation of this section by a primary permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-849 Wildlife rehabilitation—Releasing wildlife. (1) A primary permittee must release rehabilitated wildlife according to subsection (3) of this section as soon as the animal is deemed physically, behaviorally, and psychologically capable of surviving in the wild.

(2) It is unlawful to hold wildlife for rehabilitation longer than one hundred eighty days. A primary permittee must obtain department authorization if he or she wishes to retain wildlife longer than the one hundred eighty-day time limit normally allowed for wildlife rehabilitation. The department will grant an extension of time if the permittee needs to find suitable placement for the wildlife, or the wildlife is overwintering, molting, or completing recovery.

(3) A primary permittee must release wildlife into the same area from which the wildlife was taken. If doing this poses a substantial risk to the health or safety of the wildlife or humans, the permittee may release the wildlife at a location within its normal individual range and appropriate habitat. The primary permittee must obtain department approval prior to releasing wildlife at a location other than where it was taken or outside its normal individual range. The department may direct the permittee to release wildlife at a location other than where the wildlife was taken.

(4) A group of unrelated wildlife that are of the same species and that were raised together for socialization pur-

poses may be released at the same location even if that location is not where the wildlife was originally taken. All other release requirements must be followed.

(5) If a primary permittee does not know where wildlife was originally taken, he or she must release the wildlife into appropriate habitat and at a location where substantial risk to the health or safety of the wildlife and humans is minimal. Primary permittees must obtain department authorization for the release location prior to releasing cervids, large carnivores, or coyotes.

(6) The primary permittee must notify the department at least seventy-two hours prior to releasing state or federally designated threatened, endangered, or sensitive species.

(7) Hacking of orphaned raptors is permitted at or through a permitted facility where appropriate hacking facilities are available.

(8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-851 Wildlife rehabilitation—Veterinary care. (1) Veterinarians may provide initial care for wildlife without a wildlife rehabilitation permit. However, veterinarians must transfer the wildlife to a primary permittee after stabilizing the wildlife, preferably within forty-eight hours of receiving wildlife.

(2) A violation of this section is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(3) A wildlife rehabilitation permit is not a veterinary license.

NEW SECTION

WAC 232-12-853 Wildlife rehabilitation—Records retention and reporting requirements. (1) This section contains records retention and reporting requirements for primary permittees on wildlife rehabilitation permits. Other state and federal laws and regulations may require additional records retention and reporting. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her subpermittees do the same.

(2) Retaining records.

(a) The primary permittee must keep all required permits and records at the wildlife rehabilitation facility and retain those permits and records for a period of five years. Electronic records retention is acceptable.

(b) The primary permittee must make the permits and records available for inspection by department personnel upon request.

(3) Daily ledger.

(a) The primary permittee must record the following information in his or her daily ledger: All wildlife acquisitions; transfers; admissions; releases; deaths; reasons for

admission; nature of illness or injury; dates of release, transfer, or any other disposition; and any tag or band numbers.

(b) The primary permittee must make the daily ledger available for inspection by department personnel upon request.

(4) Annual report.

(a) The primary permittee must fill out the annual report form provided by the department and submit the annual report to the department no later than January 31st of each year.

(b) Along with the annual report form, the primary permittee must submit a copy of his or her daily ledger containing records for the year.

(5) Reporting requirements for threatened, endangered, or sensitive wildlife.

(a) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours of receiving wildlife designated as a threatened or endangered species under state or federal laws or rules.

(b) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours of receiving a state designated sensitive species.

(c) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours if a state or federally designated threatened or endangered species in his or her possession dies. The primary permittee must receive prior department approval before disposing of deceased state or federally designated threatened or endangered species.

(6) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours if he or she admits any wildlife that has a band, research marker, tag, or transmitter attached to it. The primary permittee must include band numbers and any other relevant information in the report. Primary permittees must send these reports, in writing, to the department's wildlife rehabilitation manager at P.O. Box 43200, Olympia, WA 98504-3200, or at rehabcoord@dfw.wa.gov.

(7) The primary permittee must report the following diseases, confirmed by a veterinarian, to the department's wildlife veterinarian within twenty-four hours of diagnosis: West Nile virus, white-nose syndrome, avian cholera, avian pox, duck viral enteritis, psittacosis, rabies, environmental toxins, canine distemper, tuberculosis, Newcastle disease, salmonellosis, hair loss syndrome, deer adenovirus, plague, leptospirosis, and tularemia.

(8) If wildlife is stolen or missing from a primary permittee or subpermittee, the primary permittee must report the stolen or missing wildlife to the department and to the U.S. Fish and Wildlife Service Regional Law Enforcement office within twenty-four hours of discovering the theft of the wildlife.

(9) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-855 Wildlife rehabilitation—Falconers assisting with raptor rehabilitation. (1) A general or master

falconer may assist a primary permittee in rehabilitating raptors to prepare the birds for release into the wild so long as the primary permittee and falconer comply with all applicable federal rules. Only master-class falconers or those falconers with U.S. Fish and Wildlife Service (USFWS) written authorization may assist in rehabilitating bald or golden eagles. Raptors held by falconers for rehabilitation remain under the primary permittee's permit.

(2) If the raptor is assigned to a falconer, the primary permittee must provide the falconer with:

(a) A copy of the USFWS wildlife rehabilitation permit showing the falconer listed as a subpermittee; or

(b) A copy of the primary permittee's wildlife rehabilitation permit; and

(c) A written document identifying the raptor and explaining that the falconer is assisting in the raptor's rehabilitation and acting as an authorized subpermittee of the primary permittee. The written document must:

(i) Provide the dates of possession and the falconer's name, state falconry license number, contact information, and location of the falconer's facility; and

(ii) Accompany the raptor at all times, including during transport and at the housing location of the raptor.

(3) The primary permittee is responsible for ensuring that falconers adhere to permit terms, state law, department rules, and federal law and regulations at all times when assisting in rehabilitation activities under the primary permittee's rehabilitation permit.

(4) A falconer may house and treat a raptor undergoing rehabilitation at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the facility meets the standards under department rule for housing raptors.

(5) Any raptor that cannot be permanently released into the wild must be returned to the primary permittee or transferred to the department within one hundred eighty days, unless:

(a) The department authorizes retaining the raptor for longer than one hundred eighty days; or

(b) The primary permittee or department transfers the raptor to a permitted educational facility.

(6) A primary permittee may transfer a raptor directly to a falconer for falconry purposes so long as the falconer can lawfully possess the species of raptor and complies with all applicable state and federal laws and regulations. The primary permittee must notify the department of the transfer of the raptor to a falconer within ten days of the transfer. The USFWS may also require notification of raptor transfers and release. It is the primary permittee's and falconer's responsibility to ensure compliance with all state and federal laws and regulations.

(7)(a) A violation of this section by a primary permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

(b) A violation of this section by a falconer assisting a primary permittee is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; and RCW 77.15.400 for all other wild birds.

NEW SECTION

WAC 232-12-857 Wildlife rehabilitation—Transfer, import, and export of wildlife. (1) A primary permittee may import wildlife into Washington state for wildlife rehabilitation purposes if it is legal to import that species and the primary permittee possesses a health certificate for the animal.

(2) It is unlawful to transfer Washington state mammals to an out-of-state rehabilitator without obtaining prior department approval.

(3) It is unlawful to import species in the order Cervidae, and rabies vector species, into Washington state for rehabilitation purposes.

(a) Cervids are Roosevelt and Rocky Mountain elk, mule deer, black-tailed deer, white-tailed deer, moose, and caribou.

(b) Rabies vector species are bat, skunk, fox, raccoon, and coyote.

(4) Transferring wildlife for socialization.

(a) Transferring wildlife undergoing rehabilitation between Washington wildlife rehabilitators for the purpose of orphan imprinting, appropriate companionship, socialization, appropriate species behavior maintenance, flight conditioning and specialized care is permissible and encouraged.

(b) Wildlife possessed for rehabilitation may be transferred between Washington wildlife rehabilitators without prior department approval if the receiving wildlife rehabilitator is permitted to possess those species.

(5) A violation of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife—Penalty.

NEW SECTION

WAC 232-12-859 Wildlife rehabilitation—Possession of dead wildlife and wildlife parts. (1) A primary permittee may receive and possess dead wildlife from the department for the purpose of feeding wildlife in rehabilitation.

(2)(a) A primary permittee may possess bird feathers for imping as long as he or she possesses a valid wildlife rehabilitation permit. Permittees may receive or exchange feathers of birds from and with other wildlife rehabilitators if the rehabilitators possess and comply with necessary U.S. Fish and Wildlife Service migratory bird treaty act permits.

(b) A primary permittee may donate feathers from rehabilitation birds to any person or institution with a valid permit to possess feathers, except feathers from golden eagle or bald eagle.

(c) A primary permittee may leave feathers that are molted or otherwise lost by a bird in wildlife rehabilitation where they fall, store the feathers, or destroy the feathers, except that the rehabilitator must gather primary or secondary flight feathers or retrices from golden eagle and bald eagle and send these feathers or retrices, if not kept for imping, to the National Eagle Repository.

(d) A primary permittee whose permit is expired, suspended, or revoked must donate any feathers from wildlife that was in his or her care to a person or institution with a valid permit to possess the feathers, or the primary permittee must burn, bury, or otherwise destroy the feathers.

(3) A violation of this section is punishable under the statute for the species being unlawfully retained, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; or RCW 77.15.430 for wild animals not classified as big game.

NEW SECTION

WAC 232-12-861 Wildlife rehabilitation—Disposition of nonreleasable and habituated, imprinted, and tamed wildlife. (1) A primary permittee may retain live, non-releasable wildlife for the purposes of:

(a) Orphan imprinting, socialization, and appropriate wild behavior retention and development, if the permittee possesses valid U.S. Fish and Wildlife Service (USFWS) permits and written authorization from the department. The department determines whether wildlife may be retained for these purposes on a case-by-case basis.

(b) Display and education, if the permittee possesses valid USFWS permits and written authorization from the department.

(i) Wildlife tamed by, imprinted on, or habituated to humans before admission to the primary permittee's facility can be retained for education if the department authorizes this in writing. The department will make such determinations on a case-by-case basis.

(ii) Permittees must house wildlife used for educational purposes separately and out of sight of wildlife in rehabilitation.

(iii) Wildlife retained for education purposes may not be used for orphan imprinting or companionship for wildlife in rehabilitation.

(2) Wildlife tamed by, imprinted on, or habituated to humans while at the primary permittee's facility or subpermittee's facility must be humanely euthanized no later than one hundred eighty days following admission to the rehabilitation facility, to protect the public and to protect the animal from human abuse.

(3) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-863 Wildlife rehabilitation—Euthanizing protected, threatened, or endangered wildlife and migratory birds. (1) Bald eagles, golden eagles, peregrine falcons and other state or federally endangered or threatened wildlife may be euthanized, without prior department approval, if the animal is suffering and untreatable or has a terminal illness or injury. In all other cases, prior department approval must be obtained before euthanizing bald eagles, golden eagles, peregrine falcons, and other state or federally endangered or threatened wildlife.

(2) Any bird that has sustained injuries requiring amputation of a leg, foot, or wing at the elbow (humero-ulnar joint) or above, or a bird that is completely blind must be euthanized.

(3) If a migratory bird cannot, after medical management, feed itself, perch upright, or ambulate without inflicting additional injury, the bird must be euthanized.

(4) The primary permittee must comply with all applicable migratory bird treaty act rules when taking action under this section.

(5) A violation of this section is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

NEW SECTION

WAC 232-12-865 Wildlife rehabilitation—Disposing of wildlife remains. (1) Wildlife carcasses must be burned, buried, or otherwise destroyed, according to local laws and regulations, within ten days of the animal's death or after final necropsy by a veterinarian. However:

(a) Wildlife carcasses may be donated to any person or institution authorized under state or federal law to acquire and possess wildlife carcasses or parts.

(b) A primary permittee on a wildlife rehabilitation permit may keep the carcass of any bird, except golden eagle or bald eagle, so the feathers on the carcass are available for imping and education.

(c) A primary permittee must send the entire carcass of a golden eagle or bald eagle, including all talons, feathers (unless feathers are kept for imping purposes), and other parts, to the National Eagle Repository within thirty days of the bird's death.

(d) A primary permittee may retain wildlife carcasses and skins, instead of disposing of the carcasses or skins, to have the carcass mounted or the skin prepared by a taxidermist for the purpose of public display and education programs. The primary permittee must supply the taxidermist with written documentation that the carcass or skin is possessed pursuant to a wildlife rehabilitation permit. The taxidermist must possess the written documentation at all times while the carcass or skin is in the taxidermist's possession. The primary permittee must keep the mount at the wildlife rehabilitation facility and may use it for public display for education programs. If the wildlife carcass is a banded bird or has an implanted microchip, the band or microchip must stay in place.

(e) A primary permittee who retains a wildlife carcass or parts may only possess the carcass or parts so long as the primary permittee possesses a valid wildlife rehabilitation permit and complies with all applicable federal laws.

(2) A primary permittee must take appropriate precautions to avoid the risk of poisoning scavenging wildlife when disposing of carcasses of euthanized wildlife. Wildlife euthanized by chemical injection may not be buried or taken to a landfill.

(3) A violation of this section by a permittee on a wildlife rehabilitation permit is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(4) A violation of this section by a person who lacks a valid wildlife rehabilitation permit is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

NEW SECTION

WAC 232-12-867 Wildlife rehabilitation—Prohibition on commercial uses. (1) It is unlawful to sell, offer for sale, purchase, or use for commercial purposes wildlife or parts of wildlife under any circumstances under a wildlife rehabilitation permit.

(2) As long as a primary permittee or rehabilitation facility is not paid and does not collect a fee or receive compensation, the primary permittee may use photographs, films, live video, or other sources of information to:

(a) Provide education on the practice of wildlife rehabilitation or the biology, ecological roles, and conservation needs of wildlife;

(b) Raise funds to support the wildlife rehabilitation facility or wildlife rehabilitation activities, so long as the primary permittee complies with the following criteria:

(i) He or she may not require payment or sell items, but may request a "suggested donation." Money exchanged for any item must be by donation only. A primary permittee may not refuse to give an item to a person if the person refuses to donate money or donates less money than the suggested donation;

(ii) All funds received through fund-raising efforts must go to operating the wildlife rehabilitation facility or supporting wildlife rehabilitation activities; and

(iii) The primary permittee may not keep money received through fund-raising efforts for personal use.

(3) A violation of this section is punishable under RCW 77.15.260 or 77.15.750, or both.

NEW SECTION

WAC 232-12-869 Oiled bird rehabilitation—Facility requirements. (1) The facility requirements listed in this section address oiled bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety. It is the primary permittee's responsibility to ensure compliance with all state and federal laws and regulations.

(2) **Air temperature and air exchange requirements within indoor areas:**

(a) Air temperature: A primary permittee must ensure that the air temperature in all indoor areas where live birds are kept is adjustable and can be maintained at between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and prewash holding areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, intake and prewash holding areas may be controlled together;

(ii) Wash/rinse and drying areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, wash/rinse and drying areas may be controlled together; and

(iii) The isolation/intensive care unit must be air-temperature controlled independently of other oiled bird rehabilitation facility areas.

(b) Air exchange: A primary permittee must ensure that all indoor areas where live birds are kept allow the exchange

of the air volume a minimum of ten times per hour with fresh air from outside.

The fresh-air exchange rate for any given indoor area may be reduced by the use of an air-recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. Recirculation cannot account for more than ninety percent of the fresh-air exchange requirement. The filters in the recirculation system must be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and prewash holding areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air-exchange system;

(ii) Wash/rinse and drying areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air exchange system;

(iii) The isolation/intensive care unit air-exchange system must be independent of other oiled bird rehabilitation facility areas; and

(iv) The morgue/necropsy air-exchange system must be independent of other oiled bird rehabilitation facility areas.

(3) **Intake space requirement:** Intake of oiled birds must occur in an indoor area. Forty square feet of contiguous floor space must be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space must be impermeable. Water must not accumulate on the floor.

(4) **Prewash holding resource requirements:** Prewash holding must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the prewash holding area.

(a) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens must be:

(i) Two feet in length by two feet in width or larger;

(ii) At least two feet high;

(iii) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;

(iv) Constructed so that no point within the pen is greater than two feet from a pen wall;

(v) Elevated twelve inches or more above the floor surface; and

(vi) Constructed to provide 1.6 square feet of pen space per bird.

(b) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace must be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area must be impermeable. Water must not accumulate on the floor.

(5) **Wash/rinse resource requirements:** Wash/rinse must occur in an indoor area. A bird must be provided wash/rinse space and associated resources within twenty-four hours after intake.

(a) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics must be made available within each wash/rinse space for each oiled bird being washed and rinsed:

- (i) The water temperature must be adjustable and maintainable at any given temperature between 102°F - 108°F;
- (ii) The water hardness must be maintained between 34 mg - 85 mg calcium carbonate/liter (2-5 grain hardness);
- (iii) The water pressure must be maintained between 40 - 60 p.s.i.;
- (iv) The water flow rate must be no less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place; and
- (v) All water requirements listed above must remain within the specified ranges at all times.

(b) Cleaning agent requirements: The only cleaning agents that may be used to remove oil from birds are liquid dishwashing detergents. Use of any other cleaning agent to remove oil from birds must be approved by the department prior to use.

(c) Space requirements: One hundred square feet of contiguous floor space must be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area must be impermeable. Water must not accumulate on the floor.

(6) **Drying resource requirements:** Drying must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the drying area. Drying must be accomplished by warming the air in the drying pen. The drying temperature must be adjustable and maintainable at any given temperature between 90°F - 106°F.

- (a) Oiled bird rehabilitation drying pen requirements.
 - (i) Oiled bird rehabilitation drying pens must be:
 - (A) A minimum of three feet in length by two feet in width;
 - (B) At least two feet high;
 - (C) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;
 - (D) Constructed so that no point within the pen is greater than two feet from a pen wall;
 - (E) Constructed to provide 2.7 square feet of pen space per bird; and
 - (F) Elevated twelve inches or more above the floor surface.
 - (ii) If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(b) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace must be provided in the drying area for each bird held in the drying area. The floor of the drying area must be impermeable. Water must not accumulate on the floor.

(7) **Oiled bird rehabilitation pool resource requirements:** Oiled bird rehabilitation pools must be filled with fresh water. Oiled bird rehabilitation pool space must be pro-

vided immediately after a bird has been dried, and must be provided until the bird is released.

(a) Oiled bird rehabilitation pool requirements: Water from oiled bird rehabilitation pools may be reused within a facility if made oil-free. Each oiled bird rehabilitation pool must:

- (i) Afford a minimum of seven and one-half square feet of water-surface space for each bird (e.g., a twelve-foot diameter oiled bird rehabilitation pool may not house more than fifteen birds);
- (ii) Have dimensions so no point within the pool is greater than eight feet from a side of the pool;
- (iii) Have a breathable cover to prevent birds from escaping;
- (iv) Have a constant supply of water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one-half times per day;
- (v) Be constructed so that water exiting the pool comes from the surface of the pool so that floating debris and oil are removed.

(b) Space requirements: Oiled bird rehabilitation pools must be located within the oiled bird rehabilitation facility and constructed at least four feet away from another structure.

(8) Semi-static areas:

- (a) Semi-static areas must be indoor areas constructed with impermeable floors. Water must not accumulate on the floor.
 - (b) Space requirements:
 - (i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas.
 - (ii) When the total number of birds, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1, below, must be allocated the associated space.
 - (iii) When the total number of birds, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 must be allocated two times the associated space.
 - (iv) When the total number of birds, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 must be allocated three times the associated space, etc.
- (v) Space for the semi-static areas listed in Table 1 must be accommodated within an oiled bird rehabilitation facility, with the exception of the morgue/necropsy area.

Table 1
Semi-static area space requirements by activity type.

| Area | Space |
|-----------------------|-------------|
| Morgue/necropsy | 250 sq. ft. |
| Bird food preparation | 300 sq. ft. |
| Storage | 100 sq. ft. |
| Freezers | 100 sq. ft. |

(9) Static areas:

(a) Static areas must be indoor areas constructed with impermeable floors. Water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for static areas.

(ii) When the number of birds, on a given day, exceeds fifty, each static area listed in Table 2 must be allocated the associated space.

(iii) All of the space associated with the areas listed in Table 2 must be accommodated within an oiled bird rehabilitation facility, with the exception of the laundry area.

Table 2**Static area space requirements by activity type.**

| Area | Space |
|-------------------------------|-------------|
| Isolation/intensive care unit | 200 sq. ft. |
| Medical laboratory | 200 sq. ft. |
| Laundry | 200 sq. ft. |
| Electrical | 100 sq. ft. |
| Mechanical | 250 sq. ft. |

(10) Violation of facility requirements:

(a) The department will give primary permittees who violate the provisions of this section twenty-four hours to correct the violations, or the department may suspend or revoke his or her oiled-wildlife endorsement.

(b) The department may reinstate a suspended oiled-wildlife endorsement on a case-by-case basis.

(11) A failure to correct oiled bird rehabilitation facility violations as required by this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

NEW SECTION

WAC 232-12-871 Reporting receipt, death, carcass retention, and release of oiled birds. (1) A primary permittee on a rehabilitation permit must have an oiled-wildlife endorsement or written department approval to retain oiled birds. If the primary permittee does not possess an oiled-wildlife endorsement, the permittee must transfer the oiled birds to a primary permittee who has an oiled-wildlife endorsement, or obtain department approval to retain the oiled birds.

(2) A primary permittee must notify the department within twenty-four hours of the receipt or death of oiled birds.

(3) A primary permittee must notify the department seventy-two hours prior to releasing oiled birds into the wild.

(4) A primary permittee must not dispose of dead oiled birds without obtaining prior department approval.

(5) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

WSR 13-18-065**PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed September 3, 2013, 10:30 a.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed include but may not be limited to: WAC 204-91A-060, to update/clarify operator disqualifications; WAC 204-91A-070, to address issuance of a letter of appointment with regard to notification of operator disqualifications; WAC 204-91A-140, to address fees charged for impounds where toll and ferry fares are charged under RCW 46.55.035; WAC 204-91A-170, to address strap requirements for tow trucks; and WAC 204-91A-180, to clarify the type of identification that is required for a tow truck operator.

Citation of Existing Rules Affected by this Order: Amending WAC 204-91A-060, 204-91A-070, 204-91A-140, 204-91A-170, and 204-91A-180.

Statutory Authority for Adoption: RCW 46.37.005, 46.55.050, and 46.55.115.

Adopted under notice filed as WSR 13-15-137 on July 23, 2013.

A final cost-benefit analysis is available by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPRules@wsp.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: September 3, 2013.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 10-24-068, filed 11/30/10, effective 12/31/10)

WAC 204-91A-060 Application and qualifications for letter of appointment. (1) An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services for the patrol pursuant to this chapter. However, nothing herein prohibits the patrol from calling a towing business upon the specific request of a person responsible for a vehicle or his/her agent.

(2) An application for letter of appointment must be completed by:

| Type of business | Who must complete the application |
|------------------|--|
| Tow company | Owner/operator |
| Partnership | Each partner |
| Corporation | The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock to complete an application. |

(3) To be issued a letter of appointment, the applicant(s) must:

- (a) Complete the application form provided by the patrol; and
- (b) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls; and
- (c) Satisfy the requirements contained in WAC 204-91A-070; and
- (d) Demonstrate through a letter included with the application that they have at least two years of experience within the towing industry, or be granted a waiver if the owner/operator does not have the required two years experience.

(i) The two years of experience must have been acquired within five years of the date of application. The two years of experience may be satisfied by demonstrating any of the following:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional, and has a working knowledge of the paperwork requirements for impounds; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(ii) If the owner/operator does not have the required two years experience, the owner/operator may be granted a waiver of this requirement. If the owner/operator is granted a waiver, the letter of appointment may be granted on a probationary basis for a period of one year from the date of the waiver.

(4) Upon receipt by the patrol of a completed application:

- (a) The district office must:
 - (i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the form; and
 - (ii) Forward the application and letter of contractual agreement to the section.

(b) The section will assign the application a docket number which will be its permanent identification number for all

matters relating to appointments, granted or denied, and any other correspondence with the patrol thereafter.

(5) The patrol will refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any of the following:

- (i) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction; or
- (ii) Any class B felony within the last ten years; or
- (iii) Any class C felony within the last five years; or
- (iv) A DUI, as defined in chapter 46.61 RCW, two or more times within the last five years; or
- (v) Any gross misdemeanor within the last three years

or

(vi)

(b) Must register as a sex offender or kidnapping offender; or

(c) Has been granted a deferred prosecution under chapter 10.05 RCW for any gross misdemeanor within the last three years.

(6) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

- (a) Has been convicted of any misdemeanor within the last year; or
- (b) Has been granted a deferred prosecution under chapter 10.05 RCW for any misdemeanor within the last year.

(7) The patrol may refuse to issue or may revoke a letter of appointment or contract if any applicant, partner or corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

- (a) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level; or
- (b) Fails to demonstrate character and general fitness sufficient to command the confidence of the patrol and warrant a belief that the business will be operated honestly, fairly and efficiently in the conduct of towing, impound, and vehicle auction activities. In determining character and general fitness, the patrol may consider:

- (i) Prior contacts with law enforcement; and
- (ii) Criminal record; and
- (iii) Reputation in the community; and
- (iv) Associations.

(8) A misrepresentation of fact found to have been made by an applicant during the application process or by a letter of appointment holder shall be deemed a lack of good faith and shall constitute good and sufficient cause for the denial of an application or the revocation or suspension of the letter of appointment.

(9) Only one application per year to tow on the patrol's rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of revocation of the letter of appointment.

~~((9))~~ (10) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

~~((10))~~ (11) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

WAC 204-91A-070 Issuance of a letter of appointment. (1) The chief or designee will have the authority to issue a letter of appointment if all qualifications set out in this chapter have either been met by the applicant, or a waiver of those qualifications not met has been granted. In order to issue a letter of appointment the section commander must receive:

- (a) Certification from the inspector;
 - (b) An application for a letter of appointment endorsed by the district commander; and
 - (c) A notice from the department that the requestor has been licensed as a registered tow truck operator.
- (2) The patrol will notify the requestor of its decision in writing.

(a) If all requirements are met, the request will be approved and the patrol will issue a letter of appointment, and the tow company will be admitted to the patrol's call list for the appropriate tow zone on the effective date of the letter.

(b) If all requirements are not met, and the requestor is not qualified for a waiver of the requirements, then such request will be denied.

(c) If the district commander recommends denial of a request, the patrol will notify the applicant and provide an opportunity for the applicant to have a hearing as provided in chapter 34.05 RCW.

(3) A letter of appointment will be valid for one business, in a single tow zone, assigned by the district commander. Requests for additional letters of appointment in the same or another zone must be based on a complete and separate place of business capable of independent operation within the appropriate zone.

To receive a letter of appointment, each business must:

(a) Be operated independently. One company cannot be dependent upon another for any required operation.

(b) If an individual, partnership, corporation, or other business entity owns more than one business, each business must have a different identifiable name, address, and telephone number, which are answered at the business location during normal business hours. There may, however, be a central dispatch center for multiple companies. This dispatch center must be capable of acknowledging each individual company when answering each call.

(c) Have on both sides of the truck a different identifiable name, city of address (even if included in the name of the company), registered tow truck operator license number, and truck number as assigned by the department. All required information must be plainly seen and able to be read at all times. All other required markings must also be located

where they can be plainly seen and able to be read at all times and be of the size outlined in WAC 308-61-115(1). Companies must comply by December 31, 2007.

EXAMPLE: A different identifiable name may include the parent company name but must also have an additional name to identify and separate that company. Example: Joe's Towing and Joe's Towing South. Joe's Towing I and Joe's Towing II.

(d) Have adequate staffing for each company with personnel present to answer all incoming calls and who are able to release impounded vehicles during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday except for state recognized holidays. Each business must be staffed by a sufficient number of drivers for twenty-four hour day operation.

(e) Have adequate equipment for each company to operate independently. Tow trucks must only be used for the company for which they are registered and within the zone approved/assigned for use in, unless specifically requested by law enforcement. All trucks must be clearly marked with the company's identity as outlined in (b) of this subsection.

(f) Have its own outside entrance, or when the building has one main entrance, the offices must have doors clearly marking and separating each business (not acceptable to walk in the main door and be hit with a counter or one office for the multiple tow companies housed in the building), with a sign at the front door and a sign plainly visible from the street indicating the company's name, phone number, and office hours. Separate businesses in the same tow zone may be housed in one building; however, there must be a solid wall from floor to ceiling physically separating each business.

(g) Maintain their own set of required records and books as outlined in RCW 46.55.150 including, but not limited to, a master log, vehicle transaction file, and billing invoices at its place of business. If there is a corporate accountant/bookkeeper for more than one company, all records and/or files for each company, other than those records, which are required to be maintained at the business location, must be maintained separately.

(h) Have impound/storage areas meeting the requirements of WAC 308-61-026(2) at all times, including proper segregation. All storage areas, primary and secondary for each place of business must be in the tow zone assigned to that place of business.

(i) Maintain at least one truck meeting the minimum class "A," "B," or "C" standards as listed in WAC 204-91A-170.

(4) A tow operator (or a district commander) may petition the section in writing for a waiver of one or more requirements. The section may grant a waiver if it finds that:

(a) The towing service available to the patrol without the waiver is inadequate to meet the needs of the public;

(b) The request is otherwise reasonable; and

(c) The request has the district commander's approval.

In the event a qualified tow operator meeting all requirements and qualifications receives a letter of appointment in the same zone as a tow operator that had earlier been granted a waiver, the tow operator with a waiver will have the letter of appointment rescinded by the section and after notification will not be called for patrol-initiated tows.

(5) Every letter of appointment will be issued in the name of the applicant and the holder thereof must not allow any other person or business to use the letter of appointment.

(6) The letter of appointment will only be valid for the place of business named on the application and will not apply to any other place of business.

(7) A letter of appointment will be valid until suspended, superseded, or revoked by the patrol.

(8) All storage areas, primary and secondary, for each place of business must be in the tow zone assigned to that place of business.

(9)(a) Letter of appointment holders must notify the inspector in writing, within thirty days, of all criminal actions filed against any partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations.

(b) The patrol may suspend or revoke a letter of appointment if the holder of the letter of appointment fails to provide the information as required in (a) of this subsection.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

WAC 204-91A-140 Fees. (1) ~~((A))~~ Towing fees must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or state recognized holiday. The hourly rate for each class of truck must be ~~((the only charge))~~ charged for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or state recognized holidays, if different from the hourly rate, must be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The tow inspector will investigate allegations of overcharging. Intentional overcharging or a pattern of overcharging will be cause for suspension. The tow operator's failure to reimburse the aggrieved customer(s) may be cause for suspension, after a tow inspector has determined that overcharging occurred and may result in the suspension or revocation of the tow operators letter of appointment. The suspension will remain in effect until the tow operator has presented to the patrol sufficient proof that the aggrieved customer(s) has been fully reimbursed.

(2) The chief or designee will, prior to October 15th of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates will be determined after consultation with members of the towing industry, review of current private towing rates, and such other economic factors as the chief deems appropriate.

When signed by the chief or designee and the tow operator, a contractual agreement to charge no more than the maximum rates will become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate must:

~~((a))~~ ~~(Be the only basis used by the tow operator to compute total charges for towing services.~~

~~((b))~~ Apply when a call for a tow is made by the state patrol, ~~((including))~~ except as outlined under subsection (5) of this section. This includes, but may not be limited to, collisions and impound requests.

~~((c))~~ ~~(b)~~ Include all ancillary activities including, but not limited to, removal of glass, debris, and vehicle fluids less than one gallon from the roadway and ~~((any other))~~ areas referred to as the "scene or incident location," necessary winching, dolly service, drive line removal, installation of chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement and standby time. Before leaving any collision or incident location, the tow company must advise the department of transportation, the patrol ~~((or))~~, local law enforcement road department of all fluid spills greater than one gallon remaining.

~~((d))~~ ~~(c)~~ Include the labor of one person per truck. When responding with a class "C" or ~~((a))~~ an S-1 rotator truck to a major collision or incident ~~((;))~~ location; a second person is allowed at the hourly labor rate per contract for an extra RTO employee. Any charges for additional labor or ancillary vehicles, or both, or for removing debris, cargo, or other items must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

~~((e))~~ ~~(d)~~ Be computed from the actual time the truck departs in response to a call until the truck returns to its ~~((normal area/))~~ tow zone, responds to another call, or ~~((the tow yard))~~ place of business of the registered tow truck operator. The hourly rate must be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

~~((f))~~ ~~(e)~~ Be evenly divided between customer vehicles transported when class "E" trucks are used for multiple towing/recovery services (one on bed, one in tow) from the same service call or incident location.

(3) The basic storage fee:

(a) Must be calculated using bumper to bumper measurements for vehicles, and using tongue to bumper measurements for trailers; and

(b) Must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour period may be charged a full day's storage. Vehicles stored less than twelve hours on any given day, may only be charged for twelve hours of storage; and

(c) Must be the same for all three and four-wheel vehicles twenty feet or less in length; and

(d) For vehicles or combinations exceeding twenty feet, the storage fee must be computed by multiplying each twenty feet of vehicle length, or any portion thereof, by the basic storage fee; and

(e) For motorcycles, operators may charge the basic storage fee for vehicles.

(4) After hours release fee may be assessed if the tow operator or employee must be at the business location specifically for the purpose of releasing the vehicle and/or property on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; or on any state recognized holiday. After hour fees must:

- (a) Be based on a flat, hourly rate;
- (b) Be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes; and
- (c) Be no more than one-half of the class "A" rate(~~;~~ and
- (d) Apply on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; and state recognized holidays. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," may be assessed)).

(5)(a) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for the following services must charge the same lower rate for similar services performed as a result of patrol initiated calls:

- (i) Roadside mechanical service, including, but are not limited to, fuel transfer, tire and belt changes;
- (ii) Disabled vehicle tow/transportation;
- (iii) Storage;
- (iv) After hours release fees.

(b) The price requirement in subsection (a)(i) through (iii) of this section does not apply to unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

(6) Upon redemption of a vehicle, an additional charge may not be assessed for moving or relocating any stored vehicle from inside a tow operator's storage yard to the front of the business establishment.

(7) Tolls and ferry fares paid by the tow operator or employee as a result of charges attributed to services provided during travel to and from a service call while using the shortest reasonable route, may be added as a separate line item to the tow bill. Added charges must be evidenced by a receipt or highlighted (i.e., "Good to Go" or "Wave to Go") on the transaction document and kept in the vehicle transaction file for inspection purposes.

AMENDATORY SECTION (Amending WSR 10-24-068, filed 11/30/10, effective 12/31/10)

WAC 204-91A-170 Minimum tow truck equipment standards. (1) All tow/recovery trucks used by a registered tow operator for public or private impounds or in response to patrol requests must meet the minimum standards listed in this section.

(2) Minimum standards:

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

(b) Each wire rope or equivalent material must be capable of being fully extended from and fully wound onto its drum. Each wire rope or equivalent material must meet the industry standards for specified type of use with equipment.

OSHA (1410.179 (h)(2)(iii)) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

(d) All wire rope must be in good working order. The following industry standards for **out-of-service** criteria will apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, must have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been

removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

(i) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(j) All "J" hook chain assemblies must be grade "7" chain or better.

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

(l) Comply with legal lighting, equipment, and license requirements.

(m) Portable tail, stop, and turn signal lights for vehicles being towed. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(n) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(o) Have a revolving, strobe, or intermittent red light with three hundred sixty degrees visibility. Trucks may also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Additionally, trucks must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

(q) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard or solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone capable of communicating with a base station. A citizen band radio does not suffice. The communication device must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

(u) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(v) Axle weight must comply with the requirements of RCW 46.37.351.

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

(3) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(j) Permanently affixed safety chains.

(4) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) A minimum of one twelve-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) A minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A tow sling or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being used for class "A" tows. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot one-half inch diameter recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(j) Permanently affixed safety chains.

(5) **Class "B-2" tow trucks:** Trucks that are rated at over 30,000 GVWR with air brakes. Class "B-2" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(b) A minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of two snatch blocks rated at 6.0 tons each.

(d) Air brakes and a system capable of supplying air to towed vehicles.

(e) Permanently affixed safety chains.

(f) Class "B-2" tow trucks must also meet the requirements of subsection (4)(d), (f), (g), (h), and (i) of this section.

(6) **Class "C" tow trucks and class "C" rotator trucks:** Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service drums.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) A wheel lift or underlift system, it must have a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) Permanently affixed safety chains.

(j) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(k) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(l) A minimum of two snatch blocks rated at 8.0 tons each.

(7) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks. Class "D" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie-down, or as otherwise required by the equipment manufacturer.

(b) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(c) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

(d) One snatch block rated at 3.5 tons.

(e) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

(f) Permanently affixed safety chains.

(8) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically requested by the patrol.

(a) Class "E" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(i) Four tiedowns with a minimum working load limit of three thousand (~~four~~) three hundred pounds. The tiedowns must be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

All four tiedowns must be used when securing a vehicle. The tiedowns must be affixed to the axle, tires, or frame of the transported vehicle both front and rear. All tiedown ends must be affixed to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tiedowns may be used for front and rear securement.

(ii) One snatch block rated at 4.0 tons.

(iii) Dual tires on the rear axle.

(iv) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR).

(v) Current licensing and tonnage equal to the maximum combination GVWR.

(vi) Four-ton winch rating.

(vii) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope.

(viii) One five-foot grade "7" chain with matching fittings for use in winching.

(ix) Nineteen feet of usable bed capable of carrying vehicles.

(x) Portable lights when the truck is used in towing mode. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(b) Class "E" tow trucks may be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system:

(A) The system must have a manufacturer's rating appropriate to the vehicle being towed. If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturer's rating appropriate to the vehicle being towed.

(B) The tow truck must have permanently affixed safety chains.

(ii) If using a wheel lift system, the transported vehicle must be attached to the wheel lift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

(9) **Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section that must include:

- (i) Why the truck is needed;
- (ii) What the truck will be used for;
- (iii) The vehicle size;
- (iv) Purchased tonnage if required;
- (v) Capability; and
- (vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

(c) If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the section for review and final approval. If approval is granted, the equipment must be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

(10) **Class "S-1 rotator" trucks:** Trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fifty-two thousand pound manufacturer's GVWR.

(b) Tandem or triple rear axle truck chassis with at least two drive axles.

(c) A minimum of forty ton rotating boom rating with a single boom.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) A wheel lift system that has a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or underlift with an adjustable tiedown, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(j) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(k) A minimum of two snatch blocks rated at eight tons each.

(l) Permanently affixed safety chains.

(11) Tow trucks rated as class "A," "B," "B-2," "C," or "E" that are currently in-service with operators holding a current letter of appointment issued by the patrol, not meeting the criteria for classification listed in this section will be allowed to remain on the rotation with those companies.

(12) This section shall be effective on March 1, 2011.

AMENDATORY SECTION (Amending WSR 13-11-112, filed 5/21/13, effective 6/21/13)

WAC 204-91A-180 Additional vehicle towing/operator qualifications, restrictions, and requirements. In addition to the requirements contained in WAC 204-91A-170, tow truck operators appointed pursuant to this chapter must conform to all laws and administrative rules pertaining to the tow industry and must observe the following practices and procedures:

(1) When called by the patrol during normal business hours, the tow truck operator must dispatch a tow truck, from within the assigned zone within five minutes after receiving the call. Tow trucks must be registered to and belong to the particular tow business that is called and assigned only to that tow zone. If an officer at the scene deems it necessary, the officer may authorize additional assistance from a registered tow truck operator outside of the tow zone.

(2) When called by the patrol after normal business hours, the tow truck operator must dispatch a tow truck from within the assigned zone within fifteen minutes after receiving the call.

(3) The tow truck that is dispatched must arrive at the stated location within a reasonable time considering distance, traffic, and weather conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time or if the dispatched truck will be delayed for any reason, the operator must advise the patrol stating the reason and estimated time of arrival. In the event the tow truck fails to arrive at the scene within a reason-

able time, the patrol will contact another tow operator to respond to the scene and will cancel the original tow.

(5) A tow operator on rotation who is unable to dispatch or arrive within the times stated in subsections (1), (2), (3), and (4) of this section will forfeit the operator's turn and be placed at the bottom of the rotation list as if the operator had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services or to provide the requested services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator must advise the appropriate patrol office when the tow company is temporarily unavailable to respond to rotational calls with a class "A," "B," or "C" tow truck. Unavailability may occur due to conditions including, but not limited to, other tow truck commitments, tow truck disabled and/or under repair, unforeseen driver shortage due to illness. The period of unavailability may last less than an hour or much longer. The tow operator will give the reason for unavailability and approximately when the company will be available to respond to calls.

The tow company will be removed from the rotational list and will not be called until the operator advises the patrol that the company is once again able to respond to calls with an "A," "B," or "C" class truck. In all such cases, the tow company will resume its normal position on the rotational list without regard to any missed calls or its position prior to being unavailable.

(8) The tow operator must advise the patrol whenever a private call is received for a tow with circumstances that indicate that the tow is for a vehicle that has been involved in a collision, incident, or equipment breakdown on the public roadway. The tow operator also must advise the patrol of all private calls to motor vehicle collisions on private property resulting in bodily injury or death.

(9) The tow operator must notify the patrol before moving any vehicle involved in a collision on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW, or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(10) Other than a service patrol established and funded by the department of transportation, a tow operator must not solicit tow or roadside services by patrolling the public roadways searching for disabled vehicles or vehicles involved in a traffic collision.

(11) When the patrol is in charge of a collision scene or other such incident, a tow operator must not respond to such scene unless his services have been specifically requested by the patrol, the driver/owner, or his agent.

(12) The tow operator must be available, or will ensure that specific employees are available, twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and nonbusiness hours. A copy will also be sent to the section and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the department, the section,

and the patrol district commander ten days before their effective date.

(13) The operator must post a current copy of tow and storage rates, on a form approved by the department and the patrol, in the following locations:

(a) At the entrance to the place of business, in a conspicuous location, plainly visible and capable of being read by the public, whether the business is open or closed. If, in order to meet this requirement, the rate sheets must be placed in a location, exposed to the elements, they must be protected so as to remain legible.

(b) Inside the business location, where business is commonly transacted. The rate sheets must be posted in such manner as to be clearly and plainly visible and read at all times by customers of the business.

(c) A copy of the current rates will be sent to the department, the section, and the patrol district commander of the district in which the tow operator has applied for a letter of appointment. Notice of any change(s) in service rates will be forwarded to the department, the section, and the district commander of the area ten days before the effective date of the changes. Charges made for towing services arising from calls initiated by the patrol must be consistent with current posted towing rates and must be based only upon services listed on the prescribed form.

(d) In the event that an operator has only a class "B" truck and utilizes it for class "A" and "B" type tows, the operator must file a rate sheet that specifies the rates charged for the different types of tows.

(e) Whenever any operator utilizes a larger truck than the towed vehicle warrants, the operator must charge fees based on the size of the towed vehicle not the size of the truck used.

(14) Charges made for towing services arising from calls initiated by the patrol must not exceed the maximum rates established by the chief.

(15) Unless other arrangements are made with commissioned patrol personnel at the scene, all impounded vehicles must be taken to the tow operators nearest approved storage location.

(16) The tow operator will maintain, for three years, records on towed and released vehicles which were towed at the request of the patrol. Such records will be available for inspection by the patrol during normal business hours at the operator's place of business. Records will include, but not be limited to:

(a) An itemized receipt of all charges for the services provided.

(b) A tow impound record inventory or copy thereof made out by the trooper at the scene of the tow and signed by the operator.

(c) All other records required by the department.

(17) The name of the registered tow truck operator will be placed on the tow impound inventory record made out by the patrol officer at the scene upon verification of their driver's license; except that the signature may be provided on existing forms with form number 3000-110-076 (R 7/11) until current stock is depleted.

(18) Tow operators will obtain and maintain current registration as a licensed tow truck operator pursuant to RCW 46.55.020.

(19) Tow operators must perform towing tasks competently. The standard of competence will be that quality of work which is accepted as efficient and effective within the towing industry. The tow operator must ensure tow truck drivers responding to calls initiated by the patrol have completed a minimum of one four-hour tow truck driver training course every five years. The operator must keep a file documenting training.

(20) No tow operator, employee, or agent will misappropriate, wrongfully convert to his/her own use, or abuse property belonging to another and entrusted to his/her care or storage.

(21) Tow truck operators must use emergency lights to warn other motorists only when at the scene of collisions, disabled vehicles, and/or recoveries. Such lighting must not be used when traveling to or from the scene.

(22) Tow truck operators are required to clean collision/incident scenes of all vehicle glass, debris, and vehicle liquid spills of one gallon or less.

(23) Specific operating restrictions and/or requirements, by truck class, are as follows:

(a) The standard air brake release tools (caging stud assemblies) required to be carried in the class "B," "B-2," and "C" trucks must be used, whenever necessary, to preserve potential evidence involving brake equipment or adjustment settings. When an operator is attempting to move a vehicle equipped with locked spring parking brakes that cannot be released by external air supply, the caging assemblies must be used to release the brake tension. Under no circumstances will the towed vehicle's brake assemblies or adjustments be moved or disturbed in any way that will prevent later determination of the precollision or incident settings.

(b) Class "B" or "B-2" trucks in excess of twenty-three thousand pounds gross vehicle weight rating need not carry dollies when towing or recovering heavy vehicles.

(24) Whenever a "special event or overflow" storage lot is approved by the department, the patrol and appropriate city/county jurisdictions, the following must apply:

(a) The operator must maintain personnel at the lot twenty-four hours per day for security and vehicle and/or personal property release. If necessary, reimbursement for such labor must be part of the contract for the "special event" if appropriate or by amended storage rates with a waiver of the ten-day rate change notice requirement approved by the department and the patrol.

(b) At the conclusion of a "special event or overflow" situation, all vehicles not reclaimed by the owner must be towed to the operator's regular storage facility and processed in the normal fashion. No additional fee must be charged for towing the vehicle from the overflow lot to the regular storage facility.

(25) All work performed by the operator and/or employee must be in the most professional and expeditious manner. Tow operators and employees must refrain from any unprofessional actions while towing for or conducting towing business at the request of the patrol. The actions include, but are not limited to, any of the following:

(a) Lack of service, selective service, or refusal to provide service which the operator should be capable of performing;

(b) Exhibiting any signs of either alcohol, drug use, or both;

(c) Displaying any objects, logos, slogans, or graphic material within the view of the public that contains any form of pornography, profanity, or prejudice toward any person or group of persons.

(26) Tow operators must, when required by the patrol or the department, cause to be displayed on each approved truck, decals indicating truck class, patrol district, and/or assigned tow zone.

(27) When responding to a patrol call, tow truck operators must wear clothing identifying the company and driver's name.

(28) Tow truck operators performing recovery, impounding, or towing must wear work vests of highly visible materials, or equivalent distinguishing apparel when outside of the towing vehicle as outlined in WAC 296-155-200(5) and Code of Federal Regulations, Title 23 Part 634.3.

(29) Tow truck operators must not display any sign, shield, marking, accessory, or insignia on uniforms or vehicles indicating the equipment or vehicle marking are similar to or belong to any public law enforcement agency. Tow truck operators must not engage in any advertisement indicating an official connection with the patrol or other law enforcement agency.

WSR 13-18-066

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 3, 2013, 10:31 a.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Update chapter 212-12 WAC to implement rules required due to the passage of SHB 1968 in the 2013 regular legislative session. Rule changes also include other cleanup to existing language.

Citation of Existing Rules Affected by this Order: Amending WAC 212-12-005 and 212-12-015.

Statutory Authority for Adoption: RCW 18.20.130, 18.46.110, 70.62.290, and 74.15.050.

Adopted under notice filed as WSR 13-15-147 on July 23, 2013.

A final cost-benefit analysis is available by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPRules@wsp.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
Date Adopted: September 3, 2013.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

WAC 212-12-005 Definitions. Unless otherwise provided in this section, definitions in the Washington State Building Code, chapter 19.27 RCW, and 42 C.F.R. Ch. IV § 483.70, National Fire Protection Association, standard 101 "Life Safety Code" 2000 edition, as adopted by CMS (Center for Medicare/Medicaid Services) shall apply to this chapter. The following definitions (~~shall~~) will also apply to this chapter:

(1) "State director of fire protection" means the director of fire protection within the Washington state patrol, the state fire marshal or authorized deputy or designee.

(2) "New facility" means any facility that is being occupied for the first time, vacated for more than (~~thirty~~) one hundred eighty days and reoccupied, closed for more than one hundred eighty days and reopened, or for which the license has expired, (~~shall~~) will be considered a new facility and (~~shall~~) must meet the current codes and standards as adopted. Except for boarding homes which may be vacated for more than (~~thirty~~) one hundred eighty days if approved by the director of fire protection and the department of social and health services.

(3) "Before and after school program" means a program licensed by the department of early learning that provides early learning experiences for children five years of age through twelve years of age who are attending kindergarten or elementary school.

AMENDATORY SECTION (Amending WSR 08-06-050, filed 2/28/08, effective 3/30/08)

WAC 212-12-015 Applicability. The provisions of this chapter apply to all facilities for which the director of fire protection is responsible for fire protection and enforcement including:

- Adult rehabilitation center.
- Alcoholism hospital.
- Alcoholism intensive inpatient treatment services.
- Alcoholism treatment facility.
- Psychiatric hospital.
- Before and after school programs.
- Boarding home.
- Birthing center.
- Child care occupancies.
- Group care facility.
- Group care facilities for severely and multiply handicapped children.
- Hospital.
- Nursing home.
- Transient accommodation.
- Public buildings.

- Enhanced services facilities.
- Examination of premises.
- Standard of safety.
- Schools—Standards for fire prevention and safety—Plan review and construction inspection.
- Removal of fire hazards—Appeal of order—Penalty.
- Reports and investigations of fire—Police powers.
- Statistical information and reports.
- Examination of witnesses.
- Criminal prosecution.
- Record of fires.
- Premises with guard animals—Registration, posting—Acts permitted firefighters—Liability for injury to firefighters.
- Hazardous liquid and gas pipeline accidents—Preparedness of local first responders.

NEW SECTION

WAC 212-12-022 Additional before and after school program requirements. (1) Before and after school programs located in an existing, operational, public school or private school will be deemed as meeting code requirements at the time of their construction. Except that locations that are not equipped with an automatic fire sprinkler will be deemed as meeting code requirements only when the location of the program meets the following:

- (a) Program must be located on the ground floor with direct exiting in the area the program is being provided;
- (b) The building has an installed fire detection and alarm system; and
- (c) The building has accessible fire extinguishers installed within the area the program is being provided.

(2) Before and after school programs that are not located in an existing, operational, public or private school must be inspected as a new facility and must be required to meet the code requirements outlined in chapter 19.27 RCW.

WSR 13-18-067

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 3, 2013, 10:32 a.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: With the passage of SB 5466 in the 2013 regular legislative session, the language in this section is no longer necessary as it is already outlined in RCW 10.98.100. The proposal is to repeal this WAC chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 446-16-120.

Statutory Authority for Adoption: Chapters 10.97 and 43.43 RCW.

Adopted under notice filed as WSR 13-15-138 on July 23, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Date Adopted: September 3, 2013.

John R. Batiste
Chief

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-16-120 Audit of reporting compliance.

WSR 13-18-068

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 3, 2013, 10:33 a.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Washington state patrol is in need of updating the regulations in order to align state rules with state and federal regulations.

The proposed changes include but may not be limited to WAC 446-50-010, amend the language to update references to the committee originally created in RCW 46.48.190 but now under RCW 46.48.170 and WAC 446-50-080, amend language to update references as well as adopt new C.F.R. references regarding hazardous materials regulations.

Amendments are also necessary within the chapter to update references to RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 446-50-010 and 446-50-080.

Statutory Authority for Adoption: RCW 46.48.170.

Adopted under notice filed as WSR 13-15-139 on July 23, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: September 3, 2013.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 81-03-008, filed 1/8/81)

WAC 446-50-010 Authority. Chapter 46.48 RCW authorizes the Washington state patrol acting by and through its chief after conferring with the (~~(committee created by RCW 46.48.190)~~) emergency management council under RCW 38.52.040 to adopt regulations concerning the safe transportation of hazardous materials, hazardous waste, and radioactive waste materials upon the public highways of this state. Chapter 46.32 RCW permits the inspection of vehicles traveling on the highways of this state.

AMENDATORY SECTION (Amending WSR 80-01-009, filed 12/11/79)

WAC 446-50-050 Inspection. All carriers of radioactive waste materials within the state (~~(shall)~~) will submit to a comprehensive safety equipment inspection conducted by members of the Washington state patrol. These equipment inspections (~~(shall)~~) must be conducted under the authority of (~~(RCW 46.48.170 through 46.48.190)~~) chapter 46.48 RCW.

AMENDATORY SECTION (Amending WSR 85-20-070, filed 9/30/85)

WAC 446-50-080 Transportation requirements. (1) The Washington state patrol acting by and through the chief of the Washington state patrol after conferring with the (~~(committee created by RCW 46.48.190)~~) emergency management council under RCW 38.52.040 hereby adopts the following parts of Title 49 Code of Federal Regulations, (~~(as they exist during 1985, subject to any appendices and amendments in the future)~~) in effect on the effective date of this section:

(a) The following sections of part 107 Hazardous materials program procedures:

(i) Subpart F - Registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and

(ii) Subpart G - Registration of persons who offer or transport hazardous materials.

(b) Part 170 (Reserved)(;).

(c) Part 171 General information, regulations, and definitions(;).

(d) Part 172 Hazardous materials table (~~(and)~~), special provisions, hazardous materials communications (~~(regulations)~~), emergency response information and training requirements.

(e) Part 173 Shippers—General requirements for shipments and packaging(;).

(f) Part 177 Carriage (~~(on)~~) by public highway(;).

(g) Part 178 (~~(Shipping container)~~) Specifications(~~(-180-189)~~) for packagings.

(h) Part 180 Continuing qualification and maintenance of packagings.

(i) Part 189 (Reserved).

(2) Title 49 C.F.R., parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

~~((2)) (3) Copies of Title 49 C.F.R., parts 100 through 199, now in force are on file at ((the code reviser's office, Olympia, and at)) the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. ((Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation [(commission offices and at the United States Department of Transportation)], bureau of motor carrier safety office, Olympia.)) Copies of the C.F.R. may be purchased through the Superintendent of Documents, United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20402.~~

WSR 13-18-069

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed September 3, 2013, 10:34 a.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Washington state patrol is in need of updating the regulations in order to align state rules with state and federal regulations.

The proposed changes include but may not be limited to WAC 446-65-010, specifying specific version of C.F.R. referenced by rule and clarify language under the rule to address incompatibilities with federal standards. The agency will also be adopting new C.F.R. requirements and providing cleanup to other language within the section and WAC 446-65-030, amend the language regarding intrastate high risk carriers to be more in-line with the current federal process for identifying high risk carriers.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010 and 446-65-030.

Statutory Authority for Adoption: RCW 46.32.020.

Adopted under notice filed as WSR 13-15-140 on July 23, 2013.

Changes Other than Editing from Proposed to Adopted Version: Additional cleanup to the language concerning the exemption outlined in WAC 446-65-010 (1)(u). This language was brought forward by stakeholders and incorporated into the proposed rules and presented for further comment during the public hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: September 3, 2013.

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 12-03-080, filed 1/13/12, effective 2/13/12)

WAC 446-65-010 Transportation requirements. (1)

The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), ~~((and any amendments thereto))~~ in effect on the effective date of this section, for motor carriers used in intrastate or interstate commerce in their entirety:

(a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.

(b) Part 325 Compliance with interstate motor carrier noise emission standards.

(c) Part 350 Commercial motor carrier safety assistance program.

(d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.

(e) Part 365 Rules governing applications for operating authority.

(f) Part 367 Standards for registration with states.

(g) Part 372 Exemptions, commercial zones and terminal areas.

(h) Part 373 Receipts and bills.

(i) Part 376 Lease and interchange of vehicles.

(j) Part 379 Preservation of records.

(k) Part 380 Special training requirements.

(l) Part 381 Waivers, exemptions, and pilot programs.

(m) Part 382 Controlled substances and alcohol use and testing.

(n) Part 383 Compliance with commercial driver's license program.

(o) Part 385 Safety fitness procedures.

(p) Part 387 Minimum levels of financial responsibility for motor carriers.

(q) Part 390 General.

(r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.

(s) Part 392 Driving of motor vehicles.

(t) Part 393 Parts and accessories necessary for safe operation.

(u) Part 395 Hours of service of drivers: Except if a company has(=

~~(i))~~ drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce ~~(; or~~

~~(ii) Operators of intrastate property-carrying commercial motor vehicles that do not require a commercial drivers license to operate.~~

~~They are exempt from the requirements of C.F.R. 395.3 (maximum driving time) and C.F.R. 395.8 (record of duty status) and ineligible to use the provisions of C.F.R. 395.1 (e)(1), (g) and (o))~~ provided that:

~~((A))~~ (i) The driver must:

~~((H))~~ (A) Operate within a one hundred air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

~~((H))~~ (B) Have at least ten consecutive hours off duty separating each on-duty period;

~~((H))~~ (C) Not drive:

- More than twelve hours following at least ten hours off duty; or

- After the fourteenth hour after coming on duty on at least five days of any period of seven consecutive days; and

- After the sixteenth hour after coming on duty on no more than two days of any period of seven consecutive days; and

- After having been on duty for eighty hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

- After having been on duty for ninety hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of twenty-four or more consecutive hours.

~~((B))~~ (ii) The motor carrier that employs the driver must maintain and retain for a period of twelve months accurate and true time recordings showing:

~~((H))~~ (A) The time the driver reports for duty each day;

~~((H))~~ (B) The total number of hours the driver is on duty each day;

~~((H))~~ (C) The total number of hours the driver drives each day;

~~((V))~~ (D) The time the driver is released from duty each day; and

~~((V))~~ (E) The total time the driver is driving and on duty for the preceding seven days.

(v) Part 396 Inspection, repair, and maintenance.

(w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) ~~((Agricultural operations exceptions:~~

~~(a) Agricultural operations transporting agricultural products other than Class 2 material (Compressed Gases), over roads, other than the National System of Interstate Defense Highways, between fields of the same farm, is exempted from Part 397 when:~~

~~(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier.~~

~~(ii) The movement of the agricultural product conforms to all other laws in effect on or before July 1, 1998, and 49 C.F.R. 173.24, 173.24a, and 173.24b.~~

~~(b) The transportation of an agricultural product to or from a farm within one hundred fifty miles of the farm, is excepted from the requirements of 49 C.F.R. Part 172 subpart G (emergency response information) and H (training requirements) when:~~

~~(i) The agricultural product is transported by a farmer who is an intrastate private motor carrier;~~

~~(ii) The total amount of agricultural product being transported on a single vehicle does not exceed:~~

~~(A) Sixteen thousand ninety-four pounds of ammonium nitrate fertilizer properly classed as Division 5.1, PGIII, in bulk packaging; or~~

~~(B) Five hundred two gallons for liquids or gases, or five thousand seventy pounds for solids, of any other agricultural product;~~

~~(iii) The packaging conforms to the requirements of state law and is specifically authorized for transportation of the agricultural product by state law and such state law has been in effect on or before July 1, 1998; and~~

~~(iv) Each person having any responsibility for transporting the agricultural product or preparing the agricultural product for shipment has been instructed in the applicable requirements of 49 C.F.R. adopted in this section.~~

~~(e) Formulated liquid agricultural products in specification packaging of fifty-eight gallon capacity or less, with closures manifolded to a closed mixing system and equipped with a positive dry disconnect device, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or for loading aboard an airplane for aerial application.~~

~~(4))~~ Links to the ~~((C.F.R.s))~~ C.F.R.s, are available on the Washington state patrol web site at www.wsp.wa.gov. Copies of the ~~((C.F.R.s))~~ C.F.R.s, may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

AMENDATORY SECTION (Amending WSR 09-01-016, filed 12/5/08, effective 1/5/09)

WAC 446-65-030 Intrastate high risk and imminent hazard carriers. (1) Any intrastate motor carrier receiving a proposed unsatisfactory safety rating may be identified as a high risk carrier pursuant to RCW 46.32.080. They may also be identified as high risk through analysis of various data, including but not limited to the following:

(a) ~~((Safety fitness rating (SafeStat score);~~

~~(b) Out of service rate that is higher than the national average for drivers and/or vehicles;~~

~~((e))~~ Carrier safety management system (CSMS score);

(i) A score of eighty-five or more in the crash, fatigued, or unsafe driving basic and one other behavior analysis and safety improvement categories at or above the "all other" motor carrier threshold.

(ii) Any four or more behavior analysis and safety improvement categories at or above the "all other" motor carrier threshold.

(b) Carrier requires or authorizes any driver or vehicle to operate in violation of an out of service order;

~~((d) The number and severity of collisions to include fatalities and serious injury;~~

~~(e) Deficiencies or violations of safety management procedures and/or practices;~~

~~(f))~~ (c) Carrier who consistently refuses to come into compliance with federal and state regulations.

(2) If a motor carrier receives a high risk rating, they must undergo a compliance review by the Washington state patrol to determine compliance. During the compliance review:

(a) If no critical/acute violations are found, the carrier will be listed as satisfactory and be removed from the high risk category.

(b) If critical/acute violations are found, the carrier must:

(i) Schedule a follow-up compliance review with the Washington state patrol.

(A) If violations are found after the first compliance review, the follow-up compliance review must be scheduled within sixty to ninety days.

(B) If violations are found after the second compliance review, a third compliance review must be scheduled within one hundred twenty to one hundred eighty days.

(C) If repeat violations are found during any follow-up compliance review, all funds held in abeyance (suspended) from the previous audit will be reinstated along with any repeat violations/penalties.

(ii) Submit a carrier safety action plan within five days to the Washington state patrol outlining the action they have taken or will take to become compliant. This plan must:

(A) Be submitted on company letterhead.

(B) Be signed by the owner/officer of the company.

(C) Provide all supporting documents to show how the carrier plans to become compliant or has become compliant.

(D) Be reviewed and agreed upon by the Washington state patrol. The Washington state patrol may provide changes and request a carrier revise their safety plan and return it to the carrier for further action.

(iii) If a carrier's intrastate DOT number is inactivated:

(A) The carrier will receive a letter from the Washington state patrol advising them their intrastate DOT number has been inactivated and what steps need to be completed to be considered for reactivation.

(B) The Washington state patrol will notify the department of licensing that they have placed an out of service order on the carrier's intrastate DOT number and all vehicles registered to the carrier.

(C) The carrier will have a follow-up compliance review conducted and submit a carrier safety action plan outlining their plans for compliance.

(D) The Washington state patrol will review the safety plan and a follow-up compliance review will be conducted. If the carrier receives a rating of satisfactory or conditional, then the DOT number will be reinstated.

(iv) If a carrier's intrastate DOT number is reinstated:

(A) The carrier will receive a letter from the Washington state patrol advising them their DOT number will be reinstated.

(B) The carrier will need to update their information on a MCS150 form located on the Federal Motor Carrier Safety Administration (FMCSA) web site.

(C) Motor Carrier Management Information System (MCMIS) will be updated to show the intrastate DOT is active.

(3) An intrastate motor carrier may be deemed an imminent hazard pursuant to RCW 46.32.080 (3)(e) and placed out of service without going through any prior compliance reviews. In determining whether a motor carrier is an imminent hazard or danger to the public health, safety, or welfare, the chief of the Washington state patrol or their designee must consider safety factors. A safety factor which constitutes an imminent hazard includes any safety problem or condition which is likely to result in serious injury or death if not discontinued immediately.

(4) If a carrier is required to have a DOT number, they will be required to properly mark their vehicles as prescribed by the Washington state patrol. The marking must display the following:

(a) The legal name or a single trade name of the motor carrier as listed on the MCS150 form.

(b) The motor carrier identification number issued by the FMCSA, preceded by the letter "USDOT."

(i) Size, shape, location, and color of markings:

(A) Appear on both sides of the CMV;

(B) Be in letters that contrast sharply in color with the background on which the letters are placed;

(C) Be readily legible, during daylight hours, from a distance of fifty feet while the CMV is stationary; and

(D) Be kept and maintained in a manner that retains the legibility.

(ii) Construction and durability:

(A) The marking may be painted on the CMV; or

(B) May consist of a removable device.

WSR 13-18-077

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 3, 2013, 4:02 p.m., effective October 4, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 392-101-010 Conduct of administrative hearings, amending this WAC gives the office of superintendent of public instruction the authority to send appeals through the office of administrative hearings (OAH).

The amendment updates the types of appeal hearings that can be heard by OAH as well as updating WACs associated with the various types of appeals being sent to OAH.

Citation of Existing Rules Affected by this Order: Amending WAC 392-101-010.

Statutory Authority for Adoption: RCW 28A.150.305.

Adopted under notice filed as WSR 13-13-006 on June 6, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 14, 2013.

Randy Dorn
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 08-22-035, filed 10/30/08, effective 11/30/08)

WAC 392-101-010 Conduct of administrative hearings. The superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

(1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).

(2) Special education hearings pursuant to (~~WAC 392-171-531~~) chapter 392-172A WAC or as amended.

(3) Equal educational opportunity complaints pursuant to WAC 392-190-075.

(4) Professional certification appeals pursuant to WAC (~~180-75-030~~) 181-86-150.

(5) National school lunch program, special milk program for children, school breakfast program, summer food service program, and child and adult care food program (~~and summer food service program~~) appeals pursuant to 7 C.F.R. Parts 210, 215, 220, 225 and 226.

(6) Traffic safety education appeals pursuant to WAC (~~392-153-005~~) 392-153-001 through (~~392-153-040~~) 392-153-070.

(7) Bus driver authorization appeals pursuant to chapter 392-144 WAC.

(8) Audit resolution appeals of agency management decisions regarding resolution of state and federal audit findings pursuant to chapter 392-115 WAC.