

WSR 24-10-070
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed April 29, 2024, 12:05 p.m., effective May 15, 2024]

Effective Date of Rule: May 15, 2024.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The law that this rule implements is already in effect, so the department of retirement systems is putting the rule into effect less than 31 days after filing.

Purpose: Implementing SECURE Act 2.0 deferred compensation deferral dates.

Citation of Rules Affected by this Order: Amending WAC 415-501-410 and 415-501-450.

Statutory Authority for Adoption: RCW 41.50.050; and the SECURE Act 2.0, part of the Consolidated Appropriations Act of 2023 (P.L. 117-328).

Adopted under notice filed as WSR 24-07-068 on March 15, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: April 29, 2024.

Tracy Guerin
Director

OTS-5158.1

AMENDATORY SECTION (Amending WSR 23-18-025, filed 8/25/23, effective 9/25/23)

WAC 415-501-410 How do I enroll in the plan? (1) As an eligible employee, you may enroll in the plan by executing a participation agreement according to methods established by the department.

(2) By executing the participation agreement, you authorize your employer to reduce your gross compensation each month by a specific amount. This amount will be contributed to your deferred compensation account. Your employer will reduce your compensation by the specified amount until you change the amount (WAC 415-501-450).

(3) Deferrals from your compensation will start (~~during the calendar month~~) as soon as administratively possible after (~~the month~~) your participation agreement is approved by the department.

(4) Reenrollment. If you transfer from a state agency to another state agency without a separation of employment, your deferred compensation program (DCP) enrollment will be automatically transferred to the new state agency. Your contributions will automatically continue. For nonstate participants, if you separate from employment with a DCP employer (break in service) and return to employment with a DCP employer, you must reenroll in the program if you want to resume contributions to DCP. Depending on the employer you return to, you may be subject to the automatic enrollment under WAC 415-501-400.

AMENDATORY SECTION (Amending WSR 16-24-013, filed 11/28/16, effective 1/1/17)

WAC 415-501-450 May I change my deferral amount? You may change the amount of your deferred compensation through the methods established by the department. Changes must be made in a whole dollar increment or whole percentage.

A change in the amount will be effective (~~for any calendar month only~~) as soon as administratively possible if you notify the department of the change, through the methods available, (~~prior to the month for which the change is requested~~) and prior to your employer's established "cutoff date" for the payroll in which the change will occur.