

WSR 24-07-081  
PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS

[Filed March 18, 2024, 2:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-11-136.

Title of Rule and Other Identifying Information: Implementing public safety employees' retirement plan membership for public safety telecommunicators.

Hearing Location(s): On April 30, 2024, at 3:00 p.m. The hearing will be conducted through Microsoft Teams. See <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings> for details. Microsoft Teams link is available on <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 246 993 892 126, Passcode FECm3F; or phone 833-322-1218, Code 681 187 672#.

Date of Intended Adoption: May 6, 2024.

Submit Written Comments to: Bianca Stoner, Department of Retirement Systems (DRS), P.O. Box 48380, Olympia, WA 98504-8380, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), by April 25, 2024.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), by April 25, 2024.

Statutory Authority for Adoption: RCW 41.50.050 and chapter 199, Laws of 2023.

Statute Being Implemented: Chapter 199, Laws of 2023.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and DRS is not voluntarily making it applicable to the agency.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Rules from DRS only affect members and beneficiaries of the state retirement systems and participating public employers. As a result, the rules do not affect small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

March 18, 2024  
Bianca Stoner  
Rules Coordinator

OTS-5216.2

AMENDATORY SECTION (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

**WAC 415-106-105 May I join PSERS if my duties qualify for PSERS membership, but my employer is not specifically listed in ((WAC 415-106-010)) RCW 41.37.010?** You do not qualify for membership unless your ((department or agency)) employer is specifically listed in ((WAC 415-106-010)) RCW 41.37.010, even if your employer employs one or more elected or appointed officials who are PSERS members.

AMENDATORY SECTION (Amending WSR 22-13-091, filed 6/13/22, effective 7/14/22)

**WAC 415-106-110 If I am a member of PERS, may I change my membership to PSERS?** You may have the right to change your retirement system membership from PERS to PSERS according to the requirements in this section.

(1) You may change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before July 1, 2006; and

(b) On July 1, 2006, you meet the requirements for membership in RCW 41.37.010; and

(c) You submit a properly completed election form to your employer between July 1, 2006, and September 30, 2006.

(2) You may also change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before January 1, 2019; and

(b) On January 1, 2019, you met the requirements for membership in RCW 41.37.010; and

(c) You submit a properly completed election form to your employer between January 1, 2019, and March 1, 2019.

(3) You may also change retirement system membership from PERS to PSERS if:

(a) You were a member of either PERS Plan 2 or Plan 3 before June 1, 2024; and

(b) On June 1, 2024, you met the requirements for membership in RCW 41.37.010 (19) (f); and

(c) You submit a properly completed election form to your employer between June 1, 2024, and September 1, 2024.

(4) Your change in membership is prospective only.

~~((4))~~ (5) You will become a dual member of PSERS and PERS. All service credit and compensation previously reported in PERS will remain in PERS. Your retirement benefits will be governed by the dual member "portability" provisions in chapters 41.54 RCW and 415-113 WAC.

~~((5))~~ (6) If you meet the conditions in subsection (1) ~~((or)),~~ (2), or (3) of this section and do not elect PSERS membership during the election window, you cannot become a member of PSERS while you continue employment with the same employer; however, if you terminate your employment with that employer after the election window begins, and subsequently become employed in a PSERS eligible position, you will be mandated into PSERS membership.