

**WSR 25-10-084
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 6, 2025, 1:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-06-074.

Title of Rule and Other Identifying Information: Public safety employees retirement system (PSERS) membership for certain department of social and health services (DSHS) employees.

Hearing Location(s): On June 26, 2025, at 1:00 p.m., via Microsoft Teams at <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 283 713 806 414, Passcode Z4Rg7Dk9; or Phone 833-322-1218, Code 103 301 667#.

Date of Intended Adoption: July 3, 2025.

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, beginning June 2, 2025, 8:00 a.m., by June 26, 2025, 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by June 20, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Implementing chapter 359, Laws of 2024, which allows membership in PSERS for certain DSHS employees.

Reasons Supporting Proposal: DRS needs to revise WAC to align with the new law.

Statutory Authority for Adoption: RCW 41.50.050 and chapter 359, Laws of 2024.

Statute Being Implemented: Chapter 359, Laws of 2024.

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

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Drafting: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304; Implementation and Enforcement: Mike Ricchio, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7227.

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.

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.

May 6, 2025
Bianca Stoner
Rules Coordinator

RDS-6255.2

AMENDATORY SECTION (Amending WSR 24-11-015, filed 5/6/24, effective 6/1/24)

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~~) met 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) 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, 2025; and

(b) On June 1, 2025, you met the requirements for membership in RCW 41.37.010 (19)(d)(iv); and

(c) You submit a properly completed election form to your employer between June 1, 2025, and September 1, 2025.

(5) Your change in membership is prospective only.

~~((5))~~ (6) 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.

~~((6))~~ (7) If you meet the conditions in subsection (1), (2), ~~((3))~~ (3), or (4) 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.