
SUBSTITUTE SENATE BILL 5355

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Holy and Van De Wege; by request of LEOFF Plan 2 Retirement Board)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to recovering service credit withdrawn from the
2 public employees' retirement system for certain law enforcement
3 officers and firefighters; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Any current or former law enforcement
6 officers or firefighters, who are or were employed by a department of
7 retirement systems covered employer, may transfer service credit they
8 earned as law enforcement officers or firefighters in the public
9 employees' retirement system to the law enforcement officers' and
10 firefighters' retirement system plan 2 by irrevocable election, if
11 they:

12 (a) Were excluded from membership in the law enforcement
13 officers' and firefighters' retirement system plan 1 due solely to
14 failure to successfully meet the minimum medical and health standards
15 provided by RCW 41.26.045;

16 (b) Were previously excluded from membership in the public
17 employees' retirement system under RCW 41.26.045;

18 (c) Were subsequently enrolled into the public employees'
19 retirement system after chapter 298, Laws of 1994 amended the
20 definition of "member" under RCW 41.40.010 to clarify RCW 41.26.045;
21 and

1 (d) Separated from employment before paying back past
2 contributions owed; withdrew their contributions; and if there is no
3 record of the department of retirement systems providing the member
4 with an estimate of their option to complete repayment via an
5 actuarial reduction to their pension.

6 (2) The election under subsection (1) of this section must be
7 made by July 1, 2020, and must be filed in writing with the
8 department of retirement systems and any benefit is effective
9 prospectively from the month the application is received by the
10 department of retirement systems.

11 (3) Members electing to become a member of the law enforcement
12 officers' and firefighters' retirement system plan 2 under subsection
13 (1) of this section must pay all member contributions owed, without
14 interest, through taking an actuarial reduction to their ongoing
15 benefit or making a lump sum payment at the time of their election.

16 (4) If a member elects to become a member of the law enforcement
17 officers' and firefighters' retirement system plan 2 under subsection
18 (1) of this section, any employer contribution payments made to the
19 public employees' retirement system by the member's former employer
20 or employers for the member's applicable service credit must be
21 transferred to the law enforcement officers' and firefighters' system
22 plan 2 retirement fund established in RCW 41.50.075. Neither the
23 employer nor the member are required to pay any difference between
24 the public employees' retirement system employer contributions paid
25 and the law enforcement officers' and firefighters' retirement system
26 plan 2 employer contributions.

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