
SENATE BILL 5355

State of Washington

66th Legislature

2019 Regular Session

By Senators Holy and Van De Wege; by request of LEOFF Plan 2 Retirement Board

1 AN ACT Relating to recovering service credit withdrawn from the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) Law enforcement officers or
6 firefighters, employed by a department of retirement systems covered
7 employer, may transfer service credit they earned as law enforcement
8 officers or firefighters in the public employees' retirement system
9 to the law enforcement officers' and firefighters' retirement system
10 plan 2 by irrevocable election, if they:

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

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

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

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

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

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